

PROCEEDINGS
OF THE
BOARD OF LEGISLATORS
OF
ALLEGANY COUNTY
NEW YORK
2010

BOARD OF LEGISLATORS SESSION MINUTES, JANUARY 4, 2010

ORGANIZATION MEETING – JANUARY 4, 2010

CALL TO ORDER: The organization meeting of the Board of Legislators was called to order at 2:00 p.m. by Clerk of the Board Brenda Rigby Riehle.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Air Force Airman 1st Class John “Jack” Colligan.

INVOCATION: The Invocation was given by Legislator Pullen.

ROLL CALL: 15 Present; 0 Absent.

BOARD OF LEGISLATORS SWORN IN:

The Oath of Office was administered by Judge James Euken to all fifteen members of the Board of Legislators, marking the beginning of a new four-year legislative term.

RESOLUTIONS:**RESOLUTION NO. 1-10**

**APPOINTMENT OF LEGISLATOR CURTIS W. CRANDALL TO
CHAIRMANSHIP OF BOARD OF LEGISLATORS;
AUTHORITY TO DETERMINE NUMBER OF BOARD MEMBERS ON COMMITTEES**

Offered by: Legislator David T. Pullen

Pursuant to County Law § 450

RESOLVED:

1. That Legislator Curtis W. Crandall is appointed Chairman of this Board of Legislators, with term of office commencing immediately and expiring December 31, 2010.

2. That said Chairman is authorized to determine the number of Board members to serve on each of the standing and special committees of this Board which have been or may be established by this Board.

Moved by: Mr. Pullen
Seconded by: Mr. Hopkins

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

OATH OF OFFICE ADMINISTERED:

Judge James Euken administered the Oath of Office to Chairman Curtis W. Crandall, who was accompanied by his wife, Cathy, following adoption of Resolution No. 1-10. Chairman Crandall assumed leadership of the meeting.

RESOLUTION NO. 2-10**APPOINTMENT OF VICE CHAIRMAN**

Offered by: Legislator Curtis W. Crandall

Pursuant to Rule 70 of County Board Rules as enacted by Resolution No. 77-89

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

RESOLVED:

1. That Legislator Dwight R. Fanton is appointed Vice Chairman of this Board of Legislators to act pursuant to, and during the designated time periods specified in, County Board Rules.

Moved by: Mr. Pullen
Seconded by: Mr. Hopkins

Adopted: Voice Vote

OATHS OF OFFICE ADMINISTERED:

Judge James Euken administered the Oath of Office to Vice Chairman Dwight R. Fanton, who was accompanied by his wife, Linda, following adoption of Resolution No. 2-10.

Judge Euken administered the Oath of Office to County Treasurer Terri L. Ross, who was accompanied by Deputy County Clerk Linda Healy.

Judge Euken administered the Oath of Office to District Attorney Terrence M. Parker.

Judge Euken administered the Oath of Office to Elections Commissioner Catherine M. Lorow, who was accompanied by her husband, Richard.

Judge Euken administered the Oath of Office to Public Defender Barbara J. Kelley.

(There was a brief recess for signing Oaths of Office.)

INTRODUCTION OF LEGISLATION:

Chairman Curtis W. Crandall introduced Local Law Intro. No. 1-2010, Print No. 1, entitled "A Local Law to Amend Local Law No. 2 of 1985, as Amended, in Relation to Eliminating the Development Advisory Board," a copy of said proposed Local Law having been placed on each legislator's desk.

RESOLUTIONS (Continued):**RESOLUTION NO. 3-10****APPOINTMENT OF COUNTY ADMINISTRATOR**

Offered by: Legislator Curtis W. Crandall

Pursuant to Local Law No. 3 of 1992

RESOLVED:

1. That John E. Margeson is appointed County Administrator to serve during the pleasure of this Board of Legislators and until his successor is appointed and has qualified.

Moved by: Mr. Crandall
Seconded by: Mr. Fanton

Adopted: Voice Vote

RESOLUTION NO. 4-10**APPOINTMENT OF BUDGET OFFICER**

Offered by: Legislator Theodore L. Hopkins

BOARD OF LEGISLATORS SESSION MINUTES, JANUARY 4, 2010

Pursuant to County Law § 351 (3) and Section 5. j. of Local Law No. 3 of 1992

RESOLVED:

1. That Allegany County Administrator John E. Margeson, a County officer, is appointed Budget Officer to serve during the pleasure of this Board of Legislators and until his successor is appointed and has qualified.

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

Adopted: Voice Vote

RESOLUTION INTRO. NO. 5-10 (APPOINTMENT OF COUNTY AUDITOR) was TABLED following a motion made by Legislator Ungermann, seconded by Legislator Burdick and carried. Mr. Ungermann expressed concern about the same person being appointed as both Budget Officer and County Auditor, and requested the resolution be tabled until it could be checked into.

RESOLUTION NO. 5-10**APPOINTMENT OF COUNTY ATTORNEY**

Offered by: Legislator David T. Pullen

Pursuant to County Law § 500

RESOLVED:

1. That Thomas A. Miner, a resident attorney-at-law, is appointed County Attorney with term of office commencing January 1, 2010, and expiring December 31, 2013.

Moved by: Mr. Pullen
Seconded by: Mr. O'Grady

Adopted: Voice Vote

RESOLUTION NO. 6-10**APPOINTMENT OF CLERK OF BOARD OF LEGISLATORS**

Offered by: Legislator Curtis W. Crandall

Pursuant to County Law § 475

RESOLVED:

1. That Brenda Rigby Riehle is appointed Clerk of this Board of Legislators who shall serve during the pleasure of this Board and until her successor is appointed and has qualified.

Moved by: Mr. Crandall
Seconded by: Mr. Sinclair

Adopted: Voice Vote

RESOLUTION NO. 7-10**APPOINTMENT OF JOURNAL CLERK**

Offered by: Legislator Norman G. Ungermann

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

Pursuant to County Board Rules 100.C.

RESOLVED:

1. That Adele Finnemore is appointed Journal Clerk of this Board to serve at the pleasure of this Board.

Moved by: Mr. Ungermann
Seconded by: Mr. Pullen

Adopted: Voice Vote

RESOLUTION NO. 8-10

APPOINTMENT OF PUBLIC DEFENDER

Offered by: Legislator Dwight R. Fanton

Pursuant to Local Law No. 2 of 1974

RESOLVED:

1. That Barbara J. Kelley, a resident attorney-at-law, is appointed Public Defender with term of office commencing January 1, 2010, and expiring December 31, 2013.

Moved by: Mr. Fanton
Seconded by: Mr. Hopkins

Adopted: Voice Vote

RESOLUTION NO. 9-10

APPOINTMENT OF DIRECTOR OF OFFICE FOR THE AGING

Offered by: Legislator Douglas D. Burdick

Pursuant to Local Law No. 8 of 1974

RESOLVED:

1. That Kimberley Toot is appointed Director of the Office for the Aging to serve during the pleasure of this Board of Legislators and until a successor is appointed and qualified.

Moved by: Mr. Burdick
Seconded by: Mr. Russo

Adopted: Voice Vote

RESOLUTION NO. 10-10

APPOINTMENT OF DIRECTOR OF DEVELOPMENT

Offered by: Legislator Dwight R. Fanton

Pursuant to Local Law No. 2 of 1985

RESOLVED:

1. That John E. Foels is appointed Director of Development to serve during the pleasure of this Board of Legislators and until a successor is appointed and has qualified.

BOARD OF LEGISLATORS SESSION MINUTES, JANUARY 4, 2010

Moved by: Mr. Fanton
 Seconded by: Mr. Pullen

Adopted: Voice Vote

RESOLUTION NO. 11-10

APPOINTMENT OF COUNTY FIRE COORDINATOR

Offered by: Legislator Norman G. Ungermann

Pursuant to County Law § 225-a

RESOLVED:

1. That Paul Gallmann is appointed County Fire Coordinator to serve during the pleasure of this Board of Legislators and until a successor is appointed and qualified.

Moved by: Mr. Ungermann
 Seconded by: Mr. Healy

Adopted: Voice Vote

RESOLUTION NO. 12-10

APPOINTMENT OF COUNTY HISTORIAN

Offered by: Legislator Timothy J. O'Grady

Pursuant to County Law § 400 (4) and Arts and Cultural Affairs Law § 57.07

RESOLVED:

1. That Craig R. Braack is appointed County Historian to serve during the pleasure of this Board of Legislators and until a successor is appointed and qualified.

Moved by: Mr. O'Grady
 Seconded by: Mr. Fanton

Adopted: Voice Vote

RESOLUTION NO. 13-10

APPOINTMENT OF DIRECTOR OF INFORMATION TECHNOLOGY

Offered by: Legislator Philip Curran

Pursuant to Local Law No. 5 of 1993

RESOLVED:

1. That Deborah M. Button is appointed Director of Information Technology to serve during the pleasure of this Board of Legislators and until a successor is appointed and has qualified.

Moved by: Mr. Curran
 Seconded by: Mr. Hopkins

Adopted: Voice Vote

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

RESOLUTION NO. 14-10**APPOINTMENT OF YOUTH BUREAU PROGRAM DIRECTOR**

Offered by: Legislator Theodore L. Hopkins

RESOLVED:

1. That Linda Edwards is appointed Youth Bureau Program Director to serve during the pleasure of this Board of Legislators and until a successor is appointed and has qualified.

Moved by: Mr. Hopkins
 Seconded by: Mr. Russo

Adopted: Voice Vote

RESOLUTION NO. 15-10**DESIGNATION OF MEMBER OF BOARD OF LEGISLATORS AS COUNTY JURY BOARD MEMBER**

Offered by: Legislator Curtis W. Crandall

Pursuant to Judiciary Law § 503 (a) 1.

RESOLVED:

1. That Legislator Dwight "Mike" Healy is designated as a member of the County Jury Board to serve during the pleasure of this Board of Legislators and so long as he remains a County Legislator.

Moved by: Mr. Crandall
 Seconded by: Mr. Fanton

Adopted: Voice Vote

RESOLUTION NO. 16-10**RESOLUTION SETTING DATE OF PUBLIC HEARING ON A LOCAL LAW TO AMEND LOCAL LAW NO. 2 OF 1985, AS AMENDED, IN RELATION TO ELIMINATING THE DEVELOPMENT ADVISORY BOARD**

Offered by: Legislator Curtis W. Crandall

WHEREAS, on this 4th day of January 2010, a local law (Intro. No. 1-2010, Print No. 1) was introduced to amend Local Law No. 2 of 1985 so as to eliminate the Development Advisory Board, and

WHEREAS, it will be necessary to set a date for public hearing on said proposed Local Law, now, therefore, be it

RESOLVED:

1. That a public hearing shall be held on January 25, 2010, at 2:00 P.M. in the County Legislators' Chambers, Room 221, County Office Building, Belmont, New York, before the Allegany County Board of Legislators, in relation to proposed Local Law Intro. No. 1-2010, Print No. 1.

BOARD OF LEGISLATORS SESSION MINUTES, JANUARY 4, 2010

2. That the Clerk of the Board of Legislators is directed to prepare, with the assistance of the County Attorney, a notice of said public hearing, to cause the publication of a copy of said notice in each of the two newspapers which have been officially designated by this Board to publish "notices," and to affix a copy of said notice on the County bulletin board in the County Courthouse at Belmont, New York; both publication and posting to be made at least five days before the public hearing.

Moved by: Mr. Hopkins
Seconded by: Mr. Fanton

Adopted: Voice Vote

RESOLUTION NO. 17-10**REPEALING RESOLUTION NO. 41-93 AND RESOLUTION NO. 110-07,
TO DISSOLVE THE COUNTY CITIZENS ADVISORY COMMITTEE ON TOURISM**

Offered by: Legislator Curtis W. Crandall

WHEREAS, the role of the County Citizens Advisory Committee on Tourism will be undertaken by the Comprehensive Plan Implementation Group, now therefore, be it

RESOLVED:

1. That Resolution Nos. 41-93 and 110-07 are hereby repealed.
2. That this resolution shall take effect immediately.

Moved by: Mr. Hopkins
Seconded by: Mr. O'Grady

Adopted: Voice Vote

RESOLUTION NO. 18-10**AMENDING RESOLUTION NO. 125-08 TO EXPAND THE SIZE OF THE
COMPREHENSIVE PLAN IMPLEMENTATION GROUP TO TWENTY MEMBERS**

Offered by: Legislator Curtis W. Crandall

WHEREAS, in 2008, the County adopted a County Comprehensive Plan that, among many things, addressed the role of tourism in Allegany County, and

WHEREAS, the role of tourism should be considered in light of the many aspects of economic development and quality of life issues in Allegany County, and

WHEREAS, by separate resolution, the County Citizens Advisory Committee on Tourism is to be dissolved, and

WHEREAS, by amendment of Local Law No. 2 of 1985, the Development Advisory Board is to be eliminated, and

WHEREAS, a single committee acting in an advisory capacity on the many issues related to the County Comprehensive Plan will best serve the citizens of Allegany County, and

WHEREAS, the Comprehensive Plan Implementation Group, as established by Resolution No. 125-08, provides the best mechanism for providing constructive advice on these various issues, and

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

WHEREAS, the size of the Comprehensive Plan Implementation Group should be expanded to enhance its effectiveness as the primary advisory body on these issues, therefore, be it

RESOLVED:

1. That section two of Resolution No. 125-08 is amended to read as follows:
 2. That a new committee to be known as the Comprehensive Plan Implementation Group consisting of twenty (20) members, all of whom are to be residents of Allegany County, is hereby created.
2. That section four of Resolution No. 125-08 is amended to read as follows:
 4. That the Comprehensive Plan Implementation Group shall be advisory in nature and shall report directly to the Planning and Economic Development Committee of the Allegany County Board of Legislators.
3. That section four of Resolution No. 125-08 shall be renumbered as section 5.
4. That this resolution shall take effect immediately.

Moved by: Mr. Hopkins
 Seconded by: Mr. Pullen

Adopted: Voice Vote

RESOLUTION NO. 19-10

**A RESOLUTION TO CREATE AN AD HOC COMMITTEE
 TO ADDRESS ISSUES PERTAINING TO
 COUNTY-WIDE COMMUNICATIONS AND TECHNOLOGY SYSTEMS**

Offered by: Legislator Curtis W. Crandall

WHEREAS, throughout 2009, the Allegany County Board of Legislators has committed its energies toward the development of enhanced information technology systems and services throughout the County, and

WHEREAS, the County Board of Legislators approved funding for studying the feasibility of developing a wider distribution of broadband availability throughout the County, and

WHEREAS, the result of said study suggests there are numerous regions within the County where enhanced and improved communications and information technologies can be provided, now, therefore, be it

RESOLVED:

1. There is hereby created a special Ad Hoc Committee entitled "Communications and Technology."
2. That said Committee shall be charged with the responsibility of continuing the process of exploring those measures necessary to broaden and enhance the availability of both communications and information technology throughout Allegany County.

BOARD OF LEGISLATORS SESSION MINUTES, JANUARY 4, 2010

3. That said Committee shall consist of at least four (4) but not more than seven (7) members all of whom shall be appointed by and serve at the pleasure of the Chairman of the Board of Legislators.

4. That the Chairman of said Committee shall be a duly elected County Legislator not withstanding, however, that certain members may be private citizens who possess expertise in the fields of communications and/or information technology.

5. That said Committee shall report to the Planning and Economic Development committee.

Moved by: Mr. Russo
Seconded by: Mr. Pullen

Adopted: Voice Vote

RESOLUTION NO. 20-10

A RESOLUTION TO CREATE AN AD HOC COMMITTEE TO RESEARCH AND DEVELOP LEGISLATIVE STRATEGIES PERTAINING TO THE UTILIZATION OF ENERGY-BASED NATURAL RESOURCES

Offered by: Legislator Curtis W. Crandall

WHEREAS, the County of Allegany, New York has a wide history in the industry of crude oil and natural gas extraction, and

WHEREAS, this industry in the early twentieth century was responsible for a vibrant local economy and the creation of wealth, and

WHEREAS, it is known there remains substantial deposits of both crude oil and natural gas in deep geologic formations beneath Allegany County, and

WHEREAS, the State of New York is taking steps from both a policy and regulatory perspective to address the potential of increased extraction activity as it pertains to existing reserves of crude oil and natural gas, and

WHEREAS, it is in the best interest of the citizens of Allegany County to have its County governmental leaders well informed of activities which may occur as these policies and regulations unfold, now, therefore, be it

RESOLVED:

1. That there is hereby created a special Ad Hoc Committee entitled "Energy and Resources."

2. That said Committee shall be charged with the responsibility of developing legislative strategies to promote the re-establishment of the crude oil and natural gas extraction industry within the County.

3. That said Committee shall consist of at least three (3) though not more than five (5) members all of whom shall be duly elected members of the Allegany County Board of Legislators.

4. That all members of the Committee shall be appointed by the Chairman of the Board of Legislators and shall serve at his pleasure.

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

5. That, from time to time, the members of the Committee may solicit guidance, advice, and/or recommendations on specific issues pertaining to its legislative charge from members of the public or private sectors.

6. That said Committee shall report to the Planning and Economic Development Committee.

Moved by: Mr. Fanton
Seconded by: Mr. Hopkins

Adopted: Voice Vote

STATEMENT BY COUNTY ATTORNEY:

County Attorney Thomas Miner read the following prepared statement:

“Earlier today, I received a copy of the Decision and Judgment of this date issued by Justice NeMoyer in the Citizens for Responsible Government lawsuit against Allegany County and the State of New York. The lawsuit was dismissed in its entirety. I have a few copies of this decision which I will make available to members of the media. If anyone else wishes a copy of the decision, let me know and I will get you one.

Although I am pleased with this Decision, I am not surprised. The result and the reasoning behind this decision are what I predicted several months ago when trying to dissuade Mr. Scott from filing a lawsuit. I do not want to attach the motives behind this lawsuit, as I believe we all feel aggrieved by state mandates that fall disproportionately hard on the overburdened taxpayers of this County. However, knowing which battles to fight and how to win them must guide the choices we make.

This lawsuit has wasted time and money – both the County’s and the State’s. The Courthouse Project must move forward. We don’t have to like that fact to recognize its reality. As both a taxpayer and your County Attorney, my hope is that the petitioner in this matter, Citizens for Responsible Government, will now work with us and not against us.

*Sincerely,
Thomas A. Miner, Allegany County Attorney”*

APPOINTMENTS:

The Clerk of the Board announced that Chairman Crandall has made the following appointments:

AGRICULTURAL AND FARMLAND PROTECTION BOARD (Pursuant to Agriculture & Markets Law Section 302 and Resolution No. 42-93):

Rodney K. Bennett, Coterminous with his designation as Chairman of Soil and Water Conservation District’s Board of Directors, for a one-year term expiring December 31, 2010

Theodore L. Hopkins, Coterminous with his term of office as County Legislator, for a four-year term expiring December 31, 2013

CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD (Reappointed jointly with Michael O’Brien, Chairman of the Cattaraugus County Legislature, for a three-year term expiring December 31, 2012):

Karen Comstock	Carrie Childs
Jesse Gugino	Sherry Grugel
Charlie Kalthoff	Linda Kolodziejcki
Brad Monroe	Hobie Rhinehart

BOARD OF LEGISLATORS SESSION MINUTES, JANUARY 4, 2010

CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD YOUTH COUNCIL (Appointed jointly with Michael O'Brien, Chairman of the Cattaraugus County Legislature, for a two-year term expiring December 31, 2011):

Carol Cash, Allegany County Employment & Training
 Sherry Weirich, Allegany County Employment & Training
 Hobart Rhinehart, WIB Member Liaison
 Betty Hicks, Cattaraugus County Employment Specialist
 Heather Simon, Southern Tier Traveling Teacher, Inc.
 Judy Nannen, NYSED – VESID
 Linda Edstrom, Olean

COMPREHENSIVE PLAN IMPLEMENTATION GROUP (To serve at the pleasure of the Chairman, pursuant to Resolutions No. 125-08, as amended by Resolution No. 18-10, for a one-year term):

Charles Jessup, Alfred Station	Linda Clayson, Belmont
Edward Eicher, Wellsville	William Shuler, Cuba
Lee Gridley, Wellsville	Gretchen Hanchett, Belmont
Sherry Grugel, Cuba	Elaine Hardman, Wellsville
Deborah Clark, Alfred	Donald Cameron, Alfred Station
Gretchen Gary, Belmont	Lee James, Cuba
Raymond DeTine, Belmont	Craig Smith, Fillmore
Barbara Deming, Cuba	Joel Kassirer, Angelica
Steve Havey, Wellsville	Frederick Sinclair, Scio
Frederic Marks, Almond	William Hart, Wellsville

CORNELL COOPERATIVE EXTENSION OF ALLEGANY COUNTY, LEGISLATIVE REPRESENTATIVE MEMBER (Recommendation by Chairman Crandall to their Board of Directors, for a one-year term):

David T. Pullen, Fillmore

EMERGENCY INTERIM SUCCESSOR (To serve at the pleasure of the Chairman for a one-year term):

Theodore L. Hopkins, Fillmore

OFFICE OF EMERGENCY SERVICES, DIRECTOR (To serve at the pleasure of the Chairman, in accordance with the provisions of applicable law, for a one-year term):

John C. Tucker, Belmont

INTERCOUNTY ASSOCIATION OF COUNTY LEGISLATIVE BODIES OF WESTERN NEW YORK (To serve at the pleasure of the Chairman, for a one-year term):

Voting Members:

Glenn R. Benson, Whitesville
 Kevin S. LaForge, Wellsville
 Brenda Rigby Riehle, Belmont

Alternate Voting Members:

Philip B. Curran, Alfred Station
 Dwight "Mike" Healy, Belmont

MERCY FLIGHT CIVIC ADVISORY COMMITTEE (To serve at the pleasure of the Chairman, for a one-year term):

Christine Johnson, Angelica

REGION 9 OPEN SPACE ADVISORY COMMITTEE (To serve at the pleasure of the Chairman, for a one-year term):

H. Kier Dirlam, Angelica

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

RESOURCE CONSERVATION AND DEVELOPMENT BOARD (To serve at the pleasure of the Chairman, for a one-year term):

County Representative Member:

Gretchen T. Gary, Belfast

County Alternate:

Philip B. Curran, Alfred Station

Legislative Member:

Norman G. Ungermann, Jr., Cuba

Member At Large:

Thomas Parmenter, Fillmore

SOLID WASTE HEARING BOARD (To serve at the pleasure of the Chairman, pursuant to Resolution No. 211-04 and Local Law No. 3 of 2004, for a one-year term):

Dwight R. Fanton, Chairman of the Public Works Committee

Daniel Russo, District IV Legislator

Donald L. Cady, District III Legislator

Alternates:

Glenn R. Benson, District III Legislator

Douglas D. Burdick, District V Legislator

SPECIAL TRAFFIC OPTIONS PROGRAM FOR DRIVING WHILE INTOXICATED (STOP-DWI), COORDINATOR (To serve at the pleasure of the Chairman, pursuant to Vehicle and Traffic Law Section 1197 and Resolution No. 29-82, for a one-year term):

Linda S. Edwards, Houghton

ALLEGANY COUNTY TRANSPORTATION TASK FORCE (To serve at the pleasure of the Chairman, for a one-year term):

William M. Hall, Alfred

Dwight "Mike" Healy, Belmont

The Clerk of the Board announced that Chairman Crandall has made the following appointments, all of which are subject to confirmation by the Board of Legislators:

CITIZENS ADVISORY COUNCIL TO THE OFFICE FOR THE AGING (Three-year term):

Keith Folts, Fillmore

Reita Sobeck-Lynch, Wellsville

Beverly Armstrong, Wellsville

Mona Pettit, Cuba

REGION 9 FISH & WILDLIFE MANAGEMENT BOARD (Two-year term):

Legislative Representative Member:

Dwight R. Fanton, Wellsville

Alternate Legislative Representative Member:

Douglas D. Burdick, Alfred Station

Sportsmen's Representative Member:

Gilbert Childs, Richburg

Alternate Sportsmen's Representative Member:

John Lewis, Wellsville

REGION 9 FOREST PRACTICE BOARD (Pursuant to Environmental Conservation Law Section 9-0705, for a two-year term):

Legislative Member:

Aaron McGraw, Alfred Station

BOARD OF LEGISLATORS SESSION MINUTES, JANUARY 4, 2010

ALLEGANY COUNTY PLANNING BOARD (Three-year term):

District IV Members:

Clifford Ackley, Wellsville

Lee Gridley, Wellsville

Ex-Officio Members: (Annual Appointment)

David Roeske, Superintendent of Public Works, Wellsville, NY

Terri L. Ross, County Treasurer, Angelica, NY

Theodore L. Hopkins, Ways & Means Committee Chairman

VETERANS' SERVICE AGENCY, DIRECTOR (One-year term):

Harvey Scott Spillane, Wellsville

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. Communication from the Republican Party Members of the Allegany County Board of Legislators recommending that the Chairman designate Theodore L. Hopkins as Majority Leader of said Board for 2010.

2. Any Legislator wishing to attend the NYSAC Conference in Albany from February 8 through February 10, 2010, should let Brenda Rigby Riehle know today or as soon as possible.

3. Chairman Crandall recognized former Legislator Bob McNinch, who was present at the meeting. Mr. McNinch was a charter member of this Board and was also on the previous Board of Supervisors before the change took place in 1970.

MESSAGE FROM THE CHAIRMAN:

"I would like to welcome our elected officials, department heads, family, friends, and media to today's meeting, and thank you for being here. I think one of the main attractions to our organization meeting is the distribution of committee assignments. I will tell you that much thought and deliberation goes into putting these assignments together, and it is one of the more difficult challenges of the Chairman's duties. I am confident in the selections made for the Chairman of each standing and ad hoc committee and the balanced blend of membership on the committees as well.

As I begin this message, the first order of business is to address my colleagues and humbly say "thank you" for the honor and privilege you have given me by selecting me Chairman of the Allegany County Board of Legislators. I accept this position with utmost sincerity, and my promise to you is that I will treat this position with the dignity it deserves, and do all I can to help this Board not only meet, but exceed the responsibilities each of us is charged with as County Legislators.

I would like to acknowledge the department heads and the employees of Allegany County. Your hard work and dedication is noticed and it is appreciated. Thank you for the great jobs you do. Acknowledgment and appreciation is due to all of the citizens who travel, meet, volunteer, and lend their expertise and assistance on a regular basis to our advisory boards, committees, and councils. Hundreds of Allegany County's finest people devote themselves to causes that help make our community a better place to live. I sincerely thank all of our volunteers. This appreciation and thank you would also extend to the men and women in our Volunteer Fire and Rescue units; nothing could be said to properly express the sincere appreciation for your service. Other places claim a great history, heritage, and people, but I know that none can compare to Allegany County.

It's time for a change. I didn't just make that up; I heard it not too long ago. Was it during the primary or general election? Maybe I read it someplace, like a local newspaper,

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

possibly on a palm card, or in an election interview. It seems it has been a popular theme in recent elections.

It's time for a change. Wherever and whenever I have heard it in the past, it has never been defined very well, if at all. Only that it's time for a change. I would like to say that I agree with the statement, especially if I get to define it.

For the past several years, if not the past several decades, this Board has had issues to deal with that have been out of its control, projects and dilemmas that through federal and state legislation and programs, coupled with our demographics, needed to be addressed. Past legislators that sat in these seats, just like us, have taken the same oath of office we just took, an oath to live by and uphold the constitution and the laws of our land.

So what's new? What could be different at this time? We still have federal and state legislation to deal with, possibly even more oppressive than in the past. That is true; however, we have several things that no other Allegany County Board of Legislators has had.

- *We are starting this session with possibly the largest fund balance of any Board in our County's history, a balance of over \$9 million. Only a few short years ago, we had a negative fund balance of close to \$4 million.*
- *We are the first Board to begin our session with a project in hand and approved that properly addresses the Court Facilities Capital Plan Act passed by the State Legislature in 1987.*
- *We are the first Board to begin our session with a municipal agreement in place with the Town of Friendship, the engineering in place, and a defined project for development at the Crossroads area at I-86 and State Route 19.*
- *We are the first Board to sit down on day one with a Comprehensive Plan complete and in working order, ready to be utilized.*
- *This Board begins with a new standing committee, the Planning and Economic Development Committee. Other Boards have had a Planning and Development Committee, but I feel that we now have better defined goals and direction, and because of this, time will prove our efforts superior to those in the past.*
- *We are the first Board to have a Deputy Administrator in place. This should prove to expand on the efficiencies in the Administrator's Office and allow for time to be spent on actions beyond the day-to-day operations of our County.*

We took steps a few minutes ago for change, a positive change in the way we approach the development of Allegany County. With the resolutions passed to consolidate several development advisory boards into one, and a concentration of efforts by some very capable people, coupled with the newly adopted Comprehensive Plan and an expanded Comprehensive Plan Implementation Group, this Board, within minutes of taking office, has set in motion a positive change for Allegany County.

Does my tone suggest that somehow this Board is starting with a silver spoon, and is somehow immune to issues and problems faced by our predecessors? Absolutely not. In fact, our challenges may leave those faced by other Boards looking a little light. We may look back and say that we long for the days we could just build a Jail or Courthouse to comply with mandates from the state. As we take office and start this term, I do believe that we start with a leg up at the local level, but I also know that on the state and federal level, we will be facing challenges that have not yet been defined. While Allegany County's financial position has improved, New York State's is possibly the worst in its history. According to State Comptroller Tom DiNapoli, the state is officially living paycheck to paycheck. While the state's fiscal year doesn't end until March 31, its cash shortage has put the state's General Fund in a deficit for the first time ever. Last Wednesday, New York State had a negative balance of \$174 million, with nearly \$1 billion in bills owed at day's end. How can the federal and state governments continue their programs, which we, in many cases are charged with

BOARD OF LEGISLATORS SESSION MINUTES, JANUARY 4, 2010

administering, not address changes to these programs, without a negative impact on Allegany County? When speaking of time for a change, my first suggestion for change would be at the upper levels of government. Positive changes to the way business is conducted at those levels would have a positive change on the way business is conducted at the county, town and village level in Allegany County.

Predictions for New York State finances, by all accounts, worsen over the next few years. Our contribution to the State Retirement Fund alone will increase substantially in 2010 and 2011 to the point where it could be triple our current obligation.

Yes, I am for change. I sat on this Board when we worked hard to get the property tax increase to a single digit. We were forced to make difficult decisions to meet our mandated obligations and to better the overall financial position of Allegany County, with limited resources left to pursue sustainable development.

I am for changing our efforts from having to deal with projects and issues that are out of our control, to a proactive role in the planning and economic development of Allegany County, which will have a positive and lasting effect long after we are gone.

I have talked of this in the past, and given our circumstances, I truly feel that during our term on this Board we can achieve what no other Board before us has been able to. We will continue to meet the obligations from the federal and state government, while at the same time insist that the necessary and positive change be made to the mandates on local government. We will also continue the example, which we displayed a few minutes ago - that of being proactive towards the future of Allegany County.

I would like to say to the incumbent members of the Board, that it has been a pleasure to work with each of you in the past, and I look forward to working with you in the future. We have been challenged with some major issues in recent years, and we have collectively met those challenges head-on.

- *We were the first Board of Legislators charged with operating the new Jail and Public Safety Facility, a project that financially has proven to go as planned.*
- *We saw Medicaid's local share "capped" at \$8.5 million, due in part to our persistent push for relief.*
- *We began with a huge negative fund balance, and we hand to this Board a much healthier financial statement.*
- *It took most of our last term, but we made tough, yet well thought out decisions regarding our Court Facilities and prevented inevitable sanctions if proper action was not taken.*
- *We made decisions to improve the physical location and workspace needs of the Office for the Aging along with our Veterans' Service Agency.*
- *We adopted Allegany County's first Comprehensive Plan.*
- *To address public transportation for Allegany County, the Transportation Task Force was created to completely review and restructure this service so it properly meets the needs of our citizens in a fiscally responsible manner.*
- *A couple of years ago, development of what is known as the Crossroads Project was in its early talking stage. The project now has engineering and municipal agreements in place and lacks only the funds needed and official approval to proceed.*
- *We have seen the successful launch of the Greater Allegany County Chamber of Commerce.*
- *Major changes have taken place in our Health Department, with the privatization of home health care nursing.*

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

I would say that over the past few years, despite being sidetracked with the aforementioned Court Facilities Project, we didn't do too badly, and I commend you on these accomplishments.

To the Board members who have just taken office and are sitting in these seats officially for the first time, I welcome you, and look forward to our relationship, as we work together for the betterment of Allegany County. Individually, you each bring to this Board a diverse background and experience that will help us meet new challenges, and meet new goals, as we carry out the duties we are charged with as the Allegany County Board of Legislators.

It's by working together that positive change is made, and a combination of experience and expertise, along with some new and fresh ideas, that will move things forward. Together, as this brief message points out, we have both great opportunities and serious challenges lying before us. It is up to you and me to make the most of them. Our term as Legislators will go fast, let's not waste it, let's spend it on the proper stewardship, accomplishments, and good deeds, so that at the end of this short time together we can look back and say, Yes, we did make a difference for Allegany County.

*Thank You,
Curt Crandall, Chairman, Allegany County Board of Legislators"*

STANDING AND SPECIAL COMMITTEE ASSIGNMENTS:

Chairman Crandall distributed copies of his assignments to the **STANDING AND SPECIAL COMMITTEES OF THE BOARD OF LEGISLATORS FOR 2010**. (Assignments are as follows; Chairmen and Vice Chairmen are listed first):

COURT FACILITIES AND COUNTY SPACE NEEDS:

Pullen, Fanton, Benson, Cady, Curran, Russo

HUMAN SERVICES:

Burdick, Russo, Cady, LaForge, Sinclair

PERSONNEL:

O'Grady, Burdick, Benson, Cady, Fanton, Pullen, Ungermann

Special - Negotiations Ad Hoc Committee: (Sub-Committee of Personnel)

Pullen, O'Grady

PLANNING AND ECONOMIC DEVELOPMENT:

Sinclair, Pullen, Curran, Healy, Hopkins, LaForge, McGraw, O'Grady

Special - Communications & Technology Ad Hoc Committee: (Sub-Committee of P&D)

Pullen, Healy, Mike Johnsen, Jerry Scott

Special - Energy & Resources Ad Hoc Committee: (Sub-Committee of P&D)

LaForge, Benson, Sinclair

PUBLIC SAFETY:

Healy, Benson, Burdick, Hopkins, McGraw, Russo

PUBLIC WORKS:

Fanton, O'Grady, Curran, Healy, Hopkins, McGraw, Ungermann

WAYS & MEANS:

Hopkins, Fanton, Burdick, Healy, LaForge, O'Grady, Pullen, Sinclair

Special - Budget Committee: (Sub-Committee of Ways & Means)

Hopkins, Fanton, Cady, Curran, LaForge, O'Grady

CHAIRMAN'S PRESENTATION OF CERTIFICATE:

Chairman Crandall presented a certificate to John "Jack" Colligan, former United States Air Force Airman 1st Class, in grateful appreciation of his service to our Country. Mr. Colligan's service dates were from March 1951 to November 1958. Following Basic Training

BOARD OF LEGISLATORS SESSION MINUTES, JANUARY 11, 2010

at Sampson Air Force Base in Geneva, NY, duty stations included Fort Sam Houston, TX and Niagara Falls Air Force Base. Among the commendations he received were the National Defense Medal and Conspicuous Cross. Mr. Colligan led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

ADJOURNMENT: The meeting was adjourned at 3:15 p.m. on a motion made by Legislator Fanton, seconded by Legislator Hopkins and carried.

REGULAR SESSION – JANUARY 11, 2010

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Marine Corps Sergeant John L. Baldwin.

INVOCATION: The Invocation was given by Legislator Pullen.

ROLL CALL: 15 Present; 0 Absent.

APPROVAL OF MINUTES:

The Board meeting minutes of December 14, 2009, were approved on a motion made by Legislator Fanton, seconded by Legislator Pullen and carried.

The Board meeting minutes of December 28, 2009, were approved on a motion made by Legislator O'Grady, seconded by Legislator Fanton and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to John L. Baldwin, former United States Marine Corps Sergeant, in grateful appreciation of his service to our Country. Mr. Baldwin's service dates were from January 1964 to January 1968. He participated in Basic Training at Paris Island, and served in the Vietnam War in the 1st Marine Division. Commendations Mr. Baldwin received included: National Defense Service Medal, Good Conduct Medal (2), Vietnam Service Medal (2), and Purple Heart Medal (2). Mr. Baldwin led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall granted privilege of the floor to Joyce Weimer and Julie Cunningham from the Allegany County United Way. United Way still invests in 27 agencies and programs throughout the County, but they have begun to create initiatives in order to have a bigger impact on the community. Focus has been narrowed to the areas of education, income, and health. "Success by Six" is an example of an education initiative to fund early childhood development. Last year, under the income initiative, United Way began doing tax preparation through the Earned Income Tax Credit Program for people who qualify economically. Seventeen volunteers spent 700 hours working on 182 tax returns to bring back \$124,000 to Allegany County. This year, Ms. Weimer wrote a grant application, and United Way will receive \$12,500 to focus on an assets summit and create a structure where people with low income and disabilities can come to get their taxes done for free. Ms. Weimer noted the positive financial impact for people of the County. United Way volunteers

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

can do free tax preparation for those with incomes under \$48,000 for a family with three children. Predatory practices involving large fees to prepare income taxes and high rates of interest for refund anticipation loans are a source of concern, and United Way is trying to publicize their service. The grant funding has allowed the creation of a coalition, adding banks and credit unions, going beyond tax preparation and working toward financial stability and creating financial assets. The coalition has also created the potential for 30 certified tax preparers and more sites. The grant funds also enable them to raise awareness through more publicity and advertising. United Way will be participating in the National Earned Income Tax Credit Kick-Off Day on Friday, January 29, and they requested a proclamation.

Privilege of the floor was granted to Allegany County Farm Bureau President Ernie Ramsey. New York State Farm Bureau recently presented the County Chapter with a trophy for achieving the highest membership recruitment and retention in the state. Mr. Ramsey noted that this was quite an honor for a small county with only 229 members. He thanked the former Board members for their support of agriculture, and stated that he looks forward to working with the new members.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. Board Organization meeting minutes of January 4, 2010, for review.

The following communications were also acknowledged:

1. County Attorney Thomas Miner filed a Designation of Succession in the Clerk of the Board's Office on January 5, 2010. Leslie J. Haggstrom was named as First Assistant County Attorney, Carissa M. Knapp as Second Assistant, and Nora Carnes as Third Assistant.
2. Southern Tier West Regional Planning and Development Board meeting minutes from December 17, 2009, and meeting notice for January 21, 2010.

APPOINTMENTS:

The Clerk of the Board announced that Chairman Crandall appointed the following as members of the **FRIENDSHIP EMPIRE ZONE OF ALLEGANY COUNTY ADMINISTRATIVE BOARD**, effective immediately, to serve at his pleasure:

Deborah Clark, Wellsville	Jody Collins, Friendship
Michael Doyle, Cuba	Robert Ellis, Belmont
Darwin Fanton, Wellsville	Marcia Habberfield, Scio
Susan Myers, Friendship	Jerry Scott, Cuba
William Zacher, Friendship	Frederick Sinclair, Scio
John Foels, Angelica	

Pursuant to Local law No. 2-94, John Foels, as an officer of Allegany County government, will serve as Chairman of the Friendship Empire Zone of Allegany County Administrative Board.

RESOLUTIONS:

Resolution Intro. No. 5-10 (Appointment of County Auditor) was removed from the table following a motion made by Legislator Hopkins, seconded by Legislator Fanton and carried. It was originally tabled on January 4, 2010.

BOARD OF LEGISLATORS SESSION MINUTES, JANUARY 11, 2010

RESOLUTION NO. 21-10**APPOINTMENT OF COUNTY AUDITOR**

Offered by: Legislator Dwight R. Fanton

Pursuant to County Law § 600

RESOLVED:

1. That John E. Margeson is appointed County Auditor with term of office to commence January 1, 2010, and expire December 31, 2013.

Moved by: Mr. Hopkins
 Seconded by: Mr. Fanton

Adopted: Voice Vote

Comments made regarding Resolution No. 21-10 included: Legislator Pullen noted a memo prepared by the County Attorney in which he stated his opinion that there is no conflict in having the same person hold the offices of County Auditor and County Budget Officer. Mr. Pullen felt this was an efficient way to handle the pre-auditing of claims, while still giving the Board final authority.

RESOLUTION NO. 22-10**APPROVAL OF BOARD CHAIRMAN'S APPOINTMENT OF HARVEY SCOTT SPILLANE AS DIRECTOR OF COUNTY VETERANS' SERVICE AGENCY**

Offered by: Personnel Committee

Pursuant to Executive Law § 357 and Resolution No. 58-45

RESOLVED:

1. That the appointment by the Chairman of this Board of Legislators of Harvey Scott Spillane as Director of the County Veterans' Service Agency for a term commencing January 1, 2010, and ending December 31, 2010, is approved.

Moved by: Mr. O'Grady
 Seconded by: Mr. Fanton

Adopted: Voice Vote

RESOLUTION INTRO. NO. 23-10 (UPGRADING DEPUTY COUNTY TREASURER IN COUNTY TREASURER'S OFFICE; AMENDING NON-UNIT SALARY PLAN) was TABLED following a motion made by Legislator Pullen, seconded by Legislator Sinclair and carried.

RESOLUTION INTRO. NO. 24-10 (AMENDING PEF SALARY PLAN BY CREATING TITLE AND POSITION OF SENIOR ACCOUNTANT) was TABLED following a motion made by Legislator Pullen, seconded by Legislator Curran and carried.

RESOLUTION NO. 23-10**APPOINTMENT OF FOUR MEMBERS TO THE CITIZENS ADVISORY COUNCIL TO THE OFFICE FOR THE AGING**

Offered by: Human Services Committee

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

Pursuant to Resolution No. 221-74

RESOLVED:

1. That the appointments of Keith Folts of Fillmore, New York, Reita Sobeck-Lynch of Wellsville, New York, Beverly Armstrong of Wellsville, New York and Mona Pettit of Cuba, New York, to the Citizens Advisory Council to the Office for the Aging, with term of office for each commencing January 1, 2010, and expiring December 31, 2012, are confirmed.

Moved by: Mr. Burdick
 Seconded by: Mr. Pullen

Adopted: Voice Vote

RESOLUTION NO. 24-10

**APPROVAL OF MEMORANDUM OF AGREEMENT WITH
 CORNELL COOPERATIVE EXTENSION ASSOCIATION OF ALLEGANY COUNTY AND
 AUTHORIZING CHAIRMAN TO EXECUTE MEMORANDUM OF AGREEMENT;
 AUTHORIZING COUNTY TREASURER TO MAKE APPROPRIATION PAYMENTS
 IN RELATION TO THE 2010 BUDGETARY APPROPRIATION FOR
 THE WORK OF SUCH ASSOCIATION**

Offered by: Public Works Committee

Pursuant to County Law § 224 (8)

RESOLVED:

1. That Memorandum of Agreement between the County of Allegany and the Cornell Cooperative Extension Association of Allegany County, dated January 1, 2010, in relation to the payment of appropriations to such Association by the County and the providing of services for such appropriations is approved, and the Chairman of this Board is authorized to execute such Memorandum of Agreement.

2. That the County Treasurer is authorized and directed to pay one-half of the sum provided in the 2010 County Final Budget for such Association in advance on the first day of each half of the year beginning January 2010, to be used by such Association pursuant to the terms and conditions of such Agreement; such payments to be made to the duly bonded Treasurer of such Association.

Moved by: Mr. Fanton
 Seconded by: Mr. Pullen

Adopted: Roll Call
 12 Ayes, 3 Noes, 0 Absent
 Voting No: O'Grady, Russo, Ungermann

Comments made regarding Resolution No. 24-10 included:

Legislator O'Grady stated that Cornell Cooperative Extension's programs are good programs, and some County programs are partially staffed or funded through Cornell Cooperative Extension, but if we're going to control the tax rate, the only choice at this point is to cut services. We need to start by cutting non-mandated services, even though it will always be a tough and unpopular decision.

Legislator Ungermann noted that we would like to see the cost/benefit ratio for some of these programs, but he also agreed with Mr. O'Grady.

BOARD OF LEGISLATORS SESSION MINUTES, JANUARY 11, 2010

Chairman Crandall has suggested that some of these agencies that receive funding from the County should be invited to a special Committee of the Whole meeting to explain their programs.

Legislator Pullen pointed out that the County's budget appropriation to Cornell Cooperative Extension of \$206,000 results in significant cost savings for the County. We have to cut expenses, but cutting a program just because it's non-mandated is making those cuts with too blunt a tool. Cornell Cooperative Extension picks up the cost of fringe benefits for several County positions, resulting in savings in 2009 in excess of \$160,000, so the net County cost is more in the range of \$40,000. One of the programs almost completely staffed by Cooperative Extension is WIC, and that program brings over \$1 million into the County which is then spent at local businesses. These are not simple issues. Before a program is carved out, we need to consider doing it carefully where appropriate.

RESOLUTION NO. 25-10

**APPROVAL OF AIR MEDICAL SERVICES CONTRACT WITH
MERCY FLIGHT, INC. FOR 2010**

Offered by: Human Services Committee

RESOLVED:

1. That Air Medical Services Contract between Mercy Flight, Inc. and the County of Allegany, in relation to providing air medical services in Allegany County in 2010 is approved.

2. That the Chairman of this Board is authorized to execute such contract.

Moved by: Mr. Burdick
Seconded by: Mr. Fanton

Adopted: Roll Call
14 Ayes, 1 No, 0 Absent
Voting No: Cady

AUDITS:

A motion was made by Legislator Hopkins, seconded by Legislator Healy and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator Hopkins, seconded by Legislator O'Grady and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$1,586,573.06 including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$148,809.*)

ADJOURNMENT: The meeting was adjourned at 2:40 p.m. on a motion made by Legislator Fanton, seconded by Legislator Hopkins and carried.

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

REGULAR SESSION – JANUARY 25, 2010

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Navy Airman Joel David Vanik.

INVOCATION: The Invocation was given by Legislator David Pullen, preceded by a moment of silence for former Allegany County Weights and Measures Director Alan Chamberlain, who passed away recently.

ROLL CALL: 14 Present; 1 Absent (Legislator Fanton).

APPROVAL OF MINUTES:

The Board Organization meeting minutes of January 4, 2010, were approved on a motion made by Legislator Hopkins, seconded by Legislator Curran and carried. Legislator Ungermann commented on County Attorney Thomas Miner's statement to the Board on January 4 in which Mr. Miner expressed concern that the lawsuit started by the Allegany County Citizens for Responsible Government was a waste of time and the taxpayers' money. Mr. Ungermann referred to a comment made by Bovis Lend Lease at the December 2 Court Facilities meeting that the Project Labor Agreement wouldn't make any difference in cost for the Court Facilities Project, and the purchase of two properties on Court Street as examples of how he felt the County was wasting money. Mr. Ungermann also stated his opinion that we may need to do more of our own legal work to save taxpayers' money. The County spends approximately \$140,000 annually in outside legal services.

The Board meeting minutes of January 11, 2010, were approved on a motion made by Legislator Pullen, seconded by Legislator Hopkins and carried.

PUBLIC HEARING:

Chairman Crandall closed the regular meeting at 2:07 p.m. to hold a public hearing on Local Law Intro. No. 1-2010, entitled, "A Local Law to Amend Local Law No. 2 of 1985, as Amended, in Relation to Eliminating the Development Advisory Board." There being no one desiring to speak, the public hearing was declared closed at 2:08 p.m., and the Board reconvened in regular session.

PRIVILEGE OF THE FLOOR:

Chairman Curtis W. Crandall presented a certificate to Joel David Vanik, former United States Navy Airman, in grateful appreciation of his service to our Country. Mr. Vanik's service dates were from May 1968 to May 1971. Following Basic Training at Great Lakes, IL, schooling and duty stations included Memphis, TN, Lemoore, CA, Camp Pendleton, CA, and overseas service in Vietnam. Commendations Mr. Vanik received included: National Defense Medal, Combat Action Ribbon, Vietnam Service Medal, and Vietnam Campaign Medal. Mr. Vanik led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall presented a certificate to the February 2010 Employee of the Month, Tina Zalar, from the Department of Social Services, in recognition of her hard work and dedication to the County.

Chairman Crandall granted privilege of the floor to Allegany County Agricultural Society President Martha Roberts. The Agricultural Society, commonly known as the

BOARD OF LEGISLATORS SESSION MINUTES, JANUARY 25, 2010

Allegany County Fair, was formed in 1844. The Fair showcases the agriculture industry around the County and New York State. Their purpose is not only to showcase, but also to educate everyone who comes. The Fair is vital to the 4-H Program, youth, and open class participants. Mrs. Roberts listed some of the programs available, such as animals, domestic arts, and public speaking. Participants have the opportunity to learn by talking with the judges. The Fair is also a gathering place for people. Income for the Fair is generated through gate fees, donations, vendors, and use of the Fairgrounds April to October. In addition to the many events during Fair week, things that take place on the grounds include horse shows, reunions, group campouts, and weddings. Grounds use accounts for about 30,000 people coming to visit Allegany County, and depending on what's going on, they travel to other places in the County while they're here. The Agricultural Society doesn't charge Office for the Aging or Public Works for County-run functions on the grounds; for others, there is a fee. Mrs. Roberts listed some of the yearly expenses, which totaled close to \$300,000 in 2009. They only receive \$8,700 from New York State Ag and Markets, so income has to cover the rest. Expenses keep going up, but the Agricultural Society has not asked for an increase in its County appropriation, which has remained the same since at least 1994 when Mrs. Roberts joined the Board of Directors. They have tried to work within their budget and hold the line, and they have also done that with the admission fee of \$8 that covers everything for the entire day, except Friday night's entertainment. Mrs. Roberts listed some of the major projects accomplished over the past ten years, made possible through state senators' member item funding and the Board of Legislators' appropriations, and she highlighted plans for 2010. Mrs. Roberts expressed her appreciation of the Board's support. Chairman Crandall commented that last year was the first time this Board held a meeting during Fair week at the Fairgrounds, and he noted we would be back again this year.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. February 2010 Calendar of Board and Standing Committee meeting dates. Legislator Pullen requested that the Office for the Aging Legislative Luncheon on February 19 at 10:30 a.m. be added.
2. Legislator Compensation Table for 2009.
3. Journal of Proceedings for 2008.

The following communications were also acknowledged:

1. Allegany County Agricultural Society Financial Report for the 2009 Fair.
2. Notification was received that the Personnel Committee has appointed Douglas A. Dillon as Executive Secretary of the Allegany County Mutual Self-Insurance Plan for 2010.
3. Allegany County Budget Officer John Margeson filed a Certificate of Appointment with the Clerk of the Board on January 14, 2010, appointing Terri L. Ross as Deputy Budget Officer, to serve as his pleasure.
4. Allegany County Auditor John Margeson filed a Certificate of Appointment with the Clerk of the Board on January 14, 2010, appointing Edwin E. Dibert as Deputy County Auditor, to serve at his pleasure.
5. County Treasurer Terri Ross filed a Certificate of Withdrawal of Delinquent Tax Lien pursuant to Article 11 of the Real Property Tax Law for property in the Town of Bolivar in the Clerk of the Board's Office on January 21, 2010.

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

6. The Allegany County Comprehensive Plan Implementation Group forwarded a summary of Allegany County's progress relating to the Comprehensive Plan during 2009.

7. Correspondence from Office for the Aging Director Kimberley Toot announcing the annual Legislative Luncheon to be held on Friday, February 19, at the American Legion in Belmont beginning at 10:30 a.m.

8. U.S. Department of Energy's Final Environmental Impact Statement for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center. (See also Resolution No. 97-09.)

9. Invitation for the Greater Allegany County Chamber of Commerce Business After Hours event on February 4, at the Belvidere Restaurant beginning at 5:30 p.m.

APPOINTMENTS:

The Clerk of the Board announced that Chairman Crandall has appointed Roger Mitchell, representing Friendship Dairies, as the Local Business Representative on the **FRIENDSHIP EMPIRE ZONE OF ALLEGANY COUNTY ADMINISTRATIVE BOARD**, effective immediately, to serve at his pleasure.

PROCLAMATION:

Chairman Curtis W. Crandall proclaimed January 29, 2010, as Earned Income Tax Credit (EITC) Awareness Day in Allegany County to encourage qualified citizens to seek the free tax service provided by the Allegany County United Way Coalition to maximize their assets in light of our current economy.

RESOLUTIONS:

Resolution Intro. No. 23-10 (Upgrading Deputy County Treasurer in County Treasurer's Office; Amending Non-Unit Salary Plan) was removed from the Table following a motion made by Legislator Hopkins, seconded by Legislator Burdick and carried. The resolution was originally tabled on January 11.

RESOLUTION NO. 26-10**UPGRADING DEPUTY COUNTY TREASURER IN COUNTY TREASURER'S OFFICE;
AMENDING NON-UNIT SALARY PLAN**

Offered by: Ways and Means Committee

WHEREAS, the County Treasurer has upgraded the position of Deputy County Treasurer in the County Treasurer's Office, now, therefore, be it

RESOLVED:

1. That the position of Deputy County Treasurer in the County Treasurer's Office is upgraded from Grade 8 to Grade 9, Step 10 in the Non-Unit Salary Plan.

2. This resolution shall take effect on January 12, 2010.

Moved by: Mr. Hopkins
Seconded by: Mr. Burdick

Adopted: Roll Call
12 Ayes, 2 Noes, 1 Absent
Voting No: Curran, Ungermann

BOARD OF LEGISLATORS SESSION MINUTES, JANUARY 25, 2010

(Memo: The upgrade approved by Resolution No. 26-10 was requested in order to create a slot for a Senior Accountant in the Treasurer's Office.)

Comments made regarding Resolution No. 26-10 included the following:

Legislator Ungermann noted that his understanding of changing grades and steps is that it's a part of the progression in years of service. This resolution and the next one are accelerating the issue, and the people involved already received a pay increase at the first of the year. Mr. Ungermann felt the matter should be discussed at the next budget session.

Legislator Hopkins responded that this issue was supposed to be acted upon at the end of last year, but was neglected in error.

Resolution Intro. No. 24-10 (Amending PEF Salary Plan by Creating Title and Position of Senior Accountant) was removed from the Table following a motion made by Legislator Hopkins, seconded by Legislator Burdick and carried.

RESOLUTION NO. 27-10

AMENDING PEF SALARY PLAN BY CREATING TITLE AND POSITION OF SENIOR ACCOUNTANT

Offered by: Ways and Means Committee

RESOLVED:

1. That the County PEF Salary Plan is amended by creating the title and position of Senior Accountant. That such title is placed in Grade 8, Step 5 of such PEF Salary Plan.
2. This resolution shall take effect on January 12, 2010.

Moved by: Mr. Hopkins
Seconded by: Mr. Burdick

Adopted: Roll Call
12 Ayes, 2 Noes, 1 Absent
Voting No: Curran, Ungermann

(Memo: The position referred to in Resolution No. 27-10 is the "County-wide" accountant who has general oversight of all fiscal positions within the County. All departmental financials roll to this position for implementation and documentation. This employee currently does those duties, but the position needs to be separated from departmental accountants by distinguishing it as a senior level. The new title would be one grade higher.)

RESOLUTION NO. 28-10

**ADOPTION OF LOCAL LAW INTRO. NO. 1-2010, PRINT NO. 1,
TO AMEND LOCAL LAW NO. 2 OF 1985, AS AMENDED,
IN RELATION TO ELIMINATING THE DEVELOPMENT ADVISORY BOARD**

Offered by: Ways and Means Committee

RESOLVED:

1. That proposed Local Law Intro. No. 1-2010, Print No. 1, is adopted without any change in language, to wit:

COUNTY OF ALLEGANY

Intro. No. 1-2010

Print No. 1

**A LOCAL LAW TO AMEND LOCAL LAW NO. 2 OF 1985, AS AMENDED,
IN RELATION TO ELIMINATING THE DEVELOPMENT ADVISORY BOARD**

BE IT ENACTED by the Board of Legislators of the County of Allegany, State of New York, as follows:

Section 1. Section four of Local Law No. 2 of 1985, as last amended by Local Law No. 1 of 1995, is amended to eliminate the Development Advisory Board by deleting section four.

Section 2. This local law shall take effect immediately.

Moved by: Mr. Hopkins
Seconded by: Mr. Pullen

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

(Memo: Upon adoption, Local Law Intro. No. 1-10 became Local Law No. 1-10.)

RESOLUTION NO. 29-10

**A RESOLUTION (1) DESIGNATING A RECOVERY ZONE PURSUANT TO
THE AMERICAN RECOVERY AND REINVESTMENT TAX ACT OF 2009 FOR THE
PURPOSE OF ISSUING RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS AND
(2) ASSIGNING RECOVERY ZONE FACILITY BOND VOLUME CAP TO
THE ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY PURSUANT TO
THE AMERICAN RECOVERY AND REINVESTMENT TAX ACT OF 2009 FOR THE
PURPOSE OF ISSUING RECOVERY ZONE FACILITY BONDS**

Offered by: Ways and Means Committee

WHEREAS, pursuant to the American Recovery and Reinvestment Tax Act of 2009, codified in Title 26 of the United States Code ("ARRA") and Internal Revenue Service, Notice 2009-50, issued on June 12, 2009, Allegany County (the "County") has received (1) an allocation of the national Recovery Zone Economic Development Bonds limitation in the amount of \$1,684,000 (the "Recovery Zone Economic Development Bond Allocation") and (2) an allocation of the national Recovery Zone Facility Bonds limitation in the amount of \$2,526,000 (the "Recovery Zone Facility Bond Allocation"), and

WHEREAS, Section 1400U-1 of the Internal Revenue Code of 1986, as amended (the "Code") authorizes the County, as the issuer of the Recovery Zone Economic Development Bonds issued pursuant to the Recovery Zone Economic Development Bond Allocation, to designate an area within the County that the County will determine has a significant level of one or more of the following factors: poverty, unemployment, home foreclosures, or general distress and designate as a "recovery zone" for the purpose of issuing Recovery Zone Economic Development Bonds under Section 1400U-2 of the Code (the "Economic Development Bond Recovery Zone"), and

WHEREAS, the County understands that (1) Allegany County Industrial Development Agency (the "Agency") desires to use the Recovery Zone Facility Bond Allocation to issue Recovery Zone Facility Bonds pursuant to Section 1400U-3 of the Code, (2) accordingly, the Agency is requesting that the County assign the County's Recovery Zone Facility Bond Allocation to the Agency, and (3) if such assignment is made to the Agency, Section 1400U-1 of the Code authorizes the Agency, as the issuer of the Recovery Zone Facility Bonds issued pursuant to the Recovery Zone Facility Bond Allocation, to designate an area within the

BOARD OF LEGISLATORS SESSION MINUTES, JANUARY 25, 2010

County that the Agency will determine has a significant level of one or more of the following factors: poverty, unemployment, home foreclosures, or general distress and designate as a "recovery zone" for the purpose of issuing Recovery Zone Facility Bonds under Section 1400U-3 of the Code (the "Facility Bond Recovery Zone"), and

WHEREAS, the County understands that, pursuant to the provisions of ARRA, both the Recovery Zone Economic Development Bonds and the Recovery Zone Facility Bonds must be issued prior to January 1, 2011, and

WHEREAS, the County understands that the Agency will use the proceeds of the Recovery Zone Facility Bonds to finance expenditures for recovery zone property, within the meaning of Code Section 1400U-3(c), with respect to the Facility Bond Recovery Zone, and

WHEREAS, the County is authorized by applicable federal, state and local law to assign the Recovery Zone Facility Bond Allocation, in whole or in part, to the Agency for the purposes provided herein, now, therefore, be it

RESOLVED:

1. The entire County of Allegany may be designated a recovery zone because the County has an unemployment rate exceeding 8.1 percent in October 2009, an estimated poverty rate of 16.7 percent in calendar year 2007, a rate of home mortgage delinquency that has increased in the third quarter of calendar year 2009, and is generally economically distressed by these factors. These conditions are a consequence of the recent housing market collapse, the impact of the national recession, and the fiscal crisis experienced by the State of New York and local communities. Accordingly, for purposes of Sections 1400U-1 and 1400U-2 of the Code, the County hereby designates the entire County of Allegany as a recovery zone. The recovery zone shall be identified as the "Allegany County Recovery Zone."

2. The Board of Legislators of the County in good faith hereby assigns and transfers \$2,526,000 of the County's Recovery Zone Facility Bond Allocation to the Agency in order that the Agency may issue Recovery Zone Facility Bonds in order to finance expenditures for recovery zone property, within the meaning of Code Section 1400U-3(c), with respect to the Facility Bond Recovery Zone to be designated by the Agency for purposes of Sections 1400U-1 and 1400U-3 of the Code.

3. The appropriate staff and officers of the County are authorized and directed to take all necessary steps and do such acts to execute, acknowledge and deliver all such documents as may in their discretion be deemed necessary or desirable in order to carry out or comply with the terms and provisions of this resolution in connection with assigning the County's Recovery Zone Facility Bond Allocation to the Agency.

4. This Resolution shall take effect immediately.

Moved by: Mr. Hopkins
Seconded by: Mr. Pullen

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 29-10 included the following:

Industrial Development Agency Attorney Daniel Spitzer explained the purpose of the resolution. The federal government, as part of the stimulus package, created opportunities for both public and private entities to obtain tax exempt, or less than tax exempt, financing on a number of projects. In other words, the stimulus didn't work in just allocating money, it also allocated other financial incentives, in this particular case, tax exempt financing for potential private projects that would not ordinarily be available to them. The way it works is that a

private individual would come to the IDA, and a bond would be issued in their name. They would be solely responsible; it's not a County debt in any way; it doesn't involve County funds. The U.S. Treasury would then issue to that borrower a check equal to 45 percent of the taxable interest rate. Normally, a tax-exempt rate is about 35 percent of the taxable rate, and when they did the original Buy America Bond, the subsidy was 35 percent. These have been called Super Buy America Bonds, because the subsidy the U.S. Treasury is providing is 45 percent. It's specifically available to Allegany County in the amount of \$1.6 million for County facilities, and \$2.52 million for private facilities, because of the combination of the poverty rate and the unemployment rate. This resolution designates the County as a recovery zone, requests that both the County and private industry to potentially receive the benefits of these bonds, and it allocates the IDA, which is the organization set up by the County for the purpose of economic development, to issue the bonds to entities that meet the requirements. The IDA has been discussing potential projects with the Planning and Economic Development Committee, although there are no specific projects lined up. The reason for the timing on this resolution is that we are required to notify the state by January 29 if we plan to use the allocations, as opposed to giving them back to the state. If we give them back, the allocations will probably end up in a down-state county and we'll never see it again. Legislator Ungermann asked if some of this money could be used to extend the waterline from Wellsville out the Andover Road so some of those businesses could expand. Mr. Spitzer responded that it could, although normally that type of business should be tax-exempt anyway, because that can be done through either a County or local district. If a private entity was paying for it, that private entity could come to the IDA and request that the bonds be used for that purpose. So the answer is yes; however, he noted that normally a waterline extension is already eligible for tax exempt financing through either a town or county facility.

RESOLUTION NO. 30-10

RESOLUTION ACCEPTING THE DONATION OF TWO WNED RADIO TOWERS AND THEIR ASSETS FROM THE WESTERN NEW YORK PUBLIC BROADCASTING ASSOCIATION OF NEW YORK

Offered by: Public Safety and Ways and Means Committees

WHEREAS, the County of Allegany has been using the two WNED Radio Towers for the purpose of public safety radio communication, and

WHEREAS, the two Radio Towers are located at 4143 Hamilton Road, Town of Cuba and 5310 Hall Road, Town of Granger, and

WHEREAS, Western New York Public Broadcasting Association of New York has decided to turn over ownership of these two Radio Towers to the County of Allegany, now, therefore, be it

RESOLVED:

1. That this Board of Legislators accepts the donation of the Radio Tower located at 4143 Hamilton Road, Cuba, New York and the Tower located at 5310 Hall Road, Granger, New York from the Western New York Public Broadcasting Association of New York.

2. That the Chairman of this Board is authorized to sign any and all documents to effectuate the transfer of these two Radio Towers located in Allegany County.

Moved by: Mr. Healy
Seconded by: Mr. Pullen

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

BOARD OF LEGISLATORS SESSION MINUTES, JANUARY 25, 2010

Comments made regarding Resolution No. 30-10 included the following: Legislator Healy explained that both of the towers are currently being used by the County, and have been since 2007 when they were turned over to the County. This resolution is just a formality to complete the transfer process. The towers were owned by a tax-exempt public broadcasting entity, so there is no loss of property tax revenue. This process helps to complete the Emergency Services and Fire Service communication system for the northern part of the County. The tower sites are maintained by the Department of Public Works, and there is an outside contract for the equipment.

RESOLUTION NO. 31-10

**REAPPROPRIATION OF 2009 CALENDAR YEAR GRANT FUNDS FROM
NEW YORK STATE OFFICE OF HOMELAND SECURITY
TO HOMELAND SECURITY ACCOUNTS**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That Homeland Security Program grant funding totaling \$43,798.20 not spent in calendar year 2009 is reappropriated to Account No. A3645.218, with a like sum credited to Revenue Account No. A10.3306.EMG8.

Moved by: Mr. Healy
Seconded by: Mr. Hopkins

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

(Memo: The grants referred to in Resolution No. 31-10 were originally accepted by Resolution No. 50-08, dated March 10, 2008, Contract #C838270, used for E-911 communications, total grant was \$63,000 of which \$62,883.56 was spent through 2009, leaving \$116.44 to be reappropriated; and Resolution No. 41-09, dated February 23, 2009, Contract #C838280, used for GIS hardware and software upgrades, total grant was \$71,250 of which \$27,568.24 was spent in 2009, leaving \$43,681.76 to be reappropriated.)

RESOLUTION NO. 32-10

**A RESOLUTION IN RELATION TO THE RECONSTRUCTION OF
TOWN BRIDGE NO. 01-11 (BIN 2213720) IN TOWN OF ALFRED**

Offered by: Public Works and Ways and Means Committees

Pursuant to Highway Law § 238 and Resolution No. 65-95

WHEREAS, the County Public Works Department has submitted a report to this Board stating its reasons why Town Bridge No. 01-11 (BIN 2213720) on East Valley Road in the Town of Alfred should be reconstructed, and

WHEREAS, the County Public Works Department has submitted plans, maps and specifications for the reconstruction of such Bridge and estimated the project costs at \$196,000, and

WHEREAS, such Bridge qualifies under the Cost Sharing Plan set forth in Resolution No. 65-95, now, therefore, be it

RESOLVED:

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

1. That this Board of Legislators does determine that it considers Town Bridge No. 01-11 (BIN 2213720) on East Valley Road in the Town of Alfred to be of sufficient importance to be reconstructed.

2. That the plans, maps and specifications prepared by the County Public Works Department are approved and the County Public Works Department is directed to construct such Bridge in accordance with such plans, maps and specifications.

3. That the authorized cost for the construction of such Bridge shall not exceed \$196,000.

4. That in accordance with Resolution No. 65-95, the County's share of such cost is estimated to be \$166,600 and shall be transferred to a Capital Project Account to be designated by the County Treasurer.

5. That the Town's share of such cost, estimated to be \$29,400, shall be paid to the County pursuant to the provisions of section 1 g. of Resolution No. 65-95.

6. That such Bridge shall not be reconstructed until the Town of Alfred files the appropriate Town Board resolution in accordance with Resolution No. 65-95.

Moved by: Mr. Burdick
Seconded by: Mr. Curran

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 32-10 included the following: Legislator Sinclair questioned if there is assurance the towns have budgeted for their contributions for each of the bridge projects being considered. Public Works Superintendent David Roeske stated that they have.

RESOLUTION NO. 33-10**A RESOLUTION IN RELATION TO THE RECONSTRUCTION OF TOWN BRIDGE NO. 19-02 (BIN 2214700) IN TOWN OF GROVE**

Offered by: Public Works and Ways and Means Committees

Pursuant to Highway Law § 238 and Resolution No. 65-95

WHEREAS, the County Public Works Department has submitted a report to this Board stating its reasons why Town Bridge No. 19-02 (BIN 2214700) on Goose Hollow Road in the Town of Grove should be reconstructed, and

WHEREAS, the County Public Works Department has submitted plans, maps and specifications for the reconstruction of such Bridge and estimated the project costs at \$410,500, and

WHEREAS, such Bridge qualifies under the Cost Sharing Plan set forth in Resolution No. 65-95, now, therefore, be it

RESOLVED:

1. That this Board of Legislators does determine that it considers Town Bridge No. 19-02 (BIN 2214700) on Goose Hollow Road in the Town of Grove to be of sufficient importance to be reconstructed.

BOARD OF LEGISLATORS SESSION MINUTES, JANUARY 25, 2010

2. That the plans, maps and specifications prepared by the County Public Works Department are approved and the County Public Works Department is directed to construct such Bridge in accordance with such plans, maps and specifications.

3. That the authorized cost for the construction of such Bridge shall not exceed \$410,500.

4. That in accordance with Resolution No. 65-95, the County's share of such cost is estimated to be \$348,925 and shall be transferred to a Capital Project Account to be designated by the County Treasurer.

5. That the Town's share of such cost, estimated to be \$61,575, shall be paid to the County pursuant to the provisions of section 1 g. of Resolution No. 65-95.

6. That such Bridge shall not be reconstructed until the Town of Grove files the appropriate Town Board resolution in accordance with Resolution No. 65-95.

Moved by: Mr. Burdick
Seconded by: Mr. O'Grady

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 34-10

**ESTABLISHING A CAPITAL PROJECT ACCOUNT FOR
TOWN BRIDGE NO. 19-02 REPLACEMENT (BIN 2214700) ON
GOOSE HOLLOW ROAD IN THE TOWN OF GROVE;
TRANSFER OF FUNDS FOR SUCH CAPITAL ACCOUNT**

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. A Capital Project Account is established within the Capital Fund for the bridge replacement on Goose Hollow Road in the Town of Grove.

2. That the following transfers are required for such Capital Project: \$348,925 from Account No. H5120.200 to Account No. H5916.200, and \$61,575 from Account No. H03.2300.5916 to Account No. H5916.200.

Moved by: Mr. Burdick
Seconded by: Mr. O'Grady

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 35-10

**ACCEPTANCE OF THE INSURANCE PROPOSAL OF NYMIR
SUBMITTED BY RICHARDSON & STOUT INSURANCE COMPANY;
CONTINUED AUTHORITY OF BOARD CLERK AND PERSONNEL COMMITTEE
TO SECURE OTHER INSURANCE**

Offered by: Personnel Committee

RESOLVED:

1. That the NYMIR insurance proposal and related services as submitted by Richardson & Stout Insurance Company of Wellsville, New York to the County of Allegany for the period February 1, 2010 to February 1, 2011 are approved.

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

2. That the premium of \$251,738 plus any additional premium amounts resulting from the addition or inclusion of vehicles, equipment and other property to the policies is charged to Account No. A1910.406 of the 2010 County Final Budget in which the funds are proportionately provided to cover the whole of such premium.

3. That all other insurance not provided for in the foregoing proposal shall continue to be secured by the Clerk of the County Board of Legislators with approval of the Personnel Committee of such County Board, limited by the funds appropriated by such County Board therefor.

Moved by: Mr. O'Grady
Seconded by: Mr. LaForge

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 36-10

**APPROVAL OF AGREEMENT WITH BMA CONSULTING SERVICES, INC.
FOR INSURANCE ADVICE AND SERVICES;
AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT**

Offered by: Personnel Committee

RESOLVED:

1. That the agreement with BMA Consulting Services, Inc. for the period January 1, 2010, to December 31, 2010, to provide insurance advice and services is approved.

2. The payment of \$10,000 for such services is to be paid in 12 equal installments of \$833.33; however, if the annual fee is paid in one installment within the first 30 days, a 10 percent (10%) discount of \$1,000 may be taken.

3. The Chairman of this Board is authorized to execute such Agreement.

Moved by: Mr. O'Grady
Seconded by: Mr. LaForge

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 36-10 included the following: Legislator Sinclair requested an example of when the insurance consulting services would be utilized. Chairman Crandall and County Administrator John Margeson responded that the County would rely on that type of guidance when going out to bid for any insurance. In a competitive bid situation, the consultant would recommend the amount of money potentially successful bidders have to supply for security bonds of insurance. The County seeks quotations every three years on our entire comprehensive and liability insurance package so that we can be assured, at least on a three-year basis, we are receiving the most competitive costs. The market fluctuates on what insurance companies charge municipalities for services and coverages. Any time a question arises for himself, as County Administrator, or the County Attorney or the Clerk of the Board, they contact Mr. Baty.

RESOLUTION NO. 37-10

**APPROVAL OF AGREEMENT WITH ALLEGANY COUNTY AGRICULTURAL SOCIETY
FOR PAYMENT OF 2010 BUDGETARY APPROPRIATION**

Offered by: Public Works Committee

RESOLVED:

BOARD OF LEGISLATORS SESSION MINUTES, JANUARY 25, 2010

1. That the Agreement between the County of Allegany and the Allegany County Agricultural Society is approved.
2. That the Chairman of this Board is authorized to execute such Agreement.
3. That the County Treasurer, upon receipt of a true copy of said Agreement, is authorized and directed to remit to said Society the sum of \$7,000 and charge Account No. A8752.4 therefor.

Moved by: Mr. Sinclair
 Seconded by: Mr. Hopkins

Adopted: Roll Call
 14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 38-10**APPROVAL OF AGREEMENT WITH VOLUNTEER FIREMEN'S ASSOCIATION OF ALLEGANY COUNTY, INC. FOR PAYMENT OF 2010 BUDGETARY APPROPRIATION**

Offered by: Public Safety Committee

Pursuant to County Law § 224

RESOLVED:

1. That the Chairman of this Board is hereby authorized to execute an agreement between the County of Allegany and the Volunteer Firemen's Association of Allegany County, Inc. that shall provide, in substance, (a) that the County of Allegany will disburse in advance to said Association the sum of \$2,000 to be used by said Association for the payment of expenses which it might incur during 2010 in providing fire training schools for training firefighters, (b) that said Association will render a verified account of such expenses on or before December 31, 2010, with verified or certified vouchers therefor attached, and (c) that any unused amount will be refunded to the County of Allegany.
2. That the County Treasurer shall not pay the aforesaid sum until a memorandum receipt signed by the President and Treasurer of said Association agreeing to comply with the terms of this resolution is delivered to her office.
3. That the Treasurer of said Association shall not be required to furnish a bond.

Moved by: Mr. Pullen
 Seconded by: Mr. Hopkins

Adopted: Roll Call
 14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 39-10**APPROVAL OF AGREEMENT WITH ALLEGANY COUNTY ASSOCIATION FOR THE BLIND AND VISUALLY HANDICAPPED, INC. IN RELATION TO THE RENDERING OF SERVICE, TRAINING OR AID TO INDIGENT BLIND IN ALLEGANY COUNTY**

Offered by: Human Services Committee

Pursuant to County Law § 224 (6)

RESOLVED:

1. That the Agreement in the amount of \$7,500 between the County of Allegany and Allegany County Association for the Blind and Visually Handicapped, Inc., in relation to

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

the rendering of service, training or aid to indigent blind in Allegany County during 2010, is approved.

2. That the Chairman of this Board is authorized to execute said Agreement in triplicate.

Moved by: Mr. Burdick
Seconded by: Mr. Pullen

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

AUDITS:

A motion was made by Legislator Hopkins, seconded by Legislator Healy and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator Hopkins, seconded by Legislator LaForge and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$3,242,599.77 including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$446,427.*)

ADJOURNMENT: The meeting was adjourned at 3:00 p.m. on a motion made by Legislator Cady, seconded by Legislator Pullen and carried.

REGULAR SESSION – FEBRUARY 5, 2010

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:05 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Navy GSM-2 Tim Palmiter.

INVOCATION: The Invocation was given by Legislator Pullen.

ROLL CALL: 14 Present; 1 Absent (Legislator Ungermann).

APPROVAL OF MINUTES:

The Committee of the Whole meeting minutes of January 19, 2010, were approved on a motion made by Legislator Pullen, seconded by Legislator Fanton and carried.

The Board meeting minutes of January 25, 2010, were approved on a motion made by Legislator Hopkins, seconded by Legislator Healy and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Tim Palmiter, former United States Navy GSM-2, in grateful appreciation of his service to our Country. Mr. Palmiter's service dates were from March 2000 to March 2005. Following Basic Training at Great Lakes, IL, assignments and battles he was involved in were the USS Reuben James in Pearl Harbor, HI, and the Iraq War. Commendations Mr. Palmiter received included: graduated first in his class from Engineering Common Core School, Naval Achievement Medal, Navy Unit Commendation, Armed Forces Expeditionary Medal, Global War on Terrorism Expeditionary

BOARD OF LEGISLATORS SESSION MINUTES, FEBRUARY 5, 2010

Medal and Service Medal, Sea Service Deployment Ribbon (2), Enlisted Surface Warfare Insignia, and Coast Guard Special Operations Service Ribbon. Mr. Palmiter led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall granted privilege of the floor to the following:

Allegany/Western Steuben Rural Health Network Executive Director Carrie Whitwood and Program Coordinator Melissa Williams presented information on the Caremark Prescription Discount Card Program, which the Rural Health Network and United Way promote. The program is available to residents of Allegany and Steuben Counties to assist them in covering the cost of their prescriptions if they are uninsured or if their insurance doesn't cover the prescription. Rural Health Network chose to promote the Caremark Card over others that are available based on comparison of enrollment fees, eligibility, local pharmacy availability, mail order, value-added services, what the cost would be, and the maintenance. The card can be used by any County resident regardless of age, income, or existing health coverage, with no membership fee, no restrictions or limitations on frequency of use, and all pharmacies in Allegany County are eligible to participate. The program is promoted through pharmacies, health and human service agencies and providers, Allegany and Steuben County United Way, the Rural Health Network's website, media, and community events.

Utilization of the card is tracked through monthly reports received from Caremark. Allegany County residents saved over \$21,700 in prescription costs for 2009, or a total of over \$47,700 for the period of 2007 through 2009. Consumers save an average of 22 to 25 percent off the cost of their prescriptions. A total of 1,497 Allegany County residents have utilized the card so far. The card is promoted in Steuben County as well. The combined savings for Allegany and Steuben Counties is \$127,000 since the card was implemented in April 2007, and the combined number of residents participating so far is over 5,000. Numbers continue to increase. Additional information is available on their website: www.2.caremark.com/allegany.

When asked about other prescription discount card programs becoming available, in particular the one that NYSAC is promoting, Ms. Whitwood remarked that there are many programs available, with some variation in savings. One of the reasons Rural Health Network chose to promote Caremark, in addition to the criteria referred to earlier, was that diabetics can use the card for some of their non-prescription supplies. Across the board, the programs are all very similar; they all provide discounts for the uninsured and underinsured. Ms. Whitwood suggested that collectively we should promote a prescription discount card program together. Promotion and awareness are really important. A question was raised about Medicaid recipients, and Ms. Whitwood reiterated that the card is for those who have no insurance, or whose insurance doesn't cover a particular prescription. The program is funded by Caremark, a national drug company. Through rebates and other methodology, they are able to underwrite this program for the uninsured.

Mobility Management Planner Larry Kaminski and Carrie Whitwood provided an update on the Allegany County Transportation System. Other members of the Transportation Task Force who were present included: Kimberley Toot and Lynn Oyer, Office for the Aging; John Foels, Development; Patricia Schmelzer, Social Services; Tim Gorman, First Transit; Tom Donnarumma, Allegany County Transit; and Legislator Mike Healy. Mr. Kaminski highlighted past and present activities as well as future plans through the use of a PowerPoint presentation (information below is summarized from this presentation).

County demographics illustrated the numbers of disadvantaged, elderly, and disabled who have limited mobility options. The need for transportation to employment, education, medical appointments, and human services continues to increase.

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

Mr. Kaminski summarized the history of public transportation in the County. Public transportation has been available since 1999, but information he was able to access began in 2002:

- 2002-2004 Fully capitalized Public Transportation and Non-Emergency Medicaid Transportation (NEMT) brokerage system in place
- 2005-2006 Funding mechanisms and NEMT brokerage removed, costs escalate
- January 2007 Allegany County Transportation Task Force formed under the facilitation of the Allegany/Western Steuben Rural Health Network to look at the system and investigate other funding options
- July 2007 ACTTF completes and submits the Allegany County Coordinated Public Transit Human Services Transportation Plan to NYS DOT
- April – August 2008 Allegany County received NYS DOT grant funds to retain an independent consultant to make recommendations for a Mobility Management Plan

Recommendations for the Mobility Management Plan Integrated Service:

- Integration of Allegany County Transit and Allegany County Arc, to increase public ridership and to access other funding streams
- Reorientation of routes to improve efficiency
 - ✓ Use of a trunk and feeder system
 - ✓ Development of transfers and hubs along routes
 - ✓ Incorporation of a linear format
- Establishment of an integrated call center to manage and assist services and agencies

Goals of the Transportation Task Force have been to create better efficiencies, reduce costs, and increase ridership. Specific goals that have been met were highlighted:

- September 2008 – August 2010 NYS DOT Job Access & Reverse Commute (JARC) and New Freedom (Disabled) funding
- March 2009 Allegany Arc/Allegany County Rides goes public
- November 2009 Wellsville Express Introduced
- November 2009 Allegany County Department of Social Services and Allegany/Western Steuben Rural Health Network enter into agreement for one FTE call center operator
- November 2009 Cost-sharing between NYS DOT and NYS DOH
- December 2009 Call center running, with partnering agencies co-locating employees
- December 2009 Re-structured public transit routes in place

Mr. Kaminski displayed several charts showing number of riders by stop on a particular route and daily access for one month, the number of State Transportation Operating Assistance (STOA)-eligible riders, and passengers per mile, which illustrate that ridership is increasing. Maps of current Allegany County Transit, Allegany County Rides, and Wellsville Express were displayed, and Mr. Kaminski noted that the routes are a work in progress. They realize there are gaps in service, and the data collected and information received from the drivers at recent meetings will enable them to evaluate the system to update and make improvements on the routes. Revisions are planned and will be announced. An effort is being made to reduce duplication between service providers and increase frequency. Ongoing activities include the following:

BOARD OF LEGISLATORS SESSION MINUTES, FEBRUARY 5, 2010

- Seek regional opportunities for NEMT
- Develop and enhance website
- Active engagement with County officials and committee members
 - ✓ Strategic Plan
 - ✓ Update to the Allegany County Coordinated Public Transit Human Services Transportation Plan
 - ✓ New JARC/NF application
- Continue to explore opportunities for system improvement with key stakeholders, i.e. Chambers of Commerce, Manufacturing Council, Southern Tier West, neighboring counties, state organizations (NYS DOT), and national organizations (Easter Seals, NSCT)
- Seek solutions for the protection of passengers at the bus stop
- Develop additional access points for use of public transit
- Develop Travel Ambassador and Travel Training Program

The Transportation Task Force and Steering Committee is committed to continuing to pursue all opportunities to streamline transit services and reduce costs to the County:

- Continue to build a comprehensive marketing and education campaign to increase awareness, access, and utilization
- Pursue an Intelligent Transportation System (ITS) approach that will be beneficial to all providers
- Continue to seek ways to increase efficiencies in service
- Develop formal oversight of transportation services in the County
- Increase ridership
- Further develop shared resources and facilities
- Continue to leverage local, state, and federal resources
- Seek sustainability, cost sharing, and diversification of funding

Mr. Kaminski announced that a new system celebration and official kick-off will be held in the spring. Questions were fielded from those present. Legislator Cady commented that printing the bus schedules in the newspapers would increase awareness. Legislator Fanton expressed appreciation for the Task Force's efforts to alleviate the cost of public transportation to the taxpayer. He requested information on the number of non-medical riders going out-of-County to Hornell and Olean. Chairman Crandall also thanked the Transportation Task Force. The public transportation system came within weeks of being closed down due to escalating costs, and if not for the work accomplished by the Task Force and others, that's what would have occurred.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. Report of Intrafund Transfers approved by the County Administrator for December 2009.
2. Tax Bill Corrections and Refunds approved by the County Administrator for January 2010.
3. 2009 Annual Reports for review from the following departments and agencies: Cooperative Extension, County Attorney, County Clerk, Probation, and Public Works. Representatives will be present at the next meeting to answer any questions.

The following communications were also acknowledged:

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

1. Reminder that the Office for the Aging annual Legislative Lunch will be held on February 19. Chairman Crandall stressed the importance of this luncheon meeting for all Legislators, as it provides an opportunity for conversation with state and federal representatives who regularly attend and Office for the Aging Advisory Council members.

2. Correspondence from Senator Catharine Young confirming receipt and support of our correspondence regarding Medicaid costs.

3. Public Works Superintendent David Roeske has arranged a tour of the various County facilities for March 24 beginning at 9 a.m.

RESOLUTIONS:**RESOLUTION NO. 40-10****CHANGING LOCATION AND DATE OF JULY 26, 2010, REGULAR BOARD MEETING**

Offered by: Ways and Means Committee

RESOLVED:

1. Notwithstanding Rule 110.A. of County Board Rules, the second regular meeting of this Board in the month of July 2010 shall be held on July 22, 2010, at 2:00 PM and not on July 26, 2010, at 2:00 PM.

2. Notwithstanding Rule 110.F. of County Board Rules, the second regular Board meeting for July 2010 shall be held at the Allegany County Fairgrounds, Angelica, New York and not at the Board Chambers in Belmont, New York.

Moved by: Mr. Hopkins
Seconded by: Mr. Fanton

Adopted: Voice Vote

RESOLUTION NO. 41-10**AUTHORIZING COUNTY ADMINISTRATOR TO APPROVE
CHANGE ORDERS TO CONTRACT FOR CONSTRUCTION OF THE COURT FACILITIES
ADDITION AND RENOVATION**

Offered by: Court Facilities and County Space Needs and
Ways and Means Committees

RESOLVED:

1. That the County Administrator is authorized to approve and execute change orders to the contract for the construction of the Court Facilities Addition and Renovation in an amount not to exceed \$20,000.

Moved by: Mr. Pullen
Seconded by: Mr. Curran

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 42-10**CREATING ONE POSITION OF JOB TRAK SUPERVISOR IN
SOCIAL SERVICES DEPARTMENT**

Offered by: Human Services Committee

RESOLVED:

- 1. That one position of Job Trak Supervisor is created in the Social Services Department.
- 2. This resolution shall take effect immediately.

Moved by: Mr. Burdick
 Seconded by: Mr. Healy

Adopted: Roll Call
 14 Ayes, 0 Noes, 1 Absent

(Memo: The position approved by Resolution No. 42-10 works with clients on a mobile work crew doing community service activities. The department used to have three Job Trak Supervisors, but currently only has one. State and federal reimbursement is available for 75 percent of the costs.)

RESOLUTION NO. 43-10

APPOINTMENT AND REAPPOINTMENT OF MEMBERS TO THE ALLEGANY COUNTY PLANNING BOARD

Offered by: Planning and Economic Development Committee

RESOLVED:

- 1. That each of the following persons are appointed to the Allegany County Planning Board, with term of office for each commencing January 1, 2010, and expiring as set forth below:

Clifford Ackley	Wellsville, New York	December 31, 2012
Lee Gridley	Wellsville, New York	December 31, 2012

- 2. That Theodore L. Hopkins, Chairman of the Ways and Means Committee of this Board, David Roeske, Superintendent of Public Works, and Terri L. Ross, Allegany County Treasurer are appointed ex-officio members of the Allegany County Planning Board with term of office to commence January 1, 2010, and expire December 31, 2010.

Moved by: Mr. Pullen
 Seconded by: Mr. Cady

Adopted: Voice Vote

Comments made regarding Resolution No. 43-10 included: Legislator Pullen acknowledged the efforts of the Planning Board members. They continue to have an impact on development in the County. A while ago, the Board honored Lee Gridley for her years on the Planning Board, and Mr. Pullen recognized her again for her capable and diligent service.

RESOLUTION NO. 44-10

APPROVAL OF BOARD CHAIRMAN'S APPOINTMENT OF ONE MEMBER TO THE REGION NINE FOREST PRACTICE BOARD

Offered by: Planning and Economic Development Committee

Pursuant to Environmental Conservation Law § 9-0705

RESOLVED:

1. That the appointment by the Chairman of this Board of Aaron M. McGraw, to the Region Nine Forest Practice Board, as a Legislative Member, with term of office commencing January 1, 2010, and expiring December 31, 2011, is approved.

Moved by: Mr. Hopkins
Seconded by: Mr. Pullen

Adopted: Voice Vote

RESOLUTION NO. 45-10

APPROVAL OF BOARD CHAIRMAN’S APPOINTMENTS OF FOUR MEMBERS TO REGION NINE FISH AND WILDLIFE MANAGEMENT BOARD

Offered by: Planning and Economic Development Committee

Pursuant to Environmental Conservation Law § 11-0501

RESOLVED:

1. That the appointments by the Chairman of this Board of Dwight R. Fanton, as Legislative Representative Member, and Douglas D. Burdick, as Alternate Legislative Member, to the Region Nine Fish and Wildlife Management Board, with term of office commencing January 1, 2010, and expiring December 31, 2011, are approved.

2. That the appointments by the Chairman of this Board of Gilbert Childs, as a Sportsmen’s Representative Member, and John Lewis, as Alternate Sportsmen’s Representative Member, to the Region Nine Fish and Wildlife Management Board, with term of office commencing January 1, 2010, and expiring December 31, 2011, are approved.

Moved by: Mr. Fanton
Seconded by: Mr. O’Grady

Adopted: Voice Vote

RESOLUTION NO. 46-10

APPOINTMENT OF ONE MEMBER TO COUNTY BOARD OF HEALTH

Offered by: Human Services Committee

Pursuant to Public Health Law §§ 343 and 344

RESOLVED:

1. That Douglas D. Burdick is appointed to fill the vacancy of Ronald Truax on the County Board of Health, with term of office commencing January 20, 2010, and expiring July 7, 2013.

Moved by: Mr. Burdick
Seconded by: Mr. Russo

Adopted: Voice Vote

RESOLUTION NO. 47-10

A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE 2008 AND 2009 COUNTY AND TOWN TAX ROLLS FOR THE TOWNS NAMED WITH REGARD TO REAL PROPERTY OF VARIOUS TAXPAYERS THEREIN;

DIRECTING MAILING OF NOTICES OF APPROVAL OF APPLICATIONS FOR CORRECTED TAX ROLLS AND ORDERING THE VARIOUS TOWN TAX COLLECTORS TO CORRECT THE TAX ROLLS; PROVIDING FOR CHARGE BACKS OR CREDITS

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law § 554

WHEREAS, applications, for the taxpayers hereafter described, have been made to the County's Director of Real Property Tax Service Agency, for the correction of certain errors affecting their real property on various tax rolls, and

WHEREAS, the Director has transmitted to this Board the applications, in duplicate, together with a written report of his investigation of the claimed errors and his written recommendation for action thereon by this Board as to each application, and

WHEREAS, this Board has examined each application and report to determine whether the claimed error exists, now, therefore, be it

RESOLVED:

1. That with regard to the applications for the named taxpayers pertaining to claimed errors regarding their real property on the respective tax rolls of the named Towns, this Board of Legislators does determine that the claimed errors as alleged in those applications exist and does approve those applications.

2. That the Chairman of this Board is authorized and directed to make a notation on those applications and the duplicates thereof that they are approved, to enter thereon the respective correct extension of taxes as set forth by the Director in his report, to enter thereon the respective date of mailing of a notice of approval, to enter thereon the date of mailing of a certified copy of this resolution to the proper Tax Collector, and to sign thereon as Chairman.

3. That the Clerk of this Board is directed to mail to the below listed taxpayers a notice of approval stating, in substance, that their application made has been approved, to inform the Chairman of this Board of the date of the mailing thereof, and to inform such respective taxpayers of the applicable provisions of subdivision seven of Section 554 of the Real Property Tax Law.

4. That the Tax Collector of the Town of Andover is ordered and directed to correct in the 2008 and 2009 County and Town Tax Rolls the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Chase, Rachel A.; Parcel 204.-1-5.13
Assessment: Land \$87,800 Total \$87,800

this Parcel was given the wrong assessment, and by reducing the Total Taxable Value to \$33,100, and by correcting the Town and County taxes, as follows:

	2008	2009
Allegany County	\$528.96	\$507.18
Town	\$349.52	\$355.64
Fire	\$30.01	\$29.02
School Relevy	\$108.14	\$148.61
Total	\$1,016.63	\$1,040.45

and the County Treasurer is directed to make the following Charge Back:

	2008	2009
Allegany County	\$874.14	\$838.15
Town	\$577.60	587.73
Fire	\$49.59	\$47.96
School Relevy	\$1,834.89	\$1,654.80
Total	\$3,336.22	\$3,128.64

5. That the Clerk of this Board is directed to forthwith mail a certified copy of this resolution to the various Tax Collectors for the Towns stated above together with the original copies of those applications completed in accordance with section two of this resolution.

6. The Clerk of this Board shall mail a copy of this resolution to the above named School and the amount to be charged to each School shall not be charged until 10 days after such mailing. Such amount shall be deducted by the County Treasurer from the money payable to each School as a result of school taxes returned after the date such amount is charged and which shall be paid to each School after May 1, 2010. The County Treasurer shall send a written notice to each School of the amount of such deduction prior to May 1, 2010.

Moved by: Mr. Hopkins
 Seconded by: Mr. Fanton

Adopted: Roll Call
 14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 48-10

ESTABLISHING A CAPITAL ACCOUNT FOR THE CONSTRUCTION OF A RECORDS STORAGE BUILDING AT THE COUNTY LANDFILL; PROVIDING FUNDS THEREFOR

Offered by: Court Facilities and County Space Needs and Ways and Means Committees

WHEREAS, the existing records storage building at the County Landfill is full, and

WHEREAS, a Capital Account is hereby established for the construction of a new records storage building at the County Landfill adjacent to the existing records storage building, and

WHEREAS, the funding for such Capital Account will come from fees generated in the County Clerk’s Office and placed in a Record Management Reserve Account, now, therefore, be it

RESOLVED:

1. That the sum of \$80,000 is transferred from the Record Management Reserve Account to a Capital Account to be determined by the County Treasurer, for the construction of a records storage building at the County Landfill.

Moved by: Mr. Pullen
 Seconded by: Mr. O’Grady

Adopted: Roll Call
 14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 49-10**REAPPROPRIATION OF GRANT FUNDS FROM THE
NEW YORK STATE OFFICE OF REAL PROPERTY SERVICES FOR
STUDY OF A COUNTY-WIDE ASSESSING PROGRAM**

Offered by: Ways and Means Committee

WHEREAS, a grant in the amount of \$50,000 was originally accepted and appropriated by Resolution No. 62-2008, and

WHEREAS, such funding not used in calendar year 2008 was reappropriated by Resolution No. 31-2009, and

WHEREAS, due to overlapping fiscal years the unexpended amount of \$24,818.71 needs to be reappropriated for calendar year 2010, now, therefore, be it

RESOLVED:

1. That New York State Office of Real Property Services grant funds in the amount of \$24,818.71 not spent in calendar year 2009 are reappropriated to Account No. A1355.432 (Real Property Tax – Assessment Grant) with a like sum credited to Revenue Account No. A10.3089.1355.

Moved by: Mr. Hopkins
Seconded by: Mr. Fanton

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

(Memo: The Tax Assessment Study Grant referenced in Resolution No. 49-10 for a County-wide assessment study completed in March 2009 was accepted in two separate components of \$25,000 each. The first portion was originally accepted by Resolution No. 62-08 and reappropriated for 2009 by Resolution No. 31-09. The second portion was accepted by Resolution No. 131-09 and is being reappropriated by this Resolution.)

RESOLUTION NO. 50-10**APPROVAL OF NEW FIVE-YEAR COURT SECURITY AGREEMENT (C200433)
BETWEEN THE NEW YORK STATE UNIFIED COURT SYSTEM AND
THE ALLEGANY COUNTY SHERIFF'S DEPARTMENT;
RATIFYING SHERIFF'S SIGNATURE**

Offered by: Public Safety and Ways and Means Committees

WHEREAS, a new agreement for Court Security with the New York State Unified Court System and Allegany County Sheriff's Department will be effective for a five-year period, and

WHEREAS, the five-year Court Security Agreement is divided into annual one year renewal periods commencing April 1, 2009, and terminating March 31, 2014, as in the prior agreement, and

WHEREAS, the initial period for this Court Security Agreement with the New York State Unified Court System is from April 1, 2009, through March 31, 2010, and

WHEREAS, the total amount of reimbursement for such Agreement shall not exceed \$320,000, now, therefore, be it

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

RESOLVED:

1. That Court Security Agreement commencing April 1, 2009, and terminating on March 31, 2010, between the New York State Unified Court System and the Allegany County Sheriff's Department for the provision of Court Security, is approved.

2. That the signature by the Sheriff on the Court Security Agreement is ratified by this Board.

Moved by: Mr. Healy
Seconded by: Mr. Pullen

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 50-10 included: Legislator O'Grady noted that he would like to see an effort made by the Public Safety Committee, working with the Court Facilities and County Space Needs Committee, to see if the state would take over the Court Security function once the new facility is completed.

AUDITS:

A motion was made by Legislator Hopkins, seconded by Legislator Fanton and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator Hopkins, seconded by Legislator Burdick and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$1,838,099.57, including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$744,045.*)

ADJOURNMENT: The meeting was adjourned at 3:25 p.m. on a motion made by Legislator Burdick, seconded by Legislator Russo and carried.

REGULAR SESSION – FEBRUARY 22, 2010

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:05 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Navy Aviation Machinist's Mate 3rd Class Kenneth O. Bellows.

INVOCATION: The Invocation was given by Legislator Pullen.

ROLL CALL: 15 Present; 0 Absent.

APPROVAL OF MINUTES:

The Board meeting minutes of February 5, 2010, were approved on a motion made by Legislator Pullen, seconded by Legislator Fanton and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall granted privilege of the floor to BOCES County Government Intern Program Instructor Warren Schmidt. The 2010 Interns were introduced. The roster included:

BOARD OF LEGISLATORS SESSION MINUTES, FEBRUARY 22, 2010

Danielle Armfield, Erin Hurley, and Greg Starks from Andover; Kristina Bromstead and Samantha Cobb from Belfast; Sara-Ann Baldwin, Felecia Noniewicz, and Ashley Woodworth from Genesee Valley; and Nick Foster from Wellsville.

New York State Association of Counties (NYSAC) Deputy Director Mark LaVigne addressed the Board on three separate issues, the first of which was an Albany update. NYSAC Executive Director Stephen Acquario is currently in Albany meeting with legislative staff and planning meetings for the next two weeks with senate and assembly members on legislation and budget issues. NYSAC recently held one of their most successful legislative conferences in history, with over 800 county officials in attendance. President Tom Santulli announced at that conference the establishment of a new Blue Ribbon Task Force on the Future of Farming in NYS. A report is out from Comptroller Thomas DiNapoli regarding the sorry state of New York State sales tax and its impact on the counties and the state. Counties have seen quarterly declines in sales tax revenues; many of them over 10 percent. These declines will have implications on government and also on property taxes. The state legislature is back from recess and will be working from now through April on the state budget. Negotiations are not as far along as usual and they are dealing with an \$8.2 billion deficit for state fiscal year 2010-11. The potential for an April 1 on-time budget is unlikely. The counties fared well in the Governor's proposed executive spending plan, and NYSAC, as the counties' representatives in Albany, will advocate to keep that position in the final budget. The best case scenario would be that the state will reduce spending, and also that there is neutral or positive implications for the counties. The leadership negotiating the budget all represent New York City, and their priorities are not always in line with the priorities of the counties. It is NYSAC's responsibility to make sure those leaders understand the concerns and needs of the counties.

Mr. LaVigne reported on the New York Municipal Insurance Reciprocal (NYMIR) Subscriber/Member Capital Distribution Initiative, and presented Chairman Crandall with a check in the amount of \$22,872, representing the second or three annual installments. NYMIR was created in 1993 by NYSAC, in conjunction with the Conference of Mayors and the Association of Towns. There was a void at that point, for insurance for municipalities: they were not able to get insurance, or were not able to get enough coverage. The associations all came together and created NYMIR, which started out with 23 municipalities. They now have over 600 municipalities, 24 counties, including Allegany County. The Reciprocal is owned and operated by local governments. Due to strong risk management, stable premiums, and sound investments, NYMIR is in a position of financial strength to be able to give back some of the original investment capital contributed by each member municipality when they joined. Mr. LaVigne also recognized local insurance brokers, Ian Whitehouse and Rich Ewell from Richardson and Stout Insurance Company. Chairman Crandall commented that NYSAC is a strong voice for us in Albany. He expressed appreciation for the NYMIR check and the local efforts of Richardson and Stout Insurance.

Mr. LaVigne presented a certificate of completion for the Dennis A. Pelletier County Government Institute to Legislator Theodore Hopkins. The Pelletier Institute is an educational partnership between Cornell University and NYSAC, and was established several years ago in honor of Dennis A. Pelletier, former President of Monroe County's Legislature and member of the NYSAC Board of Directors. Legislator Hopkins was also recognized at the recent NYSAC Legislative Conference. He joins William Dibble and Dwight Fanton as Allegany County Legislators who have graduated from the Institute.

Chairman Crandall presented a certificate to Kenneth O. Bellows, former United States Navy Aviation Machinist's Mate 3rd Class, in grateful appreciation of his service to our Country. Mr. Bellows' service dates were from January 1945 to July 1946. Following Basic Training at Memphis, TN, bases and assignments included: NTS, Memphis, TN; NATTC, Norman, OK; NAGS, Jacksonville, FL; NAS, Cecil Field, Jacksonville, FL; and NAS (CASU 22, USS Leyte), Quonset Point, RI. Mr. Bellows led the Pledge of Allegiance to the Flag at

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall presented a certificate to the March 2010 Employee of the Month, Linda Crandall, of the STOP-DWI Program and Youth Bureau, in recognition of her hard work and dedication to the County.

Southern Tier West Regional Planning and Development Board Executive Director Richard Zink gave a presentation on the background and purpose of that organization. STW was created in 1969 through Article 12B of the NYS General Municipal Law and supported by ratifying resolutions by each of the three Counties of Allegany, Cattaraugus, and Chautauqua. Funding is derived from federal, state, county, and local municipalities. Some examples of their endeavors: over the past ten years, they have brought over \$1.5 million into Allegany County from the Appalachian Regional Commission; grant applications for the Villages of Cuba and Canaseraga and Town of Caneadea; state records management grants for local clerks and information on record retention, microfiche and digitization of records; use of local dollars to leverage federal funds for economic and community development projects; and annual training sessions for local government officials.

Southern Tier West also works through and administers various affiliates including: Southern Tier Extension Railroad Authority (owns the railroad from Corry, PA, to Hornell, NY, operated by the Western New York and Pennsylvania Railroad), Southern Tier Enterprise Development Organization (small business development revolving loan fund), Southern Tier West Development Foundation (grants for local community projects), and the Western Region Corporation (revolving loan fund for IDAs encompassing the five-county area of Erie, Niagara, Chautauqua, Cattaraugus, and Allegany).

Currently, STW is focusing on five major program areas, with everything they do revolving around local government:

- local government services (technical assistance, training, and education)
- information services (community GIS and website services, NYS Data Center, U.S. Census activities, discoversouthwestny.com tourism website)
- broadband initiatives (wireless project to provide access in northern Allegany County, fiber build project across the southern portion of the County, fiber mapping)
- transportation planning (rural transportation planning, local highways, I-86 initiative)
- grant writing

The Southern Tier West Regional Planning and Development Board meets on the third Thursday of each month. Mr. Zink ended his presentation by commenting that partnership creates the strongest programs.

Representatives from the following departments and agencies were present to answer questions regarding their 2009 Annual Reports: County Attorney, County Clerk, Probation, Public Works, and Cornell Cooperative Extension. Legislator Hopkins questioned Public Works Superintendent David Roeske on a reference in his report on the number of red flags lifted from County bridges, and wondered how many new red flags have been posted for that period. Mr. Roeske replied that there were more this year than usual, partly because some of the criteria has changed.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. The 2009 Annual Report of the County Treasurer of the monies received and disbursed by her in connection with the licensing of dogs and protection of domestic animals

BOARD OF LEGISLATORS SESSION MINUTES, FEBRUARY 22, 2010

therefrom in accordance with Article 7 of the Agriculture and Markets Law was received. A motion was made by Legislator O'Grady, seconded by Legislator Curran and carried to accept the report and direct the County Treasurer to apportion to the towns 75 percent of the surplus, amounting to \$6,421.52.

2. March 2010 Calendar of Board and Standing Committee meeting dates.
3. 2010 Allegany County Directory of County, Town, and Village contacts.
4. Report of Intrafund Transfers approved by the County Administrator for the month of January 2010.
5. 2009 Annual Reports from the following departments and agencies were distributed for review: Office for the Aging, Community Services, Coroners, District Attorney, Board of Elections, Emergency Services, Fire Service, Health Department, Human Resources, and Real Property Tax Service Agency. Representatives will be present at the next meeting to answer questions regarding those reports.

The following communications were also acknowledged:

1. County Treasurer Terri Ross filed Certificates of Withdrawal of Delinquent Tax Liens pursuant to Article 11 of the Real Property Tax Law for properties in the Towns of Clarksville, Scio, and Wellsville in the Clerk of the Board's Office on February 8, 2010.
2. Correspondence from Ellen Graham, from the Clerk of the Board's Office, and the family of Robert Graham thanking the Board for the flowers sent for the funeral of Mr. Graham.
3. NYSERDA Notice of Completion for the Final Environmental Impact Statement relative to the West Valley Demonstration Project.
4. Public Works Superintendent David Roeske has arranged a tour of the various County facilities for March 25 (changed from previous date of March 24) beginning at 9 a.m.

APPOINTMENTS:

The Clerk of the Board announced that Chairman Curtis W. Crandall has appointed Frederick Sinclair of Scio, New York, to fill the remainder of Brent Reynolds' unexpired three-year term ending May 31, 2010, as a member of the **SOUTHERN TIER WEST REGIONAL PLANNING & DEVELOPMENT BOARD**, subject to confirmation by the Board of Legislators.

Chairman Crandall has also reappointed Frederick Sinclair of Scio, New York, as a member of the **SOUTHERN TIER WEST REGIONAL PLANNING & DEVELOPMENT BOARD** for a three-year term commencing June 1, 2010, and expiring May 31, 2013, subject to confirmation by the Board of Legislators.

Chairman Crandall, in a joint measure with Michael T. O'Brien, Chairman of the Cattaraugus County Board of Legislators, has appointed Jeff Capitani from Directions in Independent Living in Olean to serve on the **CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD YOUTH COUNCIL** for a two-year term expiring December 31, 2011.

PROCLAMATION:

Chairman Curtis W. Crandall proclaimed the month of March 2010 as Tourism Month in Allegany County and called upon the people of the County to observe this month by taking pride in their communities and county by working together to enhance our quality of life,

maintain our beautiful scenery, and to share our heritage. New winter activities guides were distributed.

RESOLUTIONS:

RESOLUTION NO. 51-10

**TRANSFER OF FUNDS WITHIN PUBLIC SAFETY COMPLEX –
BUILDINGS AND GROUNDS ACCOUNT**

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. That the sum of \$20,817 is transferred from Account No. A3152.4 (Public Safety Complex – Buildings and Grounds – Contractual) to Account No. A3152.1 (Jail Maintenance – Regular Pay), to fund the Cleaner position.

Moved by: Mr. Fanton
Seconded by: Mr. Hopkins

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

RESOLUTION NO. 52-10

**ACCEPTANCE OF INCREASED FEDERAL AID TO
OFA-HIICAP APPROPRIATION AND REVENUE ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$5,570 in increased federal aid to OFA-HIICAP Appropriation and Revenue Accounts is accepted.

2. That the accepted sum of \$5,570 is appropriated as follows: \$3,050 to Account No. A6782.2 and \$2,520 to Account No. A6782.4, with a like sum credited to Revenue Account No. A11.4772.06.

Moved by: Mr. Pullen
Seconded by: Mr. Fanton

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

RESOLUTION NO. 53-10

**REAPPROPRIATION OF NEW YORK STATE HOMELAND SECURITY GRANT FUNDS
NOT SPENT IN CALENDAR YEAR 2009 (CONTRACT #C838275)
FOR PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS (PSIC)**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That Homeland Security Grant funding for Public Safety Interoperable Communications (PSIC) not spent in calendar year 2009 in the amount of \$1,876,496 is reappropriated to Account No. A3645.217 (Homeland Security - Equipment), with a like amount placed in Revenue Account No. A10.3306.SHF7 (State Aid Homeland Security – Sheriff).

BOARD OF LEGISLATORS SESSION MINUTES, FEBRUARY 22, 2010

Moved by: Mr. Healy
 Seconded by: Mr. Hopkins

Adopted: Roll Call
 15 Ayes, 0 Noes, 0 Absent

(Memo: The grant funds reappropriated in Resolution No. 53-10 will be used to upgrade radio communications. The grant was originally accepted by Resolution No. 143-08 on August 25, 2008, contingent on identifying a source for the local share match of \$423,118.99. Resolution No. 158-09 on September 14, 2009, appropriated grant funds in the amount of \$1,700,475.96, and local funds amounting to \$200,000 in 2009 and \$223,118.99 in 2010 for the local share match.)

RESOLUTION NO. 54-10

**REAPPROPRIATION OF UNEXPENDED FUNDS FROM THE SFY 09-10
 CONSOLIDATED HIGHWAY IMPROVEMENT PROGRAM (CHIPS)
 TO THE COUNTY 2010 BUDGET**

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. That the sum of \$349,871 in unexpended funds from the SFY 09-10 Consolidated Highway Improvement Program (CHIPS) is reappropriated to Account No. D5112.223 (County Road CHIPS Paving), with a like sum credited to Revenue Account No. D10.3501.00 (State Aid – CHIPS).

Moved by: Mr. Fanton
 Seconded by: Mr. Curran

Adopted: Roll Call
 15 Ayes, 0 Noes, 0 Absent

Comments made regarding Resolution No. 54-10 included: Mr. Ungermann questioned if the remaining CHIPS funds could be used for an additional bridge project. Chairman Crandall noted that the funds could be used for anything that falls under the CHIPS program. Public Works Superintendent David Roeske replied that historically the funds have been used for paving and road work, but they could be used for bridges.

RESOLUTION NO. 55-10

**APPROVAL OF ALTERNATIVES TO INCARCERATION/
 SERVICES FOR SHARED POPULATION CONTRACT #C070467
 BEGINNING JULY 1, 2009, TO JUNE 30, 2010,
 AS SUBMITTED BY COUNTY PROBATION DIRECTOR;
 AUTHORIZING PROBATION DIRECTOR TO EXECUTE DOCUMENTS AND
 AUTHORIZING CHAIRMAN TO CERTIFY APPROVAL**

Offered by: Public Safety and Ways and Means Committees

Pursuant to Executive Law Article 13-A-Alternatives to Incarceration Service Plans

RESOLVED:

1. That the Alternatives to Incarceration/Services for Shared Population: Defendants and Offenders with Mental Illness, Contract #C070467 beginning July 1, 2009, to June 30, 2010, providing for a Forensic Clinical Coordinator to provide mental health services to offenders on pre-trial and probation supervision, is approved.

2. The Director of Probation is authorized to execute and deliver all agreements necessary to complete the approval process for such Incarceration/Services.

3. That the Chairman of this Board is authorized to certify such approval on such Incarceration/Services.

Moved by: Mr. Healy
Seconded by: Mr. Hopkins

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

(Memo: The contract approved by Resolution No. 55-10 represented a budget modification to the contract approved in Resolution No. 148-09, which had the same contract number and covered the same period.)

RESOLUTION NO. 56-10

**CREATING ONE POSITION OF PUBLIC HEALTH TECHNICIAN
IN HEALTH DEPARTMENT**

Offered by: Human Services Committee

RESOLVED:

1. That one position of Public Health Technician is created in the Health Department.

2. This resolution shall take effect on February 23, 2010.

Moved by: Mr. Burdick
Seconded by: Mr. Pullen

Adopted: Roll Call
13 Ayes, 2 Noes, 0 Absent
Voting No: Cady, O'Grady

(Memo: The Public Health Technician position created by Resolution No. 56-10 will be fully funded by state monies, and replaces an Account Clerk Typist position in Environmental Health that was eliminated. In their efficiency study, Altrea recognized the need for more program staff and less support staff. This new position will be able to generate revenue and assist the sanitarians, whom the study revealed, are understaffed compared to their duties, for only \$128 more annually than the Clerk was paid. The Technician will do the support staff work that was being done by an Account Clerk Typist, plus fieldwork that will generate revenue, that the Clerk could not.)

AUDITS:

A motion was made by Legislator Hopkins, seconded by Legislator Fanton and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator Hopkins, seconded by Legislator Sinclair and adopted on a roll call vote of 14 Ayes, 1 Noes, 0 Absent, that the audit of claims, totaling \$2,878,183.79, including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$1,041,663.)*

ADJOURNMENT: The meeting was adjourned at 3:05 p.m. on a motion made by Legislator Pullen, seconded by Legislator Ungermann and carried.

BOARD OF LEGISLATORS SESSION MINUTES, MARCH 8, 2010

REGULAR SESSION – MARCH 8, 2010

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army Air Force Staff Sergeant John F. Ahrens.

INVOCATION: The Invocation was given by Legislator Pullen.

ROLL CALL: 14 Present; 1 Absent (Legislator McGraw).

APPROVAL OF MINUTES:

The Committee of the Whole meeting minutes of February 16, 2010, were approved on a motion made by Legislator Fanton, seconded by Legislator Hopkins and carried.

The Board meeting minutes of February 22, 2010, were approved on a motion made by Legislator Pullen, seconded by Legislator Hopkins and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to John F. Ahrens, former United States Army Air Force Staff Sergeant, in grateful appreciation of his service to our Country. Mr. Ahrens' service dates were from November 1942 to November 1945, and he was assigned to the 479th Fighter Bomber Group of the Eighth Air Force, serving as a Crew Chief for Lockheed P38 and P51 Mustangs. Battles or conflicts Mr. Ahrens was involved in were: Air Offensive Europe, Ardennes Campaign, Central Europe, Normandy Invasion, and Rhineland. Commendations he received included: Good Conduct Medal, American Campaign Medal, European-African-Middle Eastern Campaign Medal w/ Bronze Star, WWII Victory Medal, Presidential Unit Citation, and Honorable Service Lapel Button. Mr. Ahrens led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall granted privilege of the floor to Allegany Arc Chief Executive Officer Michael Damiano to speak about Developmental Disabilities Awareness Month, nationally recognized in March, as a time to promote understanding of the abilities of intellectually and developmentally disabled people. Allegany Arc is devoted to putting people first and empowering individuals with developmental disabilities to live richer lives with greater independence. They share in NYSARC's mission to help individuals achieve four basic person-centered outcomes including: living in a home of their choice where they can fully participate in the community; having meaningful relationships with family and friends; engaging in activities, like having a job; and having good health. In the years since the founding of Allegany Arc and agencies like it, individuals with disabilities and their families have worked tirelessly to end the practices of unjustified institutionalization, social exclusion, abusive guardianship, and educational and vocational inequities. Allegany Arc invites all of Allegany County to join in celebrating March as Developmental Disabilities Awareness Month. They encourage businesses to hire persons with disabilities; they encourage civic organizations to invite persons with disabilities to join them; and most of all they invite everyone to recognize the unique strengths and abilities of all residents of the County including those with identified disabilities.

Representatives from the following departments and agencies were present to answer questions regarding their 2009 Annual Reports: Office for the Aging, Community Services, Coroners, District Attorney, Board of Elections, Emergency Services, Fire Service, Health Department, Human Resources, and Real Property Tax Service Agency.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. Report of Intrafund Transfers approved by the County Administrator in February.
2. Report of Tax Bill Corrections approved by the County Administrator in February.
3. 2009 Annual Reports from the following departments and agencies were distributed for review: Employment and Training, Veterans' Services, Youth Bureau, STOP-DWI, Public Defender, and Workers' Compensation. Representatives will be present at the next meeting to answer questions regarding those reports.

The following communications were also acknowledged:

1. Notice of next InterCounty Association meeting to be hosted by Ontario County in Phelps on March 19, 2010.
2. The County Treasurer filed a Certificate of Withdrawal of Delinquent Tax Lien pursuant to Article 11 of the Real Property Tax Law for property in the Town of Wellsville in the Clerk of the Board's Office on February 23, 2010.
3. Correspondence from the Allegany County Association for the Blind thanking the Board for its support and annual appropriation.
4. Correspondence from the Allegany County Cancer Services thanking the Board for its donation in remembrance of former Legislator Brent Reynolds' mother, Anna Marvin.
5. Correspondence from Southern Tier Hospice thanking the Board for its donation in remembrance of former Legislator Michael McCormick's father, Robert McCormick.
6. Copy of a letter Chairman Crandall sent to Arlene Hughes in response to her inquiry regarding Resolution No. 118-04, Establishment of Public Safety and Training Facility Debt Reserve Fund.
7. Public Works Superintendent David Roeske has arranged a tour of the various County facilities for March 25 (changed from previous date of March 24) beginning at 9 a.m. Lunch will be provided.
8. Budget Committee Chairman Theodore Hopkins announced that the time of the Budget Committee meeting on March 17 has been changed from 1 p.m. to 1:30 p.m.

APPOINTMENTS:

The Clerk of the Board announced that Chairman Curtis W. Crandall has made the following appointments to the **ALLEGANY COUNTY YOUTH BOARD** for a three-year term commencing March 26, 2010, and expiring March 25, 2013, subject to confirmation by the Board of Legislators:

Corinne Davis, Angelica	(District I)	(New)
Susan F. Myers, Friendship	(District II)	(Reappointment)
Vacant	(District III)	
Ann Baldwin, Andover	(District IV)	(New)
Edna Kayes, Alfred	(District V)	(Reappointment)

BOARD OF LEGISLATORS SESSION MINUTES, MARCH 8, 2010

Chairman Crandall appointed the following to serve as **YOUTH REPRESENTATIVES ON THE ALLEGANY COUNTY YOUTH BOARD**; the term of such appointments is unfixed, but in no event shall such terms exceed the twenty-first birthday of the appointees:

Emma Webb, Houghton	(District I)
Esther Webb, Houghton	(District I)
Thomas Galatio, Black Creek	(District II)
Kellen Wissert, Scio	(District III)

Chairman Crandall appointed Deborah Aumick of Rushford to fill the unexpired three-year term of Janet Gaczewski as a member of the **ALLEGANY COUNTY YOUTH BOARD**, commencing immediately and expiring March 25, 2011, subject to confirmation by the Board of Legislators.

PROCLAMATION:

Chairman Crandall proclaimed March 2010 as Developmental Disabilities Awareness Month in Allegany County, in recognition of the achievements and contribution of citizens who have developmental disabilities, and encouraged continued progress toward empowerment in every aspect of community life, work, relationships, spirituality, and recreation.

RESOLUTIONS:**RESOLUTION NO. 57-10****BUDGET ADJUSTMENTS AND TRANSFERS IN TOURISM ACCOUNTS**

Offered by: Planning and Economic Development and
Ways and Means Committees

WHEREAS, budget adjustments and transfers are needed to support the tourism contract with the Greater Allegany County Chamber of Commerce, now, therefore, be it

RESOLVED:

1. That Account No. A6989.476 and Revenue Account No. A10.3715.00 are reduced by \$16,250; Account No. A6989.478 and Revenue Account No. A02.1989.04 are increased by \$10,000.
2. That the sum of \$7,250 is transferred from Account No. A1990.429 as follows: \$3,250 to Account No. A6989.477 and \$4,000 to Account No. A6989.478.
3. That the sum of \$16,250 is transferred from Account No. A6989.475 to Account No. A6989.477.

Moved by: Mr. Sinclair
Seconded by: Mr. Pullen

Adopted: Roll Call
13 Ayes, 1 No, 1 Absent
Voting No: O'Grady

RESOLUTION NO. 58-10**TRANSFER OF FUNDS WITHIN PLANNING ACCOUNT**

Offered by: Planning and Economic Development and
Ways and Means Committees

RESOLVED:

1. That the sum of \$1,200 is transferred from Account No. A8020.101 (Planning – Personnel) to Account No. A8020.493 (Planning – Contractual) to cover a \$400 monthly expense to Planning Board Liaison Kier Dirlam.

Moved by: Mr. Sinclair
 Seconded by: Mr. Fanton

Adopted: Roll Call
 14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 58-10 included the following: County Administrator John Margeson responded to a question on the status of the County Planner position by stating that someone should be on board the first part of April.

RESOLUTION NO. 59-10

**TRANSFER OF FUNDS BETWEEN
 OFFICE OF DEVELOPMENT CONTRACTUAL EXPENSES ACCOUNTS**

Offered by: Ways and Means Committee

RESOLVED:

1. That the sum of \$30,000 is transferred from Account No. A6430.474 (Economic Development – Contractual) to Account No. A6431.474 (Comprehensive Plan – Contractual), for implementation of the Comprehensive Plan.

Moved by: Mr. Hopkins
 Seconded by: Mr. Fanton

Adopted: Roll Call
 13 Ayes, 1 No, 1 Absent
 Voting No: Ungermann

(Memo: Resolution No. 59-10 was requested to create a separate account for Comprehensive Plan implementation expenses and transfer funds from the account that presently includes expenses for both marketing and Comprehensive Plan implementation.)

RESOLUTION NO. 60-10

**TRANSFER OF FUNDS FROM DEBT SERVICE FUND BALANCE ACCOUNT TO
 BAN PRINCIPAL ACCOUNT**

Offered by: Ways and Means Committee

RESOLVED:

1. That the sum of \$123,525 is transferred from Account No. V599.00 (Debt Service Fund Balance) to Account No. V9730.600 (BAN Principal).

Moved by: Mr. Hopkins
 Seconded by: Mr. Pullen

Adopted: Roll Call
 13 Ayes, 1 No, 1 Absent
 Voting No: Ungermann

(Memo: The transfer approved by Resolution No. 60-10 was necessary to allow the County Treasurer to roll a Bond Anticipation Note that comes due in April, which requires a principal payment.)

RESOLUTION NO. 61-10**APPROVAL OF AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND SJB SERVICES, INC. FOR MATERIALS TESTING SERVICES RELATIVE TO THE COURT FACILITIES PROJECT**

Offered by: Court Facilities and County Space Needs and
Ways and Means Committees

RESOLVED:

1. That the Agreement between the County of Allegany and SJB Services, Inc. for the performance of construction materials testing associated with the construction of the addition to the County Courthouse is approved.
2. That the price of such Agreement with SJB Services, Inc. shall not exceed \$75,000.
3. That the Chairman of this Board is authorized to execute said Agreement.

Moved by: Mr. Pullen
Seconded by: Mr. O'Grady

Adopted: Roll Call
13 Ayes, 1 No, 1 Absent
Voting No: Ungermann

(Memo: The agreement approved by Resolution No. 61-10 was recommended following a Request for Proposals which resulted in four responses. The fee schedule submitted by SJB Services was the most competitive, and the company is qualified to perform the services.)

RESOLUTION NO. 62-10**APPROVAL OF INTER-MUNICIPAL AGREEMENT WITH CATTARAUGUS COUNTY TO PROVIDE LEAD POISONING PREVENTION PROGRAM SERVICES**

Offered by: Human Services Committee

RESOLVED:

1. That the Inter-Municipal Agreement between Allegany County and Cattaraugus County for the provision of a Lead Poisoning Prevention Program and Comprehensive Elevated Blood Lead Investigation Services for the period January 1, 2010, through December 31, 2010, is approved.
2. That the Chairman of this Board is authorized to execute such agreement.

Moved by: Mr. Burdick
Seconded by: Mr. Pullen

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

(Memo: The agreement approved by Resolution No. 62-10 includes payment by Cattaraugus County for services rendered in an amount not to exceed \$3,000.)

RESOLUTION NO. 63-10**APPROVAL OF AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND THE GREATER ALLEGANY COUNTY CHAMBER OF COMMERCE TO ADMINISTER COUNTY TOURISM; AUTHORIZING BOARD CHAIRMAN TO EXECUTE SAID AGREEMENT**

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

Offered by: Planning and Economic Development and
Ways and Means Committees

RESOLVED:

1. That Agreement between the County of Allegany and the Greater Allegany County Chamber of Commerce to administer tourism as the County Tourism Promotion Agency for an annual fee of \$71,500, commencing March 1, 2010, and ending on December 31, 2010, is approved.

2. That the Chairman of this Board is authorized to execute said Agreement.

Moved by: Mr. Sinclair
Seconded by: Mr. Hopkins

Adopted: Roll Call
13 Ayes, 1 No, 1 Absent
Voting No: O'Grady

Comments made regarding Resolution No. 63-10 included the following: Legislator Ungermann remarked that the County finally has people enthused and energetic about tourism, but funding has been inadequate. He supported the resolution, and noted that he understood from Legislator Sinclair that the agreement is fully funded and pays for what it should. Mr. Ungermann questioned if there was any way to gauge success. Legislator Sinclair responded that the agreement is structured to include a list of deliverables. The Planning and Economic Development Committee will be looking at progress and working with the Chamber. When considering funding for next year, they will look at the impact of the investment. Mr. Sinclair also noted that the amount included in this agreement is for a 10-month program; we will be looking at a 12-month program next year.

AUDITS:

A motion was made by Legislator Hopkins, seconded by Legislator Fanton and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator Hopkins, seconded by Legislator Pullen and adopted on a roll call vote of 13 Ayes, 1 No, 1 Absent, that the audit of claims, totaling \$1,983,584.60 including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$1,339,281.*)

ADJOURNMENT: The meeting was adjourned at 2:30 p.m. on a motion made by Legislator Fanton, seconded by Legislator Pullen and carried.

BOARD OF LEGISLATORS SESSION MINUTES, MARCH 22, 2010

REGULAR SESSION – MARCH 22, 2010

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army Staff Sergeant Michael L. Chechele.

INVOCATION: The Invocation was given by Legislator Pullen.

ROLL CALL: 15 Present; 0 Absent.

ORDER OF BUSINESS:

Chairman Crandall requested that the order of business be changed to allow a proclamation to be read following action on the resolutions, rather than before. A motion approving this request was made by Legislator Sinclair, seconded by Legislator Hopkins and carried.

APPROVAL OF MINUTES:

The Board meeting minutes of March 8, 2010, were approved on a motion made by Legislator Fanton, seconded by Legislator Curran and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Michael L. Chechele, former United States Army Staff Sergeant, in grateful appreciation of his service to our Country. Mr. Chechele's service dates were from October 1977 to his retirement in December 2006. Following Basic Training at Fort Leonard Wood, MO, Mr. Chechele's assignments included Fort Meade, MD; Schofield Barracks, HI; Enewetak, Atoll, in the Central Pacific; Dexheim, Germany; and Iraq, where he served in Operation Iraqi Freedom #2 from 2004-05. Commendations Mr. Chechele received included: Combat Action Badge, Army Commendation Medal, Army Achievement Medal (2), Joint Service Achievement Medal, National Defense Service Ribbon (3), and Overseas Service Ribbon. Mr. Chechele led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Representatives from the following departments and agencies were present to answer questions regarding their 2009 Annual Reports: Employment & Training, Veterans' Service Agency, Youth Bureau, STOP-DWI, Public Defender, and Workers' Compensation. Legislator Ungermann questioned Public Defender Barbara Kelley if both full-time public defenders had closed their private practice, as he was concerned about the number of referrals to outside counsel. Ms. Kelley responded that not many of the conflict referrals arise from the fact that they have private clients. Ms. Kelley doesn't have any private clients left, and the Assistant Public Defender has just a few.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. April 2010 Calendar of Board and Standing Committee meeting dates.
2. Help America Vote Act (HAVA) Compliance Survey for 2009 from the Board of Elections.

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

3. 2009 Annual Reports for review: Soil & Water Conservation, Parks & Forests, Weights & Measures, Information Technology, County Historian, and Sheriff.

The following communications were also acknowledged:

1. The County Attorney filed an Environmental Assessment Form (EAF) on the First Baptist Church parking lease, EAF on the IDA parking lease/purchase, Negative Declaration on the First Baptist Church lease, and Negative Declaration on the IDA lease/purchase in the Clerk of the Board's Office on March 10, 2010.

2. The County Treasurer filed a Certificate of Withdrawal of Delinquent Tax Lien pursuant to Article 11 of the Real Property Tax Law for property in the Town of Caneadea in the Clerk of the Board's Office on March 18, 2010.

3. The next Fire Advisory Board meeting will be held on Thursday, March 25, at 8 p.m. in the Public Safety Building. The Fire Investigators will also meet at 6:30 p.m. and the District Coordinators at 7 p.m. on that same evening.

4. The Allegany Business Center announced that they will be holding the Third Annual Networking Night and Table Top Expo at the Crossroads Center on March 24, from 6 to 8 p.m.

5. Southern Tier West Regional Planning and Development Board forwarded a copy of their February 18 minutes along with a meeting notice for March 18.

RESOLUTIONS:**RESOLUTION NO. 64-10**

**RESOLUTION AMENDING THE COUNTY BOARD RULES
TO REFLECT THE ELIMINATION OF THE DEVELOPMENT ADVISORY BOARD,
THE ELIMINATION OF THE CITIZENS ADVISORY COMMITTEE ON TOURISM,
AND THE CHANGE IN THE WAY VOUCHERS ARE PROCESSED**

Offered by: Ways and Means Committee

RESOLVED:

1. That County Board Rule 220.G.2.a is amended to read as follows:
 - 2.a. Supervision of the Office of Development ~~and the Advisory Board to the Office of Development.~~
2. That County Board Rule 220.G.2.m. is amended to read as follows:
 - 2.m. General supervision of ~~the Tourism Advisory Board.~~
3. That County Board Rule 220.G.3.e and 3.h. are deleted, 3.F. is amended, and the section is relettered as follows:
 - e. ~~County Development Advisory Board.~~
 - f. e. County Comprehensive Planning Implementation ~~Committee~~ Group.
 - g. f. County Office of Employment and Training.

BOARD OF LEGISLATORS SESSION MINUTES, MARCH 22, 2010

~~h. g.~~ ~~Advisory Committee on Tourism.~~

~~i. g.~~ Allegany County Soil and Water Conservation District Board.

~~j. h.~~ County Agricultural and Farmland Protection Board.

~~k. i.~~ County Historian.

4. That County Board Rule 240.B.1. is amended to read as follows:

B.1. The vouchers covering such expenses ~~shall~~ may be audited by the County Board at ~~its~~ either regular meeting held ~~on the second Monday of each calendar~~ during the month.

5. That County Board Rule 240.C.1 is amended to read as follows:

C.1. Completed vouchers covering such expenses shall be delivered to the office of the Clerk of the Board by the regular meeting of the County Board held on the ~~fourth~~ second Monday of each calendar month following the month of the voucher.

6. That County Board Rule 250 is amended to read as follows:

~~A.~~ ~~Any claim against the County that is to be audited by the County Board shall be in properly written form and be temporarily filed in the Clerk of the County Board's Office at least seven business days prior to a regularly scheduled meeting of the committee having jurisdiction over the administrative unit filing such claim.~~

~~B.~~ A. The County Administrator shall examine each ~~such~~ properly filed claim and after such examination shall submit such claim to the County Board for audit together with a written recommendation from the County Administrator for payment or nonpayment of such claim.

~~C.~~ B. The form of a claim shall be as prescribed by County Law Section 369.

~~D.~~ All claims processed pursuant to this Rule 250 may be submitted at any regular meeting of the County Board.

~~C.~~ Notwithstanding any inconsistent provision of this Rule 250 to the ~~contrary~~ The County Administrator may authorize the submission of any claim processed pursuant to this Rule 250 to the County Board for audit at any regular meeting of the Board. The evidence of such consent shall be the County Administrator's signature on the Abstract of Claims.

7. That any grammatical, clerical, and typographical changes to the County Board Rules agreed upon by the Clerk of the Board and County Attorney may be made.

Moved by: Mr. Hopkins
Seconded by: Mr. Sinclair

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

RESOLUTION NO. 65-10

SALE OF TAX LAND IN TOWN OF BOLIVAR

Offered by: Ways and Means Committee

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

WHEREAS, Joseph A. Breau and Victoria M. Pearson of 86 Massachusetts Avenue, Lockport, New York 14094, have agreed to Terms of Sale and offered the sum of \$300 plus current year taxes for a deed of the County's interest in premises formerly assessed on the tax rolls to Oscar Gaines and described as follows:

ALL THAT LOT, PIECE OR PARCEL OF LAND situate in Town of Bolivar, County of Allegany and State of New York, described as follows, viz: .35 Acre, Tax Map No. 260.6-1-13, and

WHEREAS, the Ways and Means Committee believes that the Terms of Sale and the above sum offered is fair and reasonable and the best that can be obtained under the circumstances and that the said sale will be advantageous to the County, now, therefore, be it

RESOLVED:

1. That such agreed to Terms of Sale and monetary offer is accepted and the Chairman of this Board is authorized and directed to execute on behalf of the County of Allegany and to cause to deliver to such purchaser a quit claim deed of the County's interest in such premise, and to attach to such deed the official seal; all upon satisfaction of the Terms of Sale and full payment to the County Treasurer of the monetary offer.

Moved by: Mr. Hopkins
Seconded by: Mr. Healy

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

RESOLUTION NO. 66-10**CONFIRMATION OF BOARD CHAIRMAN'S APPOINTMENTS AND REAPPOINTMENTS TO COUNTY YOUTH BOARD**

Offered by: Public Safety Committee

Pursuant to Resolution No. 95-79

RESOLVED:

1. That the appointments by the Chairman of this Board of Corinne Davis (District I), Angelica, New York, Susan F. Myers (District II), Friendship, New York, Ann Baldwin (District IV), Andover, New York, and Edna Kayes (District V), Alfred, New York, to the County Youth Board, with term of office for each commencing March 26, 2010, and expiring March 25, 2013, are confirmed.

2. That the appointment by the Chairman of this Board of Deborah Aumick (District I), Rushford, New York, to fill a vacancy on the County Youth Board, with term of office commencing March 3, 2010, and expiring March 25, 2011, is confirmed.

Moved by: Mr. Healy
Seconded by: Mr. Fanton

Adopted: Voice Vote

RESOLUTION NO. 67-10**UPGRADING THREE POSITIONS IN COUNTY CLERK'S OFFICE DUE TO HUMAN RESOURCES REEVALUATION; AMENDING NON-UNIT SALARY PLAN**

Offered by: Personnel Committee

BOARD OF LEGISLATORS SESSION MINUTES, MARCH 22, 2010

WHEREAS, the Human Resources Office has upgraded three positions of Deputy County Clerk in the County Clerk’s Office, now, therefore, be it

RESOLVED:

1. That the position of Deputy County Clerk is upgraded from Grade 8 to Grade 9, the position of Deputy County Clerk II is upgraded from Grade 6 to Grade 7, and the position of Deputy County Clerk III is upgraded from Grade 5 to Grade 6 in the Non-Unit Salary Plan.

2. This resolution shall take effect on October 1, 2010.

Moved by: Mr. O’Grady
Seconded by: Mr. Fanton

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

Comments made regarding Resolution No. 67-10 included: Legislator O’Grady noted that the resolution takes effect October 1, and the upgrades are due to an increase in responsibilities the employees will be taking on in the near future. The goal is to improve the overall efficiency in the County Clerk’s Office.

RESOLUTION NO. 68-10

ABOLISHING VACANT POSITIONS IN VARIOUS COUNTY DEPARTMENTS

Offered by: Personnel Committee

RESOLVED:

1. That the following positions in various County Departments are abolished:

<u>Department</u>	<u>Position</u>
Clerk of the Board	Switchboard Operator
Aging	Home Delivered Meal Coordinator
IT	Data Processing Aide (PT)
Social Services	Social Welfare Examiner (3)
Social Services	Typist (2)
Social Services	Typist (PT)
Social Services	Case Manager
Workers’ Compensation	Sr. Account Clerk Typist

2. This resolution shall take effect on March 23, 2010

Moved by: Mr. O’Grady
Seconded by: Mr. Pullen

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

Comments made regarding Resolution No. 68-10 included: Legislator Pullen acknowledged Legislator O’Grady’s initiative in pursuing this issue, as it will make it more reflective of what’s going on in terms of staffing and it will also make it more difficult for those positions to be filled when there is presently no need for them.

RESOLUTION NO. 69-10

ACCEPTANCE OF NEW YORK STATE DEPARTMENT OF HEALTH FUNDS THROUGH HEALTHY COMMUNITIES INITIATIVE FOR TARGETING OBESITY AND APPROPRIATION OF SUCH FUNDS TO VARIOUS ACCOUNTS

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That funding from the New York State Department of Health through Healthy Communities Initiative for targeting obesity in the amount of \$34,000 is accepted.

2. That the sum of \$34,000 is appropriated as follows: \$642 to Account No. A4010.1 and \$33,358 to Account No. A4073.4, with a like sum credited to Revenue Account No. A10.3450.4073.

Moved by: Mr. Burdick
Seconded by: Mr. LaForge

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

(Memo: The major benefits of accepting the grant referred to in Resolution No. 69-10 are that the Allegany County Department of Health, in partnership with Cornell Cooperative Extension and the Allegany-Western Steuben Rural Health Network, will provide educational opportunities throughout the County to address prevention strategies to improve the health of County residents.)

RESOLUTION NO. 70-10

**REAPPROPRIATION OF FUNDING NOT SPENT IN CALENDAR YEAR 2009
FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT THROUGH
NEW YORK STATE DEPARTMENT OF HEALTH, NEW YORK STATE
HOMELAND SECURITY PROGRAM, AND GIFTS AND DONATIONS
TO VARIOUS HEALTH DEPARTMENT ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$41,712 in state funding through the American Recovery and Reinvestment Act not spent in 2009 is reappropriated as follows: \$20,000 to Account No. A4010.408, \$10,000 to Account No. A4010.1, \$3,000 to Account No. A4052.2, \$8,712 to Account No. A4052.4, with a like sum credited to Revenue Account No. A11.4489.HLST.

2. That the sum of \$22,871 in state funding through the Homeland Security Program not spent in 2009 is reappropriated as follows: \$19,378 to Account No. A3645.2, \$3,493 to Account No. A3645.4, with a like sum credited to Revenue Account No. A10.3306.HTH9.

3. That the sum of \$114,315 in state funding through New York State Department of Health to aid in Public Health Emergency Preparedness not spent in 2009 is reappropriated as follows: \$25,000 to Account No. A4010.1, \$17,913 to Account No. A4189.2, \$66,352 to Account No. A4189.4, \$5,050 to Account No. A4189.8, with a like sum credited to Revenue Account No. A11.4489.4189.

4. That the sum of \$5,025 in gifts and donations not spent in 2009 is reappropriated to Account No. A4071.4, with a like sum credited to Revenue Account No. A08.2705.4071.

Moved by: Mr. Burdick
Seconded by: Mr. Fanton

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

BOARD OF LEGISLATORS SESSION MINUTES, MARCH 22, 2010

(Memo: Regarding Resolution No. 70-10, Resolved No. 1: of the \$41,712 in grant funds from the American Recovery and Reinvestment Act of 2009, originally accepted by Resolution No. 235-09, \$21,712 was through the NYS DOH Bureau of Family Health Early Intervention Administration, and \$20,000 was through the NYS DOH Bureau of Immunization. Resolved No. 2: funding was provided through the State Homeland Security Program for emergency preparedness efforts and the H1N1 outbreak and planning, and was originally accepted by Resolution No. 200-09 in the amount of \$27,778. Resolved No. 3: funding was provided through the NYS DOH to aid in public health emergency preparedness, such as H1N1 activities, vaccinations, and planning, and was originally accepted by Resolution No. 236-09 in the amount of \$170,299. Resolved No. 4: funds were donated to the Cancer Services Program, and were originally accepted by Resolution No. 234-09.)

RESOLUTION NO. 71-10

**REAPPROPRIATION OF HOMELAND SECURITY GRANT FUNDS FROM
NEW YORK STATE OFFICE OF HOMELAND SECURITY AND FUNDS FOR
THE ACT II BATTERERS PROGRAM NOT SPENT IN CALENDAR YEAR 2009
TO LAW ENFORCEMENT AND HOMELAND SECURITY ACCOUNTS**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That Homeland Security Program grant funds in the amount of \$27,881 not spent in calendar year 2009 are reappropriated to Account No. A3645.217 (Homeland Security – Equipment), with a like sum credited to Revenue Account No. A10.3306.SHF7 (Homeland Security – Sheriff's Office).

2. That funds in the amount of \$4,431 for the ACT II Batters Program not spent in calendar year 2009 are reappropriated to Account No. A3117.4, with a like sum credited to Revenue Account No. A15.599.00.

Moved by: Mr. Healy
Seconded by: Mr. Hopkins

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

(Memo: Regarding Resolution No. 71-10, Resolved No. 1: of the \$27,881 in Homeland Security Program funding to Enhance Interoperable Communications Equipment, \$23,750 was through DCJS Project No. LE08-1057-E00 accepted by Resolution No. 40-09, and \$4,131 was through DCJS Project No. LE07-1079-E00 accepted by Resolution No. 83-07 and reappropriated by Resolution Nos. 75-08 and 39-09. Resolved No. 2: funding was originally accepted by Resolution No. 57-09.)

RESOLUTION NO. 72-10

**TRANSFER OF FUNDS FROM OFFICE FOR THE AGING RESERVE ACCOUNT
TO OFA-SUPPORTIVE SERVICES ACCOUNT**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$21,250 is transferred from Account No. A14.511.03 to Account No. A6773.201 (OFA Supportive Services – Equipment) for the purchase of office equipment.

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

Moved by: Mr. Pullen
 Seconded by: Mr. O'Grady

Adopted: Roll Call
 15 Ayes, 0 Noes, 0 Absent

RESOLUTION NO. 73-10

**APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN
 THE COUNTY OF ALLEGANY AND THE SOUTHWESTERN REGIONAL AMERICAN
 RED CROSS CHAPTER REGARDING SERVICE IN TIME OF A DISASTER**

Offered by: Public Safety Committee

RESOLVED:

1. That the Memorandum of Understanding between the County of Allegany and the Southwestern Regional American Red Cross Chapter regarding service in time of a disaster is approved.
2. That the Chairman of this Board is authorized to execute the Memorandum of Understanding.

Moved by: Mr. Healy
 Seconded by: Mr. Fanton

Adopted: Roll Call
 15 Ayes, 0 Noes, 0 Absent

(Memo: Regarding Resolution No. 73-10, the individual Chautauqua, Cattaraugus, and Allegany County Chapters have united to form the Southwestern New York Chapter of the American Red Cross.)

RESOLUTION NO. 74-10

**APPROVAL OF MEMORANDUM OF AGREEMENT BETWEEN
 NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES AND
 ALLEGANY COUNTY FOR PARTICIPATION IN THE NEW YORK STATE
 1033 FEDERAL SURPLUS PROPERTY PROGRAM AND
 RATIFYING SHERIFF AND BOARD CHAIR'S SIGNATURES**

Offered by: Public Safety Committee

RESOLVED:

1. That Memorandum of Agreement between the New York State Division of Criminal Justice Services and the County of Allegany for participation in the New York State 1033 Federal Surplus Property Program is approved.
2. That the signatures by the Sheriff and the Board Chair are ratified by this Board.

Moved by: Mr. Healy
 Seconded by: Mr. Pullen

Adopted: Roll Call
 15 Ayes, 0 Noes, 0 Absent

Resolution Intro. No. 75-10 (Approval of Agreement with Walker Business and Staffing Services to Assist the County in Updating the Multi-Jurisdictional Hazard Mitigation Plan; Transfer of Funds within the Homeland Security Account) was not pre-filed and was considered from the floor on a motion made by Legislator Sinclair, seconded by Legislator Pullen and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 75-10**APPROVAL OF AGREEMENT WITH WALKER BUSINESS AND STAFFING SERVICES TO ASSIST THE COUNTY IN UPDATING THE MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN; TRANSFER OF FUNDS WITHIN THE HOMELAND SECURITY ACCOUNT**

Offered by: Planning and Economic Development and Ways and Means Committees

WHEREAS, on April 25, 2005, by Resolution No. 107-05, Allegany County approved the Allegany County Multi-Jurisdictional Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and

WHEREAS, as part of that Plan the Allegany County Board of Legislators agreed that the Plan would be updated no less than every five years, and

WHEREAS, Walker Business & Staffing Services has identified an individual who will be employed by them who is ready, willing and able to provide the services to coordinate the update of such Plan, and

WHEREAS, the County and Walker Business & Staffing Services desire to enter into an Agreement to provide the services of an individual who will assist the County in updating the Countywide Pre-Disaster Mitigation Plan, now therefore, be it

RESOLVED:

1. That the agreement between Walker Business & Staffing Services, Inc. and Allegany County to provide for the services of an individual to assist the County in updating the Countywide Pre-Disaster Mitigation Plan is approved.
2. That the total cost of the agreement shall not exceed the sum of \$17,000.
3. That the sum of \$17,000 is transferred from Account No. A3645.2 to Account No. A3645.4 within the Homeland Security Account.
4. That the Chairman of this Board is authorized to execute such agreement.

Moved by: Mr. Sinclair
Seconded by: Mr. Pullen

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

Comments made regarding Resolution No. 75-10 included: Legislator Sinclair noted that the hazard mitigation plan was created five years ago, and we're at the point in the cycle when we have to update that plan in order to continue having access to hazard mitigation money. Several projects over the past five years have been funded through this process very successfully. The update will require a concerted effort to contact all towns, villages, departments, agencies, and special groups in the County that have input in the plan. The proposal is to spend \$17,000 in Homeland Security grant funds that have come to the County as part of a Homeland Security package for planning to hire someone to do the legwork. It will be orchestrated by the Planning Committee and the Planner. These funds can't be spent to subsidize an existing employee. The plan update needs to be completed as close to April 29 as possible.

Resolution Intro. No. 76-10 (Resolution Encouraging the New York State Department of Environmental Conservation to Quickly Complete Its Environmental Review of Natural Gas Drilling in the Marcellus Shale and Lifting of the Drilling Moratorium) was not pre-filed and was considered from the floor on a motion made by Legislator LaForge, seconded by

Legislator Fanton and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 76-10

**RESOLUTION ENCOURAGING THE NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO QUICKLY COMPLETE ITS
ENVIRONMENTAL REVIEW OF NATURAL GAS DRILLING IN THE MARCELLUS SHALE
AND LIFTING OF THE DRILLING MORATORIUM**

Offered by: Ways and Means Committee

WHEREAS, Allegany County faces severe economic challenges which have only become more acute due to the recent worldwide economic crisis, and

WHEREAS, there now exists an opportunity for significant economic development through the proper exploitation of natural gas within the Marcellus Shale region underlying Allegany County and much of New York State's Southern Tier, and

WHEREAS, in order to encourage the development of such natural gas resources and compete effectively with other states, New York State's regulatory environment needs to be able to act quickly in its permitting process as it pertains to well drilling, and

WHEREAS, the New York State Department of Environmental Conservation has already shown itself capable of protecting the environmental interests of New York State residents, and

WHEREAS, the economic cost from lost gas drilling, lost gas production, lost ancillary jobs, and lost tax revenue far outweighs any environmental benefit from a prolonged environmental review of gas drilling in the Marcellus Shale, and

WHEREAS, the New York State Department of Environmental Conservation has had an ample opportunity to review environmental concerns relative to gas drilling in the Marcellus Shale, now, therefore, be it

RESOLVED:

1. That the New York State Department of Environmental Conservation quickly complete its environmental review process concerning drilling in the Marcellus Shale.
2. That the moratorium concerning further drilling in the Marcellus Shale be lifted.
3. That the process of issuing drilling permits be sped up once the moratorium is lifted.
4. That certified copies of this resolution be mailed to New York State Governor David A. Paterson, NYS DEC Commissioner Peter Grannis, the Senate and Assembly En-Con Committees, Senator Catharine M. Young, Assemblymen Daniel J. Burling and Joseph M. Giglio, NYSAC, and the InterCounty Association of Western New York.

Moved by: Mr. LaForge
Seconded by: Mr. Fanton

Adopted: Voice Vote

(Memo: Regarding the natural gas drilling in the Marcellus Shale and lifting of the drilling moratorium, a similar Resolution, No. 6-09, was adopted on January 12, 2009.)

BOARD OF LEGISLATORS SESSION MINUTES, MARCH 22, 2010

Comments made regarding Resolution No. 76-10 included: Legislator Pullen remarked that development in the Marcellus Shale strata has the potential for great benefit for the County, its residents, and landowners. It's not that the Department of Environmental Conservation has found the drilling unsafe; they just haven't rendered a decision. This resolution will help encourage them to get past the moratorium that's holding everything up. Legislator Ungermann felt the effort was too little, too late. The mobilization in Pennsylvania and West Virginia has been phenomenal, and now the big players from Exxon Mobil have gotten involved. Mr. Ungermann is afraid they will find enough gas there, and it will take the bottom out of the price of natural gas so that it won't be worth drilling for here. This is something we should have done a long time ago. Legislator Fanton noted that the Board approved a resolution just like this one back in January 2009. Resolution 76-10 is a re-submittal. It's New York State that is lagging. Chairman Crandall stated it's important that the state realizes this is important to us, so the re-submittal is appropriate.

AUDITS:

A motion was made by Legislator Hopkins, seconded by Legislator Pullen and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator Hopkins, seconded by Legislator Pullen and adopted on a roll call vote of 14 Ayes, 1 No, 0 Absent, that the audit of claims, totaling \$4,016,446.53 including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$1,636,899.*)

PROCLAMATION:

Chairman Curtis W. Crandall proclaimed April 5, 2010, as Citizen Day, that the week of April 5 through 11, 2010, be a week of honor and celebration memorializing the heroic and patriotic actions 20 years ago of those who resisted the threat of a radioactive dump, and that this time be a time honoring the Spirit of Allegany County and her Citizens who stood their ground. James Lucey, Tom Barber, and Mary Gardner-Ruch were invited forward to accept the proclamation. Chairman Crandall made note of a poster announcing a celebratory event to be held in Belfast on April 10, and noted that the picture on the poster was taken from an area newspaper dated April 6, 1990. The proclamation read at the meeting was designed by several people, signifying the history of the grassroots effort that evolved from the "I don't want it in my backyard" to a landmark Supreme Court decision. There were many efforts on many different fronts that all helped contribute to this grassroots cause and lead to the legislation. It was a historical event and important to be remembered. Mr. Lucey and Mr. Barber expressed appreciation for the proclamation and remarked that it was the friends and neighbors, the County Legislature, the Soil and Water Conservation District, and the people of Allegany County who all came together to accomplish something this memorable. They invited everyone to attend the get-together on April 10.

ADJOURNMENT: The meeting was adjourned at 2:45 p.m. on a motion made by Legislator Fanton, seconded by Legislator O'Grady and carried.

REGULAR SESSION – APRIL 12, 2010

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army First Sergeant Alfred Roliczek.

INVOCATION: The Invocation was given by Legislator Pullen.

ROLL CALL: 15 Present; 0 Absent.

APPROVAL OF MINUTES:

The Board meeting minutes of March 22, 2010, were approved on a motion made by Legislator Hopkins, seconded by Legislator Sinclair and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Alfred Roliczek, former United States Army First Sergeant, in grateful appreciation of his service to our Country. Mr. Roliczek's service dates were from August 1968 to March 1971 as an Army Medic in Vietnam and January 1986 to January 2006 in the Army Reserves. Battles or conflicts he was involved in were the Vietnam War, and Desert Shield and Desert Storm during the Persian Gulf War. Commendations Mr. Roliczek received included: Army Commendation Medal (2), Vietnam Service Medal, Vietnam Campaign Medal, and Combat Medical Badge. Mr. Roliczek led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall granted privilege of the floor to the following:

District Attorney Terrence Parker and Crime Victims Coordinator Shannon Ozzella spoke about April's designation as Child Abuse Awareness Month. As an advocate for victims of crime, their office sees a lot of crimes against children. Allegany County is fortunate to have the Child Advocacy Centers in Olean, and now in Wellsville. From September 2007 through October 2009, 510 children from Cattaraugus and Allegany Counties went through the Center in Olean. The Child Advocacy Center in Wellsville was established in October 2009, and since then has served over 40 children. District Attorney Parker read a proclamation by State Senator Catharine Young commemorating April as Child Abuse Prevention Month. Senator Young is a strong supporter in trying to make the public aware of the problem of child abuse.

Lynne Palmiere and Carrie Whitwood from the Allegany/Western Steuben Rural Health Network addressed the Board on National Healthcare Decisions Day, which will be recognized on Friday, April 16. They asked Legislators to lead by example to encourage staff, colleagues, and families to complete a health care proxy, which ensures that healthcare wishes are known and honored. When completed, witnessed, and signed, the health care proxy is a legal document that tells healthcare providers what your wishes are, who is authorized to make decisions for you, and what treatments you want or don't want when you're not able to make your own decisions. Packets were distributed containing educational material from the Community Health Foundation and the Sharing Your Wishes Program, copies of a healthcare proxy and a living will, and fact sheets. An invitation was extended for a reception on Friday, April 16, at 2:30 p.m. in the Jones Memorial Hospital Lobby, hosted by the Allegany/Western Steuben Rural Health Network, Allegany County Office for the Aging, and Jones Memorial Hospital.

BOARD OF LEGISLATORS SESSION MINUTES, APRIL 12, 2010

Representatives from the following departments and agencies were present to answer questions regarding their 2009 Annual Reports: Soil & Water Conservation District, Parks & Forests, Weights & Measures, Information Technology, County Historian, and Sheriff.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. Allegany County Board Rules.
2. Report of Tax Bill Corrections approved by the County Administrator in March.
3. Report of Intrafund Transfers approved by the County Administrator in March.
4. 2009 Annual Reports for review: Social Services, Development, Planning Board, Tourism, Industrial Development Agency, and County Administrator.

The following communications were also acknowledged:

1. Notice of next InterCounty meeting to be hosted by Schuyler County at the Watkins Glen International Raceway on April 16.
2. Correspondence from the Amity Rescue Squad thanking the Board for their donation in memory of Robert Graham.
3. Correspondence from the family of Robert McCormick thanking the Board for their donation to Hospice in memory of Mr. McCormick.
4. Correspondence from the Allegany County Citizens for Responsible Government regarding the removal of trees from the front lawn of the Courthouse, as well as Chairman Crandall's response to that letter.
5. Southern Tier West Regional Planning & Development Board meeting minutes from February 18 and meeting announcement for April 15, 2010.

APPOINTMENTS:

The Clerk of the Board announced that Chairman Crandall has reappointed John E. Margeson of Scio, New York, and Jerry Scott of Cuba, New York, as members of the **SOUTHERN TIER WEST REGIONAL PLANNING & DEVELOPMENT BOARD** for a three-year term commencing June 1, 2010, and expiring May 31, 2013, subject to confirmation by the Board of Legislators.

PROCLAMATIONS:

Chairman Crandall proclaimed April 16, 2010, as Healthcare Decisions Day in Allegany County to raise public awareness of the need to plan ahead for healthcare decisions related to end of life care and medical decision-making whenever patients are unable to speak for themselves, and to encourage the specific use of advance directives to communicate these important healthcare decisions.

Chairman Crandall proclaimed April 18 through 24, 2010, as Crime Victims' Rights Week in Allegany County to raise awareness of victims' rights and promote fairness, dignity, and respect by ensuring that all victims are afforded their legal rights and provided with assistance as they face the financial, physical, and psychological impact of crime.

RESOLUTIONS:

Resolution Intro. No. 77-10 (Supporting S6962 to Repeal Cost Recovery Assessment Imposed by New York State on Local Industrial Development Agencies) was amended on a motion made by Legislator Sinclair, seconded by Legislator LaForge and carried, to correct the dollar amount referred to in the third paragraph from \$5,045 to \$15,045.

RESOLUTION NO. 77-10**SUPPORTING S6962 TO REPEAL COST RECOVERY ASSESSMENT IMPOSED BY NEW YORK STATE ON LOCAL INDUSTRIAL DEVELOPMENT AGENCIES**

Offered by: Ways and Means Committee

Pursuant to Section 153 of the County Law

WHEREAS, the primary mission of local Industrial Development Agencies (IDAs) is the creation and retention of jobs for New York's residents, through innovative, locally-driven and developed programs to make counties and local communities better places in which to invest, grow productive business enterprises, and create better business atmospheres to generate new economic activity, job creation, and tax revenue producers, and

WHEREAS, the 2009-2010 state budget contained a statewide "cost recovery" assessment of \$5 million to "reimburse to New York State an allocable share of state governmental costs attributable to the provision of services to industrial development agencies," and

WHEREAS, the New York State Department of Taxation and Finance has sent assessment letters to IDAs in the state, for amounts corresponding to approximately 4.7 percent of the gross revenue received by an IDA in the 2008 calendar year, payable by March 31, 2010, which in the case of Allegany County Industrial Development Agency (ACIDA) is in the amount of \$15,045, and

WHEREAS, the assessments received by local IDAs were received long after local IDA budgets were developed and implemented, without the inclusion of this new unanticipated assessment in their adopted budgets, and

WHEREAS, the revenue received by IDAs subject to this assessment may include payments in lieu of taxes collected for local governments and school districts, state and federal grants, loan repayments on revolving loans, interest earned on revolving loan funds, and tenant reimbursements, and

WHEREAS, imposing a state gross receipts assessment on revenues from 2008 that include tax generated resources from the state and federal governments is redundant, punitive, and will lead to these resources and those appropriated by counties for local job creation to be used instead to help bail out the state, and

WHEREAS, S6962 has been introduced to repeal the cost recovery assessment contained in New York State Public Authorities Law Section 2975-a, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators hereby opposes the imposition of the new tax on the gross revenues of local IDAs as a means to help eliminate the state budget deficit, and calls upon the State Legislature to enact S6962 and its companion bill in the State Assembly to repeal this assessment.

BOARD OF LEGISLATORS SESSION MINUTES, APRIL 12, 2010

2. That the Clerk of this Board is hereby directed to forward a certified copy of this resolution to Governor Paterson, Assembly Speaker Silver, Senate Majority Leader Espada, Senator Young, Assembly Members Giglio and Burling, the New York State Association of Counties, and the Western New York InterCounty Association.

Moved by: Mr. Hopkins
Seconded by: Mr. Fanton

Adopted: Voice Vote

Comments made regarding Resolution No. 77-10 included the following:

Chairman Crandall noted that the state legislation referred to has already been abolished, but the resolution should still be sent forward.

Legislator Ungermann commented that the legislation was statewide, so each IDA received the assessment. As a business man, Mr. Ungermann noted that he gets assessments all the time from the state, and he has to pay them. If the state is going to assess someone, it should be done across the board, not just the private individuals. Mr. Ungermann also stated that one thing that bothers him about the IDA is that he doesn't see anywhere in their mission statement where they should be constructing buildings and leasing them back to the County. That doesn't create jobs, other than a few construction jobs. Mr. Ungermann opposed approval of the resolution.

Legislator Hopkins explained that the IDA assessment was considered unfair because it was on gross income, and a large majority of that was just pass-through money. There are no funds given out for administration or to set aside, so they are actually expecting the IDA to take money on one end and pay it out on the other end by way of less available funding. The assessment was unfair because it wasn't on profits or retained money, but on gross receipts.

RESOLUTION NO. 78-10

APPROVAL OF BOARD CHAIRMAN'S APPOINTMENT AND REAPPOINTMENT OF ONE MEMBER TO SOUTHERN TIER WEST REGIONAL PLANNING AND DEVELOPMENT BOARD

Offered by: Planning and Economic Development Committee

Pursuant to Resolution No. 35-68, as amended by Resolution No. 93-75

RESOLVED:

1. That the appointment by the Chairman of this Board of Frederick Sinclair of Scio, New York, as member of the Southern Tier West Regional Planning and Development Board, to fill unexpired three-year term of Brent Reynolds ending May 31, 2010, is approved.

2. That the reappointment by the Chairman of this Board of Frederick Sinclair of Scio, New York, as member of the Southern Tier West Regional Planning and Development Board, with term of office commencing June 1, 2010, and expiring May 31, 2013, is approved.

Moved by: Mr. Pullen
Seconded by: Mr. McGraw

Adopted: Voice Vote

RESOLUTION NO. 79-10

**A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE
2009 AND 2010 COUNTY AND TOWN TAX ROLLS FOR THE TOWNS NAMED
WITH REGARD TO REAL PROPERTY OF VARIOUS TAXPAYERS THEREIN;
DIRECTING MAILING OF NOTICES OF APPROVAL OF APPLICATIONS FOR
CORRECTED TAX ROLLS AND ORDERING THE VARIOUS
TOWN TAX COLLECTORS TO CORRECT THE TAX ROLLS;
PROVIDING FOR CHARGE BACKS OR CREDITS**

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law § 554

WHEREAS, applications, for the taxpayers hereafter described, have been made to the County's Director of Real Property Tax Service Agency, for the correction of certain errors affecting their real property on various tax rolls, and

WHEREAS, the Director has transmitted to this Board the applications, in duplicate, together with a written report of his investigation of the claimed errors and his written recommendation for action thereon by this Board as to each application, and

WHEREAS, this Board has examined each application and report to determine whether the claimed error exists, now, therefore, be it

RESOLVED:

1. That with regard to the applications for the named taxpayers pertaining to claimed errors regarding their real property on the respective tax rolls of the named Towns, this Board of Legislators does determine that the claimed errors as alleged in those applications exist and does approve those applications.

2. That the Chairman of this Board is authorized and directed to make a notation on those applications and the duplicates thereof that they are approved, to enter thereon the respective correct extension of taxes as set forth by the Director in his report, to enter thereon the respective date of mailing of a notice of approval, to enter thereon the date of mailing of a certified copy of this resolution to the proper Tax Collector, and to sign thereon as Chairman.

3. That the Clerk of this Board is directed to mail to the below listed taxpayers a notice of approval stating, in substance, that their application made has been approved, to inform the Chairman of this Board of the date of the mailing thereof, and to inform such respective taxpayers of the applicable provisions of subdivision seven of Section 554 of the Real Property Tax Law.

4. That the Tax Collector of the Town of Amity is ordered and directed to correct in the 2010 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Blade, Christopher T., Sr. & Blade, Ezora J.; Parcel 197.-1-5.11
Assessment: Land \$11,900 Total \$11,900

this parcel was split and should be deleted from the Tax Roll, and the County Treasurer is directed to make the following charges on her books:

BOARD OF LEGISLATORS SESSION MINUTES, APRIL 12, 2010

Allegany County	\$249.98
Town	139.21
Fire	16.32
School Relevy	281.71
Total	\$687.22

- b. Cowan, Richard S.; Parcel 198.-1-9.162
Assessment: Land \$14,200 Total \$14,200

this parcel was combined and should be deleted from the Tax Roll, and the County Treasurer is directed to make the following charges on her books:

Allegany County	\$121.71
Town	67.78
Fire	19.48
School Relevy	199.64
Total	\$408.61

5. That the Tax Collector of the Town of Andover is ordered and directed to correct in the 2009 and 2010 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Village of Andover; Parcel 216.15-2-39
Assessment: Land \$23,200 Total \$23,200

this parcel should be in Roll 8 and wholly exempt, and the County Treasurer is directed to make the following charges on her books for 2009:

Allegany County	\$355.48
Town	141.01
School Relevy	701.87
Total	\$1,198.36

- b. Andover Fire Dept.; Parcel 216.18-1-22
Assessment: Land \$60,000 Total \$60,000

this parcel should be in Roll 8 and wholly exempt, and the County Treasurer is directed to make the following charges on her books for 2010:

Allegany County	\$1,003.90
Town	367.06
Village Relevy	1,813.41
School Relevy	977.88
Total	\$4,162.25

6. That the Tax Collector of the Town of Belfast is ordered and directed to correct in the 2010 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Amish School/Enos Yoder; Parcel 129.-1-12.5
Assessment: Land \$11,000 Total \$11,000

this parcel is wholly exempt, and the County Treasurer is directed to make the following charges on her books:

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

Fire	\$12.07
Total	\$12.07

- b. Belfast School District; Parcel 105.1-1-33
Assessment: Land \$3,734,800 Total \$3,734,800

the Fire District does not apply, and the County Treasurer is directed to make the following charges on her books:

Fire	\$4,097.38
Total	\$4,097.38

7. That the Tax Collector of the Town of Genesee is ordered and directed to correct in the 2009 and 2010 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Anzivine, Lawrence; Parcel 297.-1-31.1
Assessment: Land \$10,000 Total \$10,000

this parcel was deleted from the tax roll and should not be taxed, and the County Treasurer is directed to make the following refunds:

	2009-2010	2010
	School	
Allegany County		\$157.45
Town		88.74
Fire		13.80
School	\$168.19	
Library	2.62	
Total	\$170.81	\$259.99

- b. Arigoni, Kathleen & James; Parcel 283.-1-28.4
Assessment: Land \$4,600 Total \$4,600

this parcel was deleted from the tax roll and should not be taxed, and the County Treasurer is directed to make the following refunds:

	2009-2010	2010
	School	
Allegany County		\$72.43
Town		40.82
Fire		6.35
School	\$77.37	
Library	1.21	
Total	\$78.58	\$119.60

8. That the Clerk of this Board is directed to forthwith mail a certified copy of this resolution to the various Tax Collectors for the Towns stated above together with the original copies of those applications completed in accordance with section two of this resolution.

9. The Clerk of this Board shall mail a copy of this resolution to the above named School and the amount to be charged to each School shall not be charged until 10 days after such mailing. Such amount shall be deducted by the County Treasurer from the money payable to each School as a result of school taxes returned after the date such amount is charged and which shall be paid to each School after May 1, 2010. The County Treasurer shall send a written notice to each School of the amount of such deduction prior to May 1, 2010.

BOARD OF LEGISLATORS SESSION MINUTES, APRIL 12, 2010

Moved by: Mr. Hopkins
 Seconded by: Mr. Fanton

Adopted: Roll Call
 15 Ayes, 0 Noes, 0 Absent

RESOLUTION NO. 80-10**TRANSFER OF FUNDS WITHIN ROAD MACHINERY ACCOUNT**

Offered by: Public Works Committee

RESOLVED:

1. That the sum of \$15,300 is transferred from Account No. DM5130.408 (General Supplies) to Account No. DM5130.204 (Motor Vehicles) to cover the amount in excess of the budgeted amount for 2 Tri-Axle trucks.

Moved by: Mr. Fanton
 Seconded by: Mr. Pullen

Adopted: Roll Call
 15 Ayes, 0 Noes, 0 Absent

RESOLUTION NO. 81-10**APPROVAL OF ADJUSTMENTS TO 2010 COUNTY BUDGET TO PAY IN FULL
 A BOND ANTICIPATION NOTE (BAN)**

Offered by: Budget and Ways and Means Committees

WHEREAS, the Budget Committee reviewed and approved a request from the County Treasurer to pay off the \$1,333,525 Bond Anticipation Note (BAN), and

WHEREAS, such action would require a budget adjustment of \$1,210,000, now, therefore, be it

RESOLVED:

1. That the following budget adjustments are approved: Transfer \$1,210,000 from Account No. A15.599.00 (Appropriated Fund Balance) to Account No. A9560.905 (Interfund Transfer to V) and \$1,210,000 from Account No. V12.5031.00 (Interfund Transfer from A) to Account No. V9730.600 (BAN Principal).

Moved by: Mr. Hopkins
 Seconded by: Mr. Burdick

Adopted: Roll Call
 15 Ayes, 0 Noes, 0 Absent

(Memo: Resolution No. 81-10 approved a transfer of funds from General Fund Balance to the Debt Service Fund to pay in full a Bond Anticipation Note that is due April 22, 2010. Total amount due is \$1,333,525. The transfer amount is what was needed to pay the BAN off in full. This is the only short-term borrowing the County currently has, and it was estimated that to roll this BAN for another year would cost an additional 1.5 percent interest. The fund balance is sufficient to warrant the payoff. With the economy as it is and the low interest rates received on cash investments, it was the County Treasurer's opinion that it would be prudent to reduce this debt liability at this time.)

Comments made regarding Resolution No. 81-10 included the following:

Legislator Sinclair pointed out that the payment for the BAN is coming out of the reserves and is effectively paying down the past debt for machinery and bridges. He fully supported the action.

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

Legislator Pullen noted that this represents correcting a time when the County didn't have the cash flow or liquidity to pay these expenses on a cash basis. Sometimes borrowing is necessary, but this represents a clear sign of progress from a fiscal perspective, and it's an encouraging sign. Hopefully we'll be able to remain on a cash basis and pay off other indebtedness incurred in prior years.

RESOLUTION NO. 82-10**APPROVAL OF LEASE OF LAND TO BAINBRIDGE FAMILY FARM
TO BE USED FOR AGRICULTURAL PURPOSES ONLY**

Offered by: Ways and Means Committee

WHEREAS, the County desires to lease County land for agricultural purposes only, now, therefore, be it

RESOLVED:

1. That the Lease of County Land between the County of Allegany and Bainbridge Family Farm for approximately 15 acres of land south of the Allegany County Jail and Public Safety Facility on State Route 19, commencing April 12, 2010, and expiring December 31, 2010, is approved.

2. That the Chairman of this Board is authorized to execute said Lease.

Moved by: Mr. Hopkins
Seconded by: Mr. Burdick

Adopted: Roll Call
15 Ayes, 0 Noes, 0 Absent

RESOLUTION NO. 83-10**APPROVAL OF LEASE BETWEEN FIRST BAPTIST CHURCH, BELMONT, NEW YORK,
AND COUNTY OF ALLEGANY FOR PREMISES OFF COURT STREET AND
TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT**

Offered by: Court Facilities and County Space Needs and Ways and Means Committees

RESOLVED:

1. That Lease between the First Baptist Church, Belmont, New York, and the County of Allegany for parking off of Court Street is approved.

2. That this is a two-year lease at \$500 per month and will expire on April 1, 2012.

3. That the sum of \$4,500 is transferred from Account No. A1990.4 (Contingent) to Account No. A1622.4 (Land Acquisition or Lease) to cover rent payments through 2010.

4. That the Chairman of this Board is authorized to execute said Lease and to cause the recording of same in the Allegany County Clerk's Office.

Moved by: Mr. Pullen
Seconded by: Mr. Healy

Adopted: Roll Call
14 Ayes, 1 No, 0 Absent
Voting No: Ungermann

Comments made regarding Resolution No. 83-10 included the following:

BOARD OF LEGISLATORS SESSION MINUTES, APRIL 12, 2010

Legislator Pullen noted that the County has used the First Baptist Church parking lot for years. It was done on a handshake, and it's a sign of the strength of the community that we were able to do that. The arrangement needs to be formalized to address issues like insurance and maintenance due to our use. The agreement will be a benefit to the County's workforce and those who come to use the facilities, and it represents fairness to the First Baptist Church.

Legislator Ungermann stated that he understood that this lot has been used in the past, but only for Grand Jury parking, and he's grateful to the church, but he was confused about the parking issues. He read the following prepared statement and excerpts from noted documents:

"I've been a site contractor for a number of years. Our company has done a 116,000-square-foot Walmart Store, a building pad for a Home Depot, a 52,000-square-foot Ashley Furniture Store, a large two-story addition to the Olean Medical Group, a large bus garage at the Cuba-Rushford High School, and a couple of school additions. In each and every case, I was involved in site planning for job trailers, materials, and the like. On several occasions, I told this Board that the entire back parking lot was going to be lost to anyone parking there. As usual, Mr. Pullen and sometimes Mr. Fanton told me I didn't know what I was talking about; however, even being a dumb bulldozer driver from Cuba, it's obvious that no one can park in the lot at the rear of the Courthouse.

What really confuses me is on page 18 of Judge NeMoyer's decision against the Allegany County Citizens for Responsible Government where he states: 'The County apparently feels that the project-unaffected on-site parking, especially that to the rear of the Courthouse, will meet the needs of Court employees and County workers even during the construction phase, past employee-parking problems having been mitigated by the recent relocation of various County agencies offsite.' (Repeated) How could the Judge be misled into thinking that?

We're pretty good at misleading people. A couple of examples: We told the public that we would have public meetings to avoid reactions like we had when building the Jail, and all we gave them were a couple of brochures. We wrote to the Genesee Valley School District before they voted on a new school building that the County may be interested in using the old school for offices. Then we gave it away for \$1. One Legislator has repeatedly told people that the old and new Courthouse is and will be built on solid bedrock; then why are we underpinning foundations? I've only seen a few rocks; the rest is silty clay. We invited town supervisors and village mayors to a meeting and told them we would be sanctioned \$14 million if we didn't do this project. We never bothered to tell them about Section 39A of the Judiciary Law or the fact that the state can not spend the money. Does anyone find it strange that we never allowed questions to be asked at that meeting? We also heard from one Legislator who repeatedly used the City of Newburgh as an example of OCA's sanctioning; however, Nick Valentine, Mayor of Newburgh, said it never happened. John Traylor, from the State Comptroller's Office said the OCA has never sanctioned anyone, to his knowledge.

Court documents say that planning for the Courthouse addition ended in January of 2009. Yet, we issued two negative declarations for the Presutti and Tronetti houses on June 10, 2009, listing parking as possible use. In May 2008, the residents of 19 Court Street received a letter from the County stating, 'As you may be aware, the County Board of Legislators is considering a plan to build additional accommodations for the County Court System. If this plan is adopted, new construction will sacrifice existing parking space and we are looking at properties which neighbor us on the north as potential locations for new parking areas.' On January 20, another letter said we

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

were still interested. On February 11, after the supposed planning date, a letter included, 'The Newark's shall be permitted to remove certain fixtures from the home which will be identified at a later date.' This would indicate that plans were to demolish the house.

Let me read you paragraph 7 and 8 of Mr. Pullen's affirmation in Court. 'On the issue of parking shortage, this is not new to the County facility. While homes could eventually be removed and the property used for parking, there has been no determination to do so. The property acquisition is not part of the Courthouse planning process, which concluded with our approval of improvements in January 2009. As to parking contingencies that were considered in regards to the parking issue as part of the Courthouse planning process, construction plans, for example, include staging of the materials to limit loss of parking.'

Mr. Spitzer's and Mr. Miner's statements included, 'There is simply no evidence before this Court, beyond the active imagination of the petitioner and its members, that the purchase of the homes has anything to do with Courthouse project acquisition. The County may use the houses for a historical society, may use them for other storage, but there is certainly no evidence that it intends to tear them down for parking for the Court. Indeed, no such action has occurred despite the petitioner's fanciful thinking.' Why did they do this? I can only surmise that they would have lost the lawsuit if they didn't convince the Judge that we didn't need parking.

If the SEQR process had been properly followed, this lease would have been done in January 2009 when the planning for this project was supposedly completed. By the way, we now have negative declarations for the purchase of two Court Street properties approved by the Legislature by an 8 to 7 vote. Now Mr. Miner has declared that the Court Facilities Committee of five can issue negative declarations, with only three votes needed to pass, instead of eight if the whole Board had to vote. I asked Steve Doleski, the DEC Regional Permit Administrator, about the SEQR process having a double set of rules, one for the private sector, and one for municipalities. He replied, 'Your statement about the SEQR process having two sets of rules, one for municipalities and one for the private sector, can frequently be correct, unfortunately. The SEQR process works well when the agencies and persons involved understand the correct procedures, can truly be objective, and have the moral and ethical values to make the environmental review process transparent and properly documented.'

Mr. Chairman, I don't want to see Mr. Spitzer, Mr. Miner, or Mr. Pullen get into any trouble for maybe misleading a Judge, so I'm going to vote with the Judge on this one and say we don't need the parking. What we really should be voting on here is a resolution to pull the plug on this project." (End quote by Legislator Norman Ungermann)

Legislator O'Grady commented that although Mr. Ungermann's argument was informative, and he appreciated the look back, the fact is that we need parking, so he supported the resolution.

Legislator Russo stated that he was originally against the resolution, because he felt it was not needed. Since that time, he has seen senior citizens with canes, as well as other handicapped individuals, walking across the street and walking from a great distance away from the building, and he felt that additional parking is needed. As the project goes on, there will be less and less parking. Reluctantly, he voted in favor of the resolution.

RESOLUTION NO. 84-10**RATIFYING AGREEMENT WITH MAXIMUS, INC. TO PREPARE COUNTY-WIDE COST ALLOCATION PLAN AND RELATED INDIRECT COST RATE PROPOSALS FOR 2008, 2009, AND 2010 FOR FEDERAL AID**

Offered by: Ways and Means Committee

RESOLVED:

1. That Agreement with the firm of MAXIMUS, Inc., which provides for the payment of \$7,900 per year to the firm for preparation of a County-wide cost allocation plan and related indirect cost rate proposals for 2008, 2009, and 2010 for federal aid, is approved.
2. That the cost for such services shall be charged to Account No. A1040.4.
3. That the signature of the County Treasurer on said Agreement is ratified. An executed copy of the Agreement shall be filed with the Clerk of this Board and one sent to the firm of MAXIMUS, Inc.

Moved by: Mr. Hopkins
 Seconded by: Mr. Pullen

Adopted: Roll Call
 15 Ayes, 0 Noes, 0 Absent

Resolution Intro. No. 85-10 (Resolution Urging the State of New York to Delay the Implementation of the Ignition Interlock Provisions of Leander's Law as Part of All DWI Sentences) was not pre-filed and was considered from the floor on a motion made by Legislator Healy, seconded by Legislator Sinclair and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

Resolution Intro. No. 85-10 (Resolution Urging the State of New York to Delay the Implementation of the Ignition Interlock Provisions of Leander's Law as Part of All DWI Sentences) was amended on a motion made by Legislator Healy, seconded by Legislator Sinclair and carried, to correct the spelling of *Leander's Law* to *Leandra's Law* throughout the resolution.

RESOLUTION NO. 85-10**RESOLUTION URGING THE STATE OF NEW YORK TO DELAY THE IMPLEMENTATION OF THE IGNITION INTERLOCK PROVISIONS OF LEANDRA'S LAW AS PART OF ALL DWI SENTENCES**

Offered by: Public Safety Committee

WHEREAS, in late 2009, New York State enacted and passed into Legislation "Leandra's Law" which (a) added the category of "Child in Vehicle" to DWI offenses, that has already been implemented; and (b) added a section to the V & T Law requiring the installation and use of an Ignition Interlock Device as part of all DWI sentences in New York State, to be implemented effective August 15, 2010, and

WHEREAS, the Legislation provided no direction or resources whereby the Ignition Interlock section of this legislation could be implemented, and

WHEREAS, in accord with the request of the Law, the NYS DPCA has prepared a Proposed Rule to direct the implementation of this law, and

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

WHEREAS, the proposed Rule does not demonstrate how the counties are to organize and/or support the implementation of this Program, and requires each county to demonstrate how the county will implement and fund this Program, and

WHEREAS, the Allegany County Departments of Probation, STOP-DWI, and others have discussed this Program with the Public Safety Committee and no adequate solutions have been put forth, and

WHEREAS, Allegany County, in this time of severe fiscal crisis, does not have the resources to assume responsibility for an unfunded mandate of this magnitude, now, therefore, be it

RESOLVED:

1. The Allegany County Board of Legislators joins with NYSAC and other appropriate statewide organizations to recommend and request that the State of New York delay the implementation of the Ignition Interlock Program for two or more years until appropriate resources can be identified and made available to the counties for the implementation of this Program.

2. That the Clerk of this Board is directed to send certified copies of this resolution to Governor David A. Paterson, Speaker of the New York State Assembly Sheldon Silver, Senator Catharine M. Young, and members of the Assembly Daniel J. Burling and Joseph M. Giglio.

Moved by: Mr. Healy
Seconded by: Mr. Fanton

Adopted: Voice Vote

(Memo: Regarding Resolution No. 85-10, the Ignition Interlock aspect of the law goes into effect on August 15, 2010. Anyone sentenced to probation or a conditional discharge after that date for a DWI offense has to have an Ignition Interlock device in place on their vehicle before being able to drive that vehicle. The defendant has to be in this program for a period of six months. There were 326 DWI arrests in 2009. Sixty-three of these arrests were for repeat offenders. The law requires each county to develop an Ignition Interlock Program Plan and submit it to the Division of Probation and Correctional Alternatives (DPCA) by June 15, 2010. Work has begun on this plan. The law requires that an offender will not have to travel farther than fifty miles to have a device installed. Allegany County currently has one vendor that we are aware of who is willing to install these devices. This business is in Belmont. The offender, if financially able, has to pay for the costs of the installment and monitoring of the Ignition Interlock, and these costs are paid directly to the "installation/service provider" and the "qualified manufacturer." Thus this program will not be a source of revenue for the County. In fact, this program could have a major negative financial impact on Allegany County. The law states that all offenders, even those deemed unable to pay for the device by the Court, is entitled to have an Ignition Interlock device installed in their vehicle. The costs for installation, leasing, and removal of a device range from \$639 to \$825 (depending on the company) for six months. Upon consulting with the District Attorney and the STOP-DWI Coordinator, the Probation Department is conservatively estimating that if 100 of the individuals arrested in 2009 were deemed unable to pay, it would cost Allegany County between \$63,900 and \$82,500. None of the related departmental budgets has this amount of money collectively, let alone separately. It is unknown where this money will come from. The law does not provide for any funding source to pay for these indigent offenders.)

Comments made regarding Resolution No. 85-10 included the following:

BOARD OF LEGISLATORS SESSION MINUTES, APRIL 12, 2010

Legislator O'Grady noted that he was supporting the resolution. The state was heading in the right direction with the addition of the category of "Child in Vehicle" to DWI offenses, but their good intentions were a little misguided with the Ignition Interlock Device. First of all, there's nothing preventing a DWI offender from getting into a vehicle without the interlock or drinking and driving in another vehicle. Also, not only do indigents get their attorneys paid for, now they'll get this ignition interlock device paid for as well. We're actually paying for their penalty for committing a crime. The important thing is to sway public opinion to take a more serious look at DWIs. It is a crime. If everyone who committed a DWI offense couldn't plea bargain it down and had a six-month stint in jail, we would immediately see the number of DWI offenses drop. So, although the one part of the legislation is right on, the interlock requirement will do nothing for recidivism.

Resolution Intro. No. 86-10 (Resolution Urging the State of New York to Appropriately Disburse the Statewide Wireless 911 Cellular Surcharge) was not pre-filed and was considered from the floor on a motion made by Legislator Fanton, seconded by Legislator Healy and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 86-10

**RESOLUTION URGING THE STATE OF NEW YORK TO APPROPRIATELY
DISBURSE THE STATEWIDE WIRELESS 911 CELLULAR SURCHARGE**

Offered by: Public Safety Committee

WHEREAS, while New York State will collect approximately \$200 million dollars in fiscal year 2010 from the statewide wireless 911 cellular surcharge, the funding is distributed unfairly and inappropriately throughout the Public Safety Answering Points within the State, and

WHEREAS, while Allegany County is among the Public Safety Answering Points across New York State that provide emergency call taking and dispatch services to all emergency service providers, including many New York State agencies, Allegany County gets an inappropriate amount of reimbursement from this surcharge revenue, now, therefore, be it

RESOLVED:

1. The Allegany County Board of Legislators requests the State of New York to appropriately disburse the \$200 million dollars collected from the statewide wireless 911 cellular surcharge to the 911 Public Safety Answering Points across New York State for operational costs and continuing upgrades.

2. That the Clerk of this Board is directed to send certified copies of this resolution to Governor David A. Paterson, Speaker of the New York State Assembly Sheldon Silver, Senator Catharine M. Young, and members of the Assembly Daniel J. Burling and Joseph M. Giglio.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

Adopted: Voice Vote

Comments made regarding Resolution No. 86-10 included the following:

Legislator Ungermann asked how much of this surcharge would come to the County. Sheriff Tompkins replied that last year, the state collected about \$186 million. When the legislation was originally passed, all of that money was supposed to be split up among the Public Safety

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

Answering Points (PSAPs) in New York State. Allegany County E-911 Center is one of those. The state didn't do what they said they would do with the money, and only about five percent is being disbursed as it was supposed to be. The Sheriff's Office would like to see the state do the right thing and split all of the surcharge money between the emergency communication centers in the state, but if they're not going to do that, they're asking that the percentage be more reasonable to at least cover the operating costs for the centers. Currently, Allegany County is receiving \$30,000, and if this action is successful, we're hoping to get between \$200,000 and \$300,000 annually. It should be much more than that.

Legislator Pullen commented that the State Comptroller released a report dealing with what this is one example of. The state established a fund that's not considered a tax, but is a fee that's added on to cell phone bills to help 911 centers deal with technology and training. It's a good purpose, but then it disappears into the ether somewhere. The State Comptroller made a scathing attack on this. According to him, there have been billions of dollars siphoned off. The cell phone fee is one example, and a couple of others are the Environmental Protection Fund revenue and the motor fuel tax collected at the gas pumps. They just get swept into the General Fund per authorization from the Governor's Office. It's basically just another tax, and they have not done what they said they were going to do. It completely lacks integrity. The County is left picking up the bill for equipment, training, and staffing of the E-911 Center, all of which these cell phone fees could go towards. Even though they funded a mandate, now they have siphoned off what they funded it with. The State Comptroller shares our feeling that this is reprehensible and is seeking legislation that will make it illegal.

Resolution Intro. No. 87-10 (Resolution Calling upon Governor Paterson to Call a Special Election to Fill the Vacancy in the 29th Congressional District) was not pre-filed and was considered from the floor on a motion made by Legislator Hopkins, seconded by Legislator Sinclair and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 87-10

**RESOLUTION CALLING UPON GOVERNOR PATERSON TO CALL
A SPECIAL ELECTION TO FILL THE VACANCY IN
THE 29TH CONGRESSIONAL DISTRICT**

Offered by: Ways and Means Committee

WHEREAS, Allegany County is part of the 29th Congressional District, and

WHEREAS, our Congressional Representative resigned his position on March 8, 2010, leaving the over 49,000 residents of Allegany County without representation in Washington at the Congressional level, and

WHEREAS, Article I, Section 2 of the United States Constitution allows for a state governor to call for a special election to fill a vacant position in the House of Representatives, and

WHEREAS, all US Citizens need to be properly represented in our Capitol; now therefore be it

RESOLVED:

1. That the Board of Legislators of Allegany County hereby calls upon Governor David Paterson to immediately call for a special election for the 29th Congressional District as outlined in the United States Constitution.

BOARD OF LEGISLATORS SESSION MINUTES, APRIL 26, 2010

2. That certified copies of this resolution be sent to Governor David A. Paterson, Senator Catharine M. Young, New York State Assembly Speaker Sheldon Silver, Assemblyman Daniel J. Burling, and Assemblyman Joseph M. Giglio.

Moved by: Mr. Hopkins
Seconded by: Mr. Healy

Adopted: Voice Vote

Comments made regarding Resolution No. 87-10 included the following:

Legislator Russo questioned how much it would cost to run a special election. Chairman Crandall responded that it would cost Allegany County \$45,000.

Legislator Hopkins pointed out that even though we don't have a Congressman at this point, we still have his staff working. That leadership is costing all the taxpayers money, and we should have some leadership in there. It'll be January if we wait for the next general election for the position to be filled, and there will be a lot of important votes that could affect us in our County within that time. We should move this on and try to get some representation. If we're paying taxes, Mr. Hopkins would like to see someone represent us there.

AUDITS:

A motion was made by Legislator Hopkins, seconded by Legislator Pullen and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator Hopkins, seconded by Legislator Fanton and adopted on a roll call vote of 14 Ayes, 1 No, 0 Absent, that the audit of claims, totaling \$2,913,920.33 including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$2,083,326.*)

ADJOURNMENT: The meeting was adjourned at 3 p.m. on a motion made by Legislator Hopkins, seconded by Legislator O'Grady and carried.

REGULAR SESSION – APRIL 26, 2010

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by United States Army Veteran (Legislator) Norman Ungermann.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 14 Present; 1 Absent (Legislator Benson).

APPROVAL OF MINUTES:

The Board meeting minutes of April 12, 2010, were approved on a motion made by Legislator Sinclair, seconded by Legislator Pullen and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall granted privilege of the floor to the following:

Office for the Aging Director Kimberley Toot addressed the Board on Older Americans Month, and highlighted some of the month's activities. A fundraising event sponsored by the Senior Foundation, "Rocking with the Oldies," will be held May 15 and will be catered by the Barbecue Bandits. Sponsored through the Community Partnership on Aging, on May 26 there will be a dinner at Alfred University's Powell Center with a presentation entitled, "Livability by Design," a way to create communities that are senior friendly and disability friendly. The sixth annual, day-long Aging Conference entitled, "Dynamic Aging," will be held on May 27 at Alfred State College. All nine luncheon centers will be having celebrations during the month, and Legislators are encouraged to participate. Also during May, date to be announced, William Armbruster from AARP will give a community presentation on the new health care reform bill. Mrs. Toot encouraged everyone to remember our older citizens and participate in as many events as possible during this coming month.

Development Director John Foels introduced and welcomed Kier Dirlam as the new County Planner, beginning today. Mr. Dirlam has served the County in various roles, most recently as Liaison to the Planning Board, and he was instrumental in guiding the County's Comprehensive Planning process.

Representatives were present from the following departments and agencies to answer questions regarding their 2009 Annual Reports: County Administrator, Office of Development, Industrial Development Agency (IDA), Planning Board, Social Services, and Tourism.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. May 2010 Calendar of Board and Standing Committee meeting dates.
2. April 2010 Village Supplement to the 2010 Directory of County, Town, and Village Contacts.

The following communications were also acknowledged:

1. Correspondence from former Legislator Brent Reynolds thanking the Board for its donation to Allegany County Cancer Services in memory of his mother.
2. Invitation to attend a Barbershop 2010 Spring Show on May 8 at 7:30 p.m.
3. Invitation to attend the Livability by Design Free Workshop on May 26 from 9 a.m. to 3 p.m. at the Crossroads Commerce and Conference Center.
4. Invitation to attend the Livable Communities by Design for Community Leaders on May 26 from 5:30 to 8 p.m. at the Alfred University Knight Club at the Powell Campus Center.
5. Correspondence from Senator Catharine Young confirming receipt and support of our resolution encouraging the NYS DEC to complete its environmental review of natural gas drilling in the Marcellus Shale and lifting of the drilling moratorium.

BOARD OF LEGISLATORS SESSION MINUTES, APRIL 26, 2010

6. Invitation to attend the Allegany County Fair Board's Annual Appreciation Dinner on Tuesday, May 11. The Agricultural Society hopes that all Legislators will consider attending, and they would appreciate knowing of plans to attend prior to the event.

PROCLAMATION:

Chairman Curtis W. Crandall proclaimed May 2010 as Older Americans Month in Allegany County to recognize the contributions our older adults have made and will continue to make to the culture, economy, and character of our community and our nation.

RESOLUTIONS:**RESOLUTION NO. 88-10****NAMING THE MAIN CEREMONIAL COURTROOM OF THE ALLEGANY COUNTY COURTHOUSE IN HONOR OF THE HONORABLE JAMES E. EUKEN**

Offered by: Court Facilities and County Space Needs Committee

WHEREAS, the Board of Legislators has been advised of the retirement of the Honorable James E. Euken, Allegany County Court Judge, and reflected upon his many years of faithful public service to the citizens of Allegany County, and

WHEREAS, Judge Euken first practiced in Allegany County in 1972 as a private attorney, trying civil cases in County Court in the main courtroom, and

WHEREAS, Judge Euken in 1974 then became the first Public Defender of Allegany County, and defended criminal cases in the main courtroom of the County Courthouse, and

WHEREAS, in 1984 Judge Euken became District Attorney and prosecuted numerous criminal cases in the main courtroom of the County Courthouse, and

WHEREAS, in July of 1997 Judge Euken became County Court Judge and has tried many civil and criminal cases in the main courtroom of the County Courthouse, and

WHEREAS, it appears that no attorney in living memory has practiced more in the main courtroom of the County Courthouse in more capacities, now, therefore, be it

RESOLVED:

1. That the Main Ceremonial Courtroom of the Allegany County Courthouse be named in honor of the Honorable James E. Euken on the occasion of his retirement, and the Bar Association of Allegany County is authorized to acquire and install a suitable plaque or designation device at the entrance to same.

Moved by: Mr. Pullen
Seconded by: Mr. Fanton

Adopted: Voice Vote

Comments made regarding Resolution No. 88-10 included the following:

Legislator Ungermann noted that he is generally opposed to naming buildings and other objects after human beings, who are only here for a short period of time in the scheme of things. He has nothing against Judge Euken, but there are others who are just as deserving.

Legislator Pullen agreed with much of what Mr. Ungermann said. The request came to the Court Facilities and County Space Needs Committee from the Allegany County Bar

Association. Although there are certainly others who have served with great distinction as judges and in other positions, Judge James Euken is unique. His career involved private practice in the court system, and he then served the County in so many capacities: Public Defender, District Attorney, and County Judge. It's that breadth of service that prompted the Bar Association to feel this honor was appropriate.

A motion was made by Legislator Hopkins, seconded by Legislator O'Grady and carried, to grant Legislator LaForge permission to abstain from voting on Resolution Intro. No. 89-10 (Amendment of Resolution No. 170-2009 Establishing Solid Waste Residential User Fees for Year 2010).

RESOLUTION NO. 89-10

**AMENDMENT OF RESOLUTION NO. 170-2009
ESTABLISHING SOLID WASTE RESIDENTIAL USER FEES FOR YEAR 2010**

Offered by: Public Works Committee

RESOLVED:

1. That "Disposal Ticket" fees in paragraph 1. of Resolution No. 170-2009, is amended to read as follows:

13 gallon bag or smaller	\$1.00
30 gallon bag	\$2.00
55 gallon bag or barrel	\$4.00
Bulky items:	
Large items - couch, mattress, box spring, large cabinet/dresser or carpet roll	\$4.00
Small items - chair, table, toilet, sink, small pieces of furniture	\$3.00

Any other solid waste, up to a three (3) cubic yard load or a full size pickup loaded to the top of the original sides, and not otherwise described in this fee schedule:

Compact pickup or small trailer with an equivalent capacity	\$15.00
Full size pickup or trailer with an equivalent capacity	\$20.00

Moved by: Mr. Fanton
Seconded by: Mr. Pullen

Adopted: Roll Call
13 Ayes, 0 Noes, 1 Absent
Abstaining: LaForge

(Memo: The amendment in Resolution No. 89-10 was to add the 13-gallon bag or smaller category to the disposal ticket fee structure.)

Comments made regarding Resolution No. 89-10 included the following:

Legislator Sinclair requested clarification that this amendment will not affect people with the residential disposal tags, that level of access will still be available, and tag holders won't have to have a card punched. Legislator Fanton responded that was true, at least through the end

of this year. Legislator Cady noted that the amendment does not increase fees, but it allows people with 13-gallon bags to pay a smaller fee than what is charged for 30-gallon bags.

RESOLUTION NO. 90-10

RESOLUTION OPPOSING VARIOUS PROPOSED NEW YORK STATE LEGISLATION

Offered by: Public Safety Committee

WHEREAS, the “right to bear arms” is guaranteed by the Second Amendment to the U.S. Constitution, and

WHEREAS, certain bills, if passed in the New York State Assembly and Senate and approved by the Governor, would have a detrimental effect on hunters, sportsmen, and legal gun owners as well as the health of wildlife, revenue to local municipalities and the Department of Environmental Conservation, and

WHEREAS, passage of said legislation would curtail the rights of law-abiding citizens as guaranteed by the Constitution, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators hereby urges the New York State Senate, New York State Assembly, and the Governor to oppose the following bills:

a. A801A & S1598A (In counties having population under 200,000, licenses for gunsmiths or dealers in firearms must be renewed at 6 year intervals. Other than in NYC and certain downstate counties, any license to carry or possess a pistol or revolver shall expire not more than 5 years after date of issuance, in accordance with a schedule to be promulgated by the Commissioner of the Division of Criminal Justice Services.)

b. A1093 & S1715 (Requires gun dealers to adopt “reasonable measures” to prevent firearms, rifles, and shotguns from being diverted from legal commerce to individuals not legally entitled to purchase or possess such weapons. Such measures shall eliminate sales to “straw purchasers.” The Superintendent of the State Police shall develop programs to eliminate such straw laws. Every gun dealer shall carry liability insurance coverage of no less than \$1,000,000, and shall implement a plan to secure weapons, including while in transit or on display. Ammunition shall be stored separately and out of reach of customers. Minors under age 18 must be accompanied by parent or guardian in that portion of the premises where firearms are stocked or sold. Employees must be trained related to appropriate laws, including federal requirements and safe handling. Also includes certain provisions related to licensing.)

c. A1275 & S712 (Amends general business law to define “gun show” to include “public auction, flea market, or garage sale” at which “firearms, rifles, or shotguns are offered for sale, transfer, or exchange.”)

d. A1326 & S5228 (Defines childproof device as “mechanism incorporated into the design of a pistol or revolver to effectively preclude an average 5 year old from operating” it. Directs Superintendent of State Police, in consultation with gun manufacturers to “adopt rules establishing standards for child proofing devices.” Sale of pistols or revolvers manufactured 12 months or more after effective date of this section which do not contain childproofing mechanism shall result in class A Misdemeanor.) (Senate bill is very similar, but more specific about device, citing language such as 10 pound pull.)

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

- e. A2881 & S2379 (Adds to definition of “armor piercing ammunition” and includes ceramic and hybrid materials, defines “devastator ammunition” as projectiles capable of being used in pistol or revolver and designed to “explode or detonate on impact.” Prohibits possession of such ammunition “with the intent to use same unlawfully against another person or property.”)
- f. A2882A (Expands compilation of firearm and ballistic data: Any expended projectile, expended shell casing, or gun seized, found, or otherwise coming into the possession of any state or local law enforcement agency which may have been used during a violent felony offense shall be submitted to the Division of State Police and entered into the automated, electronic data base.)
- g. A2884 (Prohibits sale of guns at any gun show located on property owned by state or political subdivision. Class A misdemeanor.)
- h. A2885 (Directs Superintendent of State Police to issue rules to prevent sale, distribution, or transfer of unsafe firearms directly or indirectly in the state, including aspects such as safety standards, tamper resistant serial numbers, and quality control.)
- i. A2910 (Directs Superintendent of State Police to consult with U.S. Secretary of State and Attorney General and conduct tests and evaluation of pistols and revolvers manufactured outside of the U.S. relative to public safety standards established by U.S. Bureau of Alcohol, Tobacco, and Firearms. He shall submit a list of weapons to the legislature, but list “shall not have the force of and effect of law unless such list is thereafter enacted into penal law.”)
- j. A3346 (Similar to A2885 and A2910 with regard to weapons which are produced domestically but which do not meet federal import standards. Includes specific makes and models of guns in definition of “dangerous firearms” and directs Superintendent of State Police to compile a list of weapons which fail to meet federal Gun Control Act of 1968 design and performance standards for imported firearms. Provides that such list “shall not have the force of and effect of law unless such list is thereafter enacted into penal law.”)
- k. A3076 (Narrows provisions related to eligibility for firearms license such that “no license shall be issued or renewed except for an applicant who has “not had a guardian appointed for them pursuant to any provision of law, based on a determination that as a result of marked subnormal intelligence, mental illness, incapacity, condition, or disease, he or she lacks the mental capacity to contract or manage their own affairs.”)
- l. A3200 & S2953 (Establishes ammunition coding database to facilitate matching of bullets to weapons; requires vendors of ammunition to record and maintain records on sales, information including identification of purchaser or ammunition and “unique identifier of all handgun ammunition and bullets transferred,” with such identification to be etched on base of bullet projectile. Criminalizes possession of uncoded ammunition, but any person with a valid hunting license shall be exempt for three years. Contains privacy provision of such records for individual purchasers; information only to be released to law enforcement agency “in connection with criminal investigation.” Contains provision in tax law for credit for exchange of uncoded ammunition, and imposes fee on ammunition sales to fund database.)
- m. A3211 & S4752 (Bans sale, possession, or use of .50 caliber or larger weapons; however, “nothing shall be construed to include muzzle loading rifle or shot gun with rifled bore.” Directs Division of State Police to implement programs to allow dealers in firearms in possession of new .50 caliber weapons to bring themselves into compliance, requiring manufacturers to give refunds or credit for new weapons to dealers, and for the state to pay to dealers and private owners of used weapons, “amount equal to the fair market value, not to exceed \$8,500” upon delivery of such weapon to the Division of State Police.)

BOARD OF LEGISLATORS SESSION MINUTES, APRIL 26, 2010

n. A3477 & S1188 (Adds assault weapons and “other long barreled weapons” to existing ballistic identification data base for pistols and revolvers.)

o. A4441 & S4338 (Creates temporary firearms safety commission to adopt performance safety standards for firearms. Such standards shall require that a firearm must be personalized so that it can be fired only when operated by that firearm’s authorized user and such features shall be part of the original equipment and not readily deactivated. Contains provisions, after issuance of final report by the commission, for procedure to determine whether firearm model meets such standard, with enforcement provision that four years after adoption of the commission’s standards, firearms which do not meet the standard shall not be made, assembled, offered for sale, sold, traded, shipped, acquired, or possessed in the state. Antique firearms and firearms manufactured prior to four years from the adoption of the standard are exempt, but may not be sold, traded, transferred by dealers.”)

p. A5844 (Requires weapons to be stored safely, defining means to “appropriate lock box or rendering the weapon incapable of being fired by use of a gun locking device appropriate to that weapon” including provision for aggravated failure to store a weapon safely when leaving a loaded firearm “in any location where such weapon is accessible to a person under the age of 18.” Directs the Commissioner of Education to cooperate with the Division of Criminal Justice Services to develop weapons safety program related to child safety.) S3098 (Similar, but not identical.)

q. A6157 (Defines assault weapon with technical specifications, including reference to “semi-automatic rifle with capacity to accept more than 10 rounds of ammunition and semi-automatic pistol with capacity to accept detachable magazine outside the grip.” Directs Superintendent of State Police to designate makes and models of weapons with the definition of assault weapons, if he “determines that such weapons are particularly suitable for military and not sporting purposes.”) A6294 & S4084 (Similar, but not identical.)

r. A6468B & S6005 (Requires that semi-automatic pistols sold after effective date of this law be “micro stamp ready,” able to produce unique alphanumeric or geometric codes on expended cartridge case that identifies the make, model, and serial number of the pistol.”)

s. A5078 & S0725A (Amends the definition of “disguised gun” to “include, but not be limited to, any rifle, pistol, shotgun, or machine gun” with a color and finish other than the original manufacturer’s color, to resemble a toy gun. Exempts rifles or shotguns with camouflage intended for hunting.)

2. That the Clerk of this Board be and hereby is directed to send certified copies of this resolution to Governor David Paterson, Senate Majority Leader Espada, Assembly Speaker Sheldon Silver, Senator Young, Assembly Members Giglio and Burling, the New York State Association of Counties, and all counties’ Administrative Officers or Clerks of the Legislative Boards.

Moved by: Mr. Healy
Seconded by: Mr. McGraw

Adopted: Voice Vote

Comments made regarding Resolution No. 90-10 included the following:

Legislator Healy clarified his opposition to the legislation outlined in the resolution. Some of the bills, in principal, sound very good, but they are lacking in specifics. The practical application of any of the bills and the reality of their passage would place an unfair, undue burden on the manufacturers of ammunition, firearms, retailers and wholesalers of both products, sportsmen, and law-abiding citizens of our state. Without specifics on these regulations, we can’t and shouldn’t support them. Instead, Mr. Healy would urge the state to

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

more vigorously prosecute those who oppose the current legislation, much of which already affects the proposed bills referred to in the resolution.

Legislator O'Grady agreed with Mr. Healy. Some of these bills were in reaction to the tragedy in Binghamton. There is no law that will prevent something like that from happening, because if there was, it wouldn't have happened in the first place. As Mr. Healy said, the legislation will just make it more problematic for law-abiding firearm owners.

Legislator Pullen noted that he didn't want the fact that we identified a number of specific bills that we are opposing to imply that we approve all of the other laws currently pending in the State Legislature. Many of those are also objectionable to him. The bills listed in the resolution are just the ones relating to the right to bear arms.

RESOLUTION NO. 91-10

**AMENDMENT OF RESOLUTION NO. 310-90 ENTITLED,
"ESTABLISHING FORM AND PLACE OF FILING OF ANNUAL FINANCIAL DISCLOSURE
STATEMENT BY CERTAIN COUNTY OFFICERS AND EMPLOYEES
NOTIFICATION TO COVERED OFFICERS, EMPLOYEES AND STATE COMPTROLLER"**

Offered by: Personnel Committee

Pursuant to General Municipal Law § 811

RESOLVED:

1. That Section 1, Paragraph (c) of Resolution No. 310-90, as amended by Resolution No. 162-2002 and 66-2007, is amended to read as follows:

(c) "Covered officer or employee" shall mean a person who holds any of the following County positions:

- Aging, Office for the, Director
- Board of Legislators, Members
- Clerk of the Board
- Community Services Agency, Director
- Community Services Agency Board, Members
- County Administrator
- Deputy County Administrator
- County Attorney
- First Assistant County Attorney
- Second Assistant County Attorney
- Third Assistant County Attorney
- County Budget Officer
- County Clerk
- Deputy County Clerk
- Deputy County Clerk II
- Deputy County Clerk III
- County Coroners
- County Historian
- County Treasurer
- Deputy County Treasurer
- Development Director
- District Attorney
- First Assistant District Attorney
- Second Assistant District Attorney

BOARD OF LEGISLATORS SESSION MINUTES, APRIL 26, 2010

Third Assistant District Attorney
 Fourth Assistant District Attorney
 Fifth Assistant District Attorney
 Election Commissioners
 Deputy Election Commissioners
 Emergency Services Director
 Employment and Training Director III
 Fire Coordinator
 Health, Board of, Members
 Information Technology Director
 Personnel Officer
 Planning Board, Members
 Planner
 Probation Director
 Public Defender
 Assistant Public Defender
 Public Health Director
 Deputy Public Health Director
 Special Education Program Coordinator
 Public Works Superintendent
 Deputy Public Works Superintendent I
 Deputy Public Works Superintendent II
 Real Property Tax Agency Director
 Sheriff
 Undersheriff
 Social Services Commissioner
 Deputy Social Services Commissioner
 STOP-DWI Program Coordinator
 Veterans' Service Agency Director
 Weights and Measures Director
 Workers' Compensation Executive Secretary
 Youth Bureau Director

Moved by: Mr. O'Grady
 Seconded by: Mr. Fanton

Adopted: Roll Call
 14 Ayes, 0 Noes, 1 Absent

(Memo: Resolution No. 91-10 amends Section 1, paragraph [c] of Resolution No. 310-90, as amended, to reflect an additional covered officer and recent changes in the names of certain covered officers as follows: add Deputy County Administrator, delete the word First from Assistant Public Defender, delete Second Assistant Public Defender, and delete Third Assistant Public Defender.)

A motion was made by Legislator Fanton, seconded by Legislator Hopkins and carried, to grant Legislator Healy permission to abstain from voting on Resolution Intro. No. 92-10 (Appointment of One Member to Allegany County Community Services Board).

RESOLUTION NO. 92-10

**APPOINTMENT OF ONE MEMBER TO
ALLEGANY COUNTY COMMUNITY SERVICES BOARD**

Offered by: Human Services Committee

RESOLVED:

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

1. That Raymond Loh of Wellsville, New York, is appointed to the Allegany County Community Services Board to fill a vacancy, with term of office to commence April 7, 2010, and expire December 31, 2011.

Moved by: Mr. Burdick
Seconded by: Mr. LaForge

Adopted: Voice Vote
Abstaining: Healy

RESOLUTION NO. 93-10**SALE OF TAX LANDS IN THE VILLAGE OF ANDOVER, TAX MAP NO. 216.18-1-20
AND TOWN OF BOLIVAR, TAX MAP NO. 260.17-2-73**

Offered by: Ways and Means Committee

WHEREAS, the Village of Andover, (No Street or Number), P.O. Box 721, Andover, New York 14806, has agreed to Terms of Sale and offered the sum of one dollar plus current year taxes of \$2,167.48 for a deed of the County's interest in premises formerly assessed on the tax rolls to Robin Baudoin and described as follows:

ALL THAT LOT, PIECE OR PARCEL OF LAND situate in Town of Andover, County of Allegany, and State of New York, described as follows, viz: 12 Chestnut Street, .22 acres, Class Code – Two Family Res, Tax Map # 216.18-1-20, and

WHEREAS, the Village of Bolivar, 252 Main Street, Bolivar, New York 14715, has agreed to Terms of Sale and offered the sum of \$100 plus current year's tax of \$1,212.63 for a deed of the County's interest in premises formerly assessed on the tax rolls to Michele L. Van Oss and described as follows:

ALL THAT LOT, PIECE OR PARCEL OF LAND situate in Town of Bolivar, County of Allegany, and State of New York, described as follows, viz: 64 Plum Street, .08 acre, Class Code – Single Family Res, Tax Map # 260.17-2-73, and

WHEREAS, the Ways and Means Committee believes that the Terms of Sale and the above sums offered are fair and reasonable and the best that can be obtained under the circumstances and that the said sales will be advantageous to the County, now, therefore, be it

RESOLVED:

1. That such agreed to Terms of Sale and monetary offers are accepted and the Chairman of this Board is authorized and directed to execute on behalf of the County of Allegany and to cause to deliver to such purchasers a quit claim deed of the County's interest in such premises, and to attach to such deeds the official seal; all upon satisfaction of the Terms of Sale and full payment to the County Treasurer of the monetary offers.

Moved by: Mr. Hopkins
Seconded by: Mr. Pullen

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

Resolution Intro. No. 94-10 (Authorizing Application to the New York State Office of Homeland Security for a Homeland Security Grant to be Used for Emergency Medical Operation Equipment and Fencing; Authorizing Chairman to Execute Such Agreement) was amended on a motion made by Legislator Healy, seconded by Legislator Pullen and carried, to change the wording in the title related to the use of the grant funds. *Emergency Medical Operation Equipment and Fencing* should be replaced with *County Communications Equipment Improvements and Volunteer Training*. The same resolution was further amended

on a motion made by Legislator Healy, seconded by Legislator Pullen and carried to make the same replacement in the third line of Resolved No. 1.

RESOLUTION NO. 94-10

AUTHORIZING APPLICATION TO THE NEW YORK STATE OFFICE OF HOMELAND SECURITY FOR A HOMELAND SECURITY GRANT TO BE USED FOR COUNTY COMMUNICATIONS EQUIPMENT IMPROVEMENTS AND VOLUNTEER TRAINING; AUTHORIZING CHAIRMAN TO EXECUTE SUCH AGREEMENT

Offered by: Public Safety Committee

RESOLVED:

1. That this Board authorizes the preparation and submission of an application to the New York State Office of Homeland Security for a Homeland Security Grant to be used for County Communications Equipment Improvements and Volunteer Training.

2. The Chairman of this Board is authorized to execute such grant application.

Moved by: Mr. Healy
Seconded by: Mr. O'Grady

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 94-10 included the following:

Legislator O'Grady asked how much money was involved in the grant. County Administrator John Margeson replied that it was about \$38,000.

Legislator Ungermann commented on taking the fencing out of the resolution. The Wellsville Airport recently received Homeland Security grant funding for fencing. Hopefully that doesn't jeopardize the grant application, because that's pretty important to the Homeland Security people. Mr. Margeson responded that the resolution needed to be amended because the 2009 grant application was for fencing. The County received that funding and erected fencing around a couple of towers.

Legislator Sinclair questioned if training dollars would be used for more than volunteers, and if so, maybe the word volunteer should be omitted. Mr. Margeson felt it would be used for both volunteer and paid staff, but was unsure. Mr. O'Grady noted that training funds were generally used for the volunteer ambulance and fire service staff.

RESOLUTION NO. 95-10

ABOLISHING VACANT POSITIONS IN VARIOUS COUNTY DEPARTMENTS

Offered by: Personnel Committee

RESOLVED:

1. That the following positions in various County Departments are abolished:

<u>Department</u>	<u>Position</u>
Probation	Probation Assistant
Probation	Probation Assistant (PT)
Probation	Typist (PT)
Probation	Account Clerk Typist

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

Health	Licensed Practical Nurse
Health	Public Health Nurse (PT) – 1
Health	Public Health Educator – 1
Health	Senior Typist
Employment and Training	Assistant E&T Director III
Employment and Training	Typist
Employment and Training	Sr. E&T Counselor – 2
Employment and Training	E&T Counselor – 2
Employment and Training	E&T Assistant – 2
Employment and Training	Job Developer
Public Works	Heavy Motor Equipment Operator I
Public Works	Motor Equipment Operator
Public Works	Engineering Technician
Tourism	Tourism Specialist (PT)

2. This resolution shall take effect on April 27, 2010.

Moved by: Mr. O’Grady
Seconded by: Mr. Pullen

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 96-10

**RESOLUTION ACCEPTING AND APPROPRIATING STATE FUNDING
TO SEVERAL HEALTH DEPARTMENT PROGRAMS
FROM THE NEW YORK STATE DEPARTMENT OF HEALTH**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$22,564 of state funding to County Health Department Appropriation and Revenue Accounts is accepted.

2. That the accepted sum of \$22,564 is appropriated as follows: \$2,419 to Account No. A4051.409 with a like sum credited to Revenue Account No. A10.3450.04; \$718 to Account No. A4054.408 with a like sum credited to Revenue Account No. A10.3401.4054; \$12,900 to Account No. A4035.408 with a like sum credited to Revenue Account No. A10.3450.00; \$3,045 to Account No. A4037.408 with a like sum credited to Revenue Account No. A10.3437.00; \$2,417 to Account No. A4056.408 with a like sum credited to Revenue Account No. A10.3473.00, and \$1,065 to Account No. A4043.409 with a like sum credited to Revenue Account No. A10.3450.01.

Moved by: Mr. Burdick
Seconded by: Mr. Hopkins

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

(Memo: The funds accepted in Resolution No. 96-10 were provided by the NYS Department of Health as Cost of Living Adjustments for the following programs: Tobacco Enforcement [ATUPA] - \$2,419; Children with Special Health Care Needs - \$718; Family Planning - \$12,900; Childhood Lead Poisoning Prevention - \$3,045; Immunization Action Plan - \$2,417; and Rabies - \$1,065.)

RESOLUTION NO. 97-10**REAPPROPRIATION OF 2009 CALENDAR YEAR FEDERAL FUNDS FROM THE
MEDICARE IMPROVEMENT FOR PATIENT AND PROVIDERS ACT (MIPPA) GRANT**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$6,000 for a new Medicare Improvement for Patient and Providers Act (MIPPA) grant is reappropriated as follows: \$3,402 to Account No. A6774.1, \$1,735 to Account No. A6774.4, and \$863 to Account No. A6774.8, with a like sum credited to Revenue Account No. A11.4772.02.

Moved by: Mr. Fanton
Seconded by: Mr. Burdick

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

(Memo: The purpose of the grant referenced in Resolution No. 97-10 is to reach out to Medicare beneficiaries likely to be eligible for Medicare Part D Low Income Subsidy [LIS] or Medicare Savings Program [MSP] and provide assistance in applying for these programs. The grant was new in 2009 and was accepted by Resolution No. 202-09 for fiscal year 06/01/09-05/31/10.)

RESOLUTION NO. 98-10**TRANSFER OF FUNDS WITHIN PROBATION ACCOUNT**

Offered by: Public Safety Committee

RESOLVED:

1. That the sum of \$120 is transferred from Account No. A3140.413 (Rentals) to Account No. A3140.201 (Equipment) to cover a new fax machine.

Moved by: Mr. Healy
Seconded by: Mr. Hopkins

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 99-10**TRANSFER OF FUNDS FROM CANCER SCREENING ACCOUNT
TO KOMEN KARES GRANT ACCOUNT IN THE HEALTH DEPARTMENT**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$5,025 is transferred from Account No. A4071.4 to Account No. A4072.4.

Moved by: Mr. Burdick
Seconded by: Mr. Hopkins

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

(Memo: The transfer of funds from the Cancer Screening account to the Komen Kares account, approved by Resolution No. 99-10, was necessary to correct the appropriation made by Resolution No. 234-09 when the funds were received and the reappropriation by Resolution no. 70-10.)

RESOLUTION INTRO. NO. 100-10 (A RESOLUTION APPROVING THE PROPOSAL FROM LABELLA ASSOCIATES, PC, FOR DESIGN SERVICES FOR SPACE DISTRIBUTION WITHIN THE COUNTY OFFICE BUILDING) was TABLED following a motion made by Legislator Cady, seconded by Legislator Ungermann and carried. Mr. Cady felt the matter should be tabled until the County Planner can survey the situation and come back with a recommendation.

Comments made regarding Resolution Intro. No. 100-10, prior to its being tabled, included:

Legislator O'Grady felt that the timing was off. We have a lot of moving and projects going on, and he would rather wait on spending this \$7,000 for the space study update until after the addition is done and the other moves take place. The third floor was originally part of the renovation plan, and he assumes that will be a part of what will be looked at.

Legislator Ungermann agreed, and some of his comments are quoted: "Planning has been very poor. I have continually questioned what the entire Court Facilities project would cost. The third floor space was available before the addition was decided on, and what we should do with that space should have been included in the plan. We as legislators, and the public, should have an idea of what this is going to cost. I have repeatedly said that this project, before it's done, is going to cost \$20-25 million, and that's the direction you're headed. To fix the upstairs space, it will cost \$2 million. Now Public Works is asking for \$1 million for design services for an office building and shop, and that's just design services, saying nothing about building it. When I first started as a Legislator, the \$24 million jail project was nearing completion with no water running to it. There was no contract for water or anything. That should have been in place prior to construction. We wouldn't have had the issue of a lease for parking at the Baptist Church if there was good planning to begin with. Likewise, where will the maintenance staff go? First it was the former Sally Port, but the Courts are still using it. Then the solution was to tear down the County Historian/Museum building, but then where would the Historian go? Not good planning. Now, we just heard the announcement that we have a County Planner. There's no reason why he can't put together the needs of various departments and make suggestions for where they go and their space needs. Then if you want to hire LaBella at a different point in time to design it, that might be fine, but I'm not going to support this. We have some bridges that are closed that we need to fix. Our sales tax revenue is off, according to the newspaper, by 38 percent. We are the third highest taxed county compared to our property values in the country. We can't afford the current capital project, and we can't afford to do anything more either."

Legislator Sinclair stated that he felt hiring LaBella is an attempt to head in the direction of appropriate timing, and he is aware of the fact that planning has to occur in an orderly fashion; however, he also agreed that the timing might be premature.

Legislator Hopkins clarified that the newspaper article was wrong on the decrease in sales tax revenue. We are off by 3.4 percent from what was budgeted. He wasn't sure where the 38 percent figure came from, but it was way off.

Legislator Pullen commented that if the argument is that we need to have better planning, he didn't understand the opposition to this resolution. We would be asking LaBella to do that planning to analyze what our needs are. There was a plan earlier when we were looking at the entire space needs issue, and in its discretion, this Board at that time elected not to proceed with the proposal that had been developed for the space needs in the County Office Building. That is why we are having to deal with it now. Mr. Pullen felt that it was appropriate, otherwise we would still be left without the guidance of professionals in this field as to what the actual needs are. There are a number of departments that have had changes in staffing and in their space requirements since the original study was completed. The goal

BOARD OF LEGISLATORS SESSION MINUTES, APRIL 26, 2010

here is to reflect all of those changed circumstances. Mr. Pullen stated that he felt it was appropriate to move forward at this time.

Legislator Curran commented that since LaBella did the original study, this \$7,000 fee seems to indicate that it will be just a matter of their taking out and dusting off the old study and sending it back. Engineering firms don't work for small amounts of money. Mr. Curran was very opposed to spending the \$7,000. It may be a small amount, but we just don't need it at this point, until the Court building is finished.

A motion was made by Legislator Ungermann and seconded by Legislator Russo to table Resolution Intro. No. 101-10 (Resolution Approving the Inter-Municipal Mutual Aid Agreement between the County of Allegany and the Allegany County Town Highway Superintendents Association). The motion was defeated on a roll call vote of 7 Ayes, 7 Noes, 1 Absent. Voting No: Burdick, Crandall, Fanton, Hopkins, McGraw, O'Grady, Pullen.

RESOLUTION NO. 100-10

**RESOLUTION APPROVING THE INTER-MUNICIPAL MUTUAL AID AGREEMENT
BETWEEN THE COUNTY OF ALLEGANY AND THE
ALLEGANY COUNTY TOWN HIGHWAY SUPERINTENDENTS ASSOCIATION**

Offered by: Public Works Committee

RESOLVED:

1. That the Inter-Municipal Mutual Aid Agreement between the County of Allegany and the Allegany County Town Highway Superintendents Association for period January 1, 2010, to December 31, 2010, is approved.

Moved by: Mr. Fanton
Seconded by: Mr. Burdick

Adopted: Roll Call
13 Ayes, 1 No, 1 Absent
Voting No: Ungermann

(Memo: The agreement approved by Resolution No. 100-10 allows any participating municipality within the County of Allegany to assist another municipality with highway projects, maintenance and emergency road work, or any similar function, and allows the proper authorities to expedite the work flow as quickly as possible.)

Comments made regarding Resolution No. 100-10 included the following:

Legislator Ungermann pointed to what he felt was a problem with the contract in that there is no monetary value assigned to tasks or equipment, be it the Towns' or the County's. In order to be fair with everyone, there needs to be a value of services there so everyone knows they're getting a fair shake. There are equipment and labor rates that are published, and they need to be in there. Mr. Ungermann requested that the matter be tabled and sent back to committee to have those things added. (See action above.)

Legislator Fanton noted that this contract is just putting in writing what's been done in the County for years. The Town Highway Superintendents and the County's Superintendent of Public Works just wanted to put it in a form which was understandable and clear. Equipment rates are all verified in New York State and every Town and County knows what the rates are. This has been working fine for the past 20 or 30 years as a verbal agreement. Basically all this does is put it in writing.

Legislator O'Grady commented that a lot of the towns already help each other out with services and purchasing equipment together. This agreement comes to us from the Town

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

Highway Superintendents Association, and they also had a committee look at the agreement. Mr. O'Grady stated that he was comfortable with their decision on what needs to be in the agreement.

Legislator Sinclair questioned if having the actual numbers pinned down would hamper this system? Mr. Fanton responded that it would mean more bookkeeping for some of the towns. It's a reciprocal agreement. The County probably helps the Towns more than what we've gotten in return, but nobody really keeps track of the hours, and they don't between Towns either. We've had a verbal agreement with the Towns. If they need help with oil and stone, we send equipment, and if we're doing it, they send equipment to us. The system works well. Chairman Crandall commented that it sounds like a good way to encourage work between municipalities, and this provides a legal document without getting so burdensome that it muddies up what's working.

AUDITS:

A motion was made by Legislator Hopkins, seconded by Legislator Fanton and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator Hopkins, seconded by Legislator Healy and adopted on a roll call vote of 13 Ayes, 1 No, 1 Absent, that the audit of claims, totaling \$3,452,265.68, including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$2,380,944.*)

Legislator Hopkins commented that the total payment for Medicaid is \$2.3 million as of April 20. He voiced concern that we should be on top of this with the new federal health program. There's talk at the state of the counties paying more of this as a part of Medicaid cost. We are capped, but that cap is only as good as a vote. NYSAC and the counties need to be on top of the situation, because with all the problems the state has, this is one that will cost big money. Medicaid is already 40 percent of our budget. Chairman Crandall pointed out that even with the cap, the County's Medicaid bill is growing at a rate of \$300,000 to \$400,000 per year.

COMMENTS:

Legislator Pullen noted that last week, the Clerk of the Board sent all Legislators a publication from Region 9 Fish and Wildlife monthly highlights. In this report on pages 14 and 15, there were references to some programs that seem to be unique in Region 9, which includes seven or eight counties, and those had to do with wild turkey banding that the Cuba Rushford Central School was involved with. One of the teachers, Scott Jordan, and the students involved with that were also involved with trapping, tagging, and putting radio collars on adult white tail deer. We have some school districts that are doing some outstanding work within the County. We have some very unique and cutting edge type programs that our high school students are involved with.

On another matter, Mr. Pullen read some comments that have to do with a report that the Legislators received:

"Last week, I received an e-mail that referred me to an article in the Business First of Buffalo news journal. The title of the article was, 'Small Allegany County Posts a Big Number.' The opening sentence declared, 'Allegany County is setting the economic pace for all of New York – in at least one category, anyway.' The rest of the article dealt with the recent report from the U.S. Bureau of Economic Analysis relating to 'total personal income,' also referred to as TPI. The good news is that TPI in Allegany County grew by 7.3 percent from 2007 to 2008. The second best TPI growth in New

BOARD OF LEGISLATORS SESSION MINUTES, APRIL 26, 2010

York State was in Jefferson County with 6.2 percent. The national median TPI growth was 4.3 percent. This is encouraging, and I want to congratulate the workers and citizens of Allegany County on their outstanding progress. This is especially impressive given the difficult economic climate during the period covered by this report.

The progress identified in this report shows that some of the efforts by our County Economic Development Office and Industrial Development Agency are bearing fruit. We need to continue and increase our efforts in the area of economic development. Such efforts can and do make a difference. I commend John Foels, Wendall Brown, Sherry Grugel, and the others who are making a difference in this area.

However, there is another dimension revealed by this data from the Bureau of Economic Analysis. Even with our outstanding 7.3 percent growth in total personal income, we still rank dead last in TPI in New York State. We have been making progress since 2000. In eight years, our TPI has increased 35.7 percent. We now have an average per capita income of \$26,033. This proves we can make significant progress. It also shows that we have a long way to go before we can consider our job to be 'well done.'

It is easy to complain about things that we don't like. It is harder to figure out why things aren't working properly, and even harder to figure out what changes we should make. The report from the Bureau of Economic Analysis contains a wealth of data. That data contains some clues about why the economy here is struggling. The average TPI for counties in Upstate and Western New York are mostly grouped in the range of \$28,000 to \$35,000 per year. Chautauqua, Cattaraugus, Steuben, and Wyoming Counties are only slightly better off than we are. If we continue our robust TPI growth, we may be able to catch up or surpass some of our neighboring counties.

The real problem is that the New York City metropolitan area has most of the wealth in our state. The TPI for New York City outside of Manhattan is in the high \$30,000 range. Westchester County's TPI is \$77,192. Suffolk County and Nassau County on Long Island have TPI of \$50,000 and \$65,000 respectively. The only county outside of NYC with TPI over \$45,000 is Albany County, which is like an extension of NYC. Manhattan has TPI of \$120,766, which is almost five times our TPI. Maybe that is not too surprising given its position as the financial capital of the world. What is unacceptable is that the entire metropolitan area is also doing very well, while the remainder of the state, except Albany, is doing poorly.

This data shows that the problem is structural rather than simply circumstantial or coincidental. The political power in the state is now focused in New York City. Our state government is treating all of Upstate New York as second-class citizens. I don't know if this is intentional or because they simply don't have any idea about the reality of life outside of the Big Apple. I am convinced we can compete economically in a fair contest. Unfortunately, Albany and NYC have stacked the deck against us. This needs to change. If it doesn't, it may be time to consider seceding."

ADJOURNMENT: The meeting was adjourned at 3:05 p.m. on a motion made by Legislator Fanton, seconded by Legislator O'Grady and carried.

REGULAR SESSION – MAY 10, 2010

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by United States Navy Mid-Shipman 3rd Class Rebekah Fleming.

INVOCATION: The Invocation was given by Legislator Pullen.

ROLL CALL: 14 Present; 1 Absent (Legislator LaForge).

APPROVAL OF MINUTES:

The Board meeting minutes of April 26, 2010, were approved on a motion made by Legislator Fanton, seconded by Legislator Pullen and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to United States Navy Mid-Shipman 3rd Class Rebekah Fleming, in grateful appreciation of her commitment to serve our country. Ms. Fleming is currently attending University of Rochester and participating in Navy ROTC. Her anticipated commission date is May 2013. Ms. Fleming led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program. It was noted that Ms. Fleming was a BOCES Government Intern in 2009.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. Report of Intrafund Transfers approved by the County Administrator for April.
2. Report of Tax Bill Corrections approved by the County Administrator for April.

The following communications were also acknowledged:

1. Notice of next InterCounty Association meeting to be hosted by Wayne County on May 14.
2. Correspondence from the Department of Health and Human Services that the audit performed by Eldredge, Fox and Porretti met federal audit requirements.
3. Correspondence from ACCORD Corporation Allegany Business Center inviting Legislators to attend a graduation ceremony for the Entrepreneurial Assistance Program on May 14.
4. Reminder that the annual Fair Board Dinner will be held at 6 p.m. tomorrow, May 11. If you plan to attend please let Lee Gridley or Brenda Rigby Riehle know this afternoon.
5. Invitation to attend the Legislative Intern Model Session on Monday, May 24, from 11 a.m. to 12 p.m. in the Legislative Board Chambers.
6. Correspondence from Assemblyman Daniel Burling regarding the cost recovery assessment placed on IDAs, provisions of Leandra's Law, and wireless 911 surcharges.

BOARD OF LEGISLATORS SESSION MINUTES, MAY 10, 2010

7. Correspondence from the Bolivar Free Library inviting Legislators to attend an open house to celebrate the 100th anniversary of the library on June 13, from 4 to 6 p.m.

8. News Release from the United States Environmental Protection Agency announcing a public session to be held on Tuesday, May 11, at 7 p.m. in the Culinary Arts Building on the Alfred State College campus in Wellsville to update the public on the schedule of activities planned at the Sinclair Refinery Superfund Site in Wellsville.

9. May 2010 Community Update from the United States Environmental Protection Agency entitled, "EPA Updates Work at the Sinclair Refinery Site in Wellsville, NY."

10. AARP plans to hold an informational session regarding Healthcare Reform on May 20, from 5:30 to 7:30 p.m. at the Genesee Valley Central School Auditorium on 1 Jaguar Drive in Belmont.

PROCLAMATION:

Chairman Crandall joined the counties of Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans and Wyoming in proclaiming May 2 through 8, 2010, as Armed Forces Week in Western New York to remember our veterans for their sacrifices for the freedom we enjoy today.

RESOLUTIONS:**RESOLUTION NO. 101-10****APPROVAL OF BOARD CHAIRMAN'S REAPPOINTMENT OF TWO MEMBERS TO SOUTHERN TIER WEST REGIONAL PLANNING AND DEVELOPMENT BOARD**

Offered by: Planning and Economic Development Committee

Pursuant to Resolution No. 35-68, as amended by Resolution No. 93-75

RESOLVED:

1. That the reappointments by the Chairman of this Board of John E. Margeson of Scio, New York, and Jerry Scott of Cuba, New York, as members to the Southern Tier West Regional Planning and Development Board, with term of office commencing June 1, 2010, and expiring May 31, 2013, are approved.

Moved by: Mr. Sinclair
Seconded by: Mr. Healy

Adopted: Voice Vote

RESOLUTION NO. 102-10**APPROVAL OF APPORTIONMENT OF MORTGAGE TAX TO TAX DISTRICTS AND AUTHORIZING WARRANT THEREFOR**

Offered by: Ways and Means Committee

Pursuant to Tax Law § 261 (3)

RESOLVED:

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

1. That the Semi-Annual Report for the period October 1, 2009, through March 31, 2010, relating to Mortgage Tax Receipts and Disbursements, and the proposed distribution of such mortgage tax receipts therein, is approved.

2. That the Clerk of this Board is authorized and directed to execute a warrant of this Board to the County Treasurer directing her to distribute to the several tax districts in the County their respective share of such mortgage tax.

Moved by: Mr. Hopkins
 Seconded by: Mr. Fanton

Adopted: Roll Call
 14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 103-10

**AUTHORIZING PAYMENT TO TOWNS AND VILLAGES
 FROM ADDITIONAL MORTGAGE TAX FEE RETAINAGE BY COUNTY CLERK;
 APPROPRIATING FUNDS THEREFOR**

Offered by: Ways and Means Committee

WHEREAS, by Resolution No. 214-2004 the County Clerk was authorized pursuant to Section 262 of the Tax Law to request and receive reimbursement from the State of New York for all of his necessary expenses incurred in the administration of the Mortgage Tax Program on behalf of the State of New York, and

WHEREAS, it was the intent of this Board in adopting such resolution that the Towns and Villages of the County would not suffer any adverse financial consequences as a result of any increased retained expense reimbursement to the County Clerk, and

WHEREAS, the County Clerk has received reimbursement of his necessary expenses incurred in the administration of the Mortgage Tax Program, and

WHEREAS, this Board wishes to appropriate part of such reimbursement of necessary expenses received by the County Clerk for the administration of the Mortgage Tax Program to the Towns and Villages of the County, now, therefore, be it

RESOLVED:

1. The amount of \$26,003.70 is appropriated from Account No. A1410.432 (County Clerk – Contractual) and shall be distributed to the Towns and Villages of the County as follows:

TOWNS	AMOUNT RETAINED BY COUNTY CLERK'S OFFICE FOR MORTGAGE TAX FEE	REBATE AMT TO TOWN	REBATE AMT TO VILLAGE	VILLAGES
Alfred	879.09	705.50	173.59	Alfred
Allen	73.10	73.10		
Alma	610.45	610.45		
Almond	966.34	890.53	75.81	Almond
Amity	1,131.85	947.72	184.13	Belmont
Andover	795.26	651.29	143.97	Andover
Angelica	701.68	583.39	118.29	Angelica

BOARD OF LEGISLATORS SESSION MINUTES, MAY 10, 2010

Belfast	1,020.47	1,020.47		
Birdsall	87.89	87.89		
Bolivar	1,281.19	1,018.29	243.01	Bolivar
			19.89	Richburg
Burns	607.00	525.57	81.43	Canaseraga
Caneadea	986.70	986.70		
Centerville	365.91	365.91		
Clarksville	571.01	571.01		
Cuba	2,063.52	1,756.50	307.02	Cuba
Friendship	824.90	824.90		
Genesee	948.11	948.11		
Granger	277.63	277.63		
Grove	442.92	442.92		
Hume	967.84	967.84		
Independence	706.18	706.18		
New Hudson	402.61	402.61		
Rushford	1,547.75	1,547.75		
Scio	1,455.50	1,455.50		
Ward	887.48	887.48		
Wellsville	3,889.37	2,840.51	1,048.86	Wellsville
West Almond	386.29	386.29		
Willing	514.45	514.45		
Wirt	611.21	568.33	42.88	Richburg
TOTALS	26,003.70	23,564.82	2,438.88	

2. The Chairman of this Board, Allegany County Clerk, and Allegany County Treasurer are authorized to execute any and all vouchers, warrants, and other necessary documents of every nature and kind in order to effect the purpose of this resolution.

Moved by: Mr. Hopkins
 Seconded by: Mr. Healy

Adopted: Roll Call
 14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 104-10

ACCEPTING FEDERAL GRANT (CONTRACT # T002957) FUNDS FOR VOTING ACCESS FOR INDIVIDUALS WITH DISABILITIES (VOTE) PROGRAM FOR USE BY STATES; APPROPRIATION OF GRANT FUNDS TO ELECTIONS CONTRACTUAL EXPENSES ACCOUNT

Offered by: Personnel and Ways and Means Committees

RESOLVED:

1. That the sum of \$2,088 in federal funding to Elections for Voting Access for Individuals with Disabilities (Vote) Program is accepted.

2. That the accepted sum of \$2,088 is appropriated to Account No. A1450.4 with a like sum credited to Revenue Account No. A10.3089.1450.

Moved by: Mr. O'Grady
 Seconded by: Mr. Fanton

Adopted: Roll Call
 14 Ayes, 0 Noes, 1 Absent

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

(Memo: The major benefits in accepting the grant referred to in Resolution No. 104-10 are to obtain materials or upgrade our polling sites to be HAVA compliant.)

RESOLUTION NO. 105-10**ACCEPTANCE OF INSURANCE PAYMENT FROM NYMIR AND APPROPRIATION OF FUNDS TO RISK RETENTION ACCOUNTS**

Offered by: Ways and Means Committee

WHEREAS, a check in the amount of \$218.90, representing the full cost to replace a broken windshield discovered on April 6, 2010, on a County vehicle, has been offered by NYMIR in settlement for such property damage, and

WHEREAS, a check in the amount of \$10,993.58, representing the reimbursable expenses associated with a February 1, 2010, water damage claim, less a \$5,000 deductible, has been offered by NYMIR in settlement of such claim, now therefore, be it

RESOLVED:

1. That the amount of \$218.90 from NYMIR representing the cost of replacing a broken windshield on a County vehicle and the amount of \$10,993.58 representing the reimbursable expenses, less a \$5,000 deductible, associated with the February 1, 2010, water damage claim are accepted.

2. That the total sum of \$11,212.48 is appropriated to Account No. CS1931.429 (Risk Retention – Uninsured Property Loss) with a like sum credited to Revenue Account No. CS07.2680.00 (Risk Retention – Insurance Recovery).

Moved by: Mr. Hopkins
Seconded by: Mr. Pullen

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

(Memo: The vehicle referred to in Resolution No. 105-10, paragraph 1, was assigned to the Health Department. The water damage referred to in paragraph 2 was caused by the cooling tower valve failure.)

RESOLUTION NO. 106-10**TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT TO PROBATION ALTERNATIVES TO INCARCERATION ACCOUNTS**

Offered by: Budget and Ways and Means Committees

RESOLVED:

1. That the sum of \$18,307 is transferred from Account No. A1990.4 (Contingency) as follows: \$1,640 to Account No. A3142.4 and \$16,667 to Account No. A3142.8.

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

(Memo: The transfer approved by Resolution No. 106-10 was necessary because, due to an oversight, the referenced line items were not funded in the 2010 Budget.)

RESOLUTION NO. 107-10**TRANSFER OF FUNDS WITHIN OFFICE OF DEVELOPMENT ACCOUNT**

Offered by: Planning and Economic Development and Ways and Means Committees

RESOLVED:

1. That the sum of \$1,211 is transferred from Account No. A6430.474 (Development – Marketing) to Account No. A6430.201 (Development – Equipment) to finance the purchase of a legal filing cabinet and four office chairs.

Moved by: Mr. Sinclair
Seconded by: Mr. Pullen

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 108-10

**APPROVAL OF AGREEMENT BETWEEN COUNTY OF ALLEGANY AND
ALLEGANY COUNTY FEDERATION OF SNOWMOBILERS, INC.;
APPROPRIATION OF NON-BUDGETED STATE GRANT IN AID**

Offered by: Planning and Economic Development Committee

RESOLVED:

1. That Agreement between the County of Allegany and Allegany County Federation of Snowmobilers, Inc., is approved.

2. That the Chairman of this Board is authorized to execute said Agreement.

3. That the sum of \$119,190 in non-budgeted State grant in aid is appropriated to Account No. A7185.483, with a like sum credited to Revenue Account A10.3089.01.

Moved by: Mr. Sinclair
Seconded by: Mr. Cady

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

(Memo: The agreement approved by Resolution No. 108-10 allows the County to act as sponsor for applications for snowmobile trail development and maintenance assistance grants through the New York State Office of Parks, Recreation, and Historic Preservation. Allegany County will operate as a pass-through to the Federation of Snowmobilers.)

Resolution Intro. No. 110-10 (Memorializing the New York State Assembly and Senate in Support of Assembly Bill A.9919 and Senate Bill S.7338, Allowing for Increased Revenue Sharing for Online and Mail-Based Motor Vehicle Transactions) was not pre-filed and was considered from the floor on a motion made by Legislator O'Grady, seconded by Legislator Fanton and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 109-10

**MEMORIALIZING THE NEW YORK STATE ASSEMBLY AND SENATE
IN SUPPORT OF ASSEMBLY BILL A.9919 AND SENATE BILL S.7338,
ALLOWING FOR INCREASED REVENUE SHARING FOR ONLINE AND
MAIL-BASED MOTOR VEHICLE TRANSACTIONS**

Offered by: Personnel Committee

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

WHEREAS, the New York State Vehicle and Traffic Law places the responsibility of operating Department of Motor Vehicle ("DMV") offices to 51 counties across New York State through their respective County Clerks, and

WHEREAS, the County's current share of certain transaction fees is 12.7 percent, available only when the transaction is processed through a local County DMV office, and

WHEREAS, numerous time consuming, fee-exempt transactions are processed by local County DMV offices daily, resulting in a loss of funding for counties, and

WHEREAS, the Commissioner of Motor Vehicles has advised the New York State Association of County Clerks that 35 online transactions are currently available for customers via the NYS DMV website, with more virtual transactions expected in the near future, leaving the County with fewer revenue sharing opportunities, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators supports New York State Assembly Bill A.9919 and Senate Bill S.7338, allowing County Clerks who operate DMV offices to retain a share of fees collected from county residents for motor vehicle transactions completed through the New York State DMV website and its mail-based service.

2. That the Clerk of this Board is directed to send certified copies of this resolution to the Commissioner of the New York State Department of Motor Vehicles David J. Swarts, Governor David A. Paterson, Senate Minority Leader Dean G. Skelos, Senate President Malcolm A. Smith, Senate Majority Leader Pedro Espada, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader Brian M. Kolb, Senator Catharine M. Young, Assemblymen Daniel J. Burling and Joseph M. Giglio, New York State Association of Counties Executive Director Stephen Acquario, and InterCounty Association of Western New York President Richard Calabrese.

Moved by: Mr. O'Grady
Seconded by: Mr. Fanton

Adopted: Voice Vote

Comments made regarding Resolution No. 109-10 included the following:

County Clerk Robert Christman explained what the state is doing that financially impacts not only our own County, but all of the surrounding counties in Western New York. Many years ago, when the Department of Motor Vehicles and County Clerks started working together, they established a percentage of 12.7 percent retainage for each DMV transaction to maintain employment. It was basically a break-even point. Over the past ten to fifteen years, the state has been whittling away against that percentage, and they are taking progressively more of the transactions and doing them on the Albany/Utica level. An example is the renewals that are sent out to everybody. They used to be sent back to the County, but are now sent to Utica. The state is holding the 12.7 percent and not paying back the County. They're taking the easy, routine transactions, but the more complex enforcement, no-fee transactions, which used to be handled in Monroe and Erie Counties, are now being placed on the local DMV offices. The next thing that happened was e-mail transactions. The state is now doing a lot of online processing. Some counties have created online capabilities for their counties, but the state has restricted that by saying they are the only ones authorized to do online transactions. They've created their own monopoly, and the revenues that traditionally maintained our local DMV offices are on a downward trend. These two bills that are presently in the Assembly and Senate were initiated by Assemblyman Joe Giglio and Senator Catharine Young. In supporting this resolution, the County is sending a message to the Assembly and the Senate that it's time for a little fairness. If the state is going to monopolize

BOARD OF LEGISLATORS SESSION MINUTES, MAY 10, 2010

the less complex transactions, the County should get a percentage for all of the transactions, based on the zip code of the resident. Sending the Board's resolution to our state legislative representatives will keep us more visible and send them this message.

Legislator Cady noted that a few years ago, the state began assessing a \$1 law enforcement fee on every auto insurance policyholder, and now that fee has gone up to \$10 per year. It probably goes to the State Police. Mr. Cady felt the fee should go to local law enforcement agencies who are as involved as the state in enforcing the insurance regulations during road checks. Perhaps the Board could address that at a later date.

Legislator Pullen commented that on vehicle registration renewals, there is no mention of the option of renewing locally. Where that used to be the only option, now the only choices given are to renew online or mail to the Utica address. This is another example of the state not really being an ally and working with us on matters, but they've become very adversarial. That message needs to be communicated clearly with Albany. Mr. Christman stated that it's an artificial battle that doesn't need to take place. He encouraged renewing locally. "Not only do we do it faster and more proficiently, if you have a problem, you can contact us. So let's keep our hardworking money working hard for Allegany County."

Resolution Intro. No. 111-10 (Resolution in Opposition to Assembly Bill No. A.9911 which Amends the Public Officers Law in Relation to Requiring Certain Records which are the Subject of a Discussion Conducted at an Open Meeting be made Available to the Public) was not pre-filed and was considered from the floor on a motion made by Legislator Hopkins, seconded by Legislator Healy and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 110-10

**RESOLUTION IN OPPOSITION TO ASSEMBLY BILL A.9911
WHICH AMENDS THE PUBLIC OFFICERS LAW IN RELATION TO
REQUIRING CERTAIN RECORDS WHICH ARE THE SUBJECT OF A DISCUSSION
CONDUCTED AT AN OPEN MEETING BE MADE AVAILABLE TO THE PUBLIC**

Offered by: Ways & Means Committee

WHEREAS, the New York State Assembly has introduced Assembly Bill A.9911 requiring that certain agency records available to the public pursuant to article six, as well as any proposed resolution, law, rule, regulation, policy, or any amendment thereto that are scheduled to be the subject of discussion by a public body during an open meeting shall be made available, to the extent practicable, prior to or at the meeting during which such records will be discussed, and

WHEREAS, Assembly Bill A.9911 further provides that such records shall be posted on the website of the agency with which the public body is affiliated, as soon as practicable, but not less than twenty-four hours prior to a meeting during which they will be discussed, and a reasonable number of copies of such records shall be made available, to the extent practicable, at or prior to the meeting, and

WHEREAS, said legislation would be a significant burden on staff and resources at the local government level, let alone could cost counties more money to make additional copies and to expand its technology to accommodate such requirement, and

WHEREAS, said legislation would require all agency boards to make their records available to the public via an agency website together with providing hard copies of documents at their meetings and Allegany County has numerous boards that this may affect,

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

along with the seven legislative standing committees together with the Board of Legislators' board meeting, and

WHEREAS, Allegany County also consists of municipalities that do not have internet capability, therefore causing them to make paper copies available and causing additional expenses for that municipality, and

WHEREAS, this legislation represents another unwarranted and unfunded mandate imposed on local governments by the State of New York, and

WHEREAS, the local taxpayer is best equipped to determine how his scarce tax dollar should be spent, now therefore, be it

RESOLVED:

1. That the Allegany County Legislature hereby opposes Assembly Bill A.9911 and urges the New York State Senate to also oppose such a bill.

2. That certified copies of this resolution be sent to Senator Catharine M. Young; New York State Assembly Speaker Sheldon Silver; Assemblyman Daniel J. Burling; Assemblyman Joseph M. Giglio; the New York State Association of Counties; and the InterCounty Association of Western New York.

Moved by: Mr. Hopkins
Seconded by: Mr. Pullen

Adopted: Roll Call
12 Ayes, 2 Noes, 1 Absent
Voting No: Cady, Ungermann

Comments made regarding Resolution No. 110-10 included the following:

Legislator Hopkins noted that on the surface, making the records available ahead of time looks like something that should happen, but in reality it's very costly and becomes almost impractical for the local municipalities and local boards. It will probably affect all boards and agencies that receive government funds, like the Soil and Water Conservation District Board and Cooperative Extension. Not only would it be very costly, it would put a strangle-hold on moving ahead. It's the wrong thing to do. It sounds like a good idea, but it wasn't well thought out.

Legislator Ungermann opposed the Board's opposition to the bill. It interferes with the public's right to know. Mr. Ungermann made reference to some of the committee agendas being posted one week ahead of time, and noted that he would also like to see Board agendas posted a week before. Twenty-four hours is too short of notice. If the public wants to question their representatives, they don't have a chance to do it. Too many decisions are made without public input. One example is the Courthouse. We promised public meetings, and we gave them brochures. He felt the public has a right to know what's happening with their government. If they want to take an active part or ask their representatives questions, they will know what's going to be discussed.

Chairman Crandall commented in reference to the Board agenda that some of the items get put on just a few minutes prior to the meeting, but the meat of the meeting is actually the pre-filed resolutions. They are available several days ahead of time to allow not only the Legislators, but the general public an opportunity to know what's coming up. The agenda is a standing agenda per our Board Rules.

Legislator Hopkins noted that the bill includes more than just the agenda. They're talking about anything that will be voted on. On town boards, a lot of times you don't know what will come up at a particular meeting. Here at the County, for committee meetings, or for agencies

BOARD OF LEGISLATORS SESSION MINUTES, MAY 10, 2010

like Soil and Water, in order to have that meeting, you're going to have to have everything that needs to be voted on, including even the abstract, available 24 hours ahead of time. Most likely something will come up at a meeting and because notice wasn't provided about that matter ahead of time, it will take another month before it can come back to be voted on. In the local arena, that's pretty impractical. You could be looking at 60 days, and with emergencies, you can't do that.

Legislator O'Grady noted that he could see where this looks good on paper, but didn't see it being very practical, especially for some of the smaller municipalities where it becomes burdensome. A lot of them have part-time clerks.

Legislator Healy also commented that the intent of the law is very good, but it's impractical in application. It will create too big of a burden, especially for the volunteers that serve on boards. It's hard enough now to get people to serve in any capacity.

Legislator Pullen referred to the phrase, "the straw that broke the camel's back." We're looking at a lot of straws that have been put upon the backs of those who serve the local governments. He noted that he's in favor of openness, but along with that, there's expense. There's the expense of setting up a website, which apparently is required by this law. Then there's the expense of making copies, a reasonable number of copies. Mr. Pullen commented that he can see someone challenging the entire proceeding if they come in and there's an unusually large number of people that have shown up for the meeting and that person doesn't get a copy. Most of our towns and villages do not have full-time personnel serving on their boards and in their Clerks' offices. And this bill not only applies to them, but also to planning boards, zoning boards, various other commissions, and boards of assessors. Basically this applies to any meeting conducted by any board or agency, and we're not talking about small amounts of money. Maybe in isolation it seems small, but the cumulative total will be thousands of dollars. Mr. Pullen also noted that this additional burden will make people reluctant to hold office for the \$200-300 monthly salary that many of our local officials receive for serving their communities. Again, it's fine, but for all these things there's a price. We look at it and say it's no big deal. Maybe not in isolation, but think about the straw that can break the camel's back. Mr. Pullen felt we are perilously close to that.

AUDITS:

A motion was made by Legislator Hopkins, seconded by Legislator Fanton and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator Pullen, seconded by Legislator Hopkins and adopted on a roll call vote of 13 Ayes, 1 No, 1 Absent, that the audit of claims, totaling \$1,557,553.36, including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$2,678,562.*)

ADJOURNMENT: The meeting was adjourned at 2:40 p.m. on a motion made by Legislator Pullen, seconded by Legislator Fanton and carried.

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REGULAR SESSION – MAY 24, 2010

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by United States Army Reserve Private Sara-Ann Baldwin.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 14 Present; 1 Absent (Legislator Russo).

RECOGNITION OF AMERICAN LEGION POPPY DAY:

County Historian Craig Braack provided a short history of the tradition of the American Legion Poppy which serves as a memorial and fundraising benefit for disabled veterans. Memorial Day will be celebrated this weekend. In the mid 1960s, Congress investigated the origins of Memorial Day and discovered Waterloo, New York, to have the oldest written proof, a copy of a local newspaper asking for volunteers to decorate the graves of fallen Civil War soldiers from the community. In 1968, the last Monday of May was designated as the official Memorial Day holiday and the name was changed from Decoration Day.

Each year around Memorial Day, Veterans of Foreign War members and American Legion Auxiliary volunteers distribute millions of bright red poppies, made by hospitalized veterans, in exchange for contributions to assist disabled and hospitalized veterans. The poppy reminds the community of the past sacrifices and continuing needs of our veterans. It has become a nationally known and recognized symbol of sacrifice and is worn to honor the men and women who served for their country in all wars.

A brief history of the artificial poppy: In World War I, on the battlefields of Belgium, the poppies grew wild amid the ravaged landscape. How could such a pretty little flower grow wild while surrounded by death and destruction? The over-turned soils of battle enabled the poppy seeds to be covered, thus allowing them to grow, and to forever serve as a reminder of the bloodshed during that and future wars. The poppy movement was inspired by the poem, "In Flanders Fields," written by Lieutenant Colonel John McCrae, of the Canadian forces in 1915 before the United States entered World War I. Flanders Field is the name of one of the American cemeteries in Europe. Selling replicas of the Flanders poppy originated in some of the allied countries following the Armistice. Mr. Braack read the poem, "In Flanders Fields."

APPROVAL OF MINUTES:

The Board meeting minutes of May 10, 2010, were approved on a motion made by Legislator Hopkins, seconded by Legislator Pullen and carried.

PRIVILEGE OF THE FLOOR:

Chairman Curtis W. Crandall granted privilege of the floor to Supervising Public Health Educator Theresa Moore who gave a PowerPoint presentation on Allegany County's 2010-2013 Community Health Assessment. After extensive research, focus-group discussion, and administration of a County-wide survey, the Allegany County Department of Health has identified the following as issues/concerns regarding the health of County residents: County population, income status, education, housing, mortality rates, dental health, maternal and child health, chronic disease, injury control, and communicable disease. The data was assembled to establish a County report card, which provides a grade for several health indicators. Based on the health-related rates presented in the summary, the County report card, and the survey completed by more than 200 County residents in 2009, the Department

BOARD OF LEGISLATORS SESSION MINUTES, MAY 24, 2010

of Health, working with the Jones Memorial Hospital, Cuba Memorial Hospital, and Allegany-Western Steuben Rural Health Network, has chosen the following as focus areas for 2010-2013: (1) Physical Activity and Nutrition (Obesity); (2) Tobacco Use; and (3) Unintentional Injury (fall prevention among elder population). Other priorities identified were: Dental Health and Adolescent and Young Adult Sexual Activity. A copy of the presentation is attached to the original minutes.

Chairman Curtis W. Crandall presented a certificate to Sara-Ann Baldwin, United States Army Reserve Private 1st Class, in grateful appreciation of her commitment to serve our Country. Her service dates are October 2009 to the present. Ms. Baldwin is currently attending Genesee Valley Central School and is participating in the BOCES Government Intern Program. She will participate in Basic Training at Fort Sill, Oklahoma, in July, and plans to attend college at the University of Buffalo. Her Military Occupational Specialty will be Human Resources Specialist. Ms. Baldwin led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Curtis W. Crandall and Sheriff William Tompkins recognized Travis G. Middaugh, United States Marines Staff Sergeant, for his service to our Country. Mr. Middaugh's service dates are May 2003 to the present, and he is also an Allegany County Sheriff's Office employee. Following Basic Training at Parris Island, SC, duty locations include Camp Lejeune, NC, several U.S. Navy Ships and eleven South American countries conducting counter-narcotics and counter-terrorism operations, Africa, Israel, and several tours in Iraq. Commendations Mr. Middaugh received included: Marine Corps Combat Action Ribbon, Purple Heart, Meritorious Mast Awards (4), Certificate of Commendation, and numerous service and campaign awards. Sheriff William Tompkins presented Mr. Middaugh with a plaque, and recounted some of his history with the Sheriff's Office and with the Marine Corps. Most of his service time has been spent in overseas deployments to combat situations, and he has an extraordinary record. Mr. Middaugh was accompanied by his wife, Jennifer, their three children, and his mother. Chairman Crandall presented Mr. Middaugh with a citation prepared by NYS Assemblyman Joseph Giglio. An excerpt from that citation is included: "Whereas, the freedoms and security we cherish as Americans come at a very high price for those serving in the military in times of conflict, it is fitting and proper that we who are the beneficiaries of those who risk their lives, leaving their families behind, express our appreciation and eternal gratitude for their sacrifices and courageous acts; now, therefore, be it resolved that I, Assemblyman Joseph Giglio, present this citation to honor Staff Sergeant Travis G. Middaugh for his bravery while serving in Iraq with the United States Marine Corps; and be it further resolved that a copy of this citation, suitably embossed, be transmitted to Staff Sergeant Travis G. Middaugh."

Chairman Crandall granted privilege of the floor to the following:

Chairman Curtis W. Crandall recognized Legislator Theodore Hopkins for an award he received recently at a recognition dinner held by Southern Tier West. Legislator Hopkins, who is a member of the Southern Tier West Regional Planning and Development Board, was recognized for outstanding service and support in achievement of regional goals. Southern Tier West encompasses the counties of Cattaraugus, Chautauqua, and Allegany, and is responsible for many worthwhile projects throughout the region.

County Administrator John Margeson presented Allegany County's Bond Rating Report. For the past few weeks, County Treasurer Terri Ross, County Attorney Thomas Miner, and County Administrator John Margeson have participated in conference calls with the County's Financial Advisors, Municipal Solutions, along with Bond Counsel, Orrick, Herrington & Sutcliffe, and Bond Counsel for the New York State Bond Bank Agency regarding borrowing funds to finance construction of the Courthouse addition and renovation. During one of the conversations with bond counsel, the County received some good news. Due to the fact that we were going to the bond market to borrow money, the national

municipal bond rating company of Standard and Poor's had reviewed Allegany County's finances and financial condition, and as a result of that review, increased our bond rating from A- bond rating, which has existed for a number of years, to an A+ bond rating. A bond rating for a municipality is similar to a credit score for an individual. The higher the bond rating is for a municipal government, the lower the risk is for investors in the bonds, and typically what also happens is that the higher your municipal bond rating is, the lower the interest rate is going to be on the principal borrowing.

Last week, Allegany County, along with four other counties in the State of New York, participated in a bond issuance in accordance with the Recovery Bond Act, which was a part of the American Recovery and Reinvestment Act (ARRA) of 2009, or what is commonly referred to as the Federal Stimulus Policy. The other four counties that participated were Madison, Oneida, Broome, and Sullivan. As a result of that issuance, the interest rate assigned to our portion of the lending was 3.96 percent. Our previous bond rating, according to the Comptroller, has historically resulted in interest rates of approximately 4.9 percent. Mr. Margeson believes, and his belief is backed up by information published by the State Comptroller's Office, that the improved bond rating resulted in our issue being assessed a 3.9 percent interest rate, or one percent difference, a one percent savings in interest. Based on the amount of money we borrowed and the repayment term of 25 years, that one percent difference in interest rate as a result of an improved bond rating will save the people of Allegany County over the term of that repayment schedule somewhere between \$1.2 and \$1.7 million.

In addition to that, as mentioned before, the program that we participated in is something that came out of the ARRA. Essentially, the federal government is making funding available to municipal governments across the State of New York in an effort to spur the economy and create jobs. What makes this program so attractive is that the federal government is subsidizing the interest payment on that principal debt for anywhere from 35 to 45 percent of the interest cost. As a result of the amount we borrowed and the repayment term selected, our participation in that program has been calculated by bond counsel to save Allegany County over the term of that loan approximately \$4.1 million. The combination of the improved bond rating and the fact that we were able to take advantage of this special lending program through the federal government, over the term of the loan, is going to save the people of Allegany County somewhere between \$5.5 and \$6 million in interest expenses.

Legislator O'Grady questioned if the County would also get the interest break from the Office of Court Administration. Mr. Margeson replied that we would, and that would be over and above what he just reported. Legislator Ungermann asked if this savings could be applied to reduce taxes. Mr. Margeson noted that would be up to the Legislators.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. June 2010 Calendar of Board and Standing Committee meeting dates.

The following communications were also acknowledged:

1. County Treasurer Terri Ross filed a Bond Determinations Certificate dated May 26, 2010, of the County Treasurer of the County of Allegany, New York, Providing for the Details, Form and Related Matters of \$13,715,000 Public Improvement (Serial) Bonds, 2010 (MBBA Services), of Said County in the Clerk of the Board's Office on May 21, 2010.

2. County Treasurer Terri Ross filed a copy of the Annual Financial Report Update Document for the Fiscal Year Ended December 31, 2009, in the Clerk of the Board's Office on May 18, 2010.

BOARD OF LEGISLATORS SESSION MINUTES, MAY 24, 2010

3. Notice of next Fire Advisory Board meeting to be held at 8 p.m. on Thursday, May 27, 2010 in the Public Safety Building. In addition, District Coordinators will meet at 7 p.m., and Fire Investigators will meet at 6:30 p.m.

4. Southern Tier West Regional Planning and Development Board meeting minutes from April 15 and meeting notice for May 20, 2010.

5. Correspondence from the Steuben County Department of Public Works advising that the Draft Local Solid Waste Management Plan Modification for Steuben County is available for review and comment on their website: www.steubencony.org.

6. Invitation for Legislators to attend a Meet & Greet Reception for US Attorney William J. Hochul, Jr., in the Legislative Chambers on June 8 at 10 a.m.

7. Correspondence from John Nangle regarding the Bare Knuckle Boxing Hall of Fame in Belfast.

8. Reminder that there will be an open house to celebrate the 100th anniversary of the Bolivar Free Library on June 13 from 4-6 p.m.

RESOLUTIONS:**RESOLUTION NO. 111-10**

**RESOLUTION SUPPORTING A TEMPORARY EXTENSION OF
ENHANCED FEDERAL MEDICAID MATCHING FUNDS PROVIDED UNDER
THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)**

Offered by: Ways and Means Committee

WHEREAS, Medicaid is a federal, state, and local health care program whose costs and administration represents the largest component of the state and local fiscal relationship in New York, currently totaling over \$51 billion annually, and

WHEREAS, since the program's inception, counties across the state have struggled to fund the growth of the Medicaid local share, and even with local budget austerity measures, the program's cost has resulted in higher property taxes, higher sales taxes, and a decline in county services, and

WHEREAS, while a local government Medicaid "cap" has been implemented in New York in an effort to provide some budget stability and help shield local taxpayers from the impact of excessive Medicaid growth, counties remain concerned with the future sustainability of the Medicaid program, the effect on other state and local budget priorities, and the overall outlook for New York's economic competitiveness, and

WHEREAS, Congress has provided an increase in Federal Medicaid matching funds, set to expire on December 31, 2010, to all states under the American Recovery and Reinvestment Act in recognition of the recent fiscal crisis, and

WHEREAS, in addition to providing fiscal relief to the State of New York, this increase also provides direct fiscal relief to local governments in New York State which helps ease the local property and sales tax burden for all New Yorkers, and

WHEREAS, the U.S. Senate, House, and the President all support a six-month extension of this critical temporary enhanced Medicaid assistance through June 30, 2011,

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

because of the continued fiscal pressures experienced by state and local governments due to further declines in tax revenues and increased demand for public services stemming from the recession, and

WHEREAS, New York and twenty-three other states have included a six-month extension of this enhanced funding in their budgets for the coming year, and it is imperative that Congress enact a six-month extension of enhanced Medicaid assistance payments as soon as possible, to allow states to finalize their budgets without having to fill even larger budget holes with tax increases or service cuts that would be necessary in the absence of this federal funding, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators supports a six-month extension of the enhanced Federal Medical Assistance Percentage (FMAP) as established under the American Recovery and Reinvestment Act, and
2. That this Board calls upon the Governor and the State Legislature to encourage the New York Congressional Delegation to support this six-month extension, and
3. That the Clerk of this Board is requested to forward copies of this Resolution to Governor David A. Paterson, the New York State Legislature, the New York Congressional Delegation, NYSAC, and all others deemed necessary and proper.

Moved by: Mr. Hopkins
Seconded by: Mr. Fanton

Adopted: Voice Vote

RESOLUTION NO. 112-10

**APPOINTMENT OF ONE MEMBER TO
ALLEGANY COUNTY COMMUNITY SERVICES BOARD**

Offered by: Human Services Committee

RESOLVED:

1. That Calvin L. Schierer, DO, of Houghton, New York, is appointed to fill a vacancy to the Allegany County Community Services Board, with term of office to commence May 5, 2010, and expire December 31, 2011.

Moved by: Mr. Burdick
Seconded by: Mr. Healy

Adopted: Voice Vote

RESOLUTION NO. 113-10

**AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE
100 PERCENT OF THE FEDERAL AID AND STATE "MARCHISELLI" PROGRAM AID
ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL AID PROJECT;
APPROPRIATING FUNDS THEREFOR**

Offered by: Public Works and Ways and Means Committees

WHEREAS, a Project for the Bridge Replacement (BIN 3330770) on CR 4 in the Town of Hume, Allegany County, PIN 6754.52 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80 percent federal funds and 20 percent non-federal funds, and

BOARD OF LEGISLATORS SESSION MINUTES, MAY 24, 2010

WHEREAS, the County of Allegany desires to advance the Project by making a commitment of 100 percent of the non-federal share of the costs of Bridge Replacement (BIN 3330770) on CR 4 in the Town of Hume, Allegany County, PIN 6754.52, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators hereby approves the above-subject project.

2. That this Board hereby authorizes the County of Allegany to pay in the first instance 100 percent of the federal and non-federal share of the cost of Design and Right of Way Incidentals work for the project or portions thereof.

3. That the sum of \$555,000 is appropriated from Capital Project Account No. H5917.200 and made available to cover the cost of participation in the above phase of the project.

4. That in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Allegany County Board of Legislators shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof.

5. That the Chairman of the Allegany County Board of Legislators be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Allegany with the New York State Department of Transportation in connection with the advancement or approval of the project and providing for the administration of the project and the municipality's first instance funding of project costs and permanent funding of the local share of federal aid and state aid eligible project costs and all project costs within appropriations therefor that are not so eligible.

6. That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the project.

7. That this resolution shall take effect immediately.

Moved by: Mr. Fanton
Seconded by: Mr. Hopkins

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

(Memo: The estimated cost of \$555,000 for the Design and Right of Way phases of the project referred to in Resolution No. 113-10 is broken down as follows: Federal Share (80 percent) – \$444,000; State Share (15 percent) – \$83,250; County Share (5 percent) – \$27,750.)

RESOLUTION NO. 114-10**A RESOLUTION APPROPRIATING FEDERAL AND STATE FUNDING FOR TRANSIT BRIDGE, CR 16, BELFAST (PIN 6754.08) CAPITAL PROJECT**

Offered by: Public Works and Ways and Means Committee

RESOLVED:

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

1. That the sum of \$3,668,900 for funding for the Transit Bridge, CR 16, Belfast (PIN 6754.08) is appropriated to Capital Project Account H5904.200 with \$579,300 credited to Revenue Account No. H10.3097.5904 (State Funding – Transit Bridge) and \$3,089,600 to Revenue Account No. H11.4097.5904 (Federal Funding – Transit Bridge).

Moved by: Mr. Fanton
Seconded by: Mr. Healy

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 115-10

**TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT
TO A CAPITAL PROJECT ACCOUNT COVERING COST FOR
CONSTRUCTION OF BUILDINGS AND GROUNDS MAINTENANCE BUILDING**

Offered by: Courts Facilities and County Space Needs and Ways and Means Committees

RESOLVED:

1. That the sum of \$75,000 is transferred from Account No. A1990.4 (Contingency) to Account No. H1640.200 (Capital Project – Buildings and Grounds Maintenance Building).

Moved by: Mr. Pullen
Seconded by: Mr. Fanton

Adopted: Roll Call
13 Ayes, 1 No, 1 Absent
Voting No: Ungermann

Comments made regarding Resolution No. 115-10 included the following: Legislator Ungermann noted that the Maintenance Building should have been included in the Courthouse project because it is a direct result of that project. "Again, as with the parking issue, the County has violated the SEQR process. More importantly, we're going back to the well and didn't tell the public that we had to do something about parking and the Maintenance Building." Mr. Ungermann commented that he has said numerous times that this project would cost \$25 million by the time it's finished, and we're headed in that direction.

RESOLUTION INTRO. NO. 117-10 (TRANSFER OF FUNDS FROM COUNTY ROAD FUND ACCOUNT TO DPW OFFICE BUILDING ACCOUNT) was WITHDRAWN due to some changed circumstances following a motion made by Legislator Pullen, seconded by Legislator Healy and carried.

RESOLUTION NO. 116-10

**APPROVING THE 2010 RESOURCE ALLOCATION PLAN AGREEMENT
WITH OFFICE OF CHILDREN AND FAMILY SERVICES;
PROVIDING FOR APPROPRIATION OF FUNDS WHEN SUBCONTRACTS
FOR SPECIAL DELINQUENCY PREVENTION PROGRAM SERVICES ARE APPROVED**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the 2010 Resource Allocation Plan Agreement with Office of Children and Family Services in relation to the state's allocation of funds to the County for providing youth services under its Comprehensive Youth Service Plan is approved.

2. That the Chairman of this Board is authorized to execute such Plan Agreement.

BOARD OF LEGISLATORS SESSION MINUTES, MAY 24, 2010

3. That a portion of the funds to be received under such Plan Agreement shall be appropriated from time to time to cover the costs under sub-contractor service provider agreements as may be approved by this Board.

Moved by: Mr. Healy
Seconded by: Mr. Fanton

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 116-10 included the following:

Legislator Ungermann noted that for most of the youth programs included in the resolution, the County's portion of funding is small. Most are 100 percent state funded. If the state is serious about saving money, maybe this is something they could do something about. Mr. Ungermann stated that he's not saying some of these programs aren't necessary, but maybe some of them are a little bit of a luxury.

Legislator Pullen commented that he would support the state cutting back on some things. He noted on a report from NYSAC that the state and some of the Department of Social Services programs are reducing some of their funding but not eliminating any of the mandated programs, which will have the effect of shifting \$100 million statewide to the counties from the state. Mr. Pullen fears that in the future, we will see more mandates and push-downs from the state. At this point, for programs that are mandated and we receive state funding, we should definitely approve them.

RESOLUTION NO. 117-10

APPROVAL OF 2010 YOUTH DEVELOPMENT/DELINQUENCY PREVENTION (YDDP) PROGRAMS INCLUDING MUNICIPAL YOUTH PROJECTS FOR RECREATION PROGRAMS, SERVICE PROGRAMS, AND YOUTH INITIATIVE PROGRAMS

Offered by: Public Safety and Ways and Means Committees

WHEREAS, the County Youth Bureau has recommended certain municipal youth projects for recreation programs, service programs, and youth initiative programs within the County for 2010, now, therefore, be it

RESOLVED:

1. That the 2010 Municipal Youth Projects for Recreation are approved as follows:

Municipality	2010 Award	Project	Municipality	2010 Award	Project
Village of Alfred	2,100	R021	Town of Burns	219	R181
Town of Almond	285	R051	Village of Canaseraga	219	R191
Town of Amity	537	R071	Town of Cuba	438	R231
Village of Belmont	400	R081	Village of Cuba	755	R241
Town of Andover	432	R091	Town of Friendship	656	R251
Village of Andover	465	R010	Town of Hume	934	R301
Town of Angelica	221	R111	Town of Independence	509	R321
Village of Angelica	402	R121	Town of Rushford	566	R341
Town of Belfast	2,589	R131	Town of Wellsville	2,912	R371
Town of Bolivar	415	R151	Town of Wirt	234	R411
Village of Bolivar	625	R161	Rushford Lake Project	8,579	R001

2. That the 2010 Municipal Youth Projects for Services are approved as follows:

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

Agency	Program Title	2010 Award
Allegany Council	Week of Alternatives	\$3,000
BOCES	Government for Youth	\$2,650
Youth for Christ	Wellsville Skate Park	\$1,700
Houghton College	First STEP	\$2,200
Houghton College	STEP	\$3,500
Allegany Council	Natural Helpers	\$1,700
Youth for Christ	Teen Centers	\$3,000
Village of Cuba	A Sound Beginning	\$2,500
Town of Wellsville	Dance/Theatre Program	\$1,727

3. That the 2010 Municipal Youth Projects for Youth Initiatives are approved as follows:

Agency	Program Title	Award
Literacy West NY, Inc.	Peers Helping Peers	\$2,700
Southern Tier Traveling Teacher	GED	\$3,256
Allegany Co. Chapter of Red Cross	When I'm In Charge	\$ 750
Alfred University	Children Learning Initiatives	\$1,850

Moved by: Mr. Healy
 Seconded by: Mr. Hopkins

Adopted: Roll Call
 14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 118-10

**APPROVAL OF SPECIAL DELINQUENCY PREVENTION PROGRAM (SDPP)
 SUBCONTRACT AGREEMENTS FOR CALENDAR YEAR 2010;
 PROVIDING PROGRAM FUNDS**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the following Special Delinquency Prevention Program (SDPP) Agreements for calendar year 2010, are approved and appropriated as follows:

Agreement	Amount	Approp. Account	Revenue Account
Allegany Council on Alcoholism and Substance Abuse, Inc. (Prevention Education Referral)	\$3,500	A7313.486	A10.3821.04
Allegany County Mental Health Association, Inc. (Youth Compeer Program)	\$3,675	A7313.488	A10.3821.07
Allegany County Employment & Training (SYEP)	\$5,656	A7318.486	A10.3822.02
Literacy West NY, Inc. (Success Tracks)	\$875	A7318.489	A10.3820.50
Southern Tier Traveling Teacher (Special GED Program)	\$2,200	A7315.487	A10.3821.7315

BOARD OF LEGISLATORS SESSION MINUTES, MAY 24, 2010

Youth Court	\$4,900	A7321.483	A10.3825.7321
Houghton College (Special First STEP)	\$500	A7313.494	A10.3821.94
Houghton College (Special STEP)	\$500	A7313.493	A10.3821.93

2. That the Chairman of the Board is authorized to execute the agreements.

Moved by: Mr. Healy
Seconded by: Mr. Hopkins

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 118-10 included the following: Legislator Pullen voiced concern about the lack of a state budget and if we're making commitments if the state funding doesn't come through. Mr. Margeson responded that the agreements are contingent on the state making funds available.

RESOLUTION NO. 119-10

APPROVAL OF AGREEMENT WITH COUNTY OF MONROE TO PROVIDE SERVICES FOR ALLEGANY COUNTY PRISONERS HELD AT THE ROCHESTER PSYCHIATRIC CENTER FORENSIC UNIT

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That Agreement between the County of Allegany and the County of Monroe for the period January 1, 2011, through December 31, 2015, to provide in-patient psychiatric services for Allegany County prisoners held at the Rochester Psychiatric Center Forensic Unit is approved.

2. That the Chairman of this Board and the Allegany County Sheriff are authorized to execute said Agreement.

Moved by: Mr. Healy
Seconded by: Mr. Fanton

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

AUDITS:

A motion was made by Legislator Hopkins, seconded by Legislator Fanton and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator Hopkins, seconded by Legislator Pullen and adopted on a roll call vote of 13 Ayes, 1 Noes, 1 Absent, that the audit of claims, totaling \$3,591,201.52, including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$2,976,180.*)

ADJOURNMENT: The meeting was adjourned at 3:20 p.m. on a motion made by Legislator Hopkins, seconded by Legislator O'Grady and carried.

REGULAR SESSION – JUNE 14, 2010

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army Specialist 4th Class Thomas C. Ball.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 12 Present; 3 Absent (Legislators Benson, LaForge, and Russo).

APPROVAL OF MINUTES:

The Board meeting minutes of May 24, 2010, were approved on a motion made by Legislator Ungermann, seconded by Legislator Hopkins and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Thomas C. Ball, former United States Army Specialist 4th Class, in grateful appreciation of his service to our Country. Mr. Ball's service dates were from April 1971 to April 1974. Following Basic Training at Fort Eustis, VA, Mr. Ball was assigned to Fort Wainwright, AK, as a helicopter repairman. Commendations he received included: the National Defense Service Medal. Mr. Ball led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall recognized former Board Chairman/former Deputy Secretary of State John Hasper who was present at the meeting.

Chairman Crandall granted privilege of the floor to the following:

Agricultural Society President Martha Roberts provided an update on the Allegany County Fair. This year will be the 166th continuous year for the Fair, and it will be held July 19 through 24. Mrs. Roberts reported on improvements being made at the fairgrounds. She shared some of the history of the 100-year-old grandstand on which \$27,000 in structural repairs were made last year, and \$26,000 will be spent this year for a new metal roof. The old announcer's stand in the horse corral and the Railroad Society's depot will also both receive new roofs. Ventilation will be improved in the main hall by re-opening the cupola. These capital improvements are accomplished with the help of volunteers and fair directors, and some of the County's appropriation goes toward funding these projects. The Fair attracts around 22,000 people, in addition to 5,000 to 7,000 volunteers, all contributing to County tourism. The fairgrounds are also used throughout the year for graduation parties, wedding receptions, and picnics, which provides additional revenue and contributes to tourism. Mrs. Roberts extended an invitation to attend the Fair and thanked the Board for their support. She also noted that they are anticipating a special guest, a Senator, for the Board meeting conducted at the Fair on July 22.

Allegany County Dairy Princess Tara Cline addressed the Board representing those serving in the dairy industry. She recognized the County's farmers for their dedication and hard work. Without them, we wouldn't be able to enjoy dairy treats like milk shakes and frozen yogurt. Miss Cline highlighted a little of the nation's dairy history and thanked the Board for their support of the dairy industry. Milk punch and cheese were provided in the hallway outside of the Board Chambers.

BOARD OF LEGISLATORS SESSION MINUTES, JUNE 14, 2010

NYS Farm Bureau Field Advisor Timothy Bigham provided an update on agricultural concerns:

“Thank you for an annual chance to update the Legislators regarding agricultural concerns. You have always been an enjoyable group to present to because you are well grounded as a Legislature. Thank you for your support on a myriad of issues, particularly opposition to the omnibus labor bill that would have destroyed agriculture in New York State and opposition to a DOT rule requiring delivery trucks to take state routes whenever available.

I’d like to ask for your continued support as we seek to keep laws, as well as rules and regulations, which are harmful to agriculture at bay. Certain lawmakers and agency personnel perpetually promote their agendas despite the harm that will befall agriculture and the rural lifestyle. While Farm Bureau has been very successful keeping the things we most oppose from becoming new thorns in our side, we nevertheless continue to face new challenges.

Farm Bureau is opposed to the proposed changes in New York Codes, Rules, and Regulations (NYCRR) Part 247 regulations regarding outdoor wood boilers (see <http://www.dec.ny.gov/regulations/64459.html>). These proposed changes are a one-size-fits-all approach to an issue that deserves a different approach in rural areas than in urban areas. I personally am concerned that the DEC identifies particulate matter in the wood smoke (PM 2.5) as a reason for regulation. Since indoor wood stoves also produce this particulate matter, will they be next? The hearing you are having here on Wednesday will hopefully be well attended and should provide landowners a chance for input into their government.

You may not think that our nation’s immigration policy affects farms in Allegany County. For the most part, most effects will be indirect. Farms that require foreign laborers to do work that domestic laborers won’t do will be forced to abandon all hopes of managing their businesses the way they need to. As these businesses are lost, the infrastructure built around them will be lost too, thus hurting all of agriculture.

As you have probably witnessed with the retraction of a commitment to off-shore drilling at the federal level because of the oil catastrophe in the Gulf of Mexico, many factors continue to drive energy policy. Wind and gas development opportunities that could put money in the pockets of our rural landowners and preserve the environment are subject to politics and emotionalism. Farm Bureau wants these endeavors to be subject to sound science. The same is true of many current issues. Put these issues under the microscope of sound science and then move on accordingly.

Black bears have been in the news more and more as they move from your County to more urban areas. The black bears are not above generating controversy as they destroy farm crops and farmers remove them. Right now the law allows farmers to protect their crops under the close supervision of the NYS DEC. We want to keep it that way and will seek your support should legislation move forward to remove the ability that farmers currently have to protect their assets.

The maple syrup crop that many of our farmers rely on as a substantial part of their farm business was decimated by this spring’s nice weather. There are plenty of theories to go around that describe why the sap didn’t flow in trees this spring, but the end result was still about a 30 percent drop in production statewide and more like a 50 or more percent drop in production here.

The dairy industry is still undergoing wild pricing fluctuations that hurt our dairy farmers. Though the comparable price received by the farmer is up a couple of dollars

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

per hundredweight over last spring, that number was several dollars per hundredweight lower than the previous spring. And the price this year is still below the cost of production by a dollar or two. Farm Bureau's policy goal is to try to iron out the huge fluctuations and obviously to get the farmers what they deserve for their product. We hope to accomplish this goal through the re-work of the Farm Bill in 2012.

Another issue involves information put out by the National Milk Producers Federation. Their staff member, Jamie Jonker, reported in Thursday's Dairy Line that the regulations referred to as the Spill Prevention, Control, and Countermeasure Rule look to ensure that oils are not spilled from containers, and if there is a spill, that there is a way to quickly clean it up. We're all sensitive to that because of what's happening down in the Gulf. Animal fats would fall under this definition, he said, and that would include milk. There's a possibility that there will be unintended consequences of this countermeasure rule this fall if common sense doesn't prevail.

I'd like to introduce the Farm Bureau members we have in the room this year (Marvin Covert and Kevin Hamilton). If there are any questions, I will be around afterward and should probably answer them then. Thank you once again for the opportunity to speak to you today." - Timothy Bigham

District Attorney Terrence Parker, Probation Director Robert Starks, and STOP-DWI Program Coordinator Linda Edwards were asked to address the Board to provide insight on the Ignition Interlock Program Plan, to be considered later in the meeting.

Probation Director Robert Starks reported that in late fall 2009, legislation commonly referred to as Leandra's Law was signed into law. A component of that law provided for ignition interlock devices to be placed in the vehicles of every offender convicted of DWI and sentenced to probation or conditional discharge. Each county is required to develop a plan to address how to monitor these individuals. The New York State Division of Probation and Correctional Alternatives (DPCA) took it upon themselves, or were directed by the state legislature, to promulgate rules and regulations. Out of those rules and regulations came the direction to put together this plan. They provided the format for the plan. We formed a committee that was composed of a number of agencies throughout the County: District Attorney's Office, STOP-DWI Program, law enforcement, Allegany Council on Alcoholism and Substance Abuse, and others. That committee had two meetings to fulfill the requirements of the plan (all Legislators should have received copies and had an opportunity to review it). There are some concerns with the plan; the biggest was that of potential funding for the individuals that the courts deem unable to afford these systems. The DPCA has applied for a grant to help pay for this program, but if it's received, it's only good for one year and we would receive only a portion of that. We don't even know how much that will be at this point. As recently as Friday, June 11, it was announced that a Senator from New York City and an Assemblywoman from Binghamton are planning to introduce bills to take money from the STOP-DWI funding to designate it toward funding for the ignition interlock program.

District Attorney Terrence Parker commented on what Mr. Starks said regarding individuals who are deemed unable to pay for the devices: initially when the program was in the formation stages, we were worried that the County would have to pick up that cost. That has been addressed by the state in that there is no cost to the County for the equipment or the use of that equipment. It's all borne by the participants in the program. If someone can't pay, the company eats that loss and makes it up on other people who can pay. It's the time of supervision that we're concerned about as far as exposure for the County. As Mr. Starks said, they're looking at grant money for the short-term, and also the legislature has realized they opened a can of worms they hadn't planned on, and they're trying to address it.

Legislator Sinclair questioned if this would possibly save some money at sentencing that instead of sending an offender to jail, this program would be put in place. Mr. Starks

BOARD OF LEGISLATORS SESSION MINUTES, JUNE 14, 2010

replied that it wouldn't. The law states that regardless of jail sentence, offenders also get a probation sentence on top of that. So it won't save any money in that respect. Mr. Parker remarked that the ignition interlock program is geared at saving lives. Right now, the fact that someone has had their license taken away does not stop them from driving.

Legislator O'Grady asked if there will be a stiffer penalty if an offender is caught driving a different vehicle without this device. Mr. Parker responded that driving without the device would be a violation of the original sentence and the offender would be resentenced, because the interlock is part of the probation or conditional discharge that's imposed.

STOP-DWI Program Coordinator Linda Edwards commented that the County had 326 DWI arrests last year, and potentially this would affect all of them. Those numbers have been slowly increasing, so this program has a long-term effect financially. The state is looking at a potential pot of \$8 million statewide for the first year of implementation, but we have no idea what will happen after that. The state is moving forward with implementation of the law, and there will not be any extensions, so we have to have a plan in place. Our plan is due tomorrow, and the law goes into effect August 15. Chairman Crandall questioned if the proposed legislation that came up Friday would take STOP-DWI funding that's used for other things and devote part of it to this. Ms. Edwards felt that was the intent.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. Report of Intrafund Transfers approved by the County Administrator in May.

The following communications were also acknowledged:

1. Notice of next InterCounty Association meeting to be hosted by Steuben County at the Pleasant Valley Wine Company on Friday, June 18.
2. Southern Tier West Regional Planning and Development Board 2009 Annual Report.
3. Correspondence from the NYS Commission of Correction commending the Working Inmate Program instituted by Sheriff William Tompkins.
4. Correspondence from Senator Catharine Young acknowledging receipt and support of Allegany County's resolutions regarding gun control issues, increased revenue sharing for online and mail-based motor vehicle transactions, and amendments to the Public Officers Law.
5. Correspondence from Community Services regarding the tour scheduled for Thursday, June 24.
6. Reminder that there will be a special Committee of the Whole meeting on Tuesday, June 15, from 6:30 p.m. to 9 p.m. at the Crossroads Center.
7. Correspondence inviting Legislators to participate in the 23rd Friendship Freedom Fair Celebration to be held on Saturday, July 31, 2010.

APPOINTMENTS:

The Clerk of the Board announced that Chairman Crandall appointed Jessica Jennings of Angelica to fill the unexpired three-year term of Linda Edwards ending March 25, 2012, and Linda Orpet of Wellsville to fill a vacant unexpired term ending March 25, 2013, as

members of the **ALLEGANY COUNTY YOUTH BOARD**, subject to confirmation by the Board of Legislators.

Chairman Crandall appointed the following to serve as **YOUTH REPRESENTATIVES ON THE ALLEGANY COUNTY YOUTH BOARD**, the term of such appointments is unfixed, but in no event shall such terms exceed the twenty-first birthday of the appointees:

Ruby Lananger, Wellsville, District IV
Emily Westacott, Alfred, District V

INTRODUCTION OF LEGISLATION:

Legislator Theodore Hopkins introduced Local Law Intro. No. 2-2010, Print No. 1, entitled "A Local Law to Amend Local Law Number Three of Nineteen Hundred Ninety-Two, as Amended, to Authorize the Appointment of a Deputy County Administrator and Define the Scope and Authority of the Deputy County Administrator within the Office of the County Administrator," a copy of said proposed Local Law having been placed on each Legislator's desk.

RESOLUTIONS:

RESOLUTION NO. 120-10

RESOLUTION SETTING DATE OF PUBLIC HEARING ON A LOCAL LAW TO AMEND LOCAL LAW NUMBER THREE OF NINETEEN HUNDRED NINETY-TWO, AS AMENDED, TO AUTHORIZE THE APPOINTMENT OF A DEPUTY COUNTY ADMINISTRATOR AND DEFINE THE SCOPE AND AUTHORITY OF THE DEPUTY COUNTY ADMINISTRATOR WITHIN THE OFFICE OF THE COUNTY ADMINISTRATOR

Offered by: Ways and Means Committee

WHEREAS, on this 14th day of June 2010, a local law (Intro. No. 2-2010, Print No. 1) was introduced to "Amend Local Law Number Three of Nineteen Hundred Ninety-Two, as Amended, to Authorize the Appointment of a Deputy County Administrator and Define the Scope and Authority of the Deputy County Administrator within the Office of the County Administrator," and

WHEREAS, it will be necessary to set a date for public hearing on said proposed local law, now, therefore, be it

RESOLVED:

1. That a public hearing shall be held on June 28, 2010, at 2:00 P.M. in the County Legislators' Chambers, Room 221, County Office Building, Belmont, New York, before the Allegany County Board of Legislators, in relation to proposed Local Law Intro. No. 2-2010 Print No. 1.

2. That the Clerk of the Board of Legislators is hereby directed to prepare, with the assistance of the County Attorney, a notice of said public hearing, to cause the publication of a copy of said notice in each of the two newspapers which have been officially designated by this Board to publish "notices," and to affix a copy of said notice on the County bulletin board in the County Courthouse at Belmont, New York; both publication and posting to be made at least five days before the public hearing.

Moved by: Mr. Hopkins
Seconded by: Mr. Fanton

Adopted: Voice Vote

BOARD OF LEGISLATORS SESSION MINUTES, JUNE 14, 2010

Comments made regarding Resolution No. 120-10 included the following: Legislator Ungermann questioned if this should have been done before hiring the Deputy County Administrator. County Attorney Thomas Miner responded that in retrospect, it would have been helpful, but we weren't aware that the state was going to take the position that we needed this process in order to place the position in an exempt class so that it's not a tested civil service position.

RESOLUTION NO. 121-10**AMENDING RESOLUTION NO. 225-2009 BY
CORRECTING THE HOURLY RATE OF LIFEGUARDS**

Offered by: Personnel Committee

RESOLVED:

1. That paragraph 7. of Resolution No. 225-2009 is hereby amended by correcting the hourly rate of Lifeguards from \$9.25 per hour to \$9.50 per hour.

2. That this resolution shall be retroactive to January 1, 2010.

Moved by: Mr. Fanton

Adopted: Roll Call

Seconded by: Mr. O'Grady

12 Ayes, 0 Noes, 3 Absent

RESOLUTION NO. 122-10**GRANTING SALARY INCREMENTS EFFECTIVE JULY 1, 2010,
TO UNIT AND NON-UNIT EMPLOYEES**

Offered by: Personnel Committee

Pursuant to Resolution No. 1-69, as amended, and Resolution No. 297-75, as amended

WHEREAS, sixteen County unit and non-unit employees are eligible to receive an annual salary increment effective July 1, 2010, and

WHEREAS, the proper County department heads have recommended that such employees receive their respective annual salary increment effective July 1, 2010, having been satisfied, after review, with each of such employees' service, with attention having been given to the efficiency with which each of such employees has performed his or her respective duties, as well as the attendance record of each, and all other factors having an effect on the work record of each, and

WHEREAS, this Board concurs in such recommendation, now, therefore, be it

RESOLVED:

1. That the following listed employees are granted their respective annual increment effective July 1, 2010, to wit:

<u>Department</u>	<u>Name</u>	<u>Title</u>	<u>Increment</u>
Public Works	Chad Claypool	MEO	\$.40/hour
Public Works	Shane Robbins	MEO	\$.40/hour
Public Works	Andrew Freeman	MEO	\$.40/hour
Public Works	Noah Dewe	Bldg. Maint. Mech.	\$.60/hour
IT	Chad Coombes	Network Technician	\$.67/hour

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

Sheriff	Thomas Voss	Correction Officer	\$.40/hour
Sheriff	Casey Howe	Emerg. Serv. Dispatcher	\$.43/hour
Sheriff	David Cline	Correction Officer	\$.40/hour
Probation	Thomas House	Probation Ofcr. Trainee	\$.64/hour
Probation	Joanne Ralyea	Probation Ofcr. Trainee	\$.64/hour
Employment & Training	Sue Shedlock	Senior Clerk	\$.35/hour
Social Services	Angela Tinder	Caseworker	\$.64/hour
Social Services	Mary Lowery	Account Clerk Typist	\$.35/hour
Social Services	Sherri Bailey	Social Service Examiner	\$.46/hour
Social Services	Patrick Hart	Social Service Examiner	\$.46/hour
Social Services	Richelle Nichols	Typist	\$.27/hour

Moved by: Mr. O'Grady
 Seconded by: Mr. Cady

Adopted: Roll Call
 11 Ayes, 1 No, 3 Absent
 Voting No: Ungermann

(Memo: Regarding Resolution No. 122-10, employees were eligible to receive an increment if they were hired between July 1, 2009, and December 31, 2009.)

Comments made regarding Resolution No. 122-10 included the following: Legislator Sinclair asked if these amounts were budgeted. County Administrator John Margeson responded that they were. Legislator Ungermann questioned if these people would receive another raise at the end of the year. Mr. Margeson replied that most or all of these employees are represented by collective bargaining units. If agreements are in place by the end of the year, these employees would be scheduled for increases effective on January 1.

RESOLUTION NO. 123-10

APPROVAL OF AGREEMENT BETWEEN COUNTY OF ALLEGANY (AC) AND ARA-THE COUNSELING CENTER (TCC)

Offered by: Public Safety Committee

RESOLVED:

1. That the Agreement between the County of Allegany and the ARA-The Counseling Center, for mental health services to inmates in the Allegany County Jail, is approved.
2. That the Allegany County Sheriff is authorized to execute such Agreement.

Moved by: Mr. Healy
 Seconded by: Mr. Pullen

Adopted: Roll Call
 12 Ayes, 0 Noes, 3 Absent

(Memo: The agreement approved by Resolution No. 123-10 is for the period of July 1, 2010, through December 31, 2010. The cost is \$26,734. Counseling Center personnel assist in the evaluation of inmates at the County Jail, thereby meeting minimum standards set forth by the Commission of Corrections.)

RESOLUTION NO. 124-10

CONFIRMATION OF BOARD CHAIRMAN'S APPOINTMENTS TO COUNTY YOUTH BOARD

Offered by: Public Safety Committee

BOARD OF LEGISLATORS SESSION MINUTES, JUNE 14, 2010

Pursuant to Resolution No. 95-79

RESOLVED:

1. That the appointments to the County Youth Board by the Chairman of this Board of Jessica Jennings commencing June 14, 2010, and expiring March 25, 2012, and Linda Orpet commencing June 14, 2010, and expiring March 25, 2013, are confirmed.

Moved by: Mr. Healy
Seconded by: Mr. Fanton

Adopted: Voice Vote

RESOLUTION NO. 125-10**APPROVAL OF SALE OF 2010 TAX SALE PROPERTIES**

Offered by: Ways and Means Committee

Pursuant to New York Uniform Delinquent Tax Enforcement Act and
Resolution No. 195-97, as amended by Resolution No. 95-98

RESOLVED:

1. That the sale of tax delinquent properties as shown below, to the owners and purchasers shown, for the consideration shown, subject to terms and conditions of sale for such properties, is approved.

2. That upon the securing by the County Attorney of a proper court order authorizing the conveyance to the County of such of the below mentioned properties which are subject to the 2008 and/or back to the year 1995 (TF95 up to and including TF08) tax foreclosure proceedings and the subsequent execution of a deed of all of the below mentioned properties to the County by the County Tax Enforcement Officer, the Chairman of this Board of Legislators is authorized and directed to execute on behalf of the County of Allegany and to cause to deliver to such owners and purchasers quit claim deeds of the County's interest in such properties and to affix to each such deed the official seal; all upon satisfaction of the terms and conditions of sale and the full payment to the County Treasurer of the monetary considerations.

<u>New Owner</u> <u>Address</u> <u>Sale Price</u>	<u>Parcel details</u>	<u>County Title</u> <u>Recorded Date</u> <u>Liber, Page</u>
WISNIEWSKI, JOHN J. P. O. Box 313, No Street or Number Hornell, NY 14843 Tax sale amount: \$1,300	Parcel ID: 022089/152.13-1-32 Prop Loc: St Rt 244 Assessed value: \$3,500 Acreage: 0.23	County of Allegany Book: 1216 Page: 305
LINK, RONALD H. LINK, CORAL M. P. O. Box 126, No Street or Number Alfred Station, NY 14803 Tax sale amount: \$6,847	Parcel ID: 022089/152.13-1-8 Prop Loc: 746 St Rt 244 Assessed value: \$75,000 Acreage: 0.90	County of Allegany Book: 774 Page: 00079
IPPOLITO, ANTHONY J. 9315 Martin Road Clarence Center, NY 14032 Tax sale amount: \$44,000	Parcel ID: 022089/177.-1-19.2 Prop Loc: 976 Green Rd Assessed value: \$37,400 Acreage: 48.40	County of Allegany Book 1473 Page: 21

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

<u>New Owner Address Sale Price</u>	<u>Parcel details</u>	<u>County Title Recorded Date Liber, Page</u>
IPPOLITO, ANTHONY J. 9315 Martin Road Clarence Center, NY 14032 Tax sale amount: \$26,000	Parcel ID: 022089/190.-1-26.3 Prop Loc: Green Rd Assessed value: \$25,100 Acreage: 29.90	County of Allegany Book: 1257 Page: 52
STAHR, WADE D. STAHR, KAREN S. 1762 Leister Valley Rd McAlisterville, PA 17049 Tax sale amount: \$5,100	Parcel ID: 022400/262.-1-47.52 Prop Loc: White Hill Rd Assessed value: \$8,400 Acreage: 10.00	County of Allegany Book: 1318 Page: 76
STAHR, WADE D. STAHR, KAREN S. 1762 Leister Valley Rd McAlisterville, PA 17049 Tax sale amount: \$1,200	Parcel ID: 022400/262.-1-50 Prop Loc: 5785 Mckee Rd Assessed value: \$44,300 Acreage: 1.07	County of Allegany Book: 1318 Page: 76
HIGBYS HOME REPAIR P. O. Box 152, No Street or Number Friendship, NY14739 Tax sale amount: \$100	Parcel ID: 022400/262.6-1-22 Prop Loc: 5834 St Rt 417 Assessed value: \$19,000 Acreage: 0.12	County of Allegany Book: 1443 Page 329
HURLBURT, RONALD L. 2051 State Rt 248A Whitesville, NY 14897 Tax sale amount: \$350	Parcel ID: 022400/262.6-1-79 Prop Loc: 5833 St Rt 417 Assessed value: \$15,700 Acreage: 0.00	County of Allegany Book: 1087 Page: 289
MESLER, WARREN E. MESLER, HEATHER W. 5177 Reddy Road Wellsville, NY 14895 Tax sale amount: \$600	Parcel ID: 022400/263.-1-56.1 Prop Loc: Co Rd 18 Assessed value: \$5,000 Acreage: 0.00	County of Allegany Book: Page:
GRAHAM, LARRY S. GRAHAM, BRIDGET C. 2830 Bells Run Rd Shinglehouse, PA 16748 Tax sale amount: \$4,300	Parcel ID: 022400/290.-1-22.6 Prop Loc: Co Rd 38 Assessed value: \$8,500 Acreage: 6.90	County of Allegany Book: 1101 Page: 193
LEACH, DUANE D. 4005 Cty Rte 2 Almond, NY 14804 Tax sale Amount: \$1,100	Parcel ID: 022689/124.-1-24 Prop Loc: 1833 Cnt Rt 2 Karr Valley Rd Assessed value: \$35,000 Acreage: 0.25	County of Allegany Book: 1164 Page: 58
LEACH, DUANE D. 4005 Cty Rte 2 Almond, NY 14804 Tax sale amount: \$5,500	Parcel ID: 022689/124.-1-30 Prop Loc: Karr Valley Rd Assessed value: \$15,200 Acreage: 12.10	County of Allegany Book: 949 Page: 00070

BOARD OF LEGISLATORS SESSION MINUTES, JUNE 14, 2010

New Owner Address <u>Sale Price</u>	<u>Parcel details</u>	County Title Recorded Date <u>Liber, Page</u>
KLEES, WILLIAM C. 3 Crescent Drive Almond, NY 14804 Tax sale amount: \$6,000	Parcel ID: 022689/139.-1-94 Prop Loc: 6975 St Rte 21 Assessed value: \$87,500 Acreage: 1.40	County of Allegany Book: 1425 Page: 63
MILLER, JOSEPH A. MILLER, REBECCA E. 3874 Co Rd 16 Angelica, NY 14709 Tax sale amount: \$200	Parcel ID: 022889/160.-1-20 Prop Loc: Phillips Creek Rd Assessed value: \$13,200 Acreage: 0.50	County of Allegany Book: 1179 Page: 306
WISNIEWSKI, JOHN J. P. O. Box 313, No Street or Number Hornell, NY 14843 Tax sale amount: \$1,700	Parcel ID: 022889/185.-1-93.3 Prop Loc: 4800 Ingraham Rd Assessed value: \$39,900 Acreage: 3.20	County of Allegany Book: 1238 Page: 317
BREAULT, EUGENE 8547 West Hill Rd Belfast, NY 14711 Tax sale amount: \$250	Parcel ID: 022889/198.-1-35 Prop Loc: Back River Rd Assessed value: \$300 Acreage: 0.90	County of Allegany Book: 1036 Page: 124
HERING, SHERRY A. 9231 Stage Rd Arkport, NY 14807 Tax sale amount: \$2,200	Parcel ID: 023001/216.10-1-26 Prop Loc: 1 N Main St Assessed value: \$20,600 Acreage: 0.13	County of Allegany Book: 1744 Page: 188
POWERS, GARY E. JR. POWERS, DEBRA D. 5736 Hog Brook Rd Wellsville, NY 14895 Tax sale amount: \$100	Parcel ID: 023001/216.10-1-29 Prop Loc: 3 Baker St Assessed value: \$32,500 Acreage: 0.09	County of Allegany Book: 766 Page: 00196
BLANK, PETER E. 26 Dyke St Andover, NY 14806 Tax sale amount: \$3,661	Parcel ID: 023001/216.15-3-49 Prop Loc: 26 Dyke St Assessed value: \$46,000 Acreage: 0.33	County of Allegany Book: 1243 Page: 229
SAWIN, PETER 7275 Jacobs Hill Rd Angelica, NY 14709 Tax sale amount: \$9,721	Parcel ID: 023289/119.-1-13.2 Prop Loc: Jacobs Hill Rd Assessed value: \$98,900 Acreage: 139.20	County of Allegany Book: 1539 Page: 149
THOMSON, JAMES H. THOMSON, ANNE M. 6176 Windfall Rd Belmont, NY 14813 Tax sale amount: \$6,287	Parcel ID: 023289/147.-1-16.23 Prop Loc: Windfall Rd Assessed value: \$63,200 Acreage: 8.10	County of Allegany Book: 1195 Page: 21

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

<u>New Owner</u> <u>Address</u> <u>Sale Price</u>	<u>Parcel details</u>	<u>County Title</u> <u>Recorded Date</u> <u>Liber, Page</u>
TREUSDELL, DAVID TREUSDELL, BARBARA 7218 Lake Rd Belfast, NY 14711 Tax sale amount: \$3,981	Parcel ID: 023400/130.-1-9.212 Prop Loc: 7218 Rockville Lake Rd Assessed value: \$42,300 Acreage: 8.60	County of Allegany Book: 1208 Page: 88
KEMP, EUNICE P. 7147 State Rte 19N Belmont, NY 14813 Tax sale amount: \$3,600	Parcel ID: 023400/131.-1-24 Prop Loc: 6830 Route 19 Assessed value: \$27,100 Acreage: 2.30	County of Allegany Book: 1181 Page: 209
REID, KEITH W., JR 176 Jackson St Lockport, NY 14094 Tax sale amount: \$3,000	Parcel ID: 023400/142.-1-46 Prop Loc: 6081 Fritz Road Assessed value: \$13,000 Acreage: 2.10	County of Allegany Book: 1227 Page: 140
REISS, KENNETH G. 63 Wolf Run Road Cuba, NY 14727 Tax sale amount: \$3,100	Parcel ID: 023400/142.-1-93.2 Prop Loc: 7715 Fritz Rd Assessed value: \$6,100 Acreage: 1.10	County of Allegany Book: 1227 Page: 143
REISS, KENNETH G. 63 Wolf Run Road Cuba, NY 14727 Tax sale amount: \$4,800	Parcel ID: 023600/84.-1-3.1 Prop Loc: McMahan Rd Assessed value: \$8,600 Acreage: 4.90	County of Allegany Book: 1612 Page: 132
VILLAGE OF BOLIVAR 252 Main Street Bolivar, NY 14715 Tax sale amount: \$100	Parcel ID: 023801/260.17-2-73 Prop Loc: 64 Plum St Assessed value: \$19,000 Acreage: 0.08	County of Allegany Book: 1302 Page: 241
THOMAS, KYLE A. THOMAS, AMANDA L. 135 Olive St Bolivar, NY 14715 Tax sale amount: \$1,800	Parcel ID: 023801/260.17-3-61 Prop Loc: 81 Friendship St Assessed value: \$29,800 Acreage: 0.15	County of Allegany Book: 1169 Page: 128
CREEK SIDE PROPERTIES SOUTHERN TIER, LLC 9 Chillon Court Fairport, NY 14450 Tax sale amount: \$3,300	Parcel ID: 024001/34.19-1-39 Prop Loc: 18 Bennett St Assessed value: \$30,500 Acreage: 0.14	County of Allegany Book: 1641 Page: 298
H3 LLC 1483 Johns Creek Rd Milton, WV 25541 Tax sale amount: \$5,300	Parcel ID: 024089/47.-1-16.11 Prop Loc: Friener Rd Assessed value: \$15,000 Acreage: 18.80	County of Allegany Book: 1373 Page: 342

BOARD OF LEGISLATORS SESSION MINUTES, JUNE 14, 2010

<u>New Owner</u> <u>Address</u> <u>Sale Price</u>	<u>Parcel details</u>	<u>County Title</u> <u>Recorded Date</u> <u>Liber, Page</u>
MEYER, DAVID S. 9515 Melinda Dr Clarence, NY 14031 Tax sale amount: \$5,100	Parcel ID: 024200/66.-1-28 Prop Loc: Shongo Valley Rd Assessed value: \$19,900 Acreage: 1.00	County of Allegany Book: 827 Page: 00071
BEST, MICHAEL S. 109 S Main St Belfast, NY 14711 Tax sale amount: \$700	Parcel ID: 024400/1.-1-37 Prop Loc: Lost Nation Rd Assessed value: \$5,700 Acreage: 1.90	County of Allegany Book: 1372 Page: 227
HANSON, GERALD F. HANSON, ERLA M. 10267 Bliss Cross Rd Fillmore, NY 14735 Tax sale amount: \$4,116	Parcel ID: 024400/38.-1-2.2 Prop Loc: Hancock Rd Assessed value: \$51,500 Acreage: 19.00	County of Allegany Book: 904 Page: 00077
REISS, KENNETH G. 63 Wolf Run Road Cuba, NY 14727 Tax sale amount: \$2,500	Parcel ID: 024600/205.-1-56 Prop Loc: Witter Rd Assessed value: \$6,800 Acreage: 3.60	County of Allegany Book: 1211 Page: 42
SEIBERT, RICHARD L. SEIBERT, MARIA P. 4 Lehavre Drive Cheektowaga, NY 14227 Tax sale amount: \$3,300	Parcel ID: 024600/218.-2-2 Prop Loc: Wolf Creek/Morris Rd Assessed value: \$12,600 Acreage: 1.50	County of Allegany Book: 1490 Page: 117
SHAFFER, KENNETH NOEL SHAFFER, KRIS ROSS 63 Wolf Run Road Cuba, NY 14727 Tax sale amount: \$2,700	Parcel ID: 024600/219.-1-44.1 Prop Loc: 9344 Lyman Rd Assessed value: \$12,000 Acreage: 1.00	County of Allegany Book: 1230 Page: 12
REISS, KENNETH G. 63 Wolf Run Road Cuba, NY 14727 Tax sale amount: \$300	Parcel ID: 024600/245.-1-43 Prop Loc: 2122 Rte. 305 Assessed value: \$5,200 Acreage: 0.87	County of Allegany Book: 1401 Page: 302
DUGRENIER, JOHN A. 19 Medbury Ave Cuba, NY 14727 Tax sale amount: \$6,846	Parcel ID: 024801/166.19-1-49 Prop Loc: 19 Medbury Ave Assessed value: \$40,000 Acreage: 0.14	County of Allegany Book: 890 Page: 00327
KELLEY, RONALD D. 8556 Stout Rd Cuba, NY 14727 Tax sale amount: \$7,000	Parcel ID: 024801/166.19-3-45 Prop Loc: 6 Windsor St Assessed value: \$35,000 Acreage: 0.29	County of Allegany Book: 1493 Page: 325

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

<u>New Owner</u> <u>Address</u> <u>Sale Price</u>	<u>Parcel details</u>	<u>County Title</u> <u>Recorded Date</u> <u>Liber, Page</u>
ABRAMOWICZ, RICHARD 5397 Hammond Rd Cuba, NY 14727 Tax sale amount: \$1,722	Parcel ID: 024889/166.-1-40 Prop Loc: 5397 Hammond Rd Assessed value: \$61,900 Acreage: 1.00	County of Allegany Book: Page:
RANDOLPH, THOMAS E. RANDOLPH, LINDA L. P.O. Box 156, No Street or Number Cuba, NY 14727 Tax sale amount: \$100	Parcel ID: 024889/179.-1-33.3 Prop Loc: Keller Hill Rd Assessed value: \$5,300 Acreage: 0.38	County of Allegany Book: 1120 Page: 60
KELLEY, MATTHEW KELLEY, LAURIE 6896 County Rd 17 Belfast, NY 14711 Tax sale amount: \$7,400	Parcel ID: 024889/179.15-1-27.2 Prop Loc: Keller Hill Rd Assessed value: \$41,000 Acreage: 0.19	County of Allegany Book: 1120 Page: 60
KISSINGER, ROBERT J. 5257 Maple Grove Rd Friendship, NY 14739 Tax sale amount: \$4,915	Parcel ID: 025000/169.-1-6.2 Prop Loc: 5257 Maple Grove Rd Assessed value: \$26,100 Acreage: 5.30	County of Allegany Book: 1418 Page: 229
ENDERS, CHRISTOPHER J. P.O. Box 205, No Street or Number Belfast, NY 14711 Tax sale amount: \$14,000	Parcel ID: 025000/170.-1-20.1 Prop Loc: 6463 County Rd 20 Assessed value: \$10,200 Acreage: 22.20	County of Allegany Book: 1016 Page: 230
CARLIN, RONNY M., SR. CARLIN, KARINA L. 6416 Co Rt 31 Friendship, NY 14739 Tax sale amount: \$1,100	Parcel ID: 025000/182.11-1-5 Prop Loc: 6 Linwood Ave Assessed value: \$29,100 Acreage: 0.28	County of Allegany Book: 1139 Page: 188
WHITTALL, GARRETT K., II P.O. Box 257, No Street or Number Alfred Station, NY 14803 Tax sale amount: \$700	Parcel ID: 025000/182.12-2-72 Prop Loc: 24 Stevens Ave Assessed value: \$23,000 Acreage: 0.14	County of Allegany Book: 1149 Page: 222
WHITTALL, GARRETT K., II P.O. Box 257, No Street or Number Alfred Station, NY 14803 Tax sale amount: \$1,300	Parcel ID: 025000/182.12-2-78 Prop Loc: 15 Stevens Ave Assessed value: \$19,000 Acreage: 0.13	County of Allegany Book: 1118 Page: 51
MILLER AND BRANDES, INC. 7278 Castle Garden Rd Friendship, NY 14739 Tax sale amount: \$100	Parcel ID: 025000/182.14-1-1.1 Prop Loc: 7302 County Rd 20 Assessed value: \$33,100 Acreage: 0.29	County of Allegany Book: 1115 Page: 319

BOARD OF LEGISLATORS SESSION MINUTES, JUNE 14, 2010

<u>New Owner</u> <u>Address</u> <u>Sale Price</u>	<u>Parcel details</u>	<u>County Title</u> <u>Recorded Date</u> <u>Liber, Page</u>
MIDDAUGH, RICHARD C. 6148 Co Rd 18 Alma, NY 14708 Tax sale amount: \$1,200	Parcel ID: 025000/182.8-1-14 Prop Loc: 41 Depot St Assessed value: \$27,800 Acreage: 0.26	County of Allegany Book: 1228 Page: 247
MCCARTHY, WENDY 47 Depot Street Friendship, NY 14739 Tax sale amount: \$50	Parcel ID: 025000/182.8-1-18 Prop Loc: 3 Pinnacle HI Assessed value: \$11,100 Acreage: 0.13	County of Allegany Book: 1494 Page: 217
CLARK, PATRICK 4002 County Rd 34 Friendship, NY 14739 Tax sale amount: \$1,137	Parcel ID: 025000/195.-1-18.2 Prop Loc: 4002 County Rd 34 Assessed value: \$19,800 Acreage: 0.85	County of Allegany Book: 993 Page: 00283
PARKER, DAVID L. 134 High Street, P. O. Box 44 Ceres, NY 14721 Tax sale amount: \$4,867	Parcel ID: 025200/296.-1-19.2 Prop Loc: 134 High St Assessed value: \$62,000 Acreage: 2.50	County of Allegany Book: 917 Page: 00014
GAGE, THOMAS G., JR. JOHNSON, GLORIA RD #1, Box 105 Fillmore, NY 14735 Tax sale amount: \$4,828	Parcel ID: 025400/29.-1-35 Prop Loc: Co Rd 15 Assessed value: \$13,400 Acreage: 1.90	County of Allegany Book: 1120 Page: 311
MITCHELL, HAROLD F. 127 Weaver Settlement Hunt, NY 14846 Tax sale amount: \$1,100	Parcel ID: 025600/44.-1-8.1 Prop Loc: Co Rd 16 Assessed value: \$1,125 Acreage: 1.00	County of Allegany Book: 1246 Page: 172
GIAMBRA, ROSARIO, III GIAMBRA, AMY 11830 Co Rd 16 Dalton, NY 14836 Tax sale amount: \$5,081	Parcel ID: 025600/9.-1-4 Prop Loc: Co Rd 16 Assessed value: \$52,950 Acreage: 2.50	County of Allegany Book: 1150 Page: 192
MITCHELL, HAROLD F. 127 Weaver Settlement Hunt, NY 14846 Tax sale amount: \$50	Parcel ID: 025800/26.11-1-65 Prop Loc: 10874 County Road 23 Assessed value: \$9,400 Acreage: 0.25	County of Allegany Book: 1210 Page: 63
TOMASZEWSKI, TEDDY P. 7672 Stone Spring Rd Fillmore, NY 14735 Tax sale amount: \$4,212	Parcel ID: 025800/3.-3-12 Prop Loc: 7672 Stone Spring Rd Assessed value: \$36,500 Acreage: 61.90	County of Allegany Book: 998 Page: 00130

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

<u>New Owner</u> <u>Address</u> <u>Sale Price</u>	<u>Parcel details</u>	<u>County Title</u> <u>Recorded Date</u> <u>Liber, Page</u>
GAMBACORTA, THOMAS A. GAMBACORTA, LUANN 660 Snow Road Whitesville, NY 14897 Tax sale amount: \$5,600	Parcel ID: 026000/295.-1-24.15 Prop Loc: 640 Snow Rd Assessed value: \$7,500 Acreage: 10.00	County of Allegany Book: 1404 Page: 166
ROCKWELL, DANIEL C. 9969 White Meeting House Rd Cuba, NY 14727 Tax sale amount: \$2,194	Parcel ID: 026200/101.-1-15.11 Prop Loc: 9969 White Meeting House Rd Assessed value: \$37,400 Acreage: 7.24	County of Allegany Book: 1424 Page: 343
THOMPSON, LONNY THOMPSON, BRANDY 6248 County Rd 20 Friendship, NY 14739 Tax sale amount: \$2,100	Parcel ID: 026200/101.-1-15.12 Prop Loc: County Road 7A Assessed value: \$4,800 Acreage: 1.90	County of Allegany Book: 1175 Page: 255
BULKELEY, EDWARD A., JR. BULKELEY, LAUREN M. 25 N Broad St Wellsville, NY 14895 Tax sale amount: \$1,100	Parcel ID: 026200/101.-1-16.2 Prop Loc: 7566 Rawson Rd Assessed value: \$28,900 Acreage: 1.20	County of Allegany Book: 1610 Page: 326
RANDOLPH, THOMAS E. RANDOLPH, LINDA L. P.O. Box 156, No Street or Number Cuba, NY 14727 Tax sale amount: \$1,500	Parcel ID: 026200/140.-1-1.11 Prop Loc: 6300 County Road 7A Assessed value: \$23,800 Acreage: 1.80	County of Allegany Book: 1153 Page: 188
GRIDLEY, BARRY A. 3549 Fords Brook Rd Wellsville, NY 14895 Tax sale amount: \$800	Parcel ID: 026600/211.-1-18.1 Prop Loc: 3606 Knights Crk, CR 9 Assessed value: \$500 Acreage: 2.72	County of Allegany Book: 367 Page: 00106
AYLOR, DAVID L. 5511 County Road 16 Angelica, NY 14709 Tax sale amount: \$4,300	Parcel ID: 026600/212.10-1-11 Prop Loc: 3732 Riverside Dr Assessed value: \$42,000 Acreage: 5.30	County of Allegany Book: 1444 Page: 127
ODONNELL, KRISTEN M. 159 Louann Drive Depew, NY 14043 Tax sale amount: \$6,000	Parcel ID: 026600/250.-1-13.2 Prop Loc: 5018 Niles Hill Rd Assessed value: \$19,000 Acreage: 0.91	County of Allegany Book: 1630 Page: 336
ROWLEY, KEVIN P. ROWLEY, PATRICIA A. 7164 Hunters Creek Rd Holland, NY 14080 Tax sale amount: \$1,700	Parcel ID: 026800/161.-1-13.1 Prop Loc: 3407 St Rte 244 Assessed value: \$14,400 Acreage: 1.20	County of Allegany Book: 1661 Page: 296

BOARD OF LEGISLATORS SESSION MINUTES, JUNE 14, 2010

<u>New Owner</u> <u>Address</u> <u>Sale Price</u>	<u>Parcel details</u>	<u>County Title</u> <u>Recorded Date</u> <u>Liber, Page</u>
MARSDEN, GEORGE H. MARSDEN, DIANNE E. 3581 Putt Brook Rd Scio, NY 14880 Tax sale amount: \$1,000	Parcel ID: 026800/187.-1-48.8 Prop Loc: 3593 Putt Brook Rd Assessed value: \$10,300 Acreage: 0.87	County of Allegany Book: 1154 Page: 117
PILIERO, CHARLES V. 63 ½ East State Wellsville, NY 14895 Tax sale amount: \$50	Parcel ID: 027001/238.8-3-30 Prop Loc: Scott Ave Assessed value: \$1,000 Acreage: 0.23	County of Allegany Book: 1180 Page: 14
PILIERO, CHARLES V. 63 ½ East State Wellsville, NY 14895 Tax sale amount: \$2,500	Parcel ID: 027001/238.8-3-31 Prop Loc: 329 Scott Ave Assessed value: \$36,900 Acreage: 0.29	County of Allegany Book: 1180 Page: 14
VAUGHN, RALPH E., SR. 2279 Sprague Rd Scio, NY 14880 Tax sale amount: \$1,100	Parcel ID: 027001/238.8-3-40 Prop Loc: 147 E Genesee St Assessed value: \$46,700 Acreage: 0.21	County of Allegany Book: 1355 Page: 334
DRAKE, MINDY J. 171 Trapping Brook Rd Wellsville, NY 14895 Tax sale amount: \$9,200	Parcel ID: 027001/239.10-1-48 Prop Loc: 138 S Broad St Assessed value: \$37,800 Acreage: 0.17	County of Allegany Book: 1257 Page: 182
RAPTIS, MICHAEL J. 3362 Rauber Hill Rd Wellsville, NY 14895 Tax sale amount: \$50	Parcel ID: 027001/239.13-1-24 Prop Loc: S Main St Assessed value: \$100 Acreage: 0.09	County of Allegany Book: Page:
YOUNG, DEBORAH S. 8989 Vandusen Rd Houghton, NY 14744 Tax sale amount: \$7,700	Parcel ID: 027001/239.5-1-29 Prop Loc: 221 Madison St Assessed value: \$28,900 Acreage: 0.22	County of Allegany Book: 1258 Page: 277
HOLBERT, MARGARET J. HOLBERT, ARLIE K. 1043 Bingham Center Rd Genesee, PA 16923 Tax sale amount: \$5,500	Parcel ID: 027001/239.5-3-50 Prop Loc: 67 E Pearl St Assessed value: \$66,000 Acreage: 0.29	County of Allegany Book: 1610 Page: 271
REAGAN, TIMOTHY J. 153 E State St Wellsville, NY 14895 Tax sale amount: \$50	Parcel ID: 027001/239.9-1-25 Prop Loc: 161 E State St Assessed value: \$10,000 Acreage: 0.58	County of Allegany Book: 1492 Page: 128
GEE, ALICIA A. P.O. Box 68, No Street or Number Whitesville, NY 14897 Tax sale amount: \$1,500	Parcel ID: 027089/226.19-1-3 Prop Loc: Truax Rd Assessed value: \$25,600 Acreage: 0.27	County of Allegany Book: 1212 Page: 164

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

<u>New Owner</u> <u>Address</u> <u>Sale Price</u>	<u>Parcel details</u>	<u>County Title</u> <u>Recorded Date</u> <u>Liber, Page</u>
WHITTALL, GARRETT K., II P.O. Box 257, No Street or Number Alfred Station, NY 14803 Tax sale amount: \$4,500	Parcel ID: 027089/239.-1-5 Prop Loc: 341 Madison Hill Rd Assessed value: \$15,000 Acreage: 0.40	County of Allegany Book: 1154 Page: 74
HINZ, TODD S. 10002 State Rt 70 Hunt, NY 14846 Tax sale amount: \$4,500	Parcel ID: 027200/136.-1-4.15 Prop Loc: 3154 Co Rd 2 Assessed value: \$22,800 Acreage: 8.11	County of Allegany Book: 931 Page: 00183
DUNN, MARCIA 2473 SR 49E Coudersport, PA 16915 Tax sale amount: \$7,500	Parcel ID: 027400/265.7-2-40 Prop Loc: Hallsport Rd Assessed value: \$32,300 Acreage: 0.00	County of Allegany Book: 1660 Page: 253
GIBNEY, JOHN D. 1630 Casey Rd Wellsville, NY 14895 Tax sale amount: \$2,900	Parcel ID: 027400/266.-1-64.1 Prop Loc: Hallsport Rd Assessed value: \$44,600 Acreage: 0.00	County of Allegany Book: 1172 Page: 162
GIBNEY, JOHN D. 1630 Casey Rd Wellsville, NY 14895 Tax sale amount: \$4,000	Parcel ID: 027400/266.-1-64.2 Prop Loc: Hallsport Rd Assessed value: \$10,000 Acreage: 0.00	County of Allegany Book: 1079 Page: 95
CORNELIUS, BRADLEY CORNELIUS, LAURIE 2187 Beech Hill Rd Wellsville, NY 14895 Tax sale amount: \$1,521	Parcel ID: 027400/280.-1-19 Prop Loc: Beech Hill Rd Assessed value: \$10,900 Acreage: 24.20	County of Allegany Book: 1202 Page: 252
CORNELIUS, BRADLEY CORNELIUS, LAURIE 2187 Beech Hill Rd Wellsville, NY 14895 Tax sale amount: \$9,090	Parcel ID: 027400/280.-1-20 Prop Loc: Beech Hill Rd Assessed value: \$91,000 Acreage: 62.30	County of Allegany Book: 1202 Page: 252
GAINES, FREDERICK W. 143 Friendship Street Bolivar, NY 14715 Tax sale amount: \$200	Parcel ID: 027601/247.14-1-7 Prop Loc: 340 Co Rd 34, West Notch Rd Assessed value: \$40,000 Acreage: 1.00	County of Allegany Book: 1149 Page: 186
HEBERT, CRYSTAL R. 221 Reed St Bolivar, NY 14715 Tax sale amount: \$12,500	Parcel ID: 027601/247.17-1-6.1 Prop Loc: Reed St Assessed value: \$53,400 Acreage: 4.36	County of Allegany Book: 1171 Page: 108

BOARD OF LEGISLATORS SESSION MINUTES, JUNE 14, 2010

New Owner Address <u>Sale Price</u>	<u>Parcel details</u>	County Title Recorded Date <u>Liber, Page</u>
WIETZ, WESLEY C. WIETZ, LINDA S. 1461 Lake Rd Hamlin, NY 14464 Tax sale amount: \$16,000	Parcel ID: 027689/208.-1-56 Prop Loc: 3786 Co Rd 34, West Notch Rd Assessed value: \$25,000 Acreage: 2.70	County of Allegany Book: 710 Page: 00091
CORNELIUS, ERICA D. 2991 County Rd 34 Friendship, NY 14739 Tax sale amount: \$2,300	Parcel ID: 027689/221.-1-16.212 Prop Loc: 2567 Co Rd 34, West Notch Rd Assessed value: \$8,200 Acreage: 0.90	County of Allegany Book: 1557 Page: 201

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

Comments made regarding Resolution No. 125-10 included the following: Legislator Ungermann noted that we started off with owners of 146 parcels, and the assessed valuation of those parcels was approximately \$5.25 million. Of those parcels, about \$1 million of assessed valuation was reacquired by the current owners. Of the remaining \$4 million plus, we recovered maybe 7 percent of the value.

RESOLUTION NO. 126-10

**A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE
2010 COUNTY AND TOWN TAX ROLLS FOR THE TOWNS NAMED
WITH REGARD TO REAL PROPERTY OF VARIOUS TAXPAYERS THEREIN;
DIRECTING MAILING OF NOTICES OF APPROVAL OF
APPLICATIONS FOR CORRECTED TAX ROLLS AND
ORDERING THE VARIOUS TOWN TAX COLLECTORS TO CORRECT THE TAX ROLLS;
PROVIDING FOR CHARGE BACKS OR CREDITS**

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law § 554

WHEREAS, applications, for the taxpayers hereafter described, have been made to the County's Director of Real Property Tax Service Agency, for the correction of certain errors affecting their real property on various tax rolls, and

WHEREAS, the Director has transmitted to this Board the applications, in duplicate, together with a written report of his investigation of the claimed errors and his written recommendation for action thereon by this Board as to each application, and

WHEREAS, this Board has examined each application and report to determine whether the claimed error exists, now, therefore, be it

RESOLVED:

1. That with regard to the applications for the named taxpayers pertaining to claimed errors regarding their real property on the respective tax rolls of the named Towns,

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

this Board of Legislators does determine that the claimed errors as alleged in those applications exist and does approve those applications.

2. That the Chairman of this Board is authorized and directed to make a notation on those applications and the duplicates thereof that they are approved, to enter thereon the respective correct extension of taxes as set forth by the Director in his report, to enter thereon the respective date of mailing of a notice of approval, to enter thereon the date of mailing of a certified copy of this resolution to the proper Tax Collector, and to sign thereon as Chairman.

3. That the Clerk of this Board is directed to mail to the below listed taxpayers a notice of approval stating, in substance, that their application made has been approved, to inform the Chairman of this Board of the date of the mailing thereof, and to inform such respective taxpayers of the applicable provisions of subdivision seven of Section 554 of the Real Property Tax Law.

4. That the Tax Collector of the Town of Birdsall is ordered and directed to correct in the 2010 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. State of New York: Parcel 300.-1-2
Assessment: Land \$56,830 Total \$56,830

this parcel should not have received a tax bill, and the County Treasurer is directed to make the following charges on her books:

Fire	\$45.32
Total	\$45.32

- b. State of New York: Parcel 300.-1-3
Assessment: Land \$37,190 Total \$37,190

this parcel should not have received a tax bill, and the County Treasurer is directed to make the following charges on her books:

Fire	\$29.66
Total	\$29.66

- c. State of New York: Parcel 300.-1-4
Assessment: Land \$86,090 Total \$86,090

this parcel should not have received a tax bill, and the County Treasurer is directed to make the following charges on her books:

Fire	\$68.65
Total	\$68.65

5. That the Tax Collector of the Town of New Hudson is ordered and directed to correct in the 2010 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. State of New York: Parcel 300.-1-1
Assessment: Land \$134,790 Total \$134,790

this parcel should not have received a tax bill, and the County Treasurer is directed to make the following charges on her books:

BOARD OF LEGISLATORS SESSION MINUTES, JUNE 14, 2010

Fire	\$124.30
Total	\$124.30

- b. State of New York: Parcel 300.-1-2
Assessment: Land \$308,550 Total \$308,550

this parcel should not have received a tax bill, and the County Treasurer is directed to make the following charges on her books:

Fire	\$284.53
Total	\$284.53

6. That the Tax Collector of the Town of Rushford is ordered and directed to correct in the 2010 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. State of New York: Parcel 300.-1-2
Assessment: Land \$73,930 Total \$73,930

this parcel should not have received a tax bill, and the County Treasurer is directed to make the following charges on her books:

Fire	\$67.50
Total	\$67.50

7. That the Clerk of this Board is directed to forthwith mail a certified copy of this resolution to the various Tax Collectors for the Towns stated above together with the original copies of those applications completed in accordance with section two of this resolution.

8. The Clerk of this Board shall mail a copy of this resolution to the above named School and the amount to be charged to each School shall not be charged until 10 days after such mailing. Such amount shall be deducted by the County Treasurer from the money payable to each School as a result of school taxes returned after the date such amount is charged and which shall be paid to each School after May 1, 2011. The County Treasurer shall send a written notice to each School of the amount of such deduction prior to May 1, 2011.

Moved by: Mr. Hopkins
Seconded by: Mr. Healy

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

RESOLUTION NO. 127-10

REINSTATEMENT OF TAX PARCELS TO TAXABLE PORTION OF ASSESSMENT ROLL

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law Section 1138

WHEREAS, Certificates of Withdrawal were filed in the Allegany County Clerk’s Office on July 22, 2002, and August 20, 2003, for parcels of real property located in the Town of Friendship, and

WHEREAS, such parcels of real property were withdrawn from the taxable portion of the assessment roll and determined to be exempt from taxation based upon the determination that there was no practical method to enforce the collection of delinquent taxes on such parcels, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators does hereby determine and direct that the following parcels be restored to the taxable portion of the assessment roll:

<u>Town</u>	<u>Owner</u>	<u>Tax Map #</u>	<u>Serial #</u>
Town of Friendship	Ritter, Burton & Marion	182.15-1-58	655-02
Town of Friendship	Van Asperen, Thomas, Inc.	183.5-1-1	882-97; 816-98 679-99; 706-01

2. That the County Treasurer, as enforcing officer, shall issue a certificate of reinstatement and any and all other documents necessary to restore the above described parcels to the taxable portion of the assessment roll.

Moved by: Mr. Hopkins
 Seconded by: Mr. Fanton

Adopted: Roll Call
 12 Ayes, 0 Noes, 3 Absent

RESOLUTION NO. 128-10

TRANSFER OF FUNDS WITHIN JAIL ACCOUNT

Offered by: Public Safety Committee

RESOLVED:

1. That the sum of \$26,734 is transferred from Account No. A3150.101 (Regular Pay) to Account No. A3150.448 (Public Safety Contract).

Moved by: Mr. Healy
 Seconded by: Mr. Pullen

Adopted: Roll Call
 12 Ayes, 0 Noes, 3 Absent

(Memo: The transfer approved by Resolution no. 128-10 was necessary in order to transfer the salary budgeted for a Mental Health position to a contract account for the contract renewal with the ARA for a Forensic Clinical Coordinator at the Jail.)

RESOLUTION NO. 129-10

ACCEPTANCE OF PROPOSAL FOR THE PROVISION OF PROFESSIONAL SERVICES IN CONNECTION WITH THE PURCHASE AND INSTALLATION OF A COUNTY-WIDE RADIO SYSTEM; APPROVAL OF AGREEMENT BETWEEN COUNTY OF ALLEGANY AND SAIA COMMUNICATIONS, INC.

Offered by: Public Safety Committee

RESOLVED:

1. That Agreement dated June 14, 2010, between the County of Allegany and Saia Communications, Inc., for the provision of professional services with the purchase and installation of a County-Wide Radio System, is approved.

2. That the Chairman of this Board is authorized to execute such contract.

BOARD OF LEGISLATORS SESSION MINUTES, JUNE 14, 2010

Moved by: Mr. Healy
 Seconded by: Mr. Burdick

Adopted: Roll Call
 12 Ayes, 0 Noes, 3 Absent

(Memo: The Saia Communications proposal for the County-Wide Radio System accepted by Resolution No. 129-10 was in relation to the Public Safety Interoperable Communications grant project in the amount of \$2,192,544.55.)

RESOLUTION NO. 130-10

**APPROVAL OF SCHEDULE NO. 4 TO BI INCORPORATED
 EQUIPMENT LEASE AGREEMENT FOR
 ELECTRONIC HOME MONITORING EQUIPMENT**

Offered by: Public Safety Committee

RESOLVED:

1. That Schedule No. 4 to BI Incorporated Equipment Lease Agreement commencing July 1, 2010, for a 36-month period for Electronic Home Monitoring Equipment, is approved.

2. That the Chairman of this Board is authorized to execute such Agreement.

Moved by: Mr. Healy
 Seconded by: Mr. Pullen

Adopted: Roll Call
 12 Ayes, 0 Noes, 3 Absent

(Memo: The agreement approved by Resolution No. 130-10 will allow the Probation Department to lease thirty Electronic Home Monitoring Units at the rate of \$709 per month. The lease agreement begins on July 1, 2010, and will expire on June 30, 2013. This is a renewal of a current agreement.)

RESOLUTION NO. 131-10

**APPROVAL OF ALLEGANY COUNTY IGNITION INTERLOCK PROGRAM PLAN;
 AUTHORIZING CHAIRMAN TO EXECUTE SUCH PLAN**

Offered by: Public Safety Committee

WHEREAS, New York State Division of Probation and Correctional Alternatives (DPCA) Rules and Regulations 9 NYCRR, Section 358.4 require every county and the City of New York to establish an ignition interlock program plan, now, therefore, be it

RESOLVED:

1. That the Allegany County Ignition Interlock Program Plan is approved.

2. That the Chairman of this Board is authorized to execute such Program Plan.

Moved by: Mr. Healy
 Seconded by: Mr. Fanton

Adopted: Roll Call
 9 Ayes, 3 Noes, 3 Absent
 Voting No: Burdick, O'Grady, Ungermann

Comments made regarding Resolution No. 131-10 included the following:

Legislator O'Grady remarked that he appreciated the work done by Mr. Starks, Mr. Parker, Ms. Edwards, and the committee, but it appears that the state really doesn't know how

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

they're going to fund the ignition interlock program. The law has good intentions. Like the District Attorney said earlier, its purpose is to save lives. But we have a state that can't even function, talking about not being able to pay their bills, and now they throw this on and say, "Let's do this now, and we'll figure out how to pay for it later." It's not the County's plan Mr. O'Grady is opposed to, but the lack of planning on the part of the State of New York in instituting this program.

Legislator Fanton asked the County Attorney about alternatives and repercussions if the County didn't approve a plan. Mr. Miner replied that usually in a situation like this, the state would send us a letter stating that we're falling behind, and give us a warning that if we don't do it they'll tell us what our plan is going to be. It would basically take away any discretion that we might have had. It's pretty much a take it or leave it with some slight modifications that we're adopting.

Legislator Ungermann agreed with Legislator O'Grady. He noted that the state must think that none of the drunk drivers are mechanics or computer savvy; some offenders will circumvent the devices very easily.

Legislator Pullen stated that he doesn't know what will happen if we don't comply with submitting a plan, but if we're mandated to have it and someone is killed by a drunk driver in Allegany County and we don't have the program, he suspected we could be named in a lawsuit. It's uncharted territory. Even though the funding is supposed to come from somewhere else, and creative people will try to find a way around the interlock device, without a plan, we may face some liability.

Legislator Healy echoed the sentiments already voiced in that it's only the people it holds responsible and accountable are the people who are trying to be responsible and accountable to begin with. We all know there are people who continue to drive after losing their driving privileges due to a DWI offense. This law was in reaction to an unfortunate incident that claimed the life of a young person, but it wasn't very well thought out. People who continue to drive will drive other people's cars, so this law won't accomplish what they want. Mr. Healy noted that he was voting in favor of the resolution, because we're required to have a plan, and it might be better to have one than not. There are still a lot of things to work out at the state and County level. Mr. Healy acknowledged the work done by the committee.

Legislator Cady commented that he was voting in favor of the plan, because it seems to be necessary to cover ourselves. He also commended the work accomplished by the committee.

Resolution Intro. No. 134-10 (Approving Supplemental Agreement #3 with the New York State Department of Transportation [NYS DOT] to Amend the Funding of the North Branch Van Campen Creek Project [PIN 6753.98] Located in the Town of Friendship; Appropriating Funds Therefor) was not pre-filed and was considered from the floor on a motion made by Legislator Fanton, seconded by Legislator Healy and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 132-10

**APPROVING SUPPLEMENTAL AGREEMENT #3 WITH THE
NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT)
TO AMEND THE FUNDING OF THE NORTH BRANCH VAN CAMPEN CREEK PROJECT
(PIN 6753.98) LOCATED IN THE TOWN OF FRIENDSHIP;
APPROPRIATING FUNDS THEREFOR**

Offered by: Public Works and Ways and Means Committees

BOARD OF LEGISLATORS SESSION MINUTES, JUNE 14, 2010

WHEREAS, by Resolution No. 73-2006 this Board approved funding for the replacement of BIN 3047780, County Route 20 over North Branch Van Campen Creek, Town of Friendship, Allegany County, PIN 6753.98 (the Project), and

WHEREAS, by Resolution No. 143-2006 this Board approved Supplemental Agreement #1 amending the funding for the preliminary engineering, final design, and ROW incidental work on the Project, and

WHEREAS, by Resolution No. 19-2007 this Board established a 2007 Capital Project for the Van Campen Creek Project (PIN 6753.98), Town of Friendship and provided funding therefor, and

WHEREAS, by Resolution No. 47-2007 this Board approved a Bond Resolution dated March 12, 2007, for the purchase of heavy equipment and for the construction of improvements to various bridges in Allegany County, and

WHEREAS, by Resolution No. 269-2009 this Board approved Supplemental Agreement #2 amending the funding for the Right-of-Way phase to include the acquisition portion of the Project and to extend the Project end date to allow time to complete the acquisition and construction portions of the Project, and

WHEREAS, it is necessary to amend the funding for the construction costs of the Project by Supplemental Agreement #3, now, therefore, be it

RESOLVED:

1. That Supplemental Agreement #3 between the County of Allegany and New York State Department of Transportation to amend the funding of the North Branch Van Campen Creek Project in the Town of Friendship, is approved.

2. That the additional sum of \$932,500 to cover the cost of participation in the above phase of the Project is appropriated as follows: \$746,000 to Revenue Account No. H11.4089.5640, \$139,875 to Revenue Account No. H10.3089.5640, and \$46,625 from Contingency Account to Capital Fund Account H5640.200.

3. That the Chairman of this Board is authorized to execute Supplemental Agreement #3 and that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project.

4. This resolution shall take effect immediately.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

AUDITS:

A motion was made by Legislator Hopkins, seconded by Legislator Pullen and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator Hopkins, seconded by Legislator Sinclair and adopted on a roll call vote of 11 Ayes, 1 No, 3 Absent, that the audit of claims, totaling \$3,665,387.13 including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$3,422,607.*)

COMMENTS:

Legislator Ungermann reported on some positive publicity received by Allegany County on June 1. Personnel from the Outdoor Television Channel were at Cuba-Rushford School previewing a program called "Force." They came because we have a one-in-a-million environmental science teacher in Cuba named Scott Jordan. The class tags deer and turkey, they have a fish hatchery, and Mr. Jordan also takes students to Africa, New Zealand, and Alaska on hunting and fishing trips. These people were amazed at what Scott Jordan has done. About 250 people attended the session, and it was quite interesting.

ADJOURNMENT: The meeting was adjourned at 3:07 p.m. on a motion made by Legislator Pullen, seconded by Legislator O'Grady and carried.

REGULAR SESSION – JUNE 28, 2010

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:05 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Coast Guard Storekeeper 1st Class Mark Voorheis.

INVOCATION: The Invocation was given by Legislator Dwight Fanton.

ROLL CALL: 11 Present; 4 Absent (Legislators Benson, Hopkins, Pullen, and Russo).

APPROVAL OF MINUTES:

The Board meeting minutes of June 14, 2010, were approved on a motion made by Legislator Curran, seconded by Legislator Fanton and carried.

The Committee of the Whole meeting minutes of June 15, 2010, were approved on a motion made by Legislator Curran, seconded by Legislator Fanton and carried. (*The 2009 Year-End Fiscal Presentation was given at the June 15 Committee of the Whole meeting.*)

PUBLIC HEARING:

Chairman Crandall closed the regular meeting at 2:13 p.m. to hold a public hearing on Local Law Intro. No. 2-2010, Print No. 1, entitled "A Local Law to Amend Local Law Number Three of Nineteen Hundred Ninety-Two, as Amended, to Authorize the Appointment of a Deputy County Administrator and Define the Scope and Authority of the Deputy County Administrator within the Office of the County Administrator." Comments from the public included the following:

Cynthia Gowiski, from Birdsall, read a prepared statement:

"I took a look back at some of the news articles from 1992 around the time the County established the position of County Administrator. At that time, then County Administrative Assistant John Margeson presented Legislators with a copy of the proposed local law to create the office and position of County Administrator. The resulting vote was noted in an article dated June 23, 1992, which read: 'The vote was as close as it could get as Allegany County Legislators narrowly approved in an 8 to 7 vote to establish a County Administrator position.' Another article stated that John Margeson was named as the new County

BOARD OF LEGISLATORS SESSION MINUTES, JUNE 28, 2010

Administrator and would take over that position October 1, with his current position of Administrative Assistant abolished.

Mr. Alger was hired in December of 2009 to fill this 'abolished' position. Now six months after the fact, we are participating in a public hearing to decide whether or not to do so? This seems a little bass-ackwards to me. When questioned about this at the June 14 Board meeting, County Attorney Miner responded that the County leadership wasn't aware the state was going to take the position that we needed this process. I don't buy it. Mr. Margeson was there back then when a public hearing was held in 1992 for the creation of the County Administrator position. According to the articles, about fifteen County residents were present, and the issue was debated for nearly 90 minutes. Comments included opposition to the creation of the position, as it would add another layer of government and cost to the taxpayers. Others opposed the position because it was not an elected position, and the voters would have no say if the Administrator was not doing a good job. One resident said he conducted his own survey, visiting small businesses and asking if they had been approached by the Legislative Chairman for an opinion. Of the 21 small businessmen he had approached, all were in opposition to the Administrator's position. Apparently the public hearing was well documented, as there are several articles on it, so simply not knowing the public hearing was needed doesn't cut the mustard with me. Especially when the action to stop the Courthouse construction by the citizens' group was voided due to 'unawareness' of the four-month statute of limitations. Perhaps the hiring of Mr. Alger should also be voided due to this 'unawareness,' but that won't happen because there seems to be a different set of rules where the public vs. government battle occurs.

Back in 1992, part of the incentive to create the County Administrator position was to save money by not hiring outside consultants to negotiate and ratify union contracts, as was listed as a duty for the new County Administrator position. This is currently not being done by our present County Administrator, and we've spent in the neighborhood of \$150,000 so far between last year and this year on outside services for union contract negotiation, with no contracts in place yet. Will we now have two positions plus outside help to get the job done? The 1992 salary of roughly \$40,000 for Mr. Margeson has grown into roughly \$90,000 today. Will 5 percent per year pay raises also become the norm for this new Deputy County Administrator position? It should also be noted that effective January 1 of this year, new hires are required to contribute a percentage of health insurance costs. Is it true that since Mr. Alger was hired prior to January 1, he is now receiving health insurance coverage at no out-of-pocket cost to him?

I have absolutely nothing against Mr. Alger. I'm sure he is a very capable person. I am simply questioning the process surrounding and the need for the hiring of his position, and as some of the people present at the 1992 public hearing, I believe it and that of County Administrator should be elected positions. Two of the articles I found from back then also mentioned that creation of County Administrator could result in lessening the size of the Legislature as well. This topic apparently has been on the plate back and forth since at least 1992, so when will that be addressed? Hearings are poorly attended when held in the middle of a work day, as evidenced by the large crowd of roughly 200 people for the Outdoor Wood Boiler hearing on June 16 when held in the evening. You, as our elected officials, must start paying attention to suggestions and comments that have been re-run and re-run since 1992, at least, long before I started giving you grief."

Sharon Collins, from Belfast, commented: "Aside from what Cindy provided, I was here when this position was created. I was here as an employee. At that time, the Legislative Chairman was Delores Cross. I had asked her a few questions about why this position was being created. She had thought that the salary would be in the mid \$40,000 range. She felt that there would be no need for additional staff if there were a County Administrator. She also believed there would be cost savings: Clair Wentworth was the Budget Officer at the tune of \$1,600 per year at that time; Mr. Margeson, if he were

appointed, would not be taking a stipend for that. A per diem was given to the Chair of the Board, which would be Delores, to attend committee meetings; she'd give this responsibility to Mr. Margeson, and there'd be no recompense for that. I'm assuming that at this time there is no additional compensation for John to attend the meetings; is that correct?" Mr. Margeson responded that that was correct. Ms. Collins: *"Then he was also to work with the unions annually to ratify contracts, which was a supposed savings of \$4,000 to \$5,000 per contract for the consultant, which would have worked out to be between \$12,000 and \$15,000.*

It's my understanding that Mr. Alger was hired prior to January 1; is that correct?" Mr. Margeson responded that that was correct. Ms. Collins: *"It says in his job description that he will assist in the preparation of the County Budget; does he get a stipend for that?"* Mr. Margeson responded that he did not. Ms. Collins: *"Do you get a stipend for that?"* Mr. Margeson responded that he receives a stipend to serve as Budget Officer.

Ms. Collins: *"It says in Mr. Alger's job description that he is to assist the County Administrator in overseeing the conduct of the collective bargaining process between the County and the collective bargaining units. My understanding is that the County has four unions. You have one union that's been out for going on three and one-half years, which would be the Deputy Sheriffs'. You have another union that was new; that would be PEF or Professional Employees Federation. You have AFSCME, which just finished a contract in 2009. I understand that you have gone to impasse on that, and it was not very long at all before you declared impasse. What I would like to know is what duties do the County Administrator and Deputy County Administrator take on if we're hiring attorneys to the tune of \$150,000 over the last year? And if we're paying that kind of money, why aren't we getting results?"* Mr. Margeson responded that the duty he takes on with regard to the relationship that we have with our lead negotiator is provision of information that he needs to effectively represent us at the negotiating table. Ms. Collins: *"Do you make the decision as to whether you settle a contract?"* Mr. Margeson replied that the Legislature makes that decision. Ms. Collins: *"Do you make recommendations to the Legislature?"* Mr. Margeson responded that he did. Ms. Collins: *"When I was working here and dealing with union matters, you and I would sit across the table quite often; is that correct?"* Mr. Margeson replied that it was correct. Ms. Collins: *"I believe that the Legislature is Mr. Margeson's boss, so you probably know what's going on in collective bargaining; is that correct?"* Mr. Crandall replied that the Board, through the Personnel Committee, set up an ad hoc committee to deal directly with negotiations. Ms. Collins: *"But I'm not allowed at that meeting; correct?"* Mr. Crandall noted that the ad hoc committee was set up just for negotiations. Mr. Margeson responded that collective bargaining negotiations are not public meetings. Ms. Collins: *"My concern is that we're spending a lot of money on negotiations and not getting results. If more of the public knew what was going on, they would also be concerned."* Mr. Margeson stated that Ms. Collins' concern was well noted.

As there were no further comments, the public hearing was declared closed, and the Board reconvened in regular session.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Mark Voorheis, former United States Coast Guard Storekeeper 1st Class, in grateful appreciation of his service to our Country. Mr. Voorheis' service dates were from October 1967 to October 1971. Following Basic Training at Cape May, NJ, assignments included: U.S. Coast Guard Cutter Barataria WHEC-381 based at Alameda, CA, for Ocean Station Search and Rescue duty; and U.S. Coast Guard Base, Seattle, WA. Commendations he received included: National Defense Service Medal and Good Conduct Medal. Mr. Voorheis led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

BOARD OF LEGISLATORS SESSION MINUTES, JUNE 28, 2010

Chairman Crandall granted privilege of the floor to the following:

County Administrator John Margeson, Mark Balling, from Bovis Lend Lease, and Mark Kukuvka, from LaBella Associates gave a brief presentation to the Legislature as a way to provide an update on the Courthouse Project and provide some information to the public. Mr. Balling distributed a hand-out showing budget overview, schedule, and local labor participation so far on the job site. The budget overview includes total anticipated construction cost at \$9,811,300, and the incidental cost budget at \$2,566,158, for a combined anticipated project cost of \$12,377,458. The budget before bid was \$14,480,700, so the project is currently under budget by \$2,103,242 or 14.5 percent. Construction cost is approximately 23 percent of the budget as work-in-place through the end of June, and incidental cost to date is about 51 percent of that budget, so total cost to date is \$3,389,713 or 27 percent of the total budget. By comparison, construction contingency is tracked against budget as a gauge of how we're doing on the "unforeseens" that come about. At this stage of the project, dealing with underground utilities, foundation excavation, and the potential for unknowns underground, Mr. Balling noted that they felt pretty good. Total construction contingency is \$725,000, and they've allocated \$88,819, which is 12 percent. Contingency usage is at 12 percent versus 23 percent work in place. If those two items track in line, that's OK, but contingency usage is well below work in place, which is good.

Legislator Ungermann questioned the costs that were not included in the construction report, such as the widening of the access road (Mr. Balling replied that the driveway costs are included in the incidental budget), the additional work on the Baptist Church parking lot (not included), and engineering costs for the new maintenance building (not included). Mr. Ungermann stated that we need a running total of the things that aren't included in the construction cost report so we'll know the true cost of the project.

Mr. Balling reported on the schedule overview and update. From a schedule perspective, the project is broken out into three phases: Phase 1 was the utility relocations within and out of the footprint of the Addition, and it allowed the construction of the Addition to begin; Phase 2 is the actual Courthouse Addition; and Phase 3 is renovating the existing Courthouse when the Addition is complete. The overall project duration is January of this year through July of 2011, and at this point, they're tracking on schedule for July 2011 completion. There was an impact when they experienced some utilities that were at different elevations than the documents provided prior to bid. The necessary redesign was completed, and materials were procured. Part of that period of impact has been made up by a shorter duration on Phase 3, so overall, they're tracking on schedule. The Addition should be completed in February 2011.

Mr. Balling commented on local labor participation: approximately 25 percent of the on-site labor to date has consisted of residents from Allegany County, including engineers, laborers, carpenters, masons, electricians, and pipe fitters, as well as a third-party inspector, Bovis' own superintendent, and the general contractor's superintendent. The percentage will vary by trade. They had a pretty good percentage with the foundation work and some of the site work, and with subsequent trades, they hopefully can keep that up. Mr. Balling noted that the prevailing wage rates in the schedule provide an advantage to hiring local labor, and they've been trying to persuade the contractors to utilize that.

Chairman Crandall pointed out that Mr. Balling attends the monthly Court Facilities and County Space Needs Committee meetings along with Mr. Kukuvka, and there are printouts provided to the committee. Those updates are being placed on the County's website, so all of the financial information and project updates that are given to the committee are also available for the public to track and follow along.

Michael Burke, Tourism Coordinator, provided a County Tourism update. Mr. Burke distributed copies of Tourism's latest offerings, providing a snapshot of what they've been

doing to date to promote the County statewide and within the County. He highlighted the "Festivals and Events" brochure and the newest release, "Spring, Summer, Fall." This is the first time they've offered advertising in their brochures at a reduced rate to tourism-related businesses in the community. Also there's an updated map in the new brochure, the most comprehensive of the six brochures that will be offered during the year. The next group of brochures to be coming out will be "Scenic Drives," "Historic Trails," "Artisans and Galleries," and also Rack Cards. Rack Cards will have the greatest distribution. To date, they have released 25 cases of 660 each of the Events brochure statewide, and there will be a total of 60,000 copies to be distributed. When they're ready, the Rack Cards will go to the same distribution list, with a total of 70,000 copies going out.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. July 2010 Calendar of Board and Standing Committee meeting dates.

The following communications were also acknowledged:

1. Correspondence from Edward Eicher, Chairman of the Comprehensive Plan Implementation Group, providing an interim report.
2. Correspondence from Congressman Bill Owens regarding an extension of the Federal Medical Assistance Percentage (FMAP).
3. Correspondence from Dr. Robert Anderson announcing the appointment of Lindy White as the Assistant Director of Community Services for Allegany County.
4. Correspondence from Fulton County Administrative Officer/Clerk of the Board Jon Stead regarding a "Truth in Taxation Local Law."
5. Southern Tier West Regional Planning & Development Board forwarded a copy of their May 20 meeting minutes along with a meeting notice for June 24.
6. Excerpt from the *Emergency Management Times* regarding hazard mitigation in Allegany County.
7. Legislator Donald Cady received a certificate for being the oldest runner to complete a 5K run to benefit breast cancer.

APPOINTMENTS:

The Clerk of the Board announced that Chairman Curtis W. Crandall, in a joint measure with Michael T. O'Brien, Chairman of the Cattaraugus County Board of Legislators, has appointed Chris Romanchock from Alfred University and Dana Oakes of the Cattaraugus County Youth Bureau to serve on the **CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD YOUTH COUNCIL** for the remainder of a two-year term expiring December 31, 2010. Chairman Crandall and Chairman O'Brien also appointed Corrie Phetteplace from Cattaraugus Community Action to fill the unexpired two-year term of Erin Schwab expiring December 31, 2010.

RESOLUTIONS:**RESOLUTION NO. 133-10**

ADOPTION OF LOCAL LAW INTRO. NO. 2-2010, PRINT NO. 1, A LOCAL LAW TO AMEND LOCAL LAW NUMBER THREE OF NINETEEN HUNDRED NINETY-TWO, AS AMENDED, TO AUTHORIZE THE APPOINTMENT OF A DEPUTY COUNTY ADMINISTRATOR AND DEFINE THE SCOPE AND AUTHORITY OF THE DEPUTY COUNTY ADMINISTRATOR WITHIN THE OFFICE OF THE COUNTY ADMINISTRATOR

Offered by: Ways and Means Committee

RESOLVED:

1. That proposed Local Law, Intro. No. 2-2010, Print No. 1, is adopted without any change in language, to wit:

COUNTY OF ALLEGANY

Intro. No. 2-2010

Print No. 1

A LOCAL LAW TO AMEND LOCAL LAW NUMBER THREE OF NINETEEN HUNDRED NINETY-TWO, AS AMENDED, TO AUTHORIZE THE APPOINTMENT OF A DEPUTY COUNTY ADMINISTRATOR AND DEFINE THE SCOPE AND AUTHORITY OF THE DEPUTY COUNTY ADMINISTRATOR WITHIN THE OFFICE OF THE COUNTY ADMINISTRATOR

BE IT ENACTED by the Board of Legislators of the County of Allegany, State of New York, as follows:

Section 1. Subdivision a. of section five of Local Law Number Three of Nineteen Hundred Ninety-Two is amended to read as follows:

a. to appoint a Deputy County Administrator, in the exempt class for purposes of the Civil Service Law, who shall, in the absence or inability of the County Administrator to act, or during a vacancy in the County Administrator's Office, have all the powers of the County Administrator provided herein and the County Administrator shall also have the authority to appoint such additional staff within the Office of the County Administrator as may be authorized by the Board of Legislators;

Section 2. This local law shall take effect immediately.

Moved by: Mr. Fanton
Seconded by: Mr. Sinclair

Adopted: Roll Call
9 Ayes, 2 Noes, 4 Absent
Voting No: Cady, Ungermann

(Memo: Upon adoption, Local Law Intro. No. 2-10 became Local Law No. 2-10. This Local Law amended Local Law No. 3-92, which was amended by Local Law No. 3-95.)

Comments made regarding Resolution No. 133-10 included the following:

Legislator Ungermann remarked that he supported hiring Mr. Alger in the hope that there would be a smooth transition when Mr. Margeson retires, but he believes that the position should be County Executive rather than County Administrator so there would be some responsibility to the taxpayer and not just to the Legislative Board. The position should be an elected position. Back in 1992, in conversations with Delores Cross, the idea was to have a

County Administrator for a couple of years and then turn it into an elected position. That never happened. We've shoved discussion about this off to the side just like we have in reducing the size of the Legislature. There are five districts in the County. Regardless of how that changes after the census or the next election, if we end up with five districts, five Legislators would be adequate. Mr. Ungermann noted that he would like to see discussions on that. Resolutions have been brought forward, but they've just been buried. Let the people decide if they want an elected County Executive and if they want to reduce the size of the County Legislature.

Legislator Cady stated that he was not privy to the original decision making, and he was being asked to approve a correction of what should have been done then, so he didn't support the resolution on that basis.

RESOLUTION NO. 134-10

APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH SOUTHERN TIER WEST REGIONAL PLANNING AND DEVELOPMENT BOARD FOR THE CONSTRUCTION OF A NEW TOWER AT THE ACKERMAN HILL SITE; AUTHORIZING THE EXPENDITURE OF FUNDS UP TO A MAXIMUM OF \$50,000

Offered by: Ways and Means Committee

WHEREAS, the County is in the process of upgrading its Public Safety Interoperable Communications system, and

WHEREAS, over the coming year, the County plans to install new radio equipment on its towers as part of its Public Safety Interoperable Communications system upgrade, and

WHEREAS, due to its age and size the tower on Ackerman Hill is in need of replacement, and

WHEREAS, in addition to accommodating the County's Public Safety Interoperable Communications equipment, a larger 300 foot tower at the Ackerman Hill site will provide space to accommodate wireless broadband equipment and therefore assist in the goal of making high speed internet access available to more County residents, and

WHEREAS, additional tower space will provide the opportunity for obtaining more income through licensing such tower space to other users, and

WHEREAS, Southern Tier West has indicated that they have \$180,000 of grant funds that can be used to construct a new tower at the Ackerman Hill site if those funds can be spent by the middle of August, and

WHEREAS, before a new tower can be constructed it will be necessary to procure a geotechnical study of the site at a cost of \$5,000, and

WHEREAS, it is estimated that the cost of constructing a 300 foot tower might increase the cost of construction above the \$180,000 available to Southern Tier West by a maximum of \$45,000, and

WHEREAS, if a new tower can be constructed at the Ackerman Hill site by the end of this summer, this will aid the County by replacing a tower already in need of replacement and save the cost of moving the County's radio equipment from the old tower to the replacement tower, and

BOARD OF LEGISLATORS SESSION MINUTES, JUNE 28, 2010

WHEREAS, in order to use these funds, Southern Tier West must initially own the tower and have access to the site under a lease from the County, and

WHEREAS, after five years the tower is to revert back to the County for one dollar, now, therefore, be it

RESOLVED:

1. That this Board hereby approves a Memorandum of Understanding with Southern Tier West Regional Planning and Development Board which provides that Allegany County agrees to lease its lands at the Ackerman Hill site for a period of five years to enable Southern Tier West to construct a 300 foot tower.

2. That the Allegany County Board of Legislators hereby approves an expenditure of funds from the County's contingency account in an amount not to exceed \$50,000, to cover the cost of a geotechnical study of the tower site and the cost necessary to reimburse Southern Tier West for project costs in excess of \$180,000.

3. That the Chairman of this Board is authorized to sign the Memorandum of Understanding together with any other documents related to the underlying project.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

Adopted: Roll Call
11 Ayes, 0 Noes, 4 Absent

RESOLUTION INTRO. NO. 137-10 (CREATING TEN PART-TIME DEPUTY SHERIFF POSITIONS IN THE ALLEGANY COUNTY SHERIFF'S OFFICE) was TABLED and REFERRED TO PERSONNEL COMMITTEE following a motion made by Legislator Healy, seconded by Legislator Sinclair and carried.

(Memo: Resolution Intro. No. 137-10 was requested to enable the Sheriff's Office to staff details outside the jail that require police officers when full-time Deputy Sheriff staff are unavailable. Filling those details with part-time rather than full-time employees will reduce costs. Rate of pay for the part-time positions will be \$15 per hour.)

RESOLUTION NO. 135-10**REAPPOINTMENT OF TWO MEMBERS TO COUNTY BOARD OF HEALTH**

Offered by: Human Services Committee

Pursuant to Public Health Law §§ 343 and 344

RESOLVED:

1. That Willard L. Simons is reappointed to fill the remainder of a six-year term to the County Board of Health expiring July 7, 2015, and Leo Cusumano is reappointed to the County Board of Health for a six-year term beginning July 8, 2010, and expiring July 7, 2016.

Moved by: Mr. Burdick
Seconded by: Mr. Healy

Adopted: Voice Vote

RESOLUTION NO. 136-10**APPROVAL OF SALE OF 2010 TAX SALE PROPERTIES**

Offered by: Ways and Means Committee

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

Pursuant to New York Uniform Delinquent Tax Enforcement Act and Resolution No. 195-97, as amended by Resolution No. 95-98

RESOLVED:

1. That the sale of tax delinquent properties as shown below, to the owners and purchasers shown, for the consideration shown, subject to terms and conditions of sale for such properties, is approved.

2. That upon the securing by the County Attorney of a proper court order authorizing the conveyance to the County of such of the below mentioned properties which are subject to the 2008 and/or back to the year 1995 (TF95 up to and including TF08) tax foreclosure proceedings and the subsequent execution of a deed of all of the below mentioned properties to the County by the County Tax Enforcement Officer, the Chairman of this Board of Legislators is authorized and directed to execute on behalf of the County of Allegany and to cause to deliver to such owners and purchasers quit claim deeds of the County's interest in such properties and to affix to each such deed the official seal; all upon satisfaction of the terms and conditions of sale and the full payment to the County Treasurer of the monetary consideration.

<u>New Owner Address Sale Price</u>	<u>Parcel details</u>	<u>County Title Recorded Date Liber, Page</u>
WISNIEWSKI, JOHN J. 219 East Avenue P. O. Box 313 Hornell, NY 14843 Tax sale amount: \$8,000	Parcel ID: 022601/126.7-2-21 Prop Loc: 40 Main St Assessed value: \$73,000 Acreage: 0.39	County of Allegany Book: 1466 Page: 176
MCCAFFREY, DONALD 46 Bucyrus Dr Amherst, NY 14228 Tax sale amount: \$3,900	Parcel ID: 022889/185.-1-54.1 Prop Loc: Scio Rd Assessed Value: \$3,800 Acreage: 8.50	County of Allegany Book: 982 Page: 344
DEMING, WILLIAM L. 3683 County Rd 21 Andover, NY 14806 Tax sale amount: \$4,200	Parcel ID: 023089/217.-1-20 Prop Loc: 3693 Co Rte 21 Assessed value: \$37,200 Acreage: 1.00	County of Allegany Book: 1244 Page: 264
MATSON, Allen MATSON, Brenda 4861 Gordon Brook Rd Scio, NY 14880 Tax sale amount: \$50	Parcel ID: 027001/239.9-1-32 Prop Loc: 213 E State St Assessed value: \$13,900 Acreage: 0.28	County of Allegany Book: 1573 Page: 11
STEWARDSHIP FUND LP 5400 Plano Pkwy #200 Plano, TX 75093 Tax sale amount: \$4,001	Parcel ID: 027089/252.19-1-22 Prop Loc: 2036 Stannards Rd Assessed value: \$23,400 Acreage: 0.00	County of Allegany Book: 1134 Page: 339
WHITESELL, DANNY J. 3105 Hallsport Rd Wellsville, NY 14895 Tax sale amount: \$2,000	Parcel ID: 027400/265.2-1-19 Prop Loc: 3109 Hallsport Rd Assessed value: \$38,500 Acreage: 0.79	County of Allegany Book: 1475 Page: 321

BOARD OF LEGISLATORS SESSION MINUTES, JUNE 28, 2010

Moved by: Mr. Fanton
Seconded by: Mr. Sinclair

Adopted: Roll Call
11 Ayes, 0 Noes, 4 Absent

(Memo: The tax sale property bids included in Resolution No. 136-10 resulted from the second round of bidders for parcels with backup bidders.)

RESOLUTION NO. 137-10

ACCEPTANCE OF FUNDING FROM THE SUSAN G. KOMEN FOUNDATION AND APPROPRIATION OF SAID FUNDS TO PUBLIC HEALTH ACCOUNTS

Offered by: Human Services and Ways and Means Committees

WHEREAS, the sum of \$37,858 has been offered to the Allegany County Department of Health by the Susan G. Komen Foundation to be used in providing breast cancer awareness education and support to residents in Allegany and Cattaraugus Counties who have been diagnosed with breast cancer, now, therefore, be it

RESOLVED:

1. That the sum of \$37,858 offered by the Susan G. Komen Foundation is accepted and appropriated as follows: \$300 to Account No. A4072.2 (Komen Kares Grant-Equipment), \$37,558 to Account No. A4072.4 (Komen Kares Grant – Contractual), with a like sum credited to Revenue Account No. A08.2705.4071.

Moved by: Mr. Burdick
Seconded by: Mr. Curran

Adopted: Roll Call
11 Ayes, 0 Noes, 4 Absent

RESOLUTION NO. 138-10

TRANSFER OF FUNDS WITHIN EMPLOYMENT AND TRAINING ACCOUNTS

Offered by: Planning and Economic Development and Ways and Means Committees

RESOLVED:

1. That the transfer of \$73,200 within the Employment and Training Accounts is approved as follows:

<u>From Account No.</u>	<u>To Account No.</u>	<u>Amount</u>
CD16407.475	CD16406.101	\$ 7,500.00
CD16401.475	CD16406.474	5,000.00
CD16403.474	CD16406.474	8,500.00
CD16407.475	CD16406.802	3,200.00
CD16794.101	CD16410.101	20,000.00
CD16794.408	CD16410.408	2,500.00
CD16794.806	CD16410.806	7,500.00
CD16795.101	CD16411.101	14,000.00
CD16795.803	CD16411.803	1,500.00
CD16795.101	CD16413.101	3,000.00
CD16795.803	CD16413.803	500.00

Moved by: Mr. Sinclair
Seconded by: Mr. LaForge

Adopted: Roll Call
11 Ayes, 0 Noes, 4 Absent

RESOLUTION NO. 139-10**TRANSFER OF FUNDS WITHIN PUBLIC HEALTH CANCER SCREENING ACCOUNT**

Offered by: Human Services Committee

RESOLVED:

1. That the sum of \$300 is transferred from Account No. A4071.409 (Fees) to Account No. A4071.201 (Office Equipment) to cover the cost of folding tables.

Moved by: Mr. Burdick
Seconded by: Mr. O'Grady

Adopted: Roll Call
11 Ayes, 0 Noes, 4 Absent

RESOLUTION INTRO. NO. 143-10 (APPROVAL OF AGREEMENT WITH ACCORD FOR GRANT WRITING SERVICES) was DEFEATED on a roll call vote of 7 Ayes, 4 Noes, 4 Absent. Voting No: Burdick, Cady, O'Grady, and Ungermann. Absent: Benson, Hopkins, Pullen, and Russo.

(Memo: The agreement referred to in Resolution Intro. No. 143-10 would have included 600 hours of grant writing services to the County at a cost of \$36,000 for the term of June 15, 2010, to December 21, 2010.)

Comments made regarding the defeated resolution included the following:

Legislator Ungermann asked if there was a list of projects that we would ask these people to write grants for. Chairman Crandall replied that the list is currently being worked on by the Comprehensive Plan Implementation Group, and it includes a list generated for the stimulus funding along with other County projects. It needs to be prioritized.

Mr. Ungermann noted that grant writers quite often take a percentage of the grant for writing it. Chairman Crandall responded that they may in the private sector, but this is a not-for-profit. Legislator Sinclair commented that there are some grants that will provide costs for administration, others do not, but that's for actually administering the grant. For writing the grant, if you were to hire it done, you would pay a fee. That is what we're paying for. Legislator Cady suggested that the resolution could be amended to stipulate there would be no further charges involved. County Attorney Thomas Miner stated that he didn't see where there should be any concern about other costs associated with the agreement. Payment is on an hourly basis, and the agreement is pretty straight forward.

Mr. Ungermann reiterated that he would like to see the list of projects before voting, as he wants to make sure if we're going to spend \$36,000, hopefully we'll get \$36 million in grants. Chairman Crandall noted that the list could easily be provided.

Mr. Cady asked what allowance was made if the County doesn't use all of the authorized 600 hours of grant writing. Mr. Miner replied that the agreement requires the contractor to reimburse for any unused portion.

RESOLUTION NO. 140-10**RESOLUTION APPROVING SNOW REMOVAL AND ICE CONTROL CONTRACTS BETWEEN COUNTY OF ALLEGANY AND VARIOUS TOWNS IN ALLEGANY COUNTY**

Offered by: Public Works Committee

Pursuant to Highway Law § 135-a

BOARD OF LEGISLATORS SESSION MINUTES, JUNE 28, 2010

WHEREAS, the Public Works Committee and the County Superintendent of Public Works have recommended to this Board that they approve of the proposed contracts between the County of Allegany and various Towns in Allegany County for the removal of snow from County Roads and for sanding or otherwise treating them for the purpose of removing the danger of snow and ice, now, therefore, be it

RESOLVED:

1. That Snow Removal and Ice Control Contracts between the County of Allegany and various Towns in Allegany County for a term covering three (3) seasons beginning with the 2010-2011 snow season and ending with the 2012-2013 snow season, are approved.

2. That an executed duplicate original of each such Contract shall be filed in the office of the Clerk of this Board along with a certified copy of each such Town Board's resolution approving such Contract.

3. That the Clerk of this Board is directed to send a certified copy of this resolution to each of the Town Clerks of such Towns for filing in his or her office.

Moved by: Mr. Fanton
Seconded by: Mr. Curran

Adopted: Roll Call
11 Ayes, 0 Noes, 4 Absent

Resolution Intro. No. 145-10 (Allegany County Board of Legislators' Comments on Proposed 6 NYCRR Part 247 Regulations on Outdoor Wood Boilers) was not pre-filed and was considered from the floor on a motion made by Legislator Fanton, seconded by Legislator Healy and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 141-10**ALLEGANY COUNTY BOARD OF LEGISLATORS' COMMENTS ON PROPOSED 6 NYCRR PART 247 REGULATIONS ON OUTDOOR WOOD BOILERS**

Offered by: Ways and Means Committee

WHEREAS, the New York State Department of Environmental Conservation, "DEC," in April 2010, published and is currently soliciting comments on proposed Regulation 6 NYCRR Part 247, Outdoor Wood Boilers, "OWBs," and

WHEREAS, on June 16, 2010, the DEC held a public hearing in Belmont to receive comments on the proposed regulations which was heavily attended by Allegany County residents, and

WHEREAS, DEC proposes to phase out existing OWBs that commenced operation prior to September 1, 2005, by August 31, 2015, and those that commenced operation between September 1, 2005, and April 14, 2011, by August 31, 2020, and

WHEREAS, according to the DEC, the basis for the proposed phase out period for existing OWBs is the average warranty period for OWBs as opposed to a realistic evaluation of a boiler's actual useful life, and

WHEREAS, the purchase and installation of an OWB represents an investment of several thousand dollars, and most owners reasonably expect a boiler's useful life to run well in excess of the warranty period, and

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

WHEREAS, Allegany County has the third lowest per capita income in New York State, and

WHEREAS, Allegany County has a large population of senior citizens and families on fixed incomes, and

WHEREAS, Allegany County is a sparsely populated rural county with low population densities, and

WHEREAS, the price of home heating fuels has skyrocketed for citizens within Allegany County, and

WHEREAS, the economic difficulties faced by residents of Allegany County is compounded by the current "Great Recession," and

WHEREAS, OWBs can offer a safer alternative to indoor wood stoves and furnaces that can start home fires because of stray sparks or chimney fires, and

WHEREAS, OWBs can provide a cost effective alternative to fossil fuels, and

WHEREAS, no other state has required that existing OWBs be taken out of service, and

WHEREAS, enactment of statewide regulations that seek to phase out existing OWBs places an undue burden on Allegany County residents who live in a sparsely populated region and who have already invested their limited resources on a perfectly legal technology, and

WHEREAS, the proposed regulations provide no variance mechanism to address unique circumstances encountered at the local level, and

WHEREAS, because of the unique circumstances surrounding each geographic region and landowner, any new regulation relating to existing OWBs that impacts land use should only be undertaken at the local level, and

WHEREAS, in Allegany County, the underlying concerns surrounding existing OWBs are not deemed to be a serious problem requiring DEC regulation and will only become less so as existing OWBs disappear from service over their useful lives, and

WHEREAS, the regulations impose additional burdens relating to setback and stack height requirements without a scientific rationale articulated for such requirements, and

WHEREAS, over the past several years, a number of actions have occurred in support of the development of cleaner-burning and more efficient OWB devices, including:

a. In August 2005, the then NY Attorney General and 6 other State Attorney Generals, Northeast States for Coordinated Air Use Management (NESCAUM), which was supported by the Hearth, Patio & Barbecue Association (HPBA) Outdoor Furnace Manufacturers Caucus, petitioned the United States Environmental Protection Agency (USEPA) to set standards for OWBs.

b. The EPA Hydronic Heater Phase 2 Program was released in October 2008 and established an emissions reduction program for OWBs.

BOARD OF LEGISLATORS SESSION MINUTES, JUNE 28, 2010

c. On August 13, 2009, the New York State Energy Research and Development Authority (NYSERDA) announced \$1.5 million in funding for developing a High-Efficiency Biomass-Heating Market.

d. The USEPA is currently in the process of establishing nationwide – Federal regulations for OWBs that could be promulgated by May 2012 by EPA's most recent schedule made publicly available, and

WHEREAS, Senator Aubertine has introduced Senate Bill S8061, which supports clean burn regulations, supports restrictions that require new installations to meet EPA standards, defines Outdoor Wood Boiler nuisance violations, asks the DEC to provide public guidance on operation, siting, and stack height, but does not require the removal of existing units before the end of their useful life and allows local governments to establish more stringent regulations, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators supports efforts to protect the use of properly operated OWBs that are installed and operated properly and to protect the property rights of the owners of properly operated OWBs.

2. That this Board supports the following requirements in the proposed 6 NYCRR, Part 247 Regulations: Proposed emission limits for new OWBs, and new OWBs sold after April 15, 2011, have to meet these proposed emission limits and any provisions that are consistent with the EPA Hydronic Heater Phase 2 Program and other Northeast State regulations for OWBs including Vermont, Maine, New Hampshire, and Massachusetts.

3. That this Board does not support the following requirements in the proposed DEC Part 247 Regulations: Imposition of setback and stack height requirements on existing OWBs without a determination that such requirements are necessary to address verifiable complaints; requiring the removal of existing OWBs by 2015 or 2020 (depending on when the furnace was purchased but before the end of their useful life) which unreasonably subjects these owners to economic hardship; and any other provisions that are inconsistent with the EPA Hydronic Heater Phase 2 Program and other Northeast State regulations including Vermont, Maine, New Hampshire, and Massachusetts.

4. That this Board does hereby call on Governor Paterson, both houses of the New York State Legislature, the New York State Association of Counties, and New York State Agencies to support the continued use of, and the development of clean and efficient OWBs, by proposing New York State regulations that are consistent with the USEPA Hydronic Heater Phase 2 Program and other Northeast States including Vermont, Maine, New Hampshire, and Massachusetts.

5. That the Allegany County Board of Legislators supports Senate Bill S8061.

6. That the Clerk of this Board is directed to send certified copies of this resolution to Governor David Paterson, Attorney General Andrew Cuomo, Senator Catharine M. Young, Assemblymen Daniel J. Burling and Joseph M. Giglio, all New York State Counties, the New York State Association of Counties, the New York State Association of Towns, and the New York State Department of Environmental Conservation.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

Adopted: Roll Call
10 Ayes, 1 No, 4 Absent
Voting No: Cady

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

Comments made regarding Resolution No. 141-10 included the following:

Legislator Ungermann remarked that, like the public hearing on the ban on open burning, there was an overflow crowd for the hearing on this issue. The DEC is making rules for the entire state, and they don't necessarily apply to us. They said there was a large number of complaints, but when they finally came up with a number, it was 150 to 200 complaints for some 29,000 outdoor wood stoves in Western New York. About a third of those complaints are just people who don't like their neighbors and will complain about anything. So the number of complaints is very small. People do have to be careful about what they burn, but there's no reason that just because the outdoor wood boiler is bought before some arbitrary date, it's not any good after some other arbitrary date, as long as it's maintained. Mr. Ungermann supported the resolution. Chairman Crandall noted that the reason for the resolution to come off the floor was to make the deadline for comments to the DEC.

AUDITS:

A motion was made by Legislator Healy, seconded by Legislator O'Grady and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator O'Grady, seconded by Legislator Fanton and adopted on a roll call vote of 10 Ayes, 1 Noes, 4 Absent, that the audit of claims, totaling \$2,880,544.75, including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$3,720,225.*)

ADJOURNMENT: The meeting was adjourned at 3:00 p.m. on a motion made by Legislator Fanton, seconded by Legislator O'Grady and carried.

REGULAR SESSION – JULY 12, 2010

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:07 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Navy Electrician's Mate 2nd Class Richard M. Petri.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 11 Present; 4 Absent (Legislators Benson, Hopkins, McGraw, and Russo).

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Richard M. Petri, former United States Navy Electrician's Mate 2nd Class, in grateful appreciation of his service to our Country. Mr. Petri's service dates were from November 1942 to December 1945, and his final discharge from Naval Reserves was as Chief Electrician's Mate Power Sea Bees in 1959. Following Basic Training at Sampson Naval Training Station, Geneva, NY, assignments included Norfolk, VA; Naval Operations Base, Casablanca; and USS Reina Mercedes, Annapolis, MD. Commendations he received included: American Theater Ribbon, Victory Ribbon, and Good Conduct Medal. Mr. Petri led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

BOARD OF LEGISLATORS SESSION MINUTES, JULY 12, 2010

Chairman Crandall granted privilege of the floor to Sheriff William R. Tompkins for an update on the Telestaff Program, which is a web-based personnel management system purchased by the Sheriff's Office a little over a year ago. The Sheriff was told by the vendor that it would take five to six months to get the program on-line, but due to various issues, it took an extra nine to ten months. The system is finally up and running. Prior to Telestaff, personnel time management was handled by union personnel, because having management do it would have required hiring more people and wouldn't have been cost-effective. After looking at the records and overtime expenditures, it was evident they were having some significant issues with time management, and this led to the purchase of Telestaff. When asked what he thought the program would save, Sheriff Tompkins said he suspected the program would pay for itself within one to three years in quantifiable ways.

Sheriff Tompkins distributed a handout showing overtime hours by pay period, the difference in overtime hours between 2009 and 2010, and associated savings. There have been five pay periods of experience since Telestaff went on-line with pay period 10, and significant savings have already been realized, well above what was seen for the first nine pay periods. Total reduction in overtime hours for pay periods 10 through 14 is 2,853.25 hours, which is very significant in dollars. We also expect to see more hours going to part-time than did before Telestaff. Net overtime savings for pay periods 10 through 14, discounting factors unrelated to Telestaff, such as the reduced hours of federal transports for the time period and the difference in part-time hours and not being able to assign an average full-time rate for that, amounted to about \$55,000. There is a real significant change in overtime hours. The purchase price for Telestaff was \$35,000, and there were costs associated with getting it up and running, but if the trend in overtime savings is even close to accurate, savings over a year's time would be about \$250,000. Sheriff Tompkins couldn't explain why there was such a big difference in hours by using an automated system, but that automated system incorporates all of the rules of the contract into a software package and applies them to assignment of overtime. There are no people involved, so it's completely objective.

APPROVAL OF MINUTES:

The Board meeting minutes of June 28, 2010, were approved on a motion made by Legislator Curran, seconded by Legislator Healy and carried.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

The following communications were also acknowledged:

1. Correspondence from Assemblymen Daniel Burling and Joseph Giglio acknowledging receipt and support of Allegany County's Resolution regarding Outdoor Wood Boilers.
2. Invitation to participate in the Friendship Freedom Fair Celebration on July 31. Line-up for the parade begins at 10:30 a.m. off East Main Street on "E" Street.
3. Correspondence from the Arkport Legion Post 1248 thanking the Board for its donation in memory of former Legislator Keith Palmiter.
4. Invitation from the Andover Wetlands Restoration Project Coordinator to attend the annual kids' fishing contest on July 24.
5. Correspondence from Shari Collins regarding the June 28 Public Hearing on the Deputy County Administrator position.

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

6. Southern Tier West Regional Planning and Development Board meeting minutes for June 24 and meeting notice for July 15.

7. Correspondence from the Allegany County Association for the Blind with copies of their 2010 budget, mission, and an overview of the agency.

8. Notice that the July 22, 2010, Fire Advisory Board meeting has been cancelled. The next meeting will be held September 23 at 8 p.m.

APPOINTMENTS:

The Clerk of the Board announced that Chairman Crandall has appointed Scott Torrey, Executive Director of the Soil and Water Conservation District Board, to fill the remainder of Gretchen Gary's one-year term as a member of the **COMPREHENSIVE PLAN IMPLEMENTATION GROUP**, effective immediately, to serve at his pleasure.

RESOLUTIONS:**RESOLUTION NO. 142-10**

**SUPPORTING THE CREATION OF
ENHANCED SALES TAX TRANSPARENCY AND ACCOUNTABILITY SYSTEM
FOR IMPROVED LOCAL GOVERNMENT FISCAL MANAGEMENT**

Offered by: Ways and Means Committee

WHEREAS, for the past five quarters, sales tax collections in New York State have declined from prior year collections, and

WHEREAS, the local share of sales and use tax is a major revenue source for all 57 counties, and is the principle alternative to the real property tax for the counties to provide state mandated services at the local level, and

WHEREAS, the state share of sales and use tax is also a major revenue for it, and a principle alternative to the personal income tax, and

WHEREAS, accurate forecasting and full collection of this tax is critical to the fiscal integrity of all levels of government, and

WHEREAS, because the total sales tax is collected by the State Department of Taxation and Finance and then the local share is distributed to counties, local officials are dependent on the State Tax Department for information on collections, audit recoveries, and vendor information. For a variety of reasons, this information is often difficult to obtain and interpret, and

WHEREAS, the creation of a revenue resource center whose function could provide:

- a. a forecast model for all 57 counties outside the City of New York to support county budgeting and fiscal monitoring;
- b. technical assistance in integrating forecast information into county budgets, monitoring collection data, and implementing planning and management tools that enhance county fiscal management;
- c. a secure internet site and use it to receive and distribute data from T&F and OSC;

BOARD OF LEGISLATORS SESSION MINUTES, JULY 12, 2010

- d. interpretive tools that will assist county staff in making the best use of the information;
- e. research, devise, and conduct a series of joint county/T&F compliance activities;
- f. an Advisory Board comprised of county officials and a representative of both the Commissioner of the State Department of Taxation and Finance (T&F) and the State Comptroller (OSC);
- g. an annual report to the Governor and the Legislature on state/local tax policy, administration and compliance; and

WHEREAS, additional benefits of this new transparent and modern system of sales tax analysis and collection could also provide benefits to the state such as:

- a. a knowledgeable single point of contact between county and Tax Department officials;
- b. the forecast would be available to state policymakers to further inform their own revenue forecast;
- c. a platform for state/county collaborative efforts on sales tax compliance and policy development;
- d. potential to be expanded to other joint revenue sources and/or joint program areas where the routine and facilitated exchange of data would be mutually beneficial; and
- e. creating the foundation for a national model, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators hereby urges the Governor and State Department of Taxation and Finance to establish a Joint Revenue Resource Center that will provide a platform for enhanced revenue forecasts, especially of the sales tax, and serve as a forum for state and local fiscal managers to work together to improve the management and effectiveness of the revenue systems we share.

2. That the Clerk of this Board is directed to forthwith mail a certified copy of this resolution to Governor David A. Paterson, Senator Catharine M. Young, Assemblymen Daniel J. Burling and Joseph M. Giglio, NYSAC, InterCounty of Western New York, and all others deemed necessary and proper.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

Adopted: Roll Call
11 Ayes, 0 Noes, 4 Absent

RESOLUTION NO. 143-10**DESIGNATING THE WELLSVILLE DAILY REPORTER AS SOLE OFFICIAL NEWSPAPER FOR THE PERIOD AUGUST 8, 2010, TO AUGUST 13, 2010**

Offered by: Ways and Means Committee

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

WHEREAS, the Clerk of this Board was informed that the Cuba Patriot & Free Press, one of the official newspapers, will not be publishing during the period of August 8, 2010, to August 13, 2010, now, therefore, be it

RESOLVED:

1. Notwithstanding the provisions of Section 1 of Resolution No. 250-09, the newspaper The Wellsville Daily Reporter is designated as the sole official newspaper to publish local laws, notices and other matters required by law to be published during the period of August 8, 2010, to August 13, 2010.

Moved by: Mr. Fanton
Seconded by: Mr. Pullen

Adopted: Voice Vote

RESOLUTION INTRO. NO. 148-10 (APPROVAL OF AGREEMENT WITH ACCORD FOR GRANT WRITING SERVICES) was TABLED following a motion made by Legislator Sinclair, seconded by Legislator Curran and carried. Legislator Sinclair noted that although the resolution had been further developed to describe the issue, there was still some concern about the specifics of the arrangement.

AUDITS:

A motion was made by Legislator O'Grady, seconded by Legislator Fanton and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator O'Grady, seconded by Legislator Pullen and adopted on a roll call vote of 11 Ayes, 0 Noes, 4 Absent, that the audit of claims, totaling \$3,062,100.80, including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$4,017,843.*)

COMMENTS:

The following announcements were made:

- Personnel Committee meeting (executive session) following the Board meeting.
- Tour of the Court Facilities Project after the Personnel meeting.
- Senior Picnic, July 29 at the County Fairgrounds, 11 a.m. to 3 p.m.; rain date July 30.
- Reminder of the Legislators' Clambake, July 30.

ADJOURNMENT: The meeting was adjourned at 2:30 p.m. on a motion made by Legislator Fanton, seconded by Legislator Ungermann and carried.

BOARD OF LEGISLATORS SESSION MINUTES, JULY 22, 2010

REGULAR SESSION – JULY 22, 2010

CALL TO ORDER: The regular meeting of the Board of Legislators, which was held at the Allegany County Fairgrounds, was called to order at 2:08 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by a Color Guard with representation from the American Legion, Veterans of Foreign Wars, and American Veterans.

INVOCATION: The Invocation was given by Legislator Pullen.

ROLL CALL: 12 Present; 3 Absent (Legislators Benson, Hopkins, and Russo).

APPROVAL OF MINUTES:

The Board meeting minutes of July 12, 2010, were approved on a motion made by Legislator Pullen, seconded by Legislator Fanton and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a copy of a proclamation for Jason Dunham Day to Jason's Grandmother, Pat Layton, who accepted the proclamation on behalf of the family.

Chairman Crandall presented a certificate to the Allegany County Agricultural Society, accepted by Martha Roberts, President, in recognition of the 166th Allegany County Fair and for their dedication to agriculture and tourism.

Chairman Crandall presented a certificate to Thomas Swarthout, Jr. in recognition of his contributions to the Allegany County Fair and thanking him for sharing his time and talents to make the Fair a success year after year.

Chairman Crandall introduced the following elected representatives:

Senator Catharine Young: Senator Young stated that she was impressed with our Legislators for all of their hard work. She liked the idea of holding a Board meeting at the Allegany County Fair, as it illustrates the open, transparent government meetings. Senator Young commented that there is a need to continue with agricultural projects each year. In order to get out of the recession, we need to grow.

Assemblyman Joseph Giglio: Assemblyman Giglio thanked everyone for all of their hard work and dedication. He stated that he was proud to be working on the child predator protection programs here in New York.

Assemblyman Daniel Burling: Assemblyman Burling noted that he was proud to be representing Allegany County for the last twelve years. He understands the agricultural problems we are facing and guarantees he will keep fighting for our County in Albany.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. August 2010 Calendar of Board and Standing Committee meeting dates.
2. Report of Intrafund Transfers approved by the County Administrator in June.

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

3. Report of Tax Bill Corrections approved by the County Administrator in June.

The following communications were also acknowledged:

1. Notification that the NYSAC Fall Conference will be held at the Adam’s Mark Hotel in Buffalo from September 15-17, 2010. If you plan to attend, please let the Clerk of the Board know by August 9.
2. The County Treasurer filed Certificates of Withdrawal of Delinquent Tax Liens in the Clerk of the Board’s Office on July 15 for properties in the towns of Alma, Andover, Belfast, Cuba, Willing, and Wirt, pursuant to Article 11 of the Real Property Tax Law.
3. Correspondence from NYS Division of Criminal Justice Services including notification of approval of the County’s Ignition Interlock Program Plan pursuant to Chapter 496 of the Laws of 2009, referred to as “Leandra’s Law.”
4. Correspondence from NYSAC including their Policy Brief: An Introduction to the New York State Local Common Retirement Fund and the Employer Contribution Rate Setting Process.
5. Reminder of the Legislators’ Clambake on July 30: Money and any remaining tickets should be turned in to the Clerk of the Board’s Office by tomorrow, July 23.
6. Reminder of the Senior Picnic on July 29 at the County Fairgrounds in Angelica. Rain date is July 30.

PROCLAMATION:

Chairman Crandall proclaimed August 1, 2010, as Jason Dunham Day in Allegany County in honor of the memory of Marine Corps Medal of Honor recipient Jason Dunham for his brave service and unselfish heroism.

RESOLUTIONS:

RESOLUTION NO. 144-10

ESTABLISHING STANDARD WORK DAYS FOR ELECTED AND APPOINTED OFFICIALS AND DIRECTING A REPORT OF DAYS WORKED TO THE NEW YORK STATE AND LOCAL EMPLOYEES’ RETIREMENT SYSTEM

Offered by: Personnel Committee

RESOLVED:

1. Effective immediately, the Allegany County Board of Legislators hereby establishes the following as standard work days for elected and appointed officials and will report the days worked of such officials to the New York State and Local Employees’ Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of the Board.

<u>Title</u>	<u>Name</u>	<u>Registration No.</u>	<u>Standard Day (Hrs/Day)</u>	<u>Term</u>	<u>Employer Record of Time (Y/N)</u>	<u>Days Worked Per Month</u>
ELECTED OFFICIALS:						
Legislator	Benson, Glenn	Non-pension	6	01/01/10-12/31/13	Non-pension	-
Legislator	Burdick, Douglas D.	Non-pension	6	01/01/10-12/31/13	Non-pension	-

BOARD OF LEGISLATORS SESSION MINUTES, JULY 22, 2010

Legislator	Cady, Donald L.	Non-pension	6	01/01/10-12/31/13	Non-pension	-
Legislator	Crandall, Curtis W.		6	01/01/10-12/31/13	N	25.14
Legislator	Curran, Philip B.		6	01/01/10-12/31/13	N	3.83
Legislator	Fanton, Dwight R.		6	01/01/10-12/31/13	N	11.97
Legislator	Healy, Dwight (Mike)	Non-pension	6	01/01/10-12/31/13	Non-pension	-
Legislator	Hopkins, Theodore L.		6	01/01/10-12/31/13	N	12.72
Legislator	LaForge, Kevin S.		6	01/01/10-12/31/13	N	13.68
Legislator	McGraw, Aaron M.	Non-pension	6	01/01/10-12/31/13	Non-pension	-
Legislator	O'Grady, Timothy J.	Non-pension	6	01/01/10-12/31/13	Non-pension	-
Legislator	Pullen, David T.		6	01/01/10-12/31/13	N	18.99
Legislator	Russo, Daniel	Non-pension	6	01/01/10-12/31/13	Non-pension	-
Legislator	Sinclair, Frederick	Non-pension	6	01/01/10-12/31/13	Non-pension	-
Legislator	Ungermann, Norman	Non-pension	6	01/01/10-12/31/13	Non-pension	-
County Clerk	Christman, Robert L.		7	01/01/08-12/31/11	NA - New Term 1/1/12	-
District Attorney	Parker, Terrence		7	01/01/10-12/31/13	N	30.98
Sheriff	Tompkins, William R.		8	01/01/07-12/31/10	NA - New Term 1/1/11	-
Treasurer	Ross, Terri L.		7	01/01/10-12/31/13	Y	NA
APPOINTED OFFICIALS:						
Administrator	Margeson, John E.		7	01/01/10-12/31/13	Y	NA
Deputy Co. Admin.	Alger, Mitchell		7	01/01/10-12/31/13	Y	NA
Secretary to Co. Admin.	Alsworth, Alice		7	01/01/10-12/31/13	Y	NA
Aging, OFA Director	Toot, Kimberley		7	01/01/10-12/31/13	Y	NA
Attorney	Miner, Thomas A.		7	01/01/10-12/31/13	N	24.71
Attorney, 1st Assist.	Haggstrom, Leslie		7	01/01/10-12/31/13	Y	NA
Attorney, 2nd Assist.	Knapp, Carissa Healy		7	01/01/10-12/31/13	Y	NA
Attorney, 3rd Assist.	Carnes, Nora		7	01/01/10-12/31/13	Y	NA
Secretary to Co. Attny.	Osgood, Oriana		7	01/01/10-12/31/13	Y	NA
Clerk of the Board	Riehle, Brenda Rigby		7	01/01/10-12/31/13	Y	NA
Deputy COB/Journal	Finnemore, Adele		7	01/01/10-12/31/13	Y	NA
Community Services Dir.	Anderson, Robert		17.5/wk	No term	Y	NA
County Clerk Deputy I	Healy, Linda K.		7	01/01/10-12/31/13	Y	NA
County Clerk Deputy II	Stoll, Kristina K.		7	01/01/10-12/31/13	Y	NA
County Clerk Deputy III	Hennessy, Michael D.		7	01/01/10-12/31/13	Y	NA
Development Director	Foels, John E.		7	01/01/10-12/31/13	Y	NA
District Attny-1st Assist.	Slep, Keith A.		6	01/01/10-12/31/13	N	22.36
District Attny-2nd Assist.	Finn, Amanda		6	01/01/10-12/31/13	N	4.97
District Attny-3rd Assist.	Cornell, Andrew J.		6	01/01/10-12/31/13	N	21.69
District Attny-4th Assist.	Finn, Michael		6	01/01/10-12/31/13	N	22
District Attny-Secretary	Drozdowski, Ronnelle		7	01/01/10-12/31/13	Y	NA
DA Crime Victims Coord.	Ozzella, Shannon		7	01/01/10-12/31/13	Y	NA
Elections Comm. (R)	Herdman, Elaine	no number retired	17.5/wk	01/01/09-12/31/12	Y	NA
Deputy Elect. Comm.	Mascho, Linda A.		7	01/25/10-12/13/12	Y	NA
Elections Comm. (D)	Lorow, Catherine M.		17.5/wk	01/01/09-12/31/12	Y	NA
Deputy Elect. Comm.	Broughton, Barbara		7	01/01/10-12/31/13	Y	NA
Emergency Services Dir.	Tucker, John		7	01/01/10-12/31/10	Y	NA
Deputy OES Director	Barney, Michael		7	01/01/10-12/31/10	Y	NA
Employment & Train. Dir.	Garmong, Jerry		7	01/01/10-12/31/13	Y	NA
Fire Coordinator	Gallmann, Paul	Non-pension	20 hrs/wk	No term	Non-pension	-
Health Director	Ballengee, Loreen		7	05/22/07-05/22/13	Y	NA
Deputy Health Director	Hull, Thomas		7	05/22/07-05/22/13	Y	NA
Historian	Braack, Craig R.		7	01/01/10-12/31/13	Y	NA
Information Tech. Dir.	Button, Deborah		7	01/01/10-12/31/13	Y	NA
Personnel Officer	Ruckle, Ellen A.		7	09/27/05-09/27/11	Y	NA
Planner	Dirlam, H. Kier		7	No term	Y	NA
Public Defender	Kelley, Barbara J.		7	01/01/10-12/31/13	Y	NA
Public Def., 1st Assist.	Fogarty, Patricia		7	01/01/10-12/31/13	Y	NA
Secretary to Public Def.	Webb, Jennifer		7	01/01/10-12/31/13	Y	NA
Public Works Super.	Roeske, David S.		7	10/25/08-10/24/12	Y	NA
Deputy DPW Super I	Mancuso, John		7	10/25/08-10/24/12	Y	NA

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

Deputy DPW Super II	James, Guy R.	[REDACTED]	7	10/25/08-10/24/12	Y	NA
Secretary to DPW Sup.	Dorrett, Lea	[REDACTED]	7	No term	Y	NA
Real Property Tax Dir.	Presutti, Steven	[REDACTED]	7	01/01/10-12/31/13	Y	NA
Social Services Comm.	Schmelzer, Patricia	[REDACTED]	7	12/14/09-12/13/14	Y	NA
Deputy DSS Comm.	Grant, Vicki	[REDACTED]	7	12/14/09-12/13/14	Y	NA
Secretary to DSS Comm.	Zalar, Tina	[REDACTED]	7	01/01/10-12/13/14	Y	NA
STOP-DWI Prog. Coord.	Edwards, Linda	See Youth Bureau Prog.		01/01/10-12/31/10	-	-
Treasurer Deputy	Budinger, Joseph	[REDACTED]	7	01/01/10-12/31/13	Y	NA
Veterans' Service Director	Spillane, H. Scott	[REDACTED]	7	01/01/10-12/31/13	Y	NA
Undersheriff	Goetschius, William	no number retired	7	01/01/07-12/31/10	NA - New Term 1/1/11	-
Secretary to Sheriff	Givens, Janice	[REDACTED]	7	No term	Y	NA
Workers' Comp. Ex. Sec.	Dillon, Douglas	[REDACTED]	28 hrs/wk	No term	Y	NA
Workers' Comp.	Keib, Sharon	[REDACTED]	7	No term	Y	NA
Youth Bureau Prog. Dir.	Edwards, Linda	[REDACTED]	7	01/01/10-12/31/10	Y	NA

Moved by: Mr. O'Grady
 Seconded by: Mr. Pullen

Adopted: Roll Call
 11 Ayes, 1 No, 3 Absent
 Voting No: Ungermann

Comments made regarding Resolution No. 144-10 included the following:

Legislator Ungermann noted that when this issue came through committee, his first reaction was that it's not truthful, especially for the Legislators. He felt that reporting six hours per day for five days per week towards retirement was not being exactly truthful. Regarding some of the other figures, he stated he was worried about falsely reporting retirement and asked County Attorney Tom Miner if there was a criminal penalty for it. Mr. Miner replied that he believed there was. Mr. Ungermann felt there was a need for time clocks so that all times would be accurate. On numerous occasions, he has commented about the parking lot being empty at 2 p.m. on Fridays and departments closing early.

Chairman Crandall stated that this was the first time Legislators had to keep track of all of the time they put in for everything including phone calls, meetings, and travel time. The logs were kept for a three-month period and were used to calculate the average number of hours worked per month for reporting to the retirement system.

Legislator Pullen commented that based on his experience as a Legislator and also as a private citizen, he felt that the people listed in the resolution are very dedicated to their jobs, many of them attending meetings outside of normal working hours and probably putting in more hours than is being reported. He supported the resolution.

RESOLUTION NO. 145-10

RESOLUTION APPROVING AND ADOPTING THE CORPORATE COMPLIANCE PLAN FOR ALLEGANY COUNTY

Offered by: Human Services Committee

RESOLVED:

1. That effective immediately, the Allegany County Board of Legislators adopts the following Corporate Compliance Plan for Allegany County:

**ALLEGANY COUNTY
 POLICY REGARDING FALSE CLAIMS, FRAUD PREVENTION AND DETECTION**

1. GENERAL STATEMENT OF POLICY

BOARD OF LEGISLATORS SESSION MINUTES, JULY 22, 2010

1.1 It is the policy of Allegany County hereinafter referred to as "the County," to comply with all applicable federal, state and local laws and regulations, both civil and criminal.

1.2 It is also the policy of the County to require staff to comply with the County Ethics Code, the Compliance Policy and additional standards of conduct which may be adopted by the County Legislature.

1.3 This policy summarizes the provisions of the County's Compliance Program and the requirements of the Federal Deficit Reduction Act of 2005, 42 USC s1396(a)(68), and provides information to Allegany County staff about important federal and state laws. The provisions, standards and requirements of the program will be reviewed with each new employee and provided to all employees.

2. SCOPE

2.1 This policy applies to all employees, volunteers, contractors and students in those departments of Allegany County providing Medicaid health care items or services for which Medicaid payments are made.

2.2 This policy also applies to all contractors and agents who furnish or authorize the furnishing of Medicaid services on behalf of the County, or perform billing or coding functions or are involved in monitoring the care provided by the County, hereinafter referred to as "agent."

3. ADMINISTRATION

3.1 This policy will be implemented and overseen by the Allegany County Corporate Compliance Officer and the Corporate Compliance Committee:

- a. John Margeson, County Administrator and Corporate Compliance Officer (CCO)
- b. Tom Miner, County Attorney
- c. Lori Ballengee, Public Health Director
- d. Pat Schmeltzer, Commissioner, Department of Social Services

4. POLICY/PROCEDURE

4.1 Each employee or agent of the County will strive to act in accordance with the provisions of any applicable federal, state and local laws, the County Ethics Code and the Compliance Policy, and will encourage other employees or agents to act the same.

4.2 No employee or agent of the County has authority to act contrary to the provisions of any applicable laws, the Ethics Code, or the Compliance Policy or to authorize, direct or condone such action by any other employee or agent.

4.3 Any employee or agent of the County who has knowledge of activities that he or she believes may violate a law, rule or regulation has an obligation, promptly after learning of such activities, to report the matter, in writing, to his or her immediate supervisor. The supervisor will notify the Department Head and this person shall notify the Corporate Compliance Officer. The CCO will initiate an investigation, involving the Corporate Compliance Committee as appropriate. Reports may be made anonymously and employees will not be penalized for reports made in good faith. Failure to report known violations, failure to detect violations due to negligence or reckless conduct and intentionally making false reports shall be grounds for disciplinary action, including termination. The appropriate form of discipline will be case-specific, and in accordance with NYS Civil Service Law and/or existing collective bargaining agreements.

4.4 The County will take steps to communicate its standards and procedures to all employees and agents by disseminating information that explains in a practical manner what is required. This will include distribution of this policy. Employees in the Health Department and any other department that bills Medicaid and/or Medicare, will receive annual training on Medicaid Fraud in November of each year. At this time, the employee will take a quiz and must get 8 out of 9 correct. For those that do not meet this standard, that employee will take the training again until a score of 8 out of 9 is achieved. The employee shall also sign annually, an attestation that they have received information on reporting of fraud and abuse and consequences of inaction. Quiz sheets and attestations will be kept in the employee's local personnel file.

4.5 The County will take steps to achieve compliance with its standards by utilizing reasonable monitoring and auditing systems designed to detect misconduct by its employees and agents and by having in place and publicizing a reporting system whereby employees and other agents can report misconduct within the County without fear of retribution.

4.6 After a suspected violation has been reported, the Corporate Compliance Committee will be notified and will take reasonable steps to respond appropriately and to prevent further similar violations, including any necessary modifications to its program to prevent and detect violations of law.

4.7 All members of the County workforce should be knowledgeable about several important federal and state laws that help to prevent and detect waste, fraud and abuse in federal health care programs such as Medicare and Medicaid. In addition, individuals who, in good faith, report suspected non-complaint behavior are protected by both federal and state law.

4.8 This policy is intended to communicate current policies regarding compliance.

4.9 All contractors and agents who furnish or authorize the furnishing of Medicaid services on behalf of the County, or perform billing or coding functions or are involved in monitoring the care provided by the County are required to communicate these policies and procedures to their employees and are responsible for making sure that the communication occurs.

5. DISTRIBUTION

5.1 This Policy and Procedure will be distributed to County employees via the County's shared drive. In addition, hard copies will be provided to new employees during the orientation process and current employees in those departments providing Medicaid health care items or services for which Medicaid payments are made. All such employees will be required to sign a statement of certification that they have been informed of the County policy and procedure upon hire and annually.

5.2 This Policy and Procedure will be distributed to all agents of the County who provide Medicaid health care items or services for which Medicaid claims are made by the County as the result of a contract signed by such agents to waive their ability to claim Medicaid reimbursement.

Moved by: Mr. Burdick
Seconded by: Mr. Fanton

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

A motion was made by Legislator Ungermann, seconded by Legislator Fanton and carried, to grant Legislator LaForge permission to abstain from voting on Resolution Intro. No. 151-10 (Resolution Establishing Solid Waste Residential User Fees for 2011).

RESOLUTION NO. 146-10**RESOLUTION ESTABLISHING SOLID WASTE RESIDENTIAL USER FEES
FOR YEAR 2011**

Offered by: Public Works Committee

RESOLVED:

1. The following solid waste residential user fees, providing for either a one-time fee or a pay as you go fee, are hereby established and shall be charged to users of the Allegany County Solid Waste System during the year 2011:

One- time Residential user fee:

\$150.00 per year with no need to purchase separate disposal tickets - no proration.

Pay as you go Residential user fee via sale of Residential Disposal Tickets:

Residential Disposal Tickets displaying squares representing \$1.00 for each square, or with some other equivalent representation, will be sold in three denominations –

\$10.00 for ten \$1.00 squares
 \$20.00 for twenty \$1.00 squares
 \$30.00 for thirty \$1.00 squares

The station operator will mark off the appropriate number of squares to correspond with the price of the item(s) disposed of according to the following fee schedule:

Up to a 13 gallon bag -	\$1.00
Up to a 30 gallon bag -	\$2.00
55 gallon bag or barrel -	\$4.00
Bulky items:	
Large items - couch, mattress, box spring, large cabinet/dresser or carpet roll -	\$4.00
Small items - chair, table, toilet, sink, small pieces of furniture -	\$3.00

Any other solid waste, up to a three (3) cubic yard load or a full-size pickup loaded to the top of the original sides, and not otherwise described in this fee schedule:

Compact pickup or small trailer with an equivalent capacity -	\$15.00
Full-size pickup or trailer with an equivalent capacity -	\$20.00

2. Solid Waste Identification Tags will be issued upon payment of the applicable user fee. A Residential Disposal Ticket shall be deemed to constitute a Solid Waste Identification Tag for purposes of disposing of solid waste at an Allegany County Solid Waste Management Facility. No user fee will be charged to individuals who will only be disposing of

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

recyclable materials at County facilities. A Recyclables Only Identification Tag will be issued without charge to individuals who will only be disposing of recyclable materials upon the completion by such individuals of the appropriate application form. In the event a Residential Identification Tag is lost or stolen, a replacement Residential Identification Tag will be issued for a fee of \$100.

Moved by: Mr. Fanton
Seconded by: Mr. Pullen

Adopted: Roll Call
9 Ayes, 2 Noes, 3 Absent
Abstaining: LaForge
Voting No: Burdick, O'Grady

Comments made regarding Resolution No. 146-10 included the following:

Legislator Burdick stated that he couldn't support the resolution. It represents a 50 percent increase in fees, and we don't like it when the state does it to us.

Legislator Fanton remarked that there is an option on the tickets. The committee tried to reach a solution that would be acceptable for everyone. The County has to pay for a landfill cap at the end of the year. We don't like it, but this is the way it was set up, so we have to deal with it.

Legislator Pullen commented that the taxpayers of Allegany County are going to have to pay for the landfill one way or another, either through bag fees, permit tag fees, or property taxes. Mr. Pullen felt that property taxes were the worst alternative, because taxes are already too high. We are giving people an option with the user fees. The increase, in his opinion, is a non-issue, as we are going to have to pay for it; the question is how. Mr. Pullen supported the resolution, as it takes the burden off the backs of the taxpayers and deals with it through those who use the landfill.

Legislator Ungermann noted that these user fees are an effort to have the landfill pay its own way. Rather than the taxpayers who don't use it having to fund it, Mr. Ungermann felt that it should be the people who use it.

Legislator O'Grady remarked that he wasn't against raising the user fees, but the increases over the last few years have been about \$12. He felt that \$45 was a little extreme. The inception of the landfill was set up wrong a long time ago. Mr. O'Grady also noted that raising the solid waste user fees will not decrease the property taxes in any way.

RESOLUTION NO. 147-10

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR STATE ASSISTANCE FROM THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE PROGRAM AND AUTHORIZING SIGNING OF THE ASSOCIATED STATE CONTRACT UNDER THE APPROPRIATE LAWS OF NEW YORK STATE

Offered by: Public Works Committee

WHEREAS, the State of New York provides financial aid for household hazardous waste programs, and

WHEREAS, the County of Allegany herein called the Municipality, has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws, and

BOARD OF LEGISLATORS SESSION MINUTES, JULY 22, 2010

WHEREAS, it is necessary that a Contract by and between The People of the State of New York, herein called the State, and the Municipality be executed for such State aid, now, therefore, be it

RESOLVED:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.

2. That the Chairman of the Board or his designee is directed and authorized as the official representative of the Municipality to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State.

3. That the Municipality agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs.

4. That five (5) certified copies of this Resolution be prepared and sent to the NYSDEC together with a complete application.

5. That this resolution shall take effect immediately.

Moved by: Mr. Fanton
Seconded by: Mr. O'Grady

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

RESOLUTION NO. 148-10

**RESOLUTION APPROPRIATING FEDERAL AND STATE AID
NOT PREVIOUSLY APPROPRIATED TO
CAPITAL PROJECT H5640.200, TOWN OF FRIENDSHIP
MAIN STREET BRIDGE, CR 20, (BIN 3047780)**

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. That Federal and State funding in the amount of \$1,704,775 for the Town of Friendship Main Street Bridge, CR 20, is accepted.

2. That the accepted sum of \$1,704,775 is appropriated as follows: \$1,704,775 to Capital Project H5640.200, with the sum of \$269,175 to Revenue Account No. H10.3097.5640 and \$1,435,600 to Revenue Account No. H11.4097.5640.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

RESOLUTION NO. 149-10

**ACCEPTANCE AND APPROPRIATION OF FUNDS FROM THE
NEW YORK STATE OFFICE OF HOMELAND SECURITY CONTRACT #C838290**

Offered by: Public Safety and Ways and Means Committees

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

RESOLVED:

1. That the sum of \$76,472 from the New York State Office of Homeland Security is accepted.

2. That the accepted sum of \$76,472 is appropriated as follows: \$57,354 to Account No. A3645.218 (Homeland Security – Equipment), \$19,118 to Account No. A3645.448 (Homeland Security – Contractual), with a like sum credited to Revenue Account No. A10.3306.EMG8.

Moved by: Mr. Healy
Seconded by: Mr. Pullen

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

(Memo: The grant referred to in Resolution No. 149-10 is for the period of 08/01/09 to 07/31/12 and will allow for a consultant to provide disaster response training to Citizen Corps Volunteers and provide equipment to the interoperable communications system [microwave WLAN build-out]. The grant will be administered by the Office of Emergency Services.)

RESOLUTION NO. 150-10**ACCEPTANCE OF INSURANCE PAYMENT FROM NYMIR AND
APPROPRIATION OF FUNDS TO RISK RETENTION ACCOUNTS**

Offered by: Ways and Means Committee

WHEREAS, a check from NYMIR in the amount of \$1,274.97 has been received, which amount represents the cost of repairing a 2007 Chevy Silverado, less a \$500 deductible, damaged when the vehicle backed into a County 10-Wheeler on June 30, 2010, now, therefore, be it

RESOLVED:

1. That the amount of \$1,274.97 from NYMIR representing the cost of repairing a 2007 Chevy Silverado less a \$500 deductible, is accepted.

2. That the sum of \$1,274.97 is appropriated to Account No. CS1931.429 (Risk Retention – Uninsured Property Loss), with a like sum credited to Revenue Account No. CS07.2680.00 (Risk Retention – Insurance Recovery).

Moved by: Mr. Fanton
Seconded by: Mr. Healy

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

(Memo: The insurance recovery accepted in Resolution No. 150-10 was for a vehicle assigned to Public Works.)

RESOLUTION NO. 151-10**TRANSFER OF FUNDS WITHIN
TRAFFIC CONTROL CONTRACTUAL EXPENSES ACCOUNT**

Offered by: Public Works Committee

RESOLVED:

1. That the sum of \$5,000 is transferred from Account No. D3310.4 to Account No. D3310.2, to cover the purchase of a new Post Driver for installation of traffic signs.

BOARD OF LEGISLATORS SESSION MINUTES, JULY 22, 2010

Moved by: Mr. Fanton
 Seconded by: Mr. Healy

Adopted: Roll Call
 12 Ayes, 0 Noes, 3 Absent

RESOLUTION NO. 152-10

**RESOLUTION RATIFYING BOARD CHAIRMAN'S SIGNATURE ON
 APPLICATION TO THE NEW YORK STATE OFFICE OF HOMELAND SECURITY FOR
 THE STATE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM (SLETPP);
 ACCEPTANCE AND APPROPRIATION OF FUNDS**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That a Homeland Security Grant from the New York State Office of Homeland Security in the amount of \$34,750 for the State Law Enforcement Terrorism Prevention Program (SLETPP) is accepted.
2. That the sum of \$34,750 is appropriated to Account No. A3645.217 (Homeland Security – Equipment), with a like sum credited to Revenue Account No. A10.3306.SHF7 (Homeland Security – Sheriff's Office).
3. The signature of the Chairman is ratified on the Homeland Security Enforcement Terrorism Prevention Program (SLETPP) application.

Moved by: Mr. Healy
 Seconded by: Mr. Sinclair

Adopted: Roll Call
 12 Ayes, 0 Noes, 3 Absent

(Memo: The grant referred to in Resolution No. 152-10 is for the period of 08/01/09 to 07/31/12 and will provide for NIMS Training for staff and a boat to replace an older boat at Rushford Lake. It will be administered by the Sheriff's Office.)

AUDITS:

A motion was made by Legislator O'Grady, seconded by Legislator Burdick and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator Fanton, seconded by Legislator Healy and adopted on a roll call vote of 11 Ayes, 1 No, 3 Absent, that the audit of claims, totaling \$1,082,815.16 including prepaid expenses, be approved for payment as recommended by the County Administrator (Opposed: Ungermann). *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$4,315,461.)*

ADJOURNMENT: The meeting was adjourned at 3:09 p.m. on a motion made by Legislator Pullen, seconded by Legislator Cady and carried.

REGULAR SESSION – AUGUST 9, 2010

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Navy Aviation Warfare Operator Guy W. Humphrey.

INVOCATION: The Invocation was given by Legislator Pullen.

ROLL CALL: 13 Present; 2 Absent (Legislators Hopkins and Russo).

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Guy W. Humphrey, former United States Navy Aviation Warfare Operator, in grateful appreciation of his service to our Country. Mr. Humphrey's service dates were from August 1986 to June 2010. Following Basic Training at Recruit Training Command, Orlando, FL, there were numerous assignments, including overseas duty at HC-5, Andersen Air Force Base, Agana, Guam; and battles Mr. Humphrey was involved in were Yugoslavia, Somalia, and both Gulf Wars. Commendations he received included: Defense Meritorious Service Medal, Navy and Marine Corps Medal (for heroism), Navy Commendation Medal, Navy Achievement Medal (4), Meritorious Unit Commendation (4), Coast Guard Meritorious Unit Commendation Medal, Navy Battle Efficiency Ribbon (5), Navy and Marine Corps Good Conduct Medal (6), National Defense Service Medal (2), Armed Forces Expeditionary Medal (2), Southwest Asia Service Medal (with 1 bronze star), Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Armed Forces Service Medal, Sea Service Deployment Ribbon (4), Navy and Marine Corps Overseas Service Ribbon (2), Coast Guard Special Operations Service Ribbon, NATO Medal, Navy Pistol Marksmanship Ribbon, Naval Air Crewman Insignia, and the Naval Aviation Warfare Insignia. Mr. Humphrey led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall, along with County Administrator John Margeson, presented plaques to Lifeguards Joshua Houghtaling, Gregory Wright, and Maxwell Lewis in recognition of their participation in a life-saving event at the Rushford Lake Beach and Swim Area on July 6, 2010. Chairman Crandall read the following prepared statement:

"We all know how precious life is and how fragile it can be; in a split second, circumstances can take us from having a good time to a tragic ending. Joining us here today are three young men whose training and teamwork saved a life. I have a narrative of what took place, and I will read that in a moment, but first I would like to comment on the circumstances. Allegany County has had a Beach and Swim Area at Rushford Lake, partially funded by local dollars, for many years. When the value of this service has been debated here on the floor of this Chamber, we've talked of the people who use it, the summer youth programs that visit the beach, and the employment opportunities for the lifeguards, but I'm not sure I have ever heard mentioned that it could save someone's life. This summer has been one of the hottest on record, and as a result of the nice days and record temperatures, people have headed to the waterfront in record numbers. For some, heading to the water means the river, a local pond, a backyard pool, or the old swimming hole like the one I used to frequent below the waterfalls in Hume. The problem with these unsupervised areas, which many times have a sign, "Swim at Your Own Risk," is just that, you are swimming at your own risk. We all know of stories of families that have faced the loss of a loved one through circumstances that could have been avoided. Several times this summer, there have been news stories of search and rescue units looking for a victim of a bad ending to what was intended as a good time. When I was in my teens,

BOARD OF LEGISLATORS SESSION MINUTES, AUGUST 9, 2010

a friend swimming off a boat in Seneca Lake went under and never resurfaced; it was several days before divers from the New York State Troopers found his body. A tragedy such as this can be and has been avoided through the proper training, teamwork, and keeping a cool head, as displayed by these three gentlemen. So listen to the narrative of what took place and what brings them here today, and I think we will all appreciate and look at those fit, tanned lifeguards sitting on their perches just a little differently than we may have in the past.

'On the afternoon of Tuesday, July 6, 2010, Allegany County Lifeguards Joshua Houghtaling, Gregory Wright, and Maxwell Lewis were on duty at the County Beach and Swim Area at Rushford Lake.

Shortly after 5 p.m., while Joshua and Maxwell were stationed in the elevated lifeguard chairs, Josh observed a swimmer who appeared to be in distress at the outer limits of the swimming area in water approximately eight feet deep. The swimmer, whose identity will not be revealed out of respect for privacy, slipped beneath the surface of the water, and after a few moments, failed to reappear.

Josh immediately came out of the lifeguard chair and while rushing into the water, yelled to Max to follow him out with a floatation device known as a Rescue Board. Josh swam to the vicinity of where the swimmer had submerged and dove to the bottom of the lake where he searched by feel for the swimmer. Not locating the swimmer, Josh surfaced for air and swam back to the bottom where he located the swimmer who was face down on the lake bed. Joshua brought the unconscious swimmer to the surface where he and Max Lewis positioned the swimmer onto the Rescue Board and swam toward shore, at the same time yelling to Lifeguard Gregory Wright to call 911 to summon an ambulance.

Upon arriving on shore, the swimmer was quickly examined. He had no pulse and was not breathing. At once, Lifeguards Max Lewis and Greg Wright proceeded to administer cardiopulmonary resuscitation and rescue breathing. Both Max and Greg continued to administer first aid until the arrival of Emergency Medical Technicians and an ambulance, which occurred a mere eight minutes from the time the 911 call was placed.

With the arrival of the EMTs, the Lifeguards stood down and relinquished control of the situation. At that moment, the swimmer was breathing and his pulse had returned. They had saved the swimmer's life.'

I would also like to recognize Mr. William Mosgrove, who has supervised the County Beach and Swim Area for many years, and is the one who is responsible for its success as a summer recreational outlet here in our County. The success of this rescue shows that proper training and teamwork certainly works."

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. Allegany County Mutual Self-Insurance Plan (Workers' Compensation) 2011 Budget, together with the apportionment of costs of the budget to the County, Towns, and Villages of Allegany County, approved by the Personnel Committee on August 4.
2. Board meeting minutes of July 22, 2010, for review. (Legislator Ungermann requested that more of the comments he made during consideration of Resolution No. 144-

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

10 regarding reporting of work hours for retirement purposes be included. Revised copies of the minutes will be distributed prior to the next Board meeting.)

3. Report of Tax Bill Corrections approved by the County Administrator in July.
4. Report of Intrafund Transfers approved by the County Administrator in July.

The following communications were also acknowledged:

1. Notice of next InterCounty Association meeting to be hosted by Livingston County at the Lima Golf & Country Club on August 20.
2. NYMIR 2009 Annual Report.
3. Notification that the NYSAC Fall Conference will be held at the Adam's Mark Hotel in Buffalo from September 15 to 17, 2010.

APPOINTMENTS:

The Clerk of the Board announced that Chairman Crandall has reappointed Timothy O'Grady of Wellsville, New York, to the **CHAUTAUQUA, CATTARAUGUS, ALLEGANY AND STEUBEN SOUTHERN TIER EXTENSION RAILROAD AUTHORITY** for a three-year term commencing August 28, 2010, and expiring August 27, 2013, subject to confirmation by the Board of Legislators.

PROCLAMATION:

The Clerk of the Board announced that Chairman Crandall read a proclamation declaring the week of August 1 through 7, 2010, as Breastfeeding Week in Allegany County at a program on August 3.

INTRODUCTION OF LEGISLATION:

Legislator Timothy O'Grady introduced Local Law Intro. No. 3-2010, Print No. 1, entitled, "A Local Law Electing a Retirement Incentive Program as Authorized by Chapter 105, Laws of 2010 for the Eligible Employees of the County of Allegany," a copy of said proposed Local Law having been placed on each Legislator's desk.

RESOLUTIONS:

Resolution Intro. No. 158-10 (Setting Date of Public Hearing on a Local Law Electing a Retirement Incentive Program as Authorized by Chapter 105, Laws of 2010 for the Eligible Employees of the County of Allegany) was amended on a motion made by Legislator O'Grady, seconded by Legislator Fanton and carried, to change the committee offered by from Ways and Means to Personnel.

RESOLUTION NO. 153-10

**SETTING DATE OF PUBLIC HEARING ON
A LOCAL LAW ELECTING A RETIREMENT INCENTIVE PROGRAM
AS AUTHORIZED BY CHAPTER 105, LAWS OF 2010
FOR THE ELIGIBLE EMPLOYEES OF THE COUNTY OF ALLEGANY**

Offered by: Personnel Committee

BOARD OF LEGISLATORS SESSION MINUTES, AUGUST 9, 2010

WHEREAS, on this 9th day of August, 2010, a Local Law (Intro. No. 3-2010, Print No. 1) was introduced Electing a Retirement Incentive Program as Authorized by Chapter 105, Laws of 2010 for the Eligible Employees of the County of Allegany, and

WHEREAS, it will be necessary to set a date for public hearing on said proposed local law, now, therefore, be it

RESOLVED:

1. That a public hearing shall be held on August 23, 2010, at 2:00 p.m. in the County Legislators' Chambers, Room 221, County Office Building, Belmont, New York, before the Allegany County Board of Legislators, in relation to proposed Local Law Intro. No. 3-2010, Print No. 1.

2. That the Clerk of the Board of Legislators is directed to prepare, with the assistance of the County Attorney, a notice of said public hearing, to cause the publication of a copy of said notice in each of the two newspapers which have been officially designated by this Board to publish "notices," and to affix a copy of said notice on the County bulletin board in the County Courthouse at Belmont, New York; both publication and posting to be made at least five days before the public hearing.

Moved by: Mr. Fanton
Seconded by: Mr. Pullen

Adopted: Voice Vote

(Memo: Regarding Resolution No. 153-10, the commencement date of the retirement incentive program would be October 1, 2010, and the open period during which eligible employees may retire and receive the additional retirement benefit would be 90 days.)

RESOLUTION NO. 154-10**REAPPOINTMENT OF JERRY GARMONG
AS DIRECTOR OF EMPLOYMENT AND TRAINING**

Offered by: Planning and Economic Development Committee

Pursuant to Local Law No. 4 of 1992

RESOLVED:

1. That Jerry Garmong is reappointed Director of Employment and Training for a term of three years commencing August 25, 2010, and expiring August 24, 2013.

Moved by: Mr. Sinclair
Seconded by: Mr. Ungermann

Adopted: Voice Vote

Comments made regarding Resolution No. 154-10 included the following: Legislator Sinclair noted that there was unanimous support of the committee for the reappointment of Mr. Garmong. It's important that we recognize the positive impact that our successful Employment and Training Program has had on the individual lives of our population, our local business and industry, and the economic health of our County. Mr. Sinclair commended the job well done in the past by Mr. Garmong, and he was pleased to bring this forward.

RESOLUTION NO. 155-10**APPROVAL OF BOARD CHAIRMAN'S REAPPOINTMENT OF ONE MEMBER TO
THE CHAUTAUQUA, CATTARAUGUS, ALLEGANY AND STEUBEN
SOUTHERN TIER EXTENSION RAILROAD AUTHORITY**

Offered by: Planning and Economic Development Committee

RESOLVED:

1. That Timothy O'Grady of Wellsville, New York, is reappointed to the Chautauqua, Cattaraugus, Allegany, and Steuben Southern Tier Extension Railroad Authority, with term of office to commence August 28, 2010, and expire August 27, 2013.

Moved by: Mr. Sinclair
Seconded by: Mr. Healy

Adopted: Voice Vote

RESOLUTION NO. 156-10**TRANSFER OF FUNDS WITHIN PLANNING ACCOUNTS**

Offered by: Planning and Economic Development and Ways and Means Committees

RESOLVED:

1. That the sum of \$10,563 is transferred as follows: \$7,773 from Account No. A6431.474 (CPIG Account) and \$2,790 from Account No. 8020.494 (Home & Community) to Account No. A8020.201 (Planning Equipment).

Moved by: Mr. Sinclair
Seconded by: Mr. Fanton

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

(Memo: The transfers approved by Resolution No. 156-10 were needed for the purchase of computer software and a plotter.)

RESOLUTION NO. 157-10**ACCEPTANCE OF INSURANCE PAYMENT FROM NYMIR AND
APPROPRIATION OF FUNDS TO RISK RETENTION ACCOUNTS**

Offered by: Ways and Means Committee

WHEREAS, a check in the amount of \$330, representing a full reimbursement of the cost to replace the mop boards in the stairwells that were damaged/destroyed as a result of the February 1, 2010, water damage has been offered by NYMIR in settlement for such damage, and

WHEREAS, this check is a supplement to the \$10,993.58 check received from NYMIR for settlement of the February 1, 2010, water damage claim less a \$5,000 deductible, now therefore, be it

RESOLVED:

1. That the amount of \$330 from NYMIR representing the cost of replacing the mop boards that were damaged in the February 1, 2010, water damage is accepted.

BOARD OF LEGISLATORS SESSION MINUTES, AUGUST 9, 2010

2. That the total sum of \$330 is appropriated to Account No. CS1931.429 (Risk Retention – Uninsured Property Loss) with a like sum credited to Revenue Account No. CS07.2680.00 (Risk Retention – Insurance Recovery).

Moved by: Mr. Fanton
Seconded by: Mr. Pullen

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

(Memo: Regarding Resolution No. 157-10, there should be one additional supplement to pay for the cost of filters that were damaged as a result of the water. Of the total expenses associated with the water damage, \$5,822.56 was not covered or reimbursed by insurance, and there was a \$5,000 deductible.)

RESOLUTION INTRO. NO. 163-10 (APPROVAL OF TOWER PROJECT AGREEMENT AND TOWER PROJECT LEASE AGREEMENT WITH THE SOUTHERN TIER WEST REGIONAL PLANNING AND DEVELOPMENT BOARD, INC. FOR CONSTRUCTING A NEW TOWER ON ACKERMAN HILL SITE IN ALLEGANY COUNTY) was WITHDRAWN following a motion made by Legislator Sinclair, seconded by Legislator Healy and carried. Mr. Sinclair noted that there have been rather extensive agreements developed in a compressed time frame, and an excellent job was done; however, there's still going to be further review by Southern Tier West and their attorneys, and there may be some wording changes. There is a subsequent resolution that will be considered that will allow for any modifications that might have to occur

Resolution Intro. No. 164-10 (Approval of Tower Project Agreement and Tower Project Lease Agreement with the Southern Tier West Regional Planning and Development Board, Inc. for Constructing a New Tower on Ackerman Hill Site in Allegany County) was not pre-filed and was considered from the floor on a motion made by Legislator Sinclair, seconded by Legislator Healy and carried by an affirmative voice vote of the requisite two-thirds of the Board membership.

RESOLUTION NO. 158-10

**APPROVAL OF TOWER PROJECT AGREEMENT AND
TOWER PROJECT LEASE AGREEMENT WITH THE
SOUTHERN TIER WEST REGIONAL PLANNING AND DEVELOPMENT BOARD, INC.
FOR CONSTRUCTING A NEW TOWER ON ACKERMAN HILL SITE
IN ALLEGANY COUNTY**

Offered by: Ways and Means Committee

RESOLVED:

1. That the Tower Project Agreement and Tower Project Lease Agreement between the County of Allegany and Southern Tier West Regional Planning and Development Board, Inc., are approved.

2. That in recognition of the importance of this project and the necessity to meet strict time constraints while addressing recent concerns of the Southern Tier West Regional Planning and Development Board, Inc., the County Attorney, in consultation with the County Administrator, is authorized to make minor modifications to these agreements that do not alter the underlying substance of these agreements.

3. That the Chairman of this Board is authorized to execute said Tower Project Agreement and Tower Project Lease Agreement as modified.

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

Moved by: Mr. Fanton
Seconded by: Mr. Healy

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

Comments made regarding Resolution No. 158-10 included the following:

County Planner Kier Dirlam gave a brief overview of the tower installation project. In 2008, Southern Tier West Regional Planning and Development Board applied for a federal grant in excess of \$600,000 to provide wireless internet service across a good share of Allegany County. The monies were specifically for Allegany County, even though STW represents three counties. They were notified late last year that they had received this grant. STW entered into an agreement with Southern Tier Wireless, which is a small firm out of Rushford, New York, to set up these wireless internet service sites. They planned to build six towers across the County that would serve up internet similar to the satellite service some people have when they're out beyond where cable provides. The first unit went into the Swain area, and it started providing service last winter. They continue to make progress on the rest of their projects. In May, the executive director of Southern Tier West and Mr. Dirlam met to discuss where the other towers should be. Mr. Dirlam had just attended a committee meeting here and heard about the need to replace a tower providing 911 service just outside of Belmont. Knowing of that need, he asked the executive director if there was a way they could do double duty on that tower to provide a new 911 hub and provide the wireless internet. After some checking, it was determined that it would actually serve a larger area by bringing this tower on line, and the area around Belmont, Friendship, and some of Scio and Angelica would have access to this wireless service. So we're covering the wireless internet in this area, it connects directly to the tower in Rushford, and provides wireless internet, provides the 911 hub, and public works, FBI, and a few other things. They're going with a 300-foot tower to replace the existing 170-foot tower. That will provide a larger coverage area and additional space on the tower to place equipment in the future.

Legislator Healy asked if the new tower will be more heavy duty. Mr. Dirlam replied that the tower is designed to be able to take a 90-mile per hour wind with 3/4" ice encasing the tower. It will be a good, strong tower.

Chairman Crandall noted that this ends up expanding the original Southern Tier West plan for their wireless, and we end up utilizing \$180,000 worth of tower that Allegany County taxpayers would have had to pay for otherwise. Mr. Dirlam agreed that it saves us in a number of ways, and the timing saves emergency services from having to move equipment to the replacement tower. Chairman Crandall thanked Southern Tier West and Director Richard Zink for their cooperation with Allegany County, not for just bringing in the wireless program they originally were working on, but for stepping outside and working with us a little in enhancing this program and our public safety communications as well.

Legislator Pullen commented that the board established a committee last year that was working on the question of how to bring the County into the 21st Century when internet connections, local cell phones and mobile communications seem to be even more critical than in the past. Because of the latent population density, that has been a challenge. This can be extremely expensive, and it's nice to say it should be done by private enterprise, but they're going to go where the numbers are because that's where the profit is. This tower project is the first of hopefully a number of successes, and it's even better because it's expanding the service area from the northern portion of the County into the central portion, so that Town of Amity, Belmont, Friendship, Scio, and Angelica will benefit in internet service and it will also enhance the emergency services communications in the County. This is a definite, multiple win-win-win situation for the taxpayers and for the County.

BOARD OF LEGISLATORS SESSION MINUTES, AUGUST 23, 2010

AUDITS:

A motion was made by Legislator O'Grady, seconded by Legislator Fanton and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator Pullen, seconded by Legislator O'Grady and adopted on a roll call vote of 12 Ayes, 1 No, 2 Absent, that the audit of claims, totaling \$5,771,193.84, including prepaid expenses, be approved for payment as recommended by the County Administrator. (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$4,613,079.*)

COMMENTS:

Legislator Cady noted that the retirement incentive resolution didn't spell out what was meant by "eligible employees." The County opted to go only with Part A of the plan for those with over 10 years of service and 50 years of age.

ADJOURNMENT: The meeting was adjourned at 2:40 p.m. on a motion made by Legislator Ungermann, seconded by Legislator Sinclair and carried.

REGULAR SESSION – AUGUST 23, 2010

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:06 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Navy Petty Officer 3rd Class Gerald E. Kirk.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 12 Present; 3 Absent (Legislators Fanton, Hopkins, and Russo).

APPROVAL OF MINUTES:

The Board meeting minutes of July 22, 2010, were approved on a motion made by Legislator Pullen, seconded by Legislator O'Grady and carried.

The Board meeting minutes of August 9, 2010, were approved on a motion made by Legislator Curran, seconded by Legislator Sinclair and carried.

The Committee of the Whole meeting minutes of August 9, 2010, were approved on a motion made by Legislator Pullen, seconded by Legislator Healy and carried.

PUBLIC HEARING:

Chairman Crandall closed the regular meeting to hold a public hearing on Local Law Intro. No. 3-2010, Print No. 1, entitled, "A Local Law Electing a Retirement Incentive Program as Authorized by Chapter 105, Laws of 2010 for the Eligible Employees of the County of Allegany." There being no one desiring to speak, the public hearing was declared closed and the Board reconvened in regular session.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Gerald E. Kirk, former United States Navy Petty Officer 3rd Class, in grateful appreciation of his service to our Country. Mr. Kirk's service dates were from June 1965 to August 1969. Following Basic Training at Great Lakes, IL, bases and assignments included: "A" School Radar, USS Boston, and USS Northampton. Mr. Kirk served overseas in Vietnam in 1967 and 1968, where he participated in DMZ Naval Gunfire Support and Operation Sea Dragon off North Vietnam. Commendations he received were: Vietnam Campaign Medal, Vietnam Service Medal, and National Defense Service Medal. Mr. Kirk led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall granted privilege of the floor to the following:

NYS Sheriffs' Association Executive Director Peter Kehoe addressed the Board regarding New York State Accreditation. On behalf of all New York State Sheriffs, he recognized and honored Sheriff William Tompkins and his staff for the outstanding achievement of accreditation by the Sheriff's Corrections Division. Only 22 of the 62 counties in New York State have qualified, so this is a very significant accomplishment. Some of the positive effects of the accreditation include: improved operations and performance of the Sheriff's Office (particularly the Jail Division), increased morale (employees know that, measured by some objective standard, they are doing a good job), reduced incidence of lawsuits and liability, reduced insurance costs, reduced claims resulting in fewer successful claims, and increased public confidence.

To achieve accreditation, a Sheriff's Correction Division is required to meet a very stringent set of standards developed by experts in the corrections field including 166 individual components. The Jail submits to scrutiny by an outside board of assessors who reviews their operations to determine whether or not they meet the standards. Allegany County met or exceeded every one. Congratulations were extended to the Sheriff's Office, the County Legislature, and the citizens of the County. Mr. Kehoe also noted that without the support of the entire staff of the Sheriff's Correction Division, this achievement would not have been possible, and he particularly recognized Undersheriff William Goetschius, Jail Administrator Chris Ivers, Assistant Jail Administrator Kevin Morsman, Confidential Secretary Janice Givens, and Administrative Sergeant Dawn Bentley.

Sheriff Tompkins accepted a plaque from Mr. Kehoe, and commented that this achievement doesn't just reflect the months of work and attention, but it's the result of a commitment to excellence by his entire administrative team. He thanked the Legislature for their support and involvement. Each time the facility has been inspected, and also when they went through this accreditation process, the auditors always mention that we implement programs here that are not being done in other places, and that's due to the cooperation and support of this Board. Another example is the Forensic Crisis Counselor (FCC) position in the Jail. The auditors and correctional professionals understand the importance of that position and what it does to mitigate problems. Some Sheriffs struggle with their County Boards to just get by, and Sheriff Tompkins thanked this Board for their positive interaction with his Office.

Public Health Director Lori Ballengee spoke about Allegany County Cancer Services. They organized in 2006, and began providing services in 2007. Ms. Ballengee provided an update of services and noted that this will be their most active year. A total of 120 individuals have been served financially, seven of them for more than one year. Areas of residence within the County vary. The only requirements for service are: a cancer diagnosis, expenses directly related to that cancer, and County residence. At first, ACCS assisted individuals with up to \$200 per year, but now that's up to \$400 per year; most is used for gas cards for travel to treatment. The total amount awarded to date is \$35,317.41. ACCS is 100 percent

BOARD OF LEGISLATORS SESSION MINUTES, AUGUST 23, 2010

volunteer; there is no paid staff. According to the 2009 Cancer Burden Profile just released from the American Cancer Society, Allegany County statistics indicate that five County residents are diagnosed with cancer every week; and two County residents die from cancer every week. Annually, that's 260 new diagnoses and 104 deaths. In a County with a population of less than 50,000, that's a very alarming statistic. Ms. Ballengee thanked the Board for their support and announced the "250 Club" fundraiser to be held September 25 at the American Legion in Wellsville.

Chairman Crandall presented Lori Ballengee with a donation for the Allegany County Cancer Services from the Legislators' Flower Fund (non-tax dollars). He noted that there are a couple of organizations that the Legislators like to support, and this is one where all of the money raised stays in the County to benefit County residents. Chairman Crandall expressed his appreciation for the services provided by ACCS.

Youth Court Coordinator Jessica Jennings provided an update on Youth Court in recognition of National Youth Court Month. She thanked the County for allowing the use of space in the Board Chambers and the Main Courtroom for their board meetings and Youth Court hearings. In the past year, Youth Court worked with 24 youthful offenders, with 18 successful completions, and six still working on sentences. The student members continue to do an excellent, professional job. They are looking forward to a new student member hearing training in the fall. Ms. Jennings speaks in local schools to recruit members, and some of the past defendants have expressed an interest in going through the training to become members. She shared a story about a past defendant to illustrate how the program affects people and changes lives. Ms. Jennings thanked the Board for their support.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. September 2010 Calendar of Board and Standing Committee meeting dates.

The following communications were also acknowledged:

1. The County Treasurer filed a Certificate of Withdrawal for Delinquent Tax Lien pursuant to Article 11 of the Real Property Tax Law for property in the Town of Wellsville in the Clerk of the Board's Office on August 12, 2010.

2. Invitation for Legislators to attend a press conference and reception where Senator Schumer will be visiting the School of Applied Technology at the Wellsville Campus on Tuesday, August 24, at 4:30 p.m. in honor of receiving a \$500,000 appropriation in support of a renewable energy technical training center.

3. Correspondence from the following entities in support of funding to complete the Hazard Mitigation Plan Update which will be considered in Resolution Intro. No. 172-10: American Red Cross, Allegany County Department of Health, Allegany County Department of Public Works, Allegany County Soil & Water Conservation District, Town of Caneadea, Town of Friendship, Town of Granger, Town of West Almond Highway Department.

APPOINTMENTS:

The Clerk of the Board announced that Chairman Crandall, in a joint measure with Michael T. O'Brien, Chairman of the Cattaraugus County Board of Legislators, has appointed Lisa Graham to fill the unexpired three-year term of Brad Walters ending December 31, 2010, on the **CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD**.

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

Chairman Crandall has appointed Benjamin Lipscomb of Fillmore, New York, as a member of the **ALLEGANY COUNTY PLANNING BOARD**, to fill a vacant, unexpired, three-year term, effective immediately and expiring December 31, 2012, subject to confirmation by the Board of Legislators.

PROCLAMATION:

Chairman Crandall proclaimed September 2010 as Youth Court Month, and urged the citizens of Allegany County to celebrate the valuable contributions that youth courts and their volunteers, adult and youth, make to keep our communities safe.

RESOLUTIONS:**RESOLUTION NO. 159-10**

**ADOPTION OF LOCAL LAW INTRO. NO. 3-2010, PRINT NO.1, IN RELATION TO
A LOCAL LAW ELECTING A RETIREMENT INCENTIVE PROGRAM
AS AUTHORIZED BY CHAPTER 105, LAWS OF 2010
FOR THE ELIGIBLE EMPLOYEES OF THE COUNTY OF ALLEGANY**

Offered by: Personnel Committee

WHEREAS, this Board wishes to offer a retirement incentive for certain employees of Allegany County as provided under Part A of Chapter 105 of the Laws of 2010, now therefore, be it

RESOLVED:

1. That proposed Local Law, Intro. No. 3-2010, Print No. 1, is adopted without any change in language, to wit:

COUNTY OF ALLEGANY

Intro. No. 3-2010

Print No. 1

PART A – CHAPTER 105, LAWS OF 2010

**A LOCAL LAW ELECTING A RETIREMENT INCENTIVE PROGRAM
AS AUTHORIZED BY CHAPTER 105, LAWS OF 2010
FOR THE ELIGIBLE EMPLOYEES OF THE COUNTY OF ALLEGANY**

BE IT ENACTED by the Board of Legislators of the County of Allegany, State of New York, as follows:

Section 1. The County of Allegany hereby elects to provide all of its eligible employees with a retirement incentive program authorized by Chapter 105, Laws of 2010.

Section 2. The commencement date of the retirement incentive program shall be the first day of October, 2010.

Section 3. The open period during which eligible employees may retire and receive the additional retirement benefit, shall be ninety days in length.

Section 4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the County

BOARD OF LEGISLATORS SESSION MINUTES, AUGUST 23, 2010

of Allegany for each employee who receives the retirement benefits payable under this local law.

Section 5. This local law shall take effect on the 23rd day of August, 2010.

Moved by: Mr. O'Grady
Seconded by: Mr. LaForge

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

(Memo: Upon adoption, Local Law Intro. No. 3-10 became Local Law No. 3-10.)

RESOLUTION NO. 160-10

**ABOLISHING ONE POSITION OF REGISTERED NURSE AND
CREATING ONE POSITION OF PUBLIC HEALTH NURSE IN
THE DEPARTMENT OF SOCIAL SERVICES DUE TO RECLASSIFICATION**

Offered by: Personnel Committee

RESOLVED:

1. That one position of Public Health Nurse is created and the position of Registered Nurse is abolished in the Department of Social Services.
2. That this resolution shall take effect August 24, 2010.

Moved by: Mr. O'Grady
Seconded by: Mr. Burdick

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

(Memo: The position upgrade approved by Resolution No. 160-10 was requested because the incumbent in the position has obtained her Bachelor's Degree. This position assists with home care assessments and tracks medical records for children in foster care. The change will cost \$941 annually; however, the position is funded through Medicaid, and there is no local share other than what is paid through the Medicaid Cap.)

RESOLUTION NO. 161-10

**AUTHORIZING PUBLIC HEALTH DIRECTOR TO CONTRACT WITH
THE NEW YORK STATE DEPARTMENT OF HEALTH FOR THE RENEWAL OF
ADOLESCENT TOBACCO ENFORCEMENT AND PREVENTION (ATUPA) SERVICES;
AUTHORIZING ACCEPTANCE AND APPROPRIATION OF FUNDS TO
HEALTH DEPARTMENT ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. This Board authorizes the Public Health Director to contract with the New York State Department of Health for the renewal of Adolescent Tobacco Enforcement and Prevention (ATUPA) services for the period October 1, 2010, to September 30, 2011.
2. That the sum of \$29,467 in funds from the New York State Department of Health for use in providing Adolescent Tobacco Enforcement and Prevention services is accepted.
3. That the accepted sum of \$29,467 is appropriated as follows: \$14,870 to Account No. A4051.4 (Tobacco Awareness – Contractual), \$14,597 to Account No. A4010.1

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

(Health Department – Personnel), with a like sum credited to Revenue Account No. A10.3450.04 (State Aid – Tobacco Awareness).

Moved by: Mr. Burdick
Seconded by: Mr. Healy

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

(Memo: The term of the contract approved in Resolution No. 161-10 is 10/01/10-09/30/11.)

RESOLUTION NO. 162-10

**ACCEPTING AND APPROPRIATING FUNDS RECEIVED FROM
THE GOVERNOR'S TRAFFIC SAFETY PROGRAM
STEPS IN SAFETY GRANT (SAFETY ON WHEELS)**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the Governor's Traffic Safety Program STEPS in Safety Grant funds in the amount of \$3,000 is appropriated to Account No. A3114.4 (Traffic Program – Contractual), with a like sum credited to Revenue Account No. A10.3389.3114 (State Aid – STOP-DWI – STEPS in Safety).

Moved by: Mr. Healy
Seconded by: Mr. Pullen

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

(Memo: The period covered by the grant accepted by Resolution No. 162-10 is 10/01/10-09/30/11. Funds will be used for mileage, supplies including helmets, educational materials, and promotional items.)

RESOLUTION NO. 163-10

**ACCEPTANCE OF INSURANCE PAYMENTS FROM NYMIR AND
APPROPRIATION OF FUNDS TO RISK RETENTION ACCOUNTS**

Offered by: Ways and Means Committee

WHEREAS, a check in the amount of \$3,097.28, representing the cost less a \$500 deductible to repair a County vehicle that was damaged when the vehicle struck a deer on July 20, 2010, has been offered by NYMIR in settlement for property damage caused by such accident, and

WHEREAS, a check in the amount of \$1,185.60, representing a full reimbursement of the cost to replace filters that were damaged/destroyed as a result of the February 1, 2010, water damage, has been offered by NYMIR in settlement of such claim, now therefore, be it

RESOLVED:

1. That the amount of \$3,097.28 from NYMIR representing the cost less a \$500 deductible to repair a County vehicle involved in a July 20, 2010, vehicle-deer accident and the amount of \$1,185.60 representing a supplement to the total of the reimbursable expenses, less a \$5,000 deductible, associated with the February 1, 2010, water damage claim are accepted.

BOARD OF LEGISLATORS SESSION MINUTES, AUGUST 23, 2010

2. That the total sum of \$4,282.88 is appropriated to Account No. CS1931.429 (Risk Retention – Uninsured Property Loss), with a like sum credited to Revenue Account No. CS07.2680.00 (Risk Retention – Insurance Recovery).

Moved by: Mr. Healy
Seconded by: Mr. Curran

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

(Memo: Regarding Resolution No. 163-10, the vehicle referred to in the first "Whereas" was a Public Works 2005 Chevrolet Pickup. The check for \$1,185.60 referred to in the second "Whereas" was a supplement to the \$10,993.58 check and \$330 supplement previously received from NYMIR in settlement of the 02/01/10 water damage claim less a \$5,000 deductible. This check completes our claim. Expenses amounting to \$5,822.56 associated with the claim were not covered or reimbursed by insurance.)

RESOLUTION NO. 164-10**TRANSFER OF FUNDS WITHIN PUBLIC HEALTH ACCOUNTS**

Offered by: Human Services Committee

RESOLVED:

1. That the sum of \$4,950 is transferred as follows: \$4,500 from Account No. A4010.4 to Account No. A4010.2, and \$450 from Account No. A4071.4 to Account No. A4071.2 to cover cost of office and medical diagnostic equipment purchased for Public Health and Cancer Services programs.

Moved by: Mr. Burdick
Seconded by: Mr. O'Grady

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

RESOLUTION NO. 165-10**TRANSFER OF FUNDS FROM FIRE PREVENTION AND CONTROL ACCOUNT TO LAW ENFORCEMENT E-911 DISPATCH ACCOUNT**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That sum of \$27,059 is transferred from Account No. A3410.1 (Fire – Personnel) to Account No. A3112.1 (Dispatch – Personnel) for the salary of the 911 Coordinator who was transferred from Fire Service to the Sheriff's Office.

Moved by: Mr. Healy
Seconded by: Mr. Curran

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

RESOLUTION NO. 166-10**A RESOLUTION AUTHORIZING FUNDING FOR THE COMPLETION OF THE MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN UPDATE AND AUTHORIZING AN EXTENSION OF THE CONTRACT WITH WALKER BUSINESS SERVICES FOR PERFORMANCE OF SAID WORK**

Offered by: Planning and Economic Development and Ways and Means Committees

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

WHEREAS, Allegany County adopted the Multi-Jurisdictional Hazard Mitigation Plan (HMP) in April 2005 and the HMP was subsequently entered into the County Comprehensive Plan in 2007, and

WHEREAS, in order to maintain eligibility for all local municipalities, agencies and groups, to the FEMA Hazard Mitigation Grant Program, the County has initiated the required 5-year HMP update, and

WHEREAS, over the past 5 years, access to FEMA Hazard Mitigation Funding has resulted in over \$3,000,000 coming into Allegany County municipalities for hazard mitigation, and

WHEREAS, the ongoing update process was initially funded with a Homeland Security planning grant in the amount of \$17,000 and County Comprehensive Plan Implementation funds in the amount of \$5,000, which have now been expended, with an estimated 60 percent of the task completed, and

WHEREAS, it is estimated that the FEMA review, edit and final adoption of the HMP update will require an additional four months after the time of draft submission to FEMA, and

WHEREAS, the contractual arrangement with Walker Business Services has been very successful at completing progress on the HMP to date, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators authorizes the extension of 667 hours on the contract with Walker Business Services for the work on the Hazard Mitigation Plan Update.

2. That the sum of \$14,000 to complete the Hazard Mitigation Plan Update will come from an account to be designated by the County Administrator.

Moved by: Mr. Sinclair
Seconded by: Mr. LaForge

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

Comments made regarding Resolution No. 166-10 included the following:

Legislator Ungermann requested clarification that the scope of work had changed for the Hazard Mitigation Plan Update, and that was why additional funds were needed. He expressed concern about the need for updating the plan every five years. Mr. Ungermann stated that he prefers this work be done out-of-house on a contract basis, rather than hire someone on the County payroll with benefits to do it. He also noted that in four and one-half years, the County should solicit bids for services for the next update.

Legislator Sinclair remarked that we received eight letters in support for the extended funding to complete the Hazard Mitigation Plan Update, and he read the letter from Public Works Deputy Superintendent Guy James, who has been an active member in hazard mitigation over the past five years and is a member of the committee:

“Allegany County definitely needs to complete the Hazard Mitigation Plan Update for 2010-2015 that is currently underway. This plan is vital to all municipalities in Allegany County, and the overall benefit to the municipalities will far exceed the investment. I believe that we should approve the \$14,000 funding request at this time and plan to hire a Hazard Mitigation Coordinator or combine these duties into a job description in the very near future. The municipalities in this County definitely need a knowledgeable, ‘go-to’ person or point of contact for mitigation planning, both during a

BOARD OF LEGISLATORS SESSION MINUTES, AUGUST 23, 2010

disaster and at non-disaster times. We currently have a very good plan in the works, and we need to move ahead to see it to completion.”

Mr. Sinclair made note of the other support letters from the Red Cross and concerned townships and agencies that are actively involved in hazard mitigation. Stopping disasters prior to them occurring is a mindset that can avoid loss of life and huge expense to us as citizens and to the County. This is a good investment in terms of preparing for the future.

Legislator O’Grady reiterated Mr. Ungermann’s point, and he agreed that we need to see this plan through. He also agreed with Mr. Sinclair; however, he’s not particularly sold on the hazard mitigation coordinator position referenced in Mr. James’ letter. That’s something that will need to be addressed when the time comes.

Legislator Cady expressed concern that the agreement includes wording about additional work, if needed, beyond what the previous \$17,000 and this newly requested \$14,000 will cover, and noted that we need to go into this with our eyes open. This allows them to come back for more. Chairman Crandall replied that it would be our decision to continue beyond this, because it would require another resolution. Mr. Sinclair remarked that the unfolding of this plan update is totally under the control of our Planning and Development Office.

Legislator Ungermann suggested that possibly the County’s contract with the Soil and Water Conservation District could be re-worked to include the administration of hazard mitigation.

Resolution Intro. No. 173-10 (Approval of Transportation of Preschool Children with Handicapping Conditions Agreements with Fourteen Central School Districts and Authorizing Chairman to Execute Agreements) was amended on a motion made by Legislator Burdick, seconded by Legislator Sinclair and carried, to change the title and the first line in “Whereas” to read fifteen central school districts instead of fourteen, and to add Pioneer in the list of school districts in “Resolved No. 1.”

RESOLUTION NO. 167-10

APPROVAL OF TRANSPORTATION OF PRESCHOOL CHILDREN WITH HANDICAPPING CONDITIONS AGREEMENTS WITH FIFTEEN CENTRAL SCHOOL DISTRICTS AND AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENTS

Offered by: Human Services and Ways and Means Committees

WHEREAS, fifteen central school districts have agreed to provide transportation for County preschool children with handicapping conditions, now, therefore, be it

RESOLVED:

1. That each Agreement titled “Agreement Concerning the Transportation of Preschool Children with Handicapping Conditions” for the period July 1, 2010, to June 30, 2011, with the respective Central School Districts of Alfred-Almond, Andover, Arkport, Belfast, Bolivar-Richburg, Canaseraga, Cuba-Rushford, Fillmore, Friendship, Genesee Valley, Pioneer, Portville, Scio, Wellsville and Whitesville is approved.

2. The Chairman of this Board is authorized to execute all such Agreements.

Moved by: Mr. Burdick
Seconded by: Mr. Curran

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

RESOLUTION NO. 168-10**APPROVAL OF INTER-MUNICIPAL AGREEMENT WITH
STEUBEN AND SCHUYLER COUNTIES TO CONTRACT FOR
A STUDY DETERMINING THE POSSIBILITY OF SHARED SERVICES**

Offered by: Public Safety Committee

RESOLVED:

1. That the Inter-Municipal Agreement between Allegany County, Steuben and Schuyler Counties for a study determining the possibility of shared services for the three counties' 911 dispatch centers, is approved.

2. That the Chairman of this Board is authorized to execute such agreement.

Moved by: Mr. Healy

Adopted: Roll Call

Seconded by: Mr. LaForge

12 Ayes, 0 Noes, 3 Absent

(Memo: Previously, the Board approved Resolution No. 168-09 for submission of a joint application for a local government efficiency planning grant for the regional E-911 planning project. That grant has been awarded to Steuben County in the amount of \$45,000, and an inter-municipal agreement between the three counties is needed for a study of possible shared E-911 services. There is no new financial impact. A local match of \$1,700 was dedicated with the prior resolution.)

Comments made regarding Resolution No. 168-10 included the following:

Legislator Ungermann questioned if there was a possibility that there would be just one central 911 center for all three counties. Chairman Crandall replied that he believes that will probably be addressed in the shared services study.

Sheriff Tompkins noted that Steuben County spearheaded this initiative. The results of the study will determine what the relationships will be, if any. The grant will allow for a review of all three centers and what can be done to share services. It might end up that it makes sense to share a center, but no one knows. They're hoping that, at the very least, the counties will be able to share some significant parts of the operations in terms of software and maybe hardware services that are very expensive. The study will take 12 to 18 months. There are huge changes in the industry that are happening very quickly, so it's hard to predict what the end result will be. Chairman Crandall stated that the idea of shared services is to streamline the process or cost savings and for better service, but nothing will happen beyond that study as far as our center is concerned without it coming back to this Board.

AUDITS:

A motion was made by Legislator O'Grady, seconded by Legislator Sinclair and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator Pullen, seconded by Legislator Sinclair and adopted on a roll call vote of 11 Ayes, 1 No, 3 Absent, that the audit of claims, totaling \$3,790,808.46 including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$4,910,697.)*

BOARD OF LEGISLATORS SESSION MINUTES, SEPTEMBER 13, 2010

COMMENTS:

Legislator Cady commended maintenance employees Roger Hoshal and Sharon Strope for their prompt action taken during the evening of August 11. Upon smelling smoke, they immediately dialed "911." Sheriff Tompkins responded, and during the investigation, Mr. Hoshal found the problem to be an overheated pop machine. He unplugged the machine, possibly avoiding a fire or smoke damage at the very least. Mr. Cady also commended the Sheriff for his rapid response.

Legislator Ungermann noted that the budget process will begin in earnest next week. He related some figures from the "Property Tax Monitor," published by the NYS Department of Taxation and Finance. From the second quarter of 2008 to the second quarter of 2010, the median sale price of existing single-family homes fell 31.1 percent in Allegany County. This was the largest reduction for any county in the state. Between the second quarter of 2009 and the second quarter of 2010, there was a 35.3 percent drop. Mr. Ungermann remarked that this is one reason why he can't vote to pay for the Court Facility Project.

ADJOURNMENT: The meeting was adjourned at 3:08 p.m. on a motion made by Legislator O'Grady, seconded by Legislator Curran and carried.

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REGULAR SESSION – SEPTEMBER 13, 2010

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army Specialist 4th Class Cecil E. Jenison.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 13 Present; 2 Absent (Legislators Hopkins and Russo).

APPROVAL OF MINUTES:

The Board meeting minutes of August 23, 2010, were approved on a motion made by Legislator Pullen, seconded by Legislator Fanton and carried.

The Committee of the Whole meeting minutes of August 23, 2010, were approved on a motion made by Legislator Curran, seconded by Legislator Sinclair and carried.

PRIVILEGE OF THE FLOOR:

Chairman Curtis W. Crandall presented a certificate to Cecil E. Jenison, former United States Army Specialist 4th Class, in grateful appreciation of his service to our Country. Mr. Jenison's service dates were from September 1961 to October 1964. Following Basic Training at Fort Dix, New Jersey, he received welding training in Aberdeen, Maryland, and served overseas in France. He received a medal for marksmanship. Mr. Jenison led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Curtis W. Crandall read a proclamation declaring September 13 through 19 as Adult Education and Family Literacy Week in Allegany County. In recognition of this

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

event, Chairman Crandall was joined by Literacy West NY, Inc. CEO Lisa Lee and Genesee Valley Central School Superintendent Ralph Wilson to honor Vietnam Veteran Cecil Jenison as someone who embodies the meaning of a lifelong learner. Ms. Lee spoke about Mr. Jenison's goal of earning his high school diploma and his work with Literacy West NY, Inc. and Cattaraugus Allegany BOCES GED classes. He left school in 1961 to serve the military during the Vietnam War. In 1991, he began working with Literacy Volunteers, and his wife, Carol, trained as a volunteer tutor to help him reach his goal. Ms. Lee noted that Cecil Jenison is an excellent representation of an adult education student and the power of family literacy. Mr. Wilson spoke about the Operation Recognition Program. This program allows school districts across New York State to confer on veterans who served in World War II, the Korean Conflict, or the Vietnam Conflict diplomas based upon the experiences they had in the service and the sacrifices they made for their communities. Education is a lifelong process, and after spending some time with Cecil Jenison, Mr. Wilson recognized that he really is a lifelong learner and is someone who exemplifies what can be done if we're tenacious and don't give up. Mr. Wilson presented Cecil Jenison with his high school diploma, Genesee Valley Central School Class of 1962.

Chairman Crandall granted privilege of the floor to Allegany County Area Foundation Executive Director Robert Christian and Board Member Leslie Haggstrom. Mr. Christian thanked the Legislative Board for its support. The past two years have been tough, financially, for the Foundation, as well as individuals. The theme of their annual report is "Bridging the Gap," illustrating that they are doing their best to bridge the "gap" of the financial situation that both they and the people of the County are in. Although their gifts, grants, and scholarships have all been down from what they were prior to the economic downturn, they will still be giving over \$100,000 in scholarships to County kids this year. This past May, the Foundation awarded \$35,000 in new scholarships, along with all of the renewable existing scholarships. There were also several grant awards. The two most recent were start-up grants to the Wellsville Community Center for their new youth program and the new Allegany County Historical Society. The grants are not large, but they have been able to encourage and show support to groups trying to get started. A perfect example is the CORE Learning Center. A few years ago, they gave the first start-up grant to the CORE Initiative, and they have come a long way. It's been a privilege for them to be able to give back to community, and Mr. Christian thanked the Board for their donation. Ms. Haggstrom related that the Allegany County Area Foundation was created through an idea of a former Allegany County Legislator, Peter Sprague, as a way to help our County's people. Many of our adjoining counties have been amazed at what we've been able to do, not just with scholarships, but also in assisting community non-profits. Ms. Haggstrom noted that Foundation board members are willing to speak to community organizations. She also thanked the Board for their donation to help the Foundation meet the needs that are not being met in other ways. Chairman Crandall presented the Allegany County Area Foundation with a donation made directly from the Legislators' "flower fund," which is non-tax money. Mr. Christian extended an invitation to their Annual Meeting next week where grant recipients and scholarship winners will be speaking about what they have been able to accomplish.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. Report of Intrafund Transfers approved by the County Administrator in August.
2. Report of Tax Bill Corrections approved by the County Administrator in August.

The following communications were also acknowledged:

BOARD OF LEGISLATORS SESSION MINUTES, SEPTEMBER 13, 2010

1. Allegany County Planning and Economic Development Committee Chairman Frederick Sinclair filed a copy of the Allegany County Multi-Jurisdictional Hazard Mitigation Plan 2010-2015, 5-Year Update in the Clerk of the Board's Office on September 8, 2010.
2. Southern Tier West Regional Planning and Development Board July 15 minutes and September 23 meeting notice.
3. The next Fire Advisory Board meeting will be September 23, at 8 p.m., in the Public Safety Building. Fire Investigators will meet at 6:30 p.m., and District Coordinators will meet at 7 p.m.
4. Correspondence from Senator Catharine Young confirming receipt and support of our resolutions regarding the establishment of a Joint Revenue Resource Center, opposition to the DEC's revised regulations on outdoor wood boilers, and Medicaid reforms.
5. Copy of correspondence that Assemblyman Daniel Burling sent to the Governor's Traffic Safety Committee in support of the grant application to the Office of Probation and Correctional Alternatives entitled, "Implementation Assistance for Leandra's Law."
6. Correspondence from the Allegany Senior Foundation thanking the Board for its donation in memory of Patrick Jessup.
7. Correspondence from the Genesee River Wilds Project Committee and Supporters inviting Legislators to attend *An Afternoon by the River* on Saturday, September 25, from 3 to 8 p.m., at the Cuba Specialty Products at 81 South Genesee Street in Fillmore.

PROCLAMATION:

Chairman Crandall proclaimed September 13-19, 2010, as Adult Education and Family Literacy Week in Allegany County (see second paragraph under Privilege of the Floor).

RESOLUTIONS:**RESOLUTION NO. 169-10****APPOINTMENT OF ONE MEMBER TO THE ALLEGANY COUNTY PLANNING BOARD**

Offered by: Planning and Economic Development Committee

RESOLVED:

1. That Benjamin Lipscomb of Fillmore, New York, is appointed to fill a vacant unexpired three-year term in District 1 to the Allegany County Planning Board, with term of office commencing August 23, 2010, and expiring December 31, 2012.

Moved by: Mr. Sinclair
Seconded by: Mr. Pullen

Adopted: Voice Vote

Resolution Intro. No. 176-10 (Approval of Sale of 2010 Tax Sale Properties) was amended on a motion made by Legislator Fanton, seconded by Legislator Healy and carried, to change the spelling on the second to the last name listed in the resolution from Dune, Michael A. to Dunn, Michael A.

RESOLUTION NO. 170-10

APPROVAL OF SALE OF 2010 TAX SALE PROPERTIES

Offered by: Ways and Means Committee

Pursuant to New York Uniform Delinquent Tax Enforcement Act and Resolution No. 195-97, as amended by Resolution No. 95-98

RESOLVED:

1. That the sale of tax delinquent properties as shown below, to the owners and purchasers shown, for the consideration shown, subject to terms and conditions of sale for such properties, is approved.

2. That upon the securing by the County Attorney of a proper court order authorizing the conveyance to the County of such of the below mentioned properties which are subject to the 2008 and/or back to the year 1995 (TF95 up to and including TF08) tax foreclosure proceedings and the subsequent execution of a deed of all of the below mentioned properties to the County by the County Tax Enforcement Officer, the Chairman of this Board of Legislators is authorized and directed to execute on behalf of the County of Allegany and to cause to deliver to such owners and purchasers quit claim deeds of the County's interest in such properties and to affix to each such deed the official seal; all upon satisfaction of the terms and conditions of sale and the full payment to the County Treasurer of the monetary considerations.

<u>New Owner Address Sale Price</u>	<u>Parcel Details</u>	<u>County Title Recorded Date Liber, Page</u>
WILSON-WHEELER, NORA L. 87 Plum Street Bolivar, NY 14715 Tax sale amount: \$500	Parcel ID: 022400/301.-1-28 Prop Loc: 5903 Co Rd 18 Assessed value: \$28,000 Acreage: 0.50	County of Allegany Book: 1172 Page: 113
MIDDAUGH, RICHARD C. 6148 County Rd 18 Alma, NY 14708 Tax sale amount: \$125	Parcel ID: 024200/52.3-1-66 Prop Loc: 20 Thayer St Assessed value: \$101,300 Acreage: 0.46	County of Allegany Book: 1632 Page: 137
MIDDAUGH, RICHARD C. 6148 County Rd 18 Alma, NY 14708 Tax sale amount: \$510	Parcel ID: 025000/182.7-1-59 Prop Loc: 18 Queen Ann St Assessed value: \$45,000 Acreage: 0.44	County of Allegany Book: 1384 Page: 225
LANANGER, RANDY T. 2612 Harland Ames Rd Bolivar, NY 14715 Tax sale amount: \$6,600	Parcel ID: 025000/195.-1-30.1 Prop Loc: 4231 State Route 275 Assessed value: \$26,400 Acreage: 1.92	County of Allegany Book: 1199 Page: 38
KELLY, GIRARD DUNN, MICHAEL A. 3928 Co Rt 16 Angelica, NY 14709 Tax sale amount: \$19,501	Parcel ID: 025000/196.-1-30.31 Prop Loc: 4328 Moss Brook Rd Assessed value: \$17,000 Acreage: 39.90	County of Allegany Book: 1362 Page: 260

BOARD OF LEGISLATORS SESSION MINUTES, SEPTEMBER 13, 2010

BREAU, JOSEPH A.	Parcel ID: 025000/196.-1-30.32	County of Allegany
PEARSON, VICTORIA M.	Prop Loc: 4328 Moss Brook Rd	
86 Massachusetts Ave	Assessed value: \$17,600	Book: 1362
Lockport, NY 14094	Acreage: 9.50	Page: 242
Tax sale amount: \$16,100		

Moved by: Mr. Fanton
 Seconded by: Mr. Healy

Adopted: Roll Call
 12 Ayes, 1 No, 2 Absent
 Voting No: Sinclair

Comments made regarding Resolution No. 170-10 included the following: Legislator Ungermann pointed out that we're taking in about \$43,000 on \$235,000 assessed value for these properties, and we accepted only \$125 for a parcel assessing for \$101,000.

RESOLUTION NO. 171-10

**A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE
 2010 COUNTY AND TOWN TAX ROLLS FOR THE TOWNS NAMED
 WITH REGARD TO REAL PROPERTY OF VARIOUS TAXPAYERS THEREIN;
 DIRECTING MAILING OF NOTICES OF APPROVAL OF APPLICATIONS
 FOR CORRECTED TAX ROLLS AND
 ORDERING THE VARIOUS TOWN TAX COLLECTORS TO
 CORRECT THE TAX ROLLS; PROVIDING FOR CHARGE BACKS OR CREDITS**

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law § 554

WHEREAS, applications, for the taxpayers hereafter described, have been made to the County's Director of Real Property Tax Service Agency, for the correction of certain errors affecting their real property on various tax rolls, and

WHEREAS, the Director has transmitted to this Board the applications, in duplicate, together with a written report of his investigation of the claimed errors and his written recommendation for action thereon by this Board as to each application, and

WHEREAS, this Board has examined each application and report to determine whether the claimed error exists, now, therefore, be it

RESOLVED:

1. That with regard to the applications for the named taxpayers pertaining to claimed errors regarding their real property on the respective tax rolls of the named Towns, this Board of Legislators does determine that the claimed errors as alleged in those applications exist and does approve those applications.

2. That the Chairman of this Board is authorized and directed to make a notation on those applications and the duplicates thereof that they are approved, to enter thereon the respective correct extension of taxes as set forth by the Director in his report, to enter thereon the respective date of mailing of a notice of approval, to enter thereon the date of mailing of a certified copy of this resolution to the proper Tax Collector, and to sign thereon as Chairman.

3. That the Clerk of this Board is directed to mail to the below listed taxpayers a notice of approval stating, in substance, that their application made has been approved, to inform the Chairman of this Board of the date of the mailing thereof, and to inform such

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

respective taxpayers of the applicable provisions of subdivision seven of Section 554 of the Real Property Tax Law.

4. That the Tax Collector of the Town of Cuba is ordered and directed to correct in the 2010 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Al-Humadi, Adil H. & Al-Humadi, Jehan; Parcel 144.22-1-35
Assessment: Land \$248,000 Total \$248,000

grievance changes were not added to the file, and by reducing the Taxable Value to \$112,500, and by correcting the taxes, as follows:

Allegany County	\$1,766.55
Town of Cuba	933.17
Cuba Fire	56.00
Cuba Lake District	153.17
Cuba Sewer District	246.95
Total	3,155.84

and the County Treasurer is directed to make the following refund:

Allegany County	\$2,127.71
Town of Cuba	1,123.96
Cuba Fire	67.44
Cuba Lake District	184.48
Total	3,503.59

5. That the Clerk of this Board is directed to forthwith mail a certified copy of this resolution to the various Tax Collectors for the Towns stated above together with the original copies of those applications completed in accordance with section two of this resolution.

6. The Clerk of this Board shall mail a copy of this resolution to the above named School and the amount to be charged to each School shall not be charged until 10 days after such mailing. Such amount shall be deducted by the County Treasurer from the money payable to each School as a result of school taxes returned after the date such amount is charged and which shall be paid to each School after May 1, 2011. The County Treasurer shall send a written notice to each School of the amount of such deduction prior to May 1, 2011.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 172-10

**ACCEPTANCE AND APPROPRIATION OF CARRY-OVER FUNDING FROM
THE AMERICAN REINVESTMENT AND RECOVERY ACT (ARRA);
AMENDMENT OF CONTRACT BETWEEN
THE CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD, INC. AND
THE ALLEGANY COUNTY EMPLOYMENT AND TRAINING CENTER
FOR ARRA ONE STOP SERVICES; AUTHORIZING THE ALLEGANY COUNTY
EMPLOYMENT AND TRAINING DIRECTOR TO EXECUTE AMENDED AGREEMENT**

Offered by: Planning and Economic Development and Ways and Means Committees

RESOLVED:

BOARD OF LEGISLATORS SESSION MINUTES, SEPTEMBER 13, 2010

1. That the sum of \$62,821 from the American Reinvestment and Recovery Act (ARRA) is accepted and appropriated as follows: \$6,700 to Account No. CD1 6400.101, \$3,170 to Account No. CD1 6400.806, \$5,000 to Account No. CD1 6402.101, \$11,500 to Account No. CD1 6402.474, \$2,521 to Account No. CD1 6402.806, \$3,500 to Account No. CD1 6406.101, \$28,730 to Account No. CD1 6406.474, \$1,700 to Account No. CD1 6406.806, with a like sum credited to Revenue Account CD1 11.4789.STIM.

2. That the Amended Agreement between the Cattaraugus-Allegany Workforce Investment Board, Inc. and Allegany County Employment & Training Center regarding term of agreement and total funds not to exceed \$62,821, is approved.

3. That the Allegany County Employment and Training Director is authorized to execute said Amended Agreement.

Moved by: Mr. Pullen
Seconded by: Mr. Fanton

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 173-10**TRANSFER OF FUNDS WITHIN OFFICE OF DEVELOPMENT ACCOUNTS**

Offered by: Planning and Economic Development Committee

RESOLVED:

1. That the sum of \$525 is transferred from Account No. A6430.4 to Account No. A6430.2, for purchasing a laser printer.

Moved by: Mr. Sinclair
Seconded by: Mr. Healy

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 174-10

**APPROVAL OF FIVE-YEAR AGREEMENT BETWEEN COUNTY OF ALLEGANY AND
THE PUBLIC EMPLOYEES FEDERATION, AFL-CIO;
IMPLEMENTING 2010 COMPENSATION
NOTWITHSTANDING PROVISIONS OF RESOLUTION NO. 225-09**

Offered by: Personnel Committee

RESOLVED:

1. That Agreement between the County of Allegany and the Public Employees Federation, AFL-CIO, covering the period January 1, 2008, to December 31, 2012, is approved.

2. That the Chairman of this Board is authorized to execute said Agreement.

3. That notwithstanding the provisions of section 4 of Resolution No. 225-09 to the contrary, retroactive to and from January 1, 2008, each employee occupying a position set forth in Agreement between the County of Allegany and the Public Employees Federation, AFL-CIO, approved by this resolution, shall receive the salary or rate of compensation for the step of the grade of the position occupied that is set forth in such Agreement, and which salary or rate of compensation such employee is entitled to receive commencing January 1, 2008, pursuant to such Agreement; the increment recommendations from the department

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

heads for each employee under their jurisdiction receiving such recommendation being approved.

Moved by: Mr. O'Grady
Seconded by: Mr. Pullen

Adopted: Roll Call
12 Ayes, 1 No, 2 Absent
Voting No: Ungermann

Comments made regarding Resolution No. 174-10 included the following:

Legislator Ungermann noted that the contract was moved to the full Board without the committee having an opportunity to read it, although Mr. Rooney, the negotiator, provided a synopsis. After reading the agreement, Mr. Ungermann had several questions. One issue is that he doesn't believe the County should have to worry about deducting payments for auto and homeowner insurances, disability, and life insurance from employees' pay checks. That should be their responsibility. Another issue is contributions to health insurance. For one health plan, there is a substantial contribution of 14 to 15 percent; for the other plan, it's only about four percent. Most state workers pay about 18 percent. Mr. Ungermann had asked Mr. Rooney if it would be a lot easier to negotiate a contract if everyone contributed to health insurance, and he said, "Absolutely." Mr. Ungermann commented on leading by example, and pointed out that there are Legislators and Department Heads who should be contributing a like amount to health insurance. One of the other issues relates to people who have commercial drivers' licenses being reimbursed for hazardous materials endorsements, which he felt was alright, but he didn't see any mention of a random drug and alcohol testing program for them, which the general public has to have. Mr. Ungermann won't support any contracts until the leadership starts paying too.

Legislator O'Grady agreed with Mr. Ungermann about getting health insurance contributions from all employees. Approving this contract is a step in that direction. He also pointed out that the reason we have this union is a comment made three years ago about being able to change these benefits with the stroke of a pen. Mr. O'Grady felt that the contract was fair for all parties, and even though there are no immediate savings on the health insurance front, there will be savings long term.

Legislator Pullen commented that this is the first contract with this unit, and it represents a significantly improved set of terms and conditions versus what have existed in the past for other unions. Mr. Pullen supports the contract as the best that we can achieve at this point. Hopefully things can continue to be negotiated to reach a fair and appropriate balance, although this is more balanced than contracts we've had in recent years, and it represents the direction we have to move. It's similar to what other municipalities have sought and some have been fortunate enough to obtain some of what we have achieved here.

Legislator Cady questioned if the longevity to be awarded at various times was just for the one year or if it would continue on as part of the salary. County Administrator John Margeson responded that it continues on.

Chairman Crandall responded to an earlier comment by stating that all Legislators received copies of the contract. He noted that the approach of the Legislature, when they began working through this, was to establish an ad hoc committee through the Personnel Committee that would act as a liaison between this Board and the negotiations. Mr. Pullen has spent as much time sitting in on meetings and helping to work through management's position in negotiations as some Legislators spend on all other areas of Board work together. Chairman Crandall thanked Legislator David Pullen, the management team led by County Administrator John Margeson, Personnel Officer Ellen Ruckle, and the employees of PEF. An agreement isn't an agreement until you can get the two sides together and work out the details. The employees and the executive board from PEF have agreed to this contract, and the Board's vote is the last vote to be taken.

BOARD OF LEGISLATORS SESSION MINUTES, SEPTEMBER 27, 2010

AUDITS:

A motion was made by Legislator O'Grady, seconded by Legislator Fanton and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator Pullen, seconded by Legislator Fanton and adopted on a roll call vote of 12 Ayes, 1 No, 2 Absent, that the audit of claims, totaling \$4,601,234.66, including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$5,500,919.*) Legislator Ungermann questioned if there were any expenses related to the Article 78 filed against the Town of Cuba, and Mr. Margeson replied that there were not.

COMMENTS:

Legislator Ungermann made note of the 6th Annual Cuba Garlic Festival to be held next weekend (September 18 and 19). Approximately 8,000 people attended last year.

ADJOURNMENT: The meeting was adjourned at 2:50 p.m. on a motion made by Legislator O'Grady, seconded by Legislator Burdick and carried.

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REGULAR SESSION – SEPTEMBER 27, 2010

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:05 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army Corporal Keith Folts.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 12 Present; 3 Absent (Legislators Hopkins, O'Grady, and Russo).

APPROVAL OF MINUTES:

The Board meeting minutes of September 13, 2010, were approved on a motion made by Legislator Ungermann, seconded by Legislator Sinclair and carried.

The Committee of the Whole meeting minutes of September 13, 2010, were approved on a motion made by Legislator Curran, seconded by Legislator Fanton and carried.

PRIVILEGE OF THE FLOOR:

Chairman Curtis W. Crandall presented a certificate to Keith Folts, former United States Army Corporal, in grateful appreciation of his service to our Country. Mr. Folts' service dates were from September 1950 to April 1952. Following Basic Training at Fort Sill, Oklahoma, his assignments included overseas duty in Korea and Japan, and service at the Army Navy Hospital at Hot Springs, Arkansas. Commendations he received included: NY State Medal of Merit and Korean Medal. Since his retirement, Mr. Folts has been an active member of the Citizens Advisory Committee to the Office for the Aging, was a founding member of the Allegany Senior Foundation, and has volunteered as an AARP tax consultant.

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

Mr. Folts led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

On behalf of the Board of Legislators and the people of Allegany County, Chairman Crandall presented a plaque to Director of Emergency Services John Tucker in recognition of his 30 years of dedicated service to the County. Chairman Crandall gave a summary of Mr. Tucker's history and thanked him for his years of service. Mr. Tucker thanked all of the volunteers and other agencies and departments for their assistance during times of disaster and for being a part of the emergency services "system." He also thanked the office staff, those working currently and those who worked in the past, for their dedication and support. Mr. Tucker will be retiring from County service effective October 30, 2010.

Chairman Crandall presented a donation to the Allegany Senior Foundation, with President Wallace Higgins accepting. The Board supports a couple of County organizations whose fundraising efforts benefit the people within Allegany County. The donations are drawn from the Legislative "flower fund" and are non-tax dollars. The Allegany Senior Foundation was formed just a few years ago as a way to supplement and assist the senior population outside of County, state, and federal programs. Mr. Higgins thanked the Board for their support. He noted that the needs of the older population are growing. The Foundation has provided over \$150,000 in funding to various program categories since their establishment in 2003. Their latest input was assisting in the creation of a new facility at Crossroads for the Office for the Aging. The building dedication will be held on September 30. Mr. Higgins announced an event, or "Gala-bration" planned for May 2011, which should be very successful if it goes like last year's event. He thanked the Board for their donation.

Privilege of the floor was granted to ACCORD Corporation Crisis and Prevention Services Manager Rory Dudley and staff members Christina Kinnicut, Lauri Hallett, and Katie Preston, who spoke about domestic violence. Mr. Dudley pointed out how the Board's support impacts their grant applications and sends a message to Allegany County residents that the Board discourages domestic violence. Annually, ACCORD provides approximately 125 victims with advocacy services including shelter, family offense petition preparation, safety planning, support groups, children services, and referrals. These services are available in Bolivar, Belfast, and Wellsville, in addition to the main office in Belmont. Mr. Dudley thanked the Board for their support and for promoting positive change within the County by proclaiming October as Domestic Violence Awareness month. In closing, Ms. Kinnicut related the story of a client who accessed domestic violence services.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. October 2010 Calendar of Board and Standing Committee meeting dates.

The following communications were also acknowledged:

1. Correspondence from the Allegany County Area Foundation thanking the Board for its recent donation.
2. Invitation to attend the Allegany County Office for the Aging, NY Connects, and Veterans' Services Building Dedication at 6085 State Route 19 North, Belmont, on September 30. There will be an open house from 3:00 to 4:00 p.m., and a ceremony will be held at 4:00 p.m.
3. A plaque was received from Allegany County Cancer Services in recognition of the Board's continued support and dedication to the residents of Allegany County.

BOARD OF LEGISLATORS SESSION MINUTES, SEPTEMBER 27, 2010

4. Copies of a DVD entitled, "All Fracked Up," a satirical documentary on shale drilling in New York State, were distributed to all Legislators.

PROCLAMATION:

Chairman Curtis W. Crandall proclaimed October 2010 as Domestic Violence Awareness Month in Allegany County and urged all citizens to participate in scheduled activities sponsored by the Allegany County Consortium on Domestic Violence, and to work toward improving victim safety and holding perpetrators of domestic abuse accountable for their actions.

RESOLUTIONS:**RESOLUTION NO. 175-10**

**CREATING POSITION OF DIRECTOR OF EMERGENCY MANAGEMENT AND FIRE
IN THE OFFICE OF EMERGENCY SERVICES AND FIXING SALARY;
AMENDING NON-UNIT SALARY PLAN**

Offered by: Personnel Committee

RESOLVED:

1. That the position of Director of Emergency Management and Fire is created in the Office of Emergency Services at an annual salary of \$48,000.
2. That Section 4 of Resolution No. 297-75, as amended, is hereby amended by adding the title of Director of Emergency Management and Fire.
3. This resolution shall take effect on September 27, 2010.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

RESOLUTION NO. 176-10

**AMENDMENT OF PUBLIC EMPLOYEE FEDERATION SALARY PLAN
TO CHANGE SALARY OF CRIME VICTIMS COORDINATOR**

Offered by: Public Safety and Ways and Means Committees

WHEREAS, the title of Crime Victims Coordinator was removed from Section 4. of Resolution No. 297-75, by Resolution No. 232-2008, from the County Salary Plan, and placed in the Public Employee Federation Salary Plan created by Resolution No. 193-2007, and

WHEREAS, the title of Crime Victims Coordinator was not placed in a salary grade as the Crime Victims Program is funded through a grant from the Crime Victim's Board and the salary for the Crime Victims Coordinator is set by such grant, now, therefore, be it

RESOLVED:

1. That the salary of the Crime Victims Coordinator is adjusted from \$27,500 to \$29,143 effective October 1, 2010, through September 30, 2011.

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

Moved by: Mr. Healy
 Seconded by: Mr. Pullen

Adopted: Roll Call
 11 Ayes, 1 No, 3 Absent
 Voting No: Ungermann

RESOLUTION NO. 177-10

**ABANDONMENT OF FORMER OLD COUNTY HIGHWAY
 AND LANDS TO THE SOUTH THEREOF
 WHICH LIE NORTH OF COUNTY ROAD 16 AND
 BETWEEN JACOBS ROAD ON THE EAST AND VAN ALLEN ROAD ON THE WEST
 IN THE TOWN OF ANGELICA**

Offered by: Public Works Committee

Pursuant to Highway Law Section 118-a

WHEREAS, a portion of lands used and/or acquired for County Highway purposes is of no further use for highway purposes, and

WHEREAS, the property comprises lands in the Town of Angelica consisting of that portion of the former Old County Highway and lands to the south thereof which lie north of County Road 16 and between Jacobs Road on the east and Van Allen Road on the west, and

WHEREAS, the County Superintendent of Public Works has recommended that such land be abandoned and eliminated from the County Road System, and

WHEREAS, such land will serve no other County purpose, now, therefore, be it

RESOLVED:

1. That the following property which comprises lands in the Town of Angelica consisting of that portion of the former Old County Highway and lands to the south thereof which lie north of County Road 16 and between Jacobs Road on the east and Van Allen Road on the west is hereby abandoned, to wit:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Angelica, County of Allegany, State of New York, being a part of Great Lot No. 31, Township 4, Range 2 of the Morris Reserve, more particularly described as follows:

Commencing at the southeast corner of lands deeded by Donn H. and Rosalie M. Granger to Brice and Sue Weigman by deed recorded on July 15, 1987, in the Allegany County Clerk's Office in Liber 935 of deeds at page 83; said point being the intersection of the center line of the old county highway (old pavement) and the west bounds of Jacobs Road, said point being 24.75 feet +/- measured perpendicular to the center of Jacobs Road; thence along the center of the old county highway S 69-13-28 W a distance of 168.68 feet +/- to a point, said point being an iron pin (found); thence continuing along the center line of the old county highway S 35-10-35 W a distance of 89.98 feet +/- to a point, said point being the intersection of the center line of the old county highway and the east bounds of Van Allen Road, said point being 24.75 feet +/- measured perpendicular to the center of Van Allen Road; thence along the east bounds of Van Allen Road S 55-11-57 E a distance of 196.98 feet +/- to a point, said point being the intersection of the east bounds of Van Allen Road and the north bounds of County Road 16, said point being 24.75 feet +/- measured perpendicular to the center of Van Allen Road and 33.0 feet +/- measured perpendicular to the center of County Road 16; thence along the north bounds of County Road 16 N 51-44-08 E a distance of 162.35 feet +/- to a point, said point being the intersection of the north bounds of County Road 16 and the west bounds of Jacobs Road, said point being 33.0 feet +/- measured

BOARD OF LEGISLATORS SESSION MINUTES, SEPTEMBER 27, 2010

perpendicular to the center of County Road 16 and 24.75 feet +/- measured perpendicular to the center of Jacobs Road; thence along the west bounds of Jacobs Road N 28-44-35 W a distance of 165.67 feet +/- to the Point of Beginning. Comprising 0.92 acres of land, more or less.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

RESOLUTION NO. 178-10**TRANSFER OF FUNDS WITHIN CANCER SCREENING AND BIOTERRORISM PREPAREDNESS ACCOUNTS**

Offered by: Human Services Committee

RESOLVED:

1. That the sum of \$3,500 is transferred as follows: \$500 from Account No. A4071.4 to Account No. A4071.2 and \$3,000 from Account No. A4189.4 to Account No. A4189.2.

Moved by: Mr. Burdick
Seconded by: Mr. LaForge

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

(Memo: The transfers approved by Resolution No. 178-10 were necessary for the purchase of a trailer for the Bioterrorism Preparedness Program and office equipment for Cancer Services staff.)

RESOLUTION NO. 179-10**TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT TO PUBLIC WORKS SOLID WASTE ACCOUNT**

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. That the sum of \$35,000 is transferred from Account No. A1990.4 (Contingent) to Account No. 8160.411 (Solid Waste - Repairs), to finance cost of repairing the CAT D7 Dozer used at the Landfill.

Moved by: Mr. Fanton
Seconded by: Mr. Curran

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

RESOLUTION NO. 180-10**ACCEPTANCE OF FUNDS FROM THE FEDERAL OLDER AMERICANS ACT GRANT; APPROPRIATION TO OFFICE FOR THE AGING ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$7,047 from the Federal Older Americans Act Grant is accepted and appropriated as follows: \$3,939 to Account No. A6772.4, \$992 to Account No. A6781.4, \$1,635 to Account No. A6783.4, \$481 to Account No. A6786.4, with a sum of

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

\$3,939 credited to Revenue Account No. A11.4772.00, \$992 to Revenue Account No. A11.4772.05, \$1,635 to Revenue Account No. A11.4772.07, and \$481 to Revenue Account No. A11.4772.10.

Moved by: Mr. Burdick
Seconded by: Mr. Curran

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

RESOLUTION NO. 181-10

**ACCEPTANCE OF DONATION FROM RON ELLIS OF ALFRED STATION;
ACCEPTANCE OF FUNDING FROM INCREASED PARTICIPATION CONTRIBUTIONS;
APPROPRIATION OF SAME TO OFA-SUPPORTIVE SERVICES, OFA-SNAP, AND
OFA-EISEP ACCOUNTS;
TRANSFER OF FUNDS WITHIN OFFICE FOR THE AGING PROGRAMS**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$500 from Ron Ellis for the Volunteer Transportation Program is accepted.
2. That the sum of \$12,200 in increased participation funds is accepted.
3. That the accepted sum of \$12,700 is appropriated as follows: \$500 to Account No. A6773.4, \$4,200 to Account No. A6778.4, \$8,000 to Account No. A6779.4, with a sum of \$500 credited to Revenue Account A02.1972.01, \$4,200 to Revenue Account No. A02.1972.06, and \$8,000 to Revenue Account No. A09.2801.36.
4. That the sum of \$4,000 is transferred from Account No. A6773.2 to Account No. A6773.4 and \$22,000 from Account No. A6772.4 to Account No. A6779.4.

Moved by: Mr. Burdick
Seconded by: Mr. LaForge

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

Comments made regarding Resolution No. 181-10 included the following: Legislator Pullen remarked on the contribution made by Ron Ellis and his wife as being quite notable, and he wanted to recognize and applaud them for their civic-mindedness and generosity, specifically for the Office for the Aging. The County doesn't get any bigger bang for its buck than it does with the Office for the Aging, with its large number of volunteers and the dedication of its staff. This is a necessary program.

RESOLUTION NO. 182-10

**ACCEPTING AND APPROPRIATING ADDITIONAL FUNDING FROM
NEW YORK STATE NEW VEHICLE AND TRAFFIC DIVERSION PROGRAM;
INCREASING APPROPRIATION AND REVENUE ACCOUNTS**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That Account No. A1165.4 is increased from \$7,000 to \$36,850 and Revenue Account No. A06.2610.VT is increased from \$33,750 to \$66,000.

BOARD OF LEGISLATORS SESSION MINUTES, SEPTEMBER 27, 2010

Moved by: Mr. Healy
 Seconded by: Mr. Fanton

Adopted: Roll Call
 12 Ayes, 0 Noes, 3 Absent

(Memo: The Vehicle and Traffic Diversion Program, referred to in Resolution No. 182-10, was a new initiative in the District Attorney's Office that commenced operation in February 2010. Each participant pays a fee of \$200, and expenses for the program are paid from that fee, with the balance to be recognized as net revenue for the County. Expenses include a payment to the municipality to offset loss of revenue resulting from the diversion of the traffic ticket and program and instructor fees for a driver improvement program. The account adjustments were necessary due to the much larger than anticipated number of participants.)

Comments made regarding Resolution No. 182-10 included the following: Legislator Pullen noted that the District Attorney recommended this program, and the number of participants has greatly exceeded what he estimated. This is a good program that is benefitting our residents; it helps people retain their licenses and hopefully ensures better training for those people. The increased funding is certainly appreciated.

RESOLUTION NO. 183-10

**ACCEPTING AND APPROPRIATING FUNDS FROM
 THE NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES
 TO STOP-DWI PROGRAM EQUIPMENT ACCOUNT**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That the sum of \$1,500 from the New York State Office of Children and Family Services is accepted.
2. That the accepted sum of \$1,500 is appropriated to Account No. A3141.2, with a like sum credited to Revenue Account No. A10.3089.00.

Moved by: Mr. Healy
 Seconded by: Mr. Curran

Adopted: Roll Call
 12 Ayes, 0 Noes, 3 Absent

(Memo: The funding accepted by Resolution No. 183-10 was a Legislative Grant Award to be used for computer equipment.)

RESOLUTION NO. 184-10

**APPROVING SUPPLEMENTAL AGREEMENT #4 BETWEEN COUNTY OF ALLEGANY
 AND NEW YORK STATE DEPARTMENT OF TRANSPORTATION
 FOR THE CONSTRUCTION PHASE OF THE BRIDGE REPLACEMENT (BIN 3047780)
 COUNTY ROUTE 20 OVER NORTH BRANCH VAN CAMPEN CREEK,
 TOWN OF FRIENDSHIP, COUNTY OF ALLEGANY**

Offered by: Public Works and Ways and Means Committees

WHEREAS, the bridge replacement (BIN 3047780) County Route 20 over the North Branch Van Campen Creek located in the Town of Friendship was approved by Resolution No. 73-2006, and

WHEREAS, it is necessary to approve Supplemental Agreement #4 to include the SFY 2010/2011 additional approved Marchiselli funds for the Construction Phase of the project, now, therefore, be it

RESOLVED:

1. That Supplemental Agreement #4 between the County of Allegany and New York State Department of Transportation for the Construction Phase of the bridge replacement is approved.
2. That the Chairman of this Board is authorized to execute the Supplemental Agreement.

Moved by: Mr. Fanton
 Seconded by: Mr. Healy

Adopted: Roll Call
 12 Ayes, 0 Noes, 3 Absent

RESOLUTION NO. 185-10

**APPROVING SUPPLEMENTAL AGREEMENT #1 BETWEEN COUNTY OF ALLEGANY
 AND NEW YORK STATE DEPARTMENT OF TRANSPORTATION
 FOR THE RIGHT OF WAY INCIDENTALS PHASE OF THE BRIDGE REPLACEMENT
 (BIN 3060090) COUNTY ROUTE 16 OVER GENESEE RIVER,
 TOWN OF BELFAST, COUNTY OF ALLEGANY**

Offered by: Public Works and Ways and Means Committees

WHEREAS, the bridge replacement (BIN 3060090) County Route 16 over the Genesee River located in the Town of Belfast was approved by Resolution No. 163-2008, and

WHEREAS, it is necessary to approve Supplemental Agreement #1 to include the SFY 2010/2011 additional Marchiselli funds for the Right of Way Incidentals Phase of the project, now, therefore, be it

RESOLVED:

1. That Supplemental Agreement #1 between the County of Allegany and New York State Department of Transportation for the Right of Way Incidentals Phase of the bridge replacement is approved.
2. That the Chairman of this Board is authorized to execute the Supplemental Agreement.

Moved by: Mr. Fanton
 Seconded by: Mr. Pullen

Adopted: Roll Call
 12 Ayes, 0 Noes, 3 Absent

RESOLUTION NO. 186-10

**APPROVAL OF CONTRACT #T020855 BETWEEN
 THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES,
 OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES (OPCA)
 AND ALLEGANY COUNTY FOR THE REIMBURSEMENT OF
 THE PROBATION ELIGIBLE DIVERSION PROGRAM
 FOR PERIOD JANUARY 1, 2010, TO DECEMBER 31, 2010;
 RATIFYING THE CHAIRMAN'S SIGNATURE TO THE CONTRACT**

Offered by: Public Safety Committee

BOARD OF LEGISLATORS SESSION MINUTES, SEPTEMBER 27, 2010

RESOLVED:

1. That the Probation Eligible Diversion Program (PED) Contract #T020855 for January 1, 2010, to December 31, 2010, is approved.
2. That the Chairman of this Board is authorized to sign said agreement, and his prior signature thereto is hereby ratified.

Moved by: Mr. Healy
 Seconded by: Mr. Burdick

Adopted: Roll Call
 12 Ayes, 0 Noes, 3 Absent

RESOLUTION NO. 187-10

**APPROVAL OF CONTRACT # T020600 BETWEEN
 THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES,
 OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES (OPCA)
 AND ALLEGANY COUNTY PROVIDING FOR THE REIMBURSEMENT OF
 COMMUNITY SERVICE AND PRETRIAL RELEASE PROGRAMS
 FOR PERIOD JANUARY 1, 2010, TO DECEMBER 31, 2010;
 AUTHORIZING CHAIRMAN TO EXECUTE SAID CONTRACT**

Offered by: Public Safety Committee

RESOLVED:

1. That the Community Service and Pretrial Release Programs Contract #T020600 for January 1, 2010, to December 31, 2010, is approved.
2. That the Chairman of this Board is authorized to sign said contract.

Moved by: Mr. Healy
 Seconded by: Mr. Sinclair

Adopted: Roll Call
 12 Ayes, 0 Noes, 3 Absent

RESOLUTION NO. 188-10

**AUTHORIZING SALE AND CONVEYANCE OF COUNTY'S INTEREST
 IN REAL PROPERTY IN THE TOWN OF ANGELICA TO
 BRICE WEIGMAN AND SUE WEIGMAN;
 AUTHORIZING CHAIRMAN TO EXECUTE DEED**

Offered by: Public Works Committee

WHEREAS, the County is the owner of certain real property located in the Town of Angelica, and

WHEREAS, such property has been abandoned for Highway use pursuant to Highway Law Section 118-a, and

WHEREAS, Brice Weigman and Sue Weigman, adjacent owners, have offered to pay the sum of five hundred dollars (\$500) per acre plus attorney fees for said parcel, together with all expenses necessary for preparation and recording of the deed to said parcel, with the County to retain the mineral rights in the parcel, and

WHEREAS, this Board believes it is in the best interest of the County to convey such property to Brice and Sue Weigman according to the terms described above, now therefore, be it

RESOLVED:

1. That this Board authorizes the sale by quit claim deed to Brice Weigman and Sue Weigman of Belfast, New York, for the following described premises in the Town of Angelica, County of Allegany and State of New York for the sum of \$500 per acre plus attorney and recording fees:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Angelica, County of Allegany, State of New York, being a part of Great Lot No. 31, Township 4, Range 2 of the Morris Reserve, more particularly described as follows:

Commencing at the southeast corner of lands deeded by Donn H. and Rosalie M. Granger to Brice and Sue Weigman by deed recorded on July 15, 1987, in the Allegany County Clerk's Office in Liber 935 of deeds at page 83; said point being the intersection of the center line of the old county highway (old pavement) and the west bounds of Jacobs Road, said point being 24.75 feet +/- measured perpendicular to the center of Jacobs Road; thence along the center of the old county highway S 69-13-28 W a distance of 168.68 feet +/- to a point, said point being an iron pin (found); thence continuing along the center line of the old county highway S 35-10-35 W a distance of 89.98 feet +/- to a point, said point being the intersection of the center line of the old county highway and the east bounds of Van Allen Road, said point being 24.75 feet +/- measured perpendicular to the center of Van Allen Road; thence along the east bounds of Van Allen Road S 55-11-57 E a distance of 196.98 feet +/- to a point, said point being the intersection of the east bounds of Van Allen Road and the north bounds of County Road 16, said point being 24.75 feet +/- measured perpendicular to the center of Van Allen Road and 33.0 feet +/- measured perpendicular to the center of County Road 16; thence along the north bounds of County Road 16 N 51-44-08 E a distance of 162.35 feet +/- to a point, said point being the intersection of the north bounds of County Road 16 and the west bounds of Jacobs Road, said point being 33.0 feet +/- measured perpendicular to the center of County Road 16 and 24.75 feet +/- measured perpendicular to the center of Jacobs Road; thence along the west bounds of Jacobs Road N 28-44-35 W a distance of 165.67 feet +/- to the Point of Beginning. Comprising 0.92 acres of land, more or less.

EXCEPTING and **RESERVING** to grantor, its successors and assigns, all oil, gas and minerals in, under and upon the above described property.

SUBJECT TO all easements and rights of way of record or visible possession.

TOGETHER with all the appurtenances and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, its successors and assigns forever.

The County of Allegany shall in no event be or become liable for any defects in or encumbrances or liens on the title hereby conveyed for any cause whatsoever. No claim or demand of any nature that arises from this sale or any of the proceedings leading hereto shall ever be made against the County of Allegany.

It is understood and agreed that the County of Allegany is hereby conveying only such land as aforesaid and described above, and that said property shall be located and laid out by and at the expense of the party of the second part.

2. That the Chairman of this Board is authorized to execute and deliver a quit claim deed for said premises upon payment of the purchase price and fees.

BOARD OF LEGISLATORS SESSION MINUTES, SEPTEMBER 27, 2010

Moved by: Mr. Fanton
 Seconded by: Mr. McGraw

Adopted: Roll Call
 12 Ayes, 0 Noes, 3 Absent

(Memo: The property referred to in Resolution No. 188-10 was abandoned for highway use per Resolution No. 177-10.)

A motion was made by Legislator Fanton, seconded by Legislator LaForge and carried, to grant Legislator Pullen permission to abstain from voting on Resolution Intro. No. 195-10 (Authorizing Sale and Conveyance of County's Interest in Real Property in the Town of Centerville to Roy C. Byington; Authorizing Chairman to Execute Deed).

RESOLUTION NO. 189-10

**AUTHORIZING SALE AND CONVEYANCE OF COUNTY'S INTEREST
 IN REAL PROPERTY IN THE TOWN OF CENTERVILLE TO ROY C. BYINGTON;
 AUTHORIZING CHAIRMAN TO EXECUTE DEED**

Offered by: Public Works Committee

WHEREAS, the County is the owner of certain real property located in the Town of Centerville heretofore acquired for non-payment of real property taxes, and

WHEREAS, such property is not being occupied or used by the County and there is no planned use of it by the County, and

WHEREAS, Roy C. Byington, an adjacent owner, has offered to pay the sum of five hundred dollars (\$500.00) per acre plus attorney fees for said parcels, together with all expenses necessary for preparation and recording of the deed to said parcel, with the County to retain the mineral rights in the parcel, and

WHEREAS, this Board believes it is in the best interest of the County to convey such property to Roy C. Byington according to the terms described above, now therefore, be it

RESOLVED:

1. That this Board authorizes the sale by quit claim deed to Roy C. Byington of Farmersville Station, New York, for the following described premises in the Town of Centerville, County of Allegany and State of New York for the sum of \$500 per acre plus attorney and recording fees:

(First parcel, part of Liber 195 page 86)

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Centerville, County of Allegany, and State of New York, being part of Lot 50, Town 6, Range 2, of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the center line of the Buffalo & Susquehanna Railway Company railroad, where said center line is intersected by the division line between lands now or formerly of Roswell N. & Clara Byington and lands of now or formerly of Marvin Stimson;

Thence South 7° 39' West, along said division line, a distance of 33.2 feet to a point, which point is a distance of 33.0 feet from said center line at right angles;

Thence North 88° 26' West, along a line parallel to and 33.0 feet from said center line, a distance of 1,696.9 feet to the division line between lands of Roswell N. & Clara Byington

and lands now or formerly of Friend Byington;

Thence North 7° 39' East, along said division line and crossing said center line, a distance of 66.4 feet to a point, which point is 33.0 feet Northerly and at right angles from said center line, also said point is South 07° 39' West, 211.8 feet from a monument set in said division line;

Thence South 88° 26' East, along a line parallel to and 33.0 feet from said center line, a distance of 1,696.9 feet to the first mentioned division line;

Thence South 7° 39' West, along said division line, a distance of 33.2 feet to the point and place of beginning.

Being a strip of land 66.0 feet wide and 1,696.9 feet long measured on said center line, containing 2.68 acres of land more or less.

BEING the same premises conveyed from Roswell N. & Clara Byington to Buffalo & Susquehanna Railway Company in a deed dated March 31, 1904, and recorded on April 13, 1904, in the Allegany County Clerk's Office in Liber 195 of Deeds at Page 86.

(Second parcel Liber 195 page 148)

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Centerville, County of Allegany, and State of New York, being part of Lot 50, Town 6, Range 2, of the Holland Land Company's Survey, bounded and described as follows:

A strip of land 43.0 feet wide immediately adjoining on the Easterly side thereof, lands heretofore conveyed by Byington to the Buffalo & Susquehanna Railway Company and extending from station number 2002 on the Railroad to the division line between lands of Byington and lands now or formerly of Marvin Stimson and containing 1.0 acre of land more or less.

BEING the same premises conveyed from Roswell N. & Clara Byington to Buffalo & Susquehanna Railway Company in a deed dated September 7, 1904, and recorded on September 29, 1904, in the Allegany County Clerk's Office in Liber 195 of Deeds at Page 148.

(Third parcel Liber 195 page 199)

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Centerville, County of Allegany, and State of New York, being part of Lot 50, Town 6, Range 2, of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point at the intersection of the division line between lands of Roswell N. Byington and lands now or formerly owned by Marvin Stimson with the Southerly right of way line of lands of the Buffalo & Susquehanna Railway Company, which point is 33.0 feet from the center line of the railroad measured at right angles;

Thence South 7° 40' West, along said division line, a distance of 685.95 feet to a point in the center line of the highway known as the Holland Purchase Road;

Thence South 60° 3' West, along the center line of said road, a distance of 82.4 feet;

Thence North 7° 40' East, a distance of 201.4 feet to a point;

Thence North 88° 26' West, a distance of 104.3 feet to a point;

Thence North 1° 34' East, a distance of 200.0 feet to a point;

Thence Northerly and curving to the left with a radius of 343.1 feet, a distance of 475.0 feet to a point where said curve intersects said Southerly right of way line;

Thence South 88° 26' East, along said southerly right of way line, a distance of 500.0 feet to the place of beginning. Containing 3.25 acres more or less.

BEING the same premises as conveyed from Roswell N. Byington to Buffalo &

BOARD OF LEGISLATORS SESSION MINUTES, SEPTEMBER 27, 2010

Susquehanna Railway Company in a deed dated July 26, 1907, and recorded on March 28, 1910, in the Allegany County Clerk's Office in Liber 195 of Deeds at Page 199.

The above-described parcels being a portion of the lands conveyed from Claude L. Cummins, Treasurer of the County of Allegany to the County of Allegany by Tax Deed dated May 13, 1935, recorded March 18, 1937, in Liber 324 of Deeds at page 279.

BEING, and intending to quit claim only, the former railroad lands within the bounds of lands formerly owned by Roy N. Byington and Jean Byington per deed recorded December 5, 1955, in Liber 493 of Deeds at page 321, said lands being devised by Jean Byington in her Last Will and Testament to Roy C. Byington, said lands identified specifically as being bounded on the north and south by lands now or formerly of Roy C. Byington and bounded on the east and west by a straight line extension of the easterly and westerly boundaries of said Byington through the railroad lands.

The foregoing railroad parcels are shown more particularly on the attached map.

EXCEPTING and **RESERVING** to grantor, his successors and assigns, all oil, gas and minerals in, under and upon the above described property.

SUBJECT TO all easements and rights of way of record or visible possession.

TOGETHER with all the appurtenances and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, his successors and assigns forever.

The County of Allegany shall in no event be or become liable for any defects in or encumbrances or liens on the title hereby conveyed for any cause whatsoever. No claim or demand of any nature that arises from this sale or any of the proceedings leading hereto shall ever be made against the County of Allegany.

It is understood and agreed that the County of Allegany is hereby conveying only such land as aforesaid and described above, and that said property shall be located and laid out by and at the expense of the party of the second part.

The transferor(s) herein certify that the within description does not split or combine assessment parcels and that the recording of this deed will not result in the alteration or change to or amendment of an existing tax map.

2. That the Chairman of this Board is authorized to execute and deliver a quit claim deed for said premises upon payment of the purchase price and fees.

Moved by: Mr. Fanton
Seconded by: Mr. McGraw

Adopted: Roll Call
11 Ayes, 0 Noes, 3 Absent
Abstained: Pullen

AUDITS:

A motion was made by Legislator Fanton, seconded by Legislator McGraw and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator Pullen, seconded by Legislator Healy and adopted on a roll call vote of 11 Ayes, 1 No, 3 Absent, that the audit of claims, totaling \$1,438,114.14, including prepaid expenses, be approved for payment as recommended by the County

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$5,811,041.*)

ADJOURNMENT: The meeting was adjourned at 2:50 p.m. on a motion made by Legislator Pullen, seconded by Legislator Burdick and carried.

REGULAR SESSION – OCTOBER 12, 2010

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Navy Aviation Electronic Tech 2nd Class Philip R. Carlson.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 13 Present; 2 Absent (Legislators Hopkins and Russo).

APPROVAL OF MINUTES:

The Board meeting minutes of September 27, 2010, were approved on a motion made by Legislator Fanton, seconded by Legislator Pullen and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented each member of the Legislature with an Allegany County Honors Pin, along with the following memo:

"In 2006, Allegany County celebrated its Bicentennial. For this event, a Bicentennial Committee was formed and charged with the proper commemoration of our 200th birthday. One way the committee chose to mark this event, was a specially cast commemorative pin depicting the Bicentennial Bell which now sits in front of the Courthouse. The pin also included our founding date of 1806. At the end of our Bicentennial celebration year, several of these pins were given to me with instructions to use them for 'dignitaries' at my discretion. I felt that an appropriate use of these pins was to distribute them among our honored Veterans for the Pledge of Allegiance Program and others receiving notable honors from the Board of Legislators. With the supply of our originally cast Bicentennial pin diminished, a new 'Honors Pin' has been cast retaining the shape of Allegany County, utilizing the Bicentennial Bell, and continuing the charge of distribution to dignitaries. Seeing no more dignified or appropriate group than the Allegany County Board of Legislators, I am proud to present you with one of the first cast 'Honors Pins' that you can wear with pride as you help promote and represent Allegany County."

Chairman Crandall presented a certificate and County pin to Philip R. Carlson, former United States Navy Aviation Electronic Tech 2nd Class, in grateful appreciation of his service to our Country. Mr. Carlson's service dates were from January 1967 to October 1970. Following Basic Training in San Diego, CA, Mr. Carlson was assigned to the Naval Air Station at Los Alamitos, CA. Commendations he received included: the National Defense Service Medal. Mr. Carlson led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

BOARD OF LEGISLATORS SESSION MINUTES, OCTOBER 12, 2010

Chairman Crandall granted privilege of the floor to Youth Bureau Director Linda Edwards regarding Cyber Security Awareness. Mrs. Edwards announced the annual fall SADD Conference to be held at the end of the month. The topic of discussion will be child exploitation, particularly addressing appropriate use of the internet by individuals of all ages. This issue is timely, as October is Cyber Security Awareness Month. (Chairman Crandall will be making a proclamation later in the meeting.)

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. 2011 Allegany County Tentative Budget.
2. Report of Tax Bill Corrections approved by the County Administrator in September.
3. Report of Intrafund Transfers approved by the County Administrator in September.

The following communications were also acknowledged:

1. Notice of next InterCounty Association meeting to be hosted by Wyoming County on October 15 at the Lodge at Hidden Valley in Varysburg.
2. Allegany County Area Foundation 2009-2010 Annual Report.
3. The County Treasurer filed a copy of the County of Allegany Financial Statements for 2009 prepared by Independent Auditors EFP Rotenberg in the Clerk of the Board's Office on September 28, 2010.
4. Announcement of the Office for the Aging Fall Forum scheduled for October 26 from 4 to 7 p.m. at the Genesee Valley Central School.

APPOINTMENTS:

Chairman Crandall appointed Jeffrey N. Luckey of Fillmore, New York, as the **DIRECTOR OF EMERGENCY MANAGEMENT AND FIRE** in the Office of Emergency Services, effective October 30, 2010, to serve at his pleasure, in accordance with the provisions of applicable law.

Chairman Crandall appointed Michael Johnsen of Dalton, New York, to fill the remainder of a vacant one-year term as a member of the **COMPREHENSIVE PLAN IMPLEMENTATION GROUP**, effective immediately, to serve at his pleasure.

PROCLAMATION:

Chairman Crandall proclaimed the month of October 2010 as Cyber Security Awareness Month in Allegany County, and encouraged everyone to protect their computers and our nation's critical cyber infrastructure.

INTRODUCTION OF LEGISLATION:

Legislator Dwight Fanton introduced Local Law Intro. No. 4-2010, Print No. 1, entitled "A Local Law to Provide Increases in the Compensation of Certain County Officers," a copy of said proposed Local Law having been placed on each Legislator's desk.

RESOLUTIONS:**RESOLUTION NO. 190-10****RESOLUTION SETTING DATE OF PUBLIC HEARING ON
A LOCAL LAW TO PROVIDE INCREASES IN THE COMPENSATION OF
CERTAIN COUNTY OFFICERS**

Offered by: Ways and Means Committee

WHEREAS, on this 12th day of October, 2010, a local law (Intro. No. 4-2010, Print No. 1) was introduced to provide increases in the compensation of certain County officers, and

WHEREAS, it will be necessary to set a date for public hearing on said proposed local law, now, therefore, be it

RESOLVED:

1. That a public hearing shall be held on October 25, 2010, at 2:00 p.m. in the County Legislators' Chambers, Room 221, County Office Building, Belmont, New York, before the Allegany County Board of Legislators, in relation to proposed Local Law Intro. No. 4-2010, Print No. 1.

2. That the Clerk of the Board of Legislators is directed to prepare, with the assistance of the County Attorney, a notice of said public hearing, to cause the publication of a copy of said notice in each of the two newspapers which have been officially designated by this Board to publish "notices," and to affix a copy of said notice on the County bulletin board in the County Courthouse at Belmont, New York; both publication and posting to be made at least five days before the public hearing.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

Adopted: Voice Vote

RESOLUTION NO. 191-10**RESOLUTION SETTING DATE OF PUBLIC HEARING ON
2011 COUNTY TENTATIVE BUDGET AND
PROVIDING CONTENTS OF SUCH NOTICE**

Offered by: Ways and Means Committee

WHEREAS, the 2011 County Tentative Budget has been presented to this Board together with a copy of the proposed appropriation resolution, and

WHEREAS, it is necessary to hold a public hearing on the Budget before any further action can be taken on the Budget and on the appropriation resolution, and

WHEREAS, it is necessary to provide notice to the public of such public hearing and to also include in such notice, or in a separate notice published in the same manner and at the same time as such notice of public hearing, a statement of the maximum salary that may be fixed and payable during the year 2011 to the members of the County Board of Legislators and to its officers, now, therefore, be it

RESOLVED:

BOARD OF LEGISLATORS SESSION MINUTES, OCTOBER 12, 2010

1. That a public hearing on the 2011 County Tentative Budget shall be held in the Legislators' Chambers, Room 221, at the County Office Building, 7 Court Street, Belmont, New York, at 7:00 p.m. on November 10, 2010.

2. That the notice of public hearing shall include a statement that the 2011 maximum salary for members of the Board of Legislators and the maximum salary that may be fixed and payable during said fiscal year 2011 to the Majority Leader, Minority Leader and Board Chairman, are as follows:

Members of the Board of Legislators	\$8,500. annual
Chairman of the Board of Legislators	\$8,500. annual
Majority Leader of Board	\$300. annual
Minority Leader of Board	\$300. annual

Moved by: Mr. Fanton Adopted: Voice Vote
 Seconded by: Mr. Healy

A motion was made by Legislator Sinclair, seconded by Legislator Cady and carried to amend Resolution Intro. No. 198-10 (Resolution Establishing Procedure to Promote the Reduction in the Size of the Allegany County Workforce through Attrition) to delete the words "through attrition" in the title to allow for a broader application of the effect of the resolution.

A motion was made by Legislator Fanton, seconded by Legislator Healy and carried to further amend Resolution Intro. No. 198-10 to add the following under Resolved, 1: "d. Necessary for the continued operation of essential programming and/or services."

RESOLUTION NO. 192-10

RESOLUTION ESTABLISHING PROCEDURE TO PROMOTE THE REDUCTION IN THE SIZE OF THE ALLEGANY COUNTY WORKFORCE

Offered by: Ways and Means Committee

WHEREAS, this Board recently adopted Part A of the New York State Retirement Incentive Program, and

WHEREAS, the primary goal of the retirement incentive is to reduce the cost of government by reducing the size of the payroll, and

WHEREAS, reduction in the size of the County payroll can be accomplished by not filling vacant positions, and

WHEREAS, it is anticipated that a number of Allegany County employees will opt to retire due to the retirement incentive, now therefore, be it

RESOLVED:

1. That in addition to complying with all existing procedures applicable to the filling of vacant positions, no position may be filled without a recommendation from the County Administrator that it meets at least one of the following criteria:

- a) The position is vital to the health and safety of Allegany County residents.
- b) The position is one that Allegany County is legally obligated to fill.
- c) Filling the position will be financially beneficial to Allegany County.
- d) Necessary for the continued operation of essential programming and/or services.

2. That all recommendations of the County Administrator that a vacant position should be filled shall be subsequently referred to the Ways & Means Committee for such committee's approval.

3. This resolution shall take effect immediately.

Moved by: Mr. Fanton
 Seconded by: Mr. Pullen

Adopted: Roll Call
 13 Ayes, 0 Noes, 2 Absent

(Memo: Regarding Resolution No. 192-10, the anticipated process for filling vacant positions is as follows: (1) The Department Head will seek approval from his/her Standing Committee to fill a vacancy. If granted by the Committee, (2) The Department Head will present the request to the County Administrator and will set forth the rationale as to why the request to fill meets or exceeds the established criteria. (3) Lastly, the request to fill the vacancy will be brought before the Ways and Means Committee, along with the County Administrator's recommendation, for final action by the Committee.)

Comments made related to Resolution No. 192-10 included the following:

Legislator O'Grady questioned what determined "essential programming," as the wording seemed vague. Chairman Crandall noted that it was intended to be discretionary to the County Administrator, and it adds one more level of "filtering" to the filling of positions.

Legislator Ungermann remarked that it was a wonderful piece of legislation, and hopefully it will be used.

RESOLUTION NO. 193-10

APPROVAL OF SALE OF TAX SALE PROPERTY TO DALE BAILEY

Offered by: Ways and Means Committee

RESOLVED:

1. That the sale of tax delinquent property as shown below, which was heretofore foreclosed upon and conveyed to Allegany County, to Dale Bailey for the sum of Five Thousand Dollars (\$5,000), subject to terms and conditions of sale for such property, is approved.

2. That the Chairman of this Board of Legislators is authorized and directed to execute on behalf of the County of Allegany and to cause to deliver to such owner and purchaser a quit claim deed of the County's interest in such property and to affix to such deed the official seal; all upon satisfaction of the terms and conditions of sale and the full payment to the County Treasurer of the sum of Five Thousand Dollars (\$5,000).

<u>New Owner, Address</u> <u>Sale Price</u>	<u>Parcel details</u>	<u>County title</u> <u>Recorded</u> <u>Liber, Page</u>
Bailey, Dale PO Box 765 Lake Alfred, FL 33850 \$5,000	Parcel ID: 022601/126.7-2-41 Prop Loc: 59 Main St. Assessed value: \$113,600 Acreage: 0.40	County of Allegany Book: 2009 Page: 37595

Moved by: Mr. Fanton
 Seconded by: Mr. Pullen

Adopted: Roll Call
 13 Ayes, 0 Noes, 2 Absent

(Memo: The property referred to in Resolution No. 193-10 is located in the Village of Almond.)

Comments made related to Resolution No. 193-10 included: Legislator Ungermann commented that the assessed value on the property is \$113,600, and on the tax sale bill, it's \$174,500. He pointed out that \$5,000 is a small amount to receive for something that's assessed much higher. Legislator Fanton responded that it wasn't in the town's best interest to lower the assessment, but the property's value was not that high.

RESOLUTION NO. 194-10

**A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE
2010 COUNTY AND TOWN TAX ROLLS FOR THE TOWNS NAMED WITH REGARD
TO REAL PROPERTY OF VARIOUS TAXPAYERS THEREIN;
DIRECTING MAILING OF NOTICES OF APPROVAL OF
APPLICATIONS FOR CORRECTED TAX ROLLS AND
ORDERING THE VARIOUS TOWN TAX COLLECTORS TO CORRECT THE TAX ROLLS;
PROVIDING FOR CHARGE BACKS OR CREDITS**

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law § 554

WHEREAS, applications, for the taxpayers hereafter described, have been made to the County's Director of Real Property Tax Service Agency, for the correction of certain errors affecting their real property on various tax rolls, and

WHEREAS, the Director has transmitted to this Board the applications, in duplicate, together with a written report of his investigation of the claimed errors and his written recommendation for action thereon by this Board as to each application, and

WHEREAS, this Board has examined each application and report to determine whether the claimed error exists, now, therefore, be it

RESOLVED:

1. That with regard to the applications for the named taxpayers pertaining to claimed errors regarding their real property on the respective tax rolls of the named Towns, this Board of Legislators does determine that the claimed errors as alleged in those applications exist and does approve those applications.

2. That the Chairman of this Board is authorized and directed to make a notation on those applications and the duplicates thereof that they are approved, to enter thereon the respective correct extension of taxes as set forth by the Director in his report, to enter thereon the respective date of mailing of a notice of approval, to enter thereon the date of mailing of a certified copy of this resolution to the proper Tax Collector, and to sign thereon as Chairman.

3. That the Clerk of this Board is directed to mail to the below listed taxpayers a notice of approval stating, in substance, that their application made has been approved, to inform the Chairman of this Board of the date of the mailing thereof, and to inform such respective taxpayers of the applicable provisions of subdivision seven of Section 554 of the Real Property Tax Law.

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

4. That the Tax Collector of the Town of New Hudson is ordered and directed to correct in the 2010 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. State of New York: Parcel 300.-1-2
Assessment: Land \$308,550 Total \$308,550

by reducing the Taxable Value to \$34,600, and by correcting the taxes, as follows:

Cuba-Rushford Central School	\$512.40
Library	13.78
Total	\$526.18

and the County Treasurer is directed to make the following refund:

Cuba-Rushford Central School	\$4,056.98
Library	109.06
Total	\$4,166.04

5. That the Clerk of this Board is directed to forthwith mail a certified copy of this resolution to the various Tax Collectors for the Towns stated above together with the original copies of those applications completed in accordance with section two of this resolution.

6. The Clerk of this Board shall mail a copy of this resolution to the above named School and the amount to be charged to each School shall not be charged until 10 days after such mailing. Such amount shall be deducted by the County Treasurer from the money payable to each School as a result of school taxes returned after the date such amount is charged and which shall be paid to each School after May 1, 2011. The County Treasurer shall send a written notice to each School of the amount of such deduction prior to May 1, 2011.

Moved by: Mr. Fanton
Seconded by: Mr. Sinclair

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

Comments made related to Resolution No. 194-10 included: Legislator Ungermann questioned if the referenced tax roll correction was for all the state land in the Town of New Hudson. County Treasurer Terri Ross noted that it was just one parcel. The state usually approves changes in assessment, and this change wasn't approved in advance. They sent a letter stating that it should have been changed.

AUDITS:

A motion was made by Legislator Sinclair, seconded by Legislator Healy and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator Pullen, seconded by Legislator O'Grady and adopted on a roll call vote of 12 Ayes, 1 Noes, 2 Absent, that the audit of claims, totaling \$4,793,449.37 including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$6,121,163.*)

ADJOURNMENT: The meeting was adjourned at 2:30 p.m. on a motion made by Legislator Pullen, seconded by Legislator Ungermann and carried.

BOARD OF LEGISLATORS SESSION MINUTES, OCTOBER 25, 2010

REGULAR SESSION – OCTOBER 25, 2010

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army Legal Clerk David T. Pullen (Legislator).

INVOCATION: The Invocation was given by Legislator David T. Pullen.

ROLL CALL: 13 Present; 2 Absent (Legislators O’Grady and Russo). Chairman Crandall welcomed Legislator Theodore Hopkins back. Legislator Hopkins expressed his appreciation for the support he received during his lengthy recovery from an injury sustained in July.

APPROVAL OF MINUTES:

The Board meeting minutes of October 12, 2010, were approved on a motion made by Legislator Pullen, seconded by Legislator Curran and carried.

PUBLIC HEARING:

Chairman Crandall closed the regular meeting to hold a public hearing on Local Law Intro. No. 4-2010, entitled “A Local Law to Provide Increases in the Compensation of Certain County Officers.” Comments from the public included the following:

Don Kaake, Angelica, requested details on what the public hearing was about. Chairman Crandall noted that official notice was published in the newspapers, and he explained that increases in pay for certain County officers has to be done through a local law. One of the requirements for that process is a public hearing. Chairman Crandall read the proposed local law aloud. Mr. Kaake asked where the funds will come from for the pay increases. Chairman Crandall responded that the funds are a combination of local share, federal aid, and state aid.

Barbara Burdick, Little Genesee, asked if the creation of the law means that these pay increases will occur every year; that every year these people will receive a three-percent raise without the issue coming back to the floor to be voted on again. Chairman Crandall explained that the law changes the compensation and is a one-time adjustment. Ms. Burdick remarked that she is sincerely against the pay increases at this time. Although there is money left over in the budget from last year, taxes are increasing, people are unemployed, and this is one of the poorest counties in the state. To consider giving anyone a raise at this time, in this economy, is irresponsible. Social Security recipients have been told two years in a row that they won’t get a cost-of-living increase, because the economy is flat. Ms. Burdick referenced an article that stated that our taxes are going to increase because the state lost money in the retirement fund due to investments in stocks and bonds. She stated that she lost money in her 401-K and stocks and bonds, and no one is making that up. If the state is going to gamble with the money in the state employees’ retirement fund, they need to have the retirement adjusted, just like the private individual has to. They have to work longer and accept less, because they lost half their retirement when the stock market fell. If the funds are going to be invested, some years it’s going to go up, and some years it’s going to go down. She shouldn’t have to make up what they lost. Chairman Crandall responded that this has been a concern, and it will be addressed at the Budget Hearing on November 10. There will be some information to share.

Gary Gluck, Cuba, stated that he doesn’t begrudge any salary increases, but not at this time. At least 20 percent of the people in Allegany County receive Social Security, and

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

they haven't received a raise in the last two years. If Medicare goes up this year, their pay will go down. For many Social Security recipients, that's their only source of income. If these County officers don't receive a pay raise, they won't be looking elsewhere for jobs. Jobs are scarce, as reflected in the nation-wide unemployment rate of 9.6 percent. Many in the private sector aren't getting raises. Mr. Gluck related that his brother used to distribute propane in people's homes. He found people with limited incomes that couldn't get a full tank because they were behind on payments, and they would be sitting there all bundled up, freezing. Then there were people receiving welfare that could get all they wanted. It doesn't seem right. Three percent doesn't seem like a lot, but it adds up over the years.

Arlene Hughes, Clarksville, remarked that to consider increasing salaries in the current economy was inconceivable. There are many employees in the private sector who will not get a raise, and they also contribute more to their health insurance. There are more than 49,000 people living in Allegany County. How many are wage earners, and how many are on public assistance? Approximately 20 percent of this population receives Social Security. It's already been mentioned that they haven't gotten an increase for the past two years. "And yet, you, as our elected Legislators, are willing to give these ten officers an increase. Four of these officers didn't receive a salary increase in 2010. So what is being proposed for them is a 6.1 percent increase over 2009. Five officers received a three-percent increase in 2010, and one did not." If an increase is given, maybe one percent could be an option. How much will this proposed three-percent raise increase the County Budget? Ms. Hughes urged Legislators to consider voting "no" on this local law and restore her faith in the fiscal responsibility of the County government.

Don Kaake, Angelica, noted that a couple of key words here are conservative, Republican, and sustainability. He has attended many school board meetings, and they've reached the point of unsustainability in the current economy. The Legislature is expecting that this economy is going to increase by three percent into the future in a County that is declining. Can we sustain this? Is growth going to move ahead, or are we going to decline further? We're one of the two poorest counties in the State of New York, and we're giving raises.

William Wilson, Amity, noted that he was bringing the same message as last year. The federal government has said that there is no increase in the cost of living, and therefore would not be giving a cost-of-living increase to Social Security recipients. He was told that the average median income for a family, not a single individual, in this County is \$30,000, yet the lowest of the proposed salary amounts is about \$52,000, and they go up from there. Mr. Wilson remarked that he's not saying these people don't do their jobs, but if these jobs are so onerous that only a five percent or a three percent raise can make them doable, then maybe they should consider looking somewhere else to work. There would be a dozen qualified applicants, people who live in this County, who would be very happy to have those jobs at whatever level you want to pay them at. To compare Allegany County with Cattaraugus County is ludicrous (referring to a newspaper article). There are different tax bases, and things are done differently in each County. We don't have much, and we're going to have less. It's time to be responsible. Times are difficult, and everyone will have to pay.

Barbara Hetzel, Wellsville, quoted from information she received from the Cattaraugus County Economic Development Office. The unemployment rate in Cattaraugus County is 8.4; in Allegany County it's 9.3; and nation-wide it's 9.7. The mean income in Cattaraugus County is \$38,551; in Allegany County it's \$23,000. A recent TV broadcast of "60 Minutes" reported that there are 11 million people with PhD and Master's level degrees looking for work; they would like to have the jobs that are in this County.

Gudron Scott, Andover, noted that we have many things to be grateful for in this County: the beauty, very little crime, and inexpensive property, and she thanked department heads for rendering very good service. In the 2000 census, household income in Allegany

BOARD OF LEGISLATORS SESSION MINUTES, OCTOBER 25, 2010

County was \$32,160. That's per household, not per person. These department heads are getting twice as much as the average Allegany County citizen. Ms. Scott suggested a moratorium in salary increases for now. It doesn't matter what Cattaraugus County is or is not doing (reference to a recent newspaper article). What she is looking for is leadership, responsibility, and civil service. These employees are getting a good pension. The State of New York is \$200 billion in debt because of this pension. We could save this money, especially with the looming energy crisis. Ms. Scott requested that the Legislature vote "no."

Joanne Hoagland, Belmont, agreed with Barb Burdick and Barb Hetzel. Social Security recipients are not getting a raise this year. The federal government can't justify saying that there's not a cost-of-living increase when costs everywhere have gone up. Ms. Hoagland urged Legislators to vote "no" on this increase for department heads.

Galen Brooks, Andover, remarked that on "Good Morning, America" this morning, it was predicted that in the upcoming election, there will be 84 percent of registered seniors voting, probably the largest turnout for that segment of the population in history. Seniors are concerned and involved with many issues, not the least of which is government budgets. It also was mentioned that seniors are angry, and that's true. One major reason for that anger is that they will not be receiving a cost-of-living increase in Social Security retirement income for the second year. At the same time there is a major bailout of the financial industry, and at the County level, a proposed wage increase of three percent, plus or minus, for middle management, and more for some positions that are not on today's list. There are some local company employees and their unions that have agreed to a reduction in pay in order to save their jobs. So it seems that in this most difficult era we, as Americans, find ourselves, we all have to make sacrifices, much as we have done in previous eras. Mr. Brooks felt that there should be a pay freeze for all County salaries, and he urged the Legislators to vote "no" on this salary increase so that the proposed County Budget increase of \$12 million can be reduced.

Joanne Allen, Wellsville, referred to her County tax bills for the last eight years. Eight years ago, her Allegany County tax was \$291; last year, she paid \$524. Her income over the past nine years has dropped by 30 percent, while her tax burden has increased by at least 40 percent. Increased taxes are forcing New Yorkers and employers to leave the state. Who will remain in this poor County to pay the ever-increasing taxes? The number of salaried Allegany County officials has increased; there are 59. The number of Allegany County residents is down to 49,000. Ms. Allen urged the Legislators to try to feel the pain of the taxpayers.

Cindy Ungermann Gowiski, Birdsall, referred to the October 24 issue of the "Spectator" in which Legislator Sinclair suggested the pay raises in question are justified because Cattaraugus County offers as much or more for the same positions. We teach our children that just because someone else does something doesn't make it right for them to do it. When taxpayers are burdened with another increase in the Budget every year, one of the top reasons cited is a substantial increase in the retirement contribution, leading the taxpayers to believe that this somehow was not expected. Government, at all levels, has grown out of control, and the public trough is drying up. People everywhere are saying the same thing, yet those in office continue not to listen. Ms. Gowiski gave a couple of examples: "Olean Times Herald" Cattaraugus County articles – headline, "Lawmakers Address Controversy over Raises," and an editorial, "Raises for Cattaraugus County Department Heads? What are the Legislators thinking? It is amazing that they would even consider this at a time when the national cost of living has not gone up enough to give Social Security or military retirees a raise. Also, the taxpayers are on the hook for huge increases in pension funds due to the loss in principal in NY retirees' pension. So why increase the amount department heads will be getting? The public employees want to be paid just like their private industry counterparts. In a down-turned economy, a three-percent raise does not parallel private industry. It is time our County Legislators start introducing our County employees to the reality of the real world,

and just say no to these pay raises.” An ad-lib from the “Cuba Patriot” states that Allegany County has a population of 49,157 people, 10,475 of which are on Social Security. “I don’t want to hear the department heads claim poverty; they should be in the shoes of the senior citizens. They should tighten their belts, too.” In Mr. Pullen’s article in the “Cuba Patriot,” last month, when referring to the collective bargaining agreement for the PEF union that represents some management level employees of the County, he states, “In today’s economic climate, I would have favored a contract that included no pay raises, while increasing employee contributions to health insurance.” Hopefully today his vote will reflect what he said.

Shari Dewey Collins, Belfast, noted that her comments were in the same vane as Ms. Gowiski’s. The population of Allegany County is 49,157. Cattaraugus County has a population of 79,689. One out of five people in Allegany County is living on Social Security, and there is no cost-of-living increase scheduled for them. Many of these same people are included in the 9,131 seniors who live on Social Security alone, which amounts to approximately \$1,050 per month. The elderly are struggling to pay taxes, fees, surcharges, user charges, sales tax, etc. Fifteen and one-half percent of the County’s population have incomes below the poverty line, as compared to the state figure of 14.6. Unemployment is at 8.7 percent; this has risen from 5.3 percent in 2000. The median income is approximately \$32,000. Three County unions are now working without pay raises, and have been for three years. These unions represent 340 people. When a pay raise is offered, it’s a ludicrous amount. The salary these union workers get is far below what’s being talking about for department heads and managers, especially those being considered today. The PEF mid-management union contract was recently settled, and the retroactive pay amounted to \$268,255 for a three-year period. It was Ms. Collins’ understanding that the County makes no effort to put aside money in the Budget to cover these retro payments. This is a burden on the taxpayer, not only for the retro payments upon contract settlement, but also for the legal costs of nearly \$200,000 for negotiating the contracts. Are these people’s performance worth any less than the ten manager positions being considered? Shouldn’t they also be rewarded? Ms. Collins questioned one position whose incumbent is retiring. With the poor economic conditions in this County, we should be looking at an austerity budget with no increase, or perhaps a reduction. It is interesting to note that England is reducing their government programs by 19 percent, yet we keep spending in this County. Perhaps this is why we have the third highest tax rate in the nation in relation to the value of our homes. Ms. Collins noted that in eight years, her County taxes increased by 47 percent. She believes the salaries being considered are already generous, and no increase should be given, taking into account the average income of citizens not working for County government.

Bob Gowiski, Birdsall, commented that when the Legislators campaigned during the last election, they wanted to represent the people and said they would do what was good for the taxpayers of the County. When the Legislators vote on this issue, they should make that vote as if they are representing the taxpayers. It’s taxpayers’ money being spent. There are a lot of people out there living a good life on a lot less than these people are being offered.

Eleanor Cott, Wellsville, commented that she worked for 37 years, and paid Social Security tax, property tax, school tax, and sales taxes. Now she doesn’t even get a cost-of-living increase. Ms. Cott lives on property that her grandfather purchased in the mid 1800s, and she is struggling to keep it. Social Security is a big lie. It’s detrimental to our County to raise these people’s wages. They may be worth it or they may not be worth it, but it puts a bad picture before the senior citizens in this County who are not getting any increases at all. Everything they buy costs more today.

Elaine Hardman, Wellsville, stated that her son and his co-workers took a 20 percent pay cut to save their jobs. It’s a hard way to live. She wants to pay her taxes, but she wants to pay her *fair* taxes. In 2009, Bank of America, General Electric, and CitiBank paid zero dollars in federal tax. Ms. Hardman noted that she has a suspicion that there are some local

BOARD OF LEGISLATORS SESSION MINUTES, OCTOBER 25, 2010

companies that did the same. When there are private sector workers taking cuts and having to use their remaining small number of dollars to give pay raises to those who earn two or three times what they do and also have healthcare and a pension, it's an unfair situation. She urged Legislators to vote, "no" on the pay raises.

As there were no further comments, the public hearing was declared closed, and the Board reconvened in regular session.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to David T. Pullen, former United States Army Legal Clerk, in grateful appreciation of his service to our Country. Mr. Pullen's service dates were from June 1971 to June 1973. Following Basic Training at Fort Dix, NJ, assignments included Fort Polk, LA, for Advanced Infantry Training, and Schofield Barracks, HI, as Personnel Clerk and Legal Clerk. Mr. Pullen led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall presented a certificate to Wendy Skinner in recognition of the awards received relative to the restoration of The Belmont Hotel. Chairman Crandall made the following statement:

"The original Belmont Hotel was destroyed by a fire in 1888 and was rebuilt in 1890. In 2000, the Fountain Arts Center, Inc., purchased the former Belmont Hotel to create an arts center, and to provide opportunities in the arts.

Wendy Skinner is the President of the Fountain Arts Center who partnered with Arbor Development and an investor to form the Belmont Apartments Associates, LLC, which is the partnership that owns the Belmont Hotel.

On May 12, 2010, the Preservation League of New York selected the rehabilitation of the former Belmont Hotel to receive an award for Excellence in Historic Preservation. The League's statewide awards program honors notable achievements in retaining, promoting and reusing New York State's irreplaceable architectural heritage. President of the League stated, "Now, this fully rehabilitated mixed-use property includes cultural, commercial and residential units and is a cornerstone of downtown revitalization efforts – all while respecting the remaining historical elements of 'The Queen of Schuyler Street.'"

According to Dan Gallagher, Director of Real Estate Development for Arbor Development, "The former Belmont Hotel has been transformed from a decaying eyesore and community safety hazard into an outstanding example of the rehabilitation of a historic building through preservation. This transformation has inspired other business owners to make improvements to their properties, and has fostered additional streetscape developments throughout Belmont's downtown business district."

On October 19, 2010, Mrs. Skinner attended the National Housing & Rehabilitation Association awards luncheon and ceremony in Boston, Massachusetts, to receive the Association's "Timmy Award." The "Timmy Awards" were created to honor outstanding real estate projects that involve rehabilitation of older, historic buildings, primarily using state or federal historic rehabilitation tax credits. Scoring is based on overall design and quality, interpretation and respect of historic elements, innovative approach to construction and use of building materials, impact on the community, sustainability and financial and market success of the project. Apartments at the Belmont was recognized under the category of Most Advanced Financial Structure."

Wendy Skinner thanked the Board for the recognition and related some of the history of the renovation project. Ten years ago, she purchased the former Belmont Hotel and started the Fountain Arts Center, thinking that the arts could be used as an economic development tool for our area. Mrs. Skinner had a desire to help the artists in our local rural area and wanted to revive the morale of the community. She endured many structural obstacles and initial funding sources disappeared, but she was committed to the project. She looked into historic preservation and got the building registered in both the state and national registries. Mrs. Skinner started writing and applying for grants, and was introduced to Edgemoor Developers. They sent developers down to do a feasibility study, and they advised that it wouldn't be easy, and they'd have to change some of their plans, but felt it could be done. Edgemoor brought in some legal people, financial people, architects, engineers, and historic consultants, and they formed a partnership with Arbor Development. Financing was very creative, with many funding sources including grants, loans, gifts, donations, tax credits for low income housing, historic preservation grants, state and federal tax credits, etc. Mrs. Skinner remarked that she was humbled and awed by the state and federal awards, and felt it was a privilege to do this and hopefully the project has impacted the area. She thanked everyone for their support.

Legislator Ungermann pointed out that nine or ten years ago, Wendy Skinner received the NYS Woman of Distinction award for community involvement. It's a very distinguished award.

Chairman Crandall granted privilege of the floor to Allegany Senior Foundation President Wallace Higgins. Mr. Higgins commented that the recent cuts in state aid presented a problem. To help carry our seniors through the winter, blizzard boxes are assembled and distributed so they won't go hungry during times of inclement weather when help can't get through and Office for the Aging can't deliver meals. The preparation of the meal boxes requires time and expense, and there is a lack of funds. Three hundred twenty-five boxes are needed, including over 975 meals for times of unpredictable weather. The Allegany Senior Foundation has been very fortunate in their fund raising efforts. Their purpose is to meet the unmet needs of Office for the Aging. Mr. Higgins presented Chairman Crandall with a check to Office for the Aging in the amount of \$5,000 for blizzard boxes this year. Chairman Crandall added that the Foundation is able to raise monies in ways the government can't, and helps take up the slack in provision of senior services. This is one example of that. He thanked the Foundation on behalf of the Legislature and those who will receive the boxes - the senior population.

Chairman Crandall presented a certificate to Susan and Jeff Kaduc in honor of their support to the Cancer Services Program of Allegany and Cattaraugus Counties and thanked them on behalf of the Legislature and the people of Allegany County. Chairman Crandall read the following statement:

"We are here today to acknowledge the generosity of Susan and Jeff Kaduc in helping the residents of Allegany County who are undergoing cancer treatments.

Three years ago, Susan was diagnosed with breast cancer. During her treatment phase, a friend contacted the Cancer Services Program of Allegany and Cattaraugus Counties. Susan states she received gas cards, no questions were asked, no forms to complete. Now she wanted to give back.

Jeff and Susan have held a golf tournament each year since and have helped to raise over \$30,000 to date. The large majority of the funds are donated to the Allegany County Cancer Services and the Cancer Services Program of Allegany and Cattaraugus Counties. The money is used to help with the financial burden occurring during cancer treatments. This donation has provided for the purchase of gas cards, wigs, and prosthetics, along with medical bills assistance."

BOARD OF LEGISLATORS SESSION MINUTES, OCTOBER 25, 2010

Madelyn Thornton, from the Cancer Services Program of Allegany and Cattaraugus Counties, thanked the Kaducs for their generous donation, and she addressed the Board regarding Breast Cancer Awareness Month. In Allegany County, there are 38 new breast cancer diagnoses made each year, and the average number of related deaths is 6. The Cancer Services Program has a grant called Komen Kares that provides support to women with breast cancer by providing gas cards to get to cancer treatments, assistance with co-pays, wigs, and prosthetics. The needs keep growing. This year, they ran out of money in August and have used the Kaducs' donation since then, so they have not had to deny assistance to anyone who needed it. Ms. Thornton cited additional information contained in the NYS Registry of Cancer Statistics: incidents of malignant tumors in Allegany County – average annual number of cases, males – 156, females – 129; average annual number of deaths, males – 57, females – 46. That means 5 residents of Allegany County will be diagnosed with cancer every week, and 2 of them will die every week. The importance of screening can't be stressed enough. What mammograms can do to save lives can be illustrated by the fact that 98 percent of breast cancers can be cured if diagnosed early. The Cancer Services Program is funded by grants and provides screening for the uninsured or underinsured.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. November 2010 Calendar of Board and Standing Committee meeting dates.
2. Committee of the Whole meeting minutes of October 12, 2010, for review.

The following communications were also acknowledged:

1. Southern Tier West Regional Planning and Development Board minutes from September 23, 2010, and notice of meeting for October 21, 2010.
2. Correspondence from the Allegany Senior Foundation thanking the Board for its support and recent donation.
3. Correspondence from Public Works Superintendent David Roeske indicating that he appointed Guy James as Public Works Deputy Superintendent I and Dean Scholes as Public Works Deputy Superintendent II effective October 20, 2010, for the duration of his term of office.

PROCLAMATION:

Chairman Curtis W. Crandall proclaimed October 2010 as Breast Cancer Awareness Month in Allegany County to increase the awareness of the importance of early breast cancer detection.

RESOLUTIONS:**RESOLUTION NO. 195-10**

**ADOPTION OF LOCAL LAW INTRO. NO. 4-2010, PRINT NO.1, IN RELATION TO A
LOCAL LAW TO PROVIDE INCREASES IN THE COMPENSATION OF CERTAIN
COUNTY OFFICERS**

Offered by: Ways and Means Committee

RESOLVED:

1. That proposed Local Law, Intro. No. 4-2010, Print No. 1, is adopted without any change in language, to wit:

COUNTY OF ALLEGANY

Intro. No. 4-2010

Print No. 1

A LOCAL LAW TO PROVIDE INCREASES IN THE COMPENSATION OF CERTAIN COUNTY OFFICERS

BE IT ENACTED by the Board of Legislators of the County of Allegany, State of New York, as follows:

Section 1. Commencing January 1, 2011, the annual salary of the incumbents of the following County offices shall be as follows: Public Defender - \$86,570; County Treasurer - \$68,170; Real Property Tax Director - \$54,405; County Clerk - \$60,740; County Attorney - \$91,280; Personnel Officer - \$52,635; Public Works Superintendent - \$70,575; Public Health Director - \$67,950; Social Services Commissioner - \$72,640; Employment and Training Director - \$62,390.

Section 2. This local law shall take effect on the date of its filing with the Secretary of State.

Moved by: Mr. Hopkins
Seconded by: Mr. Fanton

Adopted: Roll Call
10 Ayes, 3 Noes, 2 Absent
Voting No: Cady, Curran, Ungermann

(Memo: Upon adoption, Local Law Intro. No. 4-10 became Local Law No. 4-10.)

Comments made regarding Resolution No. 195-10 included the following:

Legislator Ungermann read a letter from Dana and Karen Perrigo from Black Creek:

"First, I would like to thank you and your fellow legislators for the time and effort you put in on behalf of the County. The job is not an easy one, and your efforts are appreciated.

I am writing to express my concern with regards to the proposed raises to be given to the department heads. While I know they are deserving of a raise, I believe now is not the time.

I am enclosing an article and a chart. The article discusses who is paid more – private or public. The article points out that the average total compensation, including benefits, was \$27.07 for the private sector and \$39.18 for the public sector (September 2008 data from the U.S. Bureau of Labor Statistics, as reported in a 2010 Integrated Concepts article). The chart is from Office of Real Property Tax Services. The chart shows the overall full-value tax rate for Allegany County is \$48.80 for fiscal year ending 2009. This rate represents the highest in the state. (Legislator Ungermann noted that Allegany County is more than \$13 higher than Livingston, Cattaraugus, and Steuben Counties.)

While a three-percent increase may seem to be a modest amount, there are additional costs associated with the increase such as employer's share of Social Security and Medicare, retirement contribution based on salary, etc. which add to the cost of the wage increase.

I am very concerned about the future of Allegany County. How can we bring industry and/or keep industry here when our tax rate is the highest in the state? My property taxes (County, town, and school) on my home have increased 30 percent in the past three years. The value

BOARD OF LEGISLATORS SESSION MINUTES, OCTOBER 25, 2010

of my real estate has not increased by the same percentage. How are young families going to be able to buy a home and stay here when the amount for their escrow for taxes is more than their mortgage payment? Our office handled a real estate transaction that did not close because the young person trying to buy the property could not afford the monthly payment, which included an escrow payment for taxes and insurance. The home was moderately priced in the \$50,000 range, which was in the buyer's budget. I believe the mortgage payment to repay the principal and interest was approximately \$325, and the monthly payment for taxes and insurance was approximately \$390. How are retired individuals going to continue to afford their homes? I have a tax client whose total income is approximately \$27,000, and his property taxes are more than 10 percent of his income. Recently, my office handled a sale of vacant land for an elderly client because they cannot afford the property taxes based on their income, which consists of Social Security.

I was recently thinking of the number of tax clients who have retired from their teaching or public sector jobs. Unfortunately, they are not still here in New York. They have moved to other states. Not only are we losing their economic contributions, but also the societal contributions they make, such as volunteering. I can't think of any new tax clients that have moved here from some other state.

Our economic problems in New York are not over. The four-year gap in New York State's budget is expected to be in excess of \$37 billion (2010 to 2014). I would expect that means additional taxes and/or cuts in state aid. I believe now is the time to be cutting expenses and looking for ways to consolidate services to be more efficient. We need to all work together to reduce the cost of government.

I enjoy living and working in Allegany County. I believe our County is a wonderful place to live. We have access to Buffalo, Rochester, and Toronto. We have two hospitals and two lakes in our County. We have three institutions of higher learning in our County and several just over the County border. The people are wonderful. Outdoor activities are many. We have six or more golf courses in the area that are very accessible and affordable. We have hiking trails, snowmobile trails, hunting, and skiing.

I recently visited with a professional who lives outside of New York State. He said he would love to have a summer home in Allegany County. He loves the area. But the words he expressed were, 'your taxes are just too high.' On my way home, I was thinking about what could happen to our area if taxes were more affordable. My answer: great things!! The area is beautiful, and I believe we could attract people here as a place that offers affordable housing and many very affordable recreation activities.

We need to focus on reduction of costs, improved efficiency, and possibly more consolidation of services. The cost of living has not increased by three percent. I believe the cost of living has increased approximately 1.2 percent. Senior citizens will not be seeing an increase in their Social Security benefits for 2011. I know there are many businesses struggling. Now is not the time for increased salaries."

Legislator Ungermann commented that in a recent news article, the USDA reported that 42 million people are now on food stamps. That's one of every eight Americans, although Mr. Ungermann suspects it's somewhat higher in Allegany County. Regarding the issue of vacation and sick time sell-backs, since 2001, the County has spent \$2,477,801 on sell-backs. The biggest share of that is to managerial non-union employees. A contract was recently negotiated with the PEF union, and 60 employees are guaranteed sell-backs that they also received before they became a union. The contract runs for two more years until December 31, 2012. There are approximately 400 other employees, either non-union or having no current union contract. Now is the time to do something with the issue of sell-backs. Perhaps another thing to look at is longevity payments, with either a cap of \$500 or \$700 or even elimination, rather than the \$1,650 annual maximum we have now.

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

Contribution to health insurance has been discussed. Option 1 is the plan of choice, and the maximum contribution is only \$480 per year for a \$14,000 health insurance plan, which is a very small contribution. New hires, after the first of the year, will have to pay 25 percent. There are places we must cut. We heard from a lot of people today that are concerned, concerned about even staying in their homes.

Legislator Pullen noted that these are not easy issues. He understands the sentiments expressed and agrees with many. On the other hand, Mr. Pullen has been here during interviews of candidates for some of the same positions that are on the list being looked at today. There have been times when they didn't have adequate candidates and times when they have had to review and revise what was offered. At times, we have not been competitive and have not been able to get people to apply for those positions. It's fine to pick and choose which programs we want to support, but as a Legislator, he is bound to follow everything those above us have enacted, whether he agrees with it or not. So we have had to look for other alternatives for providing some of these services, for example, Allegany County went to a full-time Public Defender and a full-time Assistant Public Defender. Mr. Pullen said he doesn't blame these officers for wanting something competitive with what's available in other sectors, and what they have isn't really competitive. These people all do a good job. He's heard people say they don't want to cut these services back, but if you want to have qualified people and the benefit that entails, you need to pay a competitive wage. He's heard people with a background in the unions saying these people don't need that salary increase. Maybe their solution is to have no management whatsoever. We've come close to that in the past with our County Board, and our taxes sky-rocketed. Mr. Pullen stated that he was prepared to support the resolution, because he believes that the way to ultimately save money is to spend it wisely and get good, high quality management. He understands that retirement involves a cut-back in income, and he understands poverty. He appreciates the concerns expressed, but he believes that these salaries are low for the positions that we are talking about and the degree of experience these people bring. Mr. Pullen is very supportive of trying to contain taxes. The Budget issue shows that the Legislators have done that and are continually committed to trying to limit any increase in property taxes, but the request or position that we shouldn't have any increases, though understood and well-meant, is not something he can support at this time.

Legislator Fanton remarked that he also is drawing Social Security. He didn't get a raise. Four years ago, the County's finances were at a negative \$4 million. These people we're considering giving a three-percent raise are the same ones who got us from that negative \$4 million hole to having just a little over a one-half percent tax rate increase for 2011 and a healthy unappropriated fund balance of over \$12 million.

Legislator Hopkins stated that it's unfortunate we have to vote on these particular positions, due to the way the law is written, but he considers them all part of Section 4, or non-union employees including the rest of the department heads. If you look at the entire Section 4 group, the average raise is 1.9 percent. When the union contracts are settled, he's in hopes that those increases will also be at 1.9 percent.

RESOLUTION NO. 196-10**RESOLUTION RESCINDING RESOLUTION NO. 144-2010**

Offered by: Personnel Committee

RESOLVED:

1. That Resolution No. 144-2010 adopted by this Board on July 22, 2010, is hereby rescinded.

BOARD OF LEGISLATORS SESSION MINUTES, OCTOBER 25, 2010

Moved by: Mr. Pullen
 Seconded by: Mr. Fanton

Adopted: Roll Call
 13 Ayes, 0 Noes, 2 Absent

(Memo: The New York State Retirement System requested that we resubmit Resolution No. 144-10 [Establishing Standard Work Days for Elected and Appointed Officials and Directing a Report of Days Worked to the New York State and Local Employees' Retirement System] to provide additional information, corrections, and clarification as follows:

- *Non-members or pensioners should not be listed or included on the resolution.*
- *The last four digits of each member's social security number must be included on the resolution that is submitted to the Retirement System, but not on the public copy.*
- *The standard work day for some positions was previously reflected in hours per week, and all titles must have a standard work day between 6 and 8 hours, and the actual time worked should be reflected in the Days Worked Per Month column.*
- *All members must have a specific term listed.*
- *Only employees beginning a new term after August 12, 2009, should be listed on the resolution.*

The resubmission of this resolution should clarify clerical omissions and conform to New York State requirements.)

Chairman Crandall noted that this resolution rescinds the resolution dealing with the retirement report and the next resolution contains the new information for resubmission with the corrections made.

RESOLUTION NO. 197-10

**ESTABLISHING STANDARD WORK DAYS FOR ELECTED AND APPOINTED OFFICIALS
 AND DIRECTING A REPORT OF DAYS WORKED TO THE
 NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM**

Offered by: Personnel Committee

RESOLVED:

1. Effective immediately, the Allegany County Board of Legislators hereby establishes the following as standard work days for elected and appointed officials and will report the days worked of such officials to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of the Board.

<u>Title</u>	<u>Name</u>	<u>Standard Day Hrs/Day</u>	<u>Term</u>	<u>Employer Record of Time (Y/N)</u>	<u>Days Worked Per Month</u>
ELECTED OFFICIALS:					
Legislator	Crandall, Curtis W.	6	01/01/10-12/31/13	N	25.14
Legislator	Curran, Philip B.	6	01/01/10-12/31/13	N	3.83
Legislator	Fanton, Dwight R.	6	01/01/10-12/31/13	N	11.97
Legislator	Hopkins, Theodore L.	6	01/01/10-12/31/13	N	12.72
Legislator	LaForge, Kevin S.	6	01/01/10-12/31/13	N	13.68
Legislator	Pullen, David T.	6	01/01/10-12/31/13	N	18.99
District Attorney	Parker, Terrence	7	01/01/10-12/31/13	N	30.98
Treasurer	Ross, Terri L.	7	01/01/10-12/31/13	Y	NA
APPOINTED OFFICIALS:					
Administrator	Margeson, John E.	7	01/01/10-12/31/13	Y	NA
Deputy Co. Admin.	Alger, Mitchell	7	01/01/10-12/31/13	Y	NA
Secretary to Co. Admin.	Alswoth, Alice	7	01/01/10-12/31/13	Y	NA
Aging, OFA Director	Toot, Kimberley	7	01/01/10-12/31/13	Y	NA
Attorney	Miner, Thomas A.	7	01/01/10-12/31/13	N	24.71
Attorney, 1st Assist.	Haggstrom, Leslie	7	01/01/10-12/31/13	Y	NA
Attorney, 2nd Assist.	Knapp, Carissa Healy	7	01/01/10-12/31/13	Y	NA

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

Attorney, 3rd Assist.	Carnes, Nora	7	01/01/10-12/31/13	Y	NA
Secretary to Co. Attny.	Osgood, Oriana	7	01/01/10-12/31/13	Y	NA
Clerk of the Board	Riehle, Brenda Rigby	7	01/01/10-12/31/13	Y	NA
Deputy COB/Journal	Finnemore, Adele	7	01/01/10-12/31/13	Y	NA
Community Services Dir.	Anderson, Robert	6	01/01/10-12/31/13	Y	12.54
County Clerk Deputy I	Healy, Linda K.	7	01/01/10-12/31/13	Y	NA
County Clerk Deputy II	Stoll, Kristina K.	7	01/01/10-12/31/13	Y	NA
County Clerk Deputy III	Hennessy, Michael D.	7	01/01/10-12/31/13	Y	NA
Development Director	Foels, John E.	7	01/01/10-12/31/13	Y	NA
District Attny-1st Assist.	Slep, Keith A.	6	01/01/10-12/31/13	N	22.36
District Attny-2nd Assist.	Finn, Amanda	6	01/01/10-12/31/13	N	22.83
District Attny-3rd Assist.	Cornell, Andrew J.	6	01/01/10-12/31/13	N	21.69
District Attny-4th Assist.	Finn, Michael	6	01/01/10-12/31/13	N	22
District Attny-Secretary	Drozdowski, Ronnelle	7	01/01/10-12/31/13	Y	NA
DA Crime Victims Coord.	Ozzella, Shannon	7	01/01/10-12/31/13	Y	NA
Deputy Elect. Comm.	Mascho, Linda A.	7	01/25/10-07/06/10	Y	NA
Deputy Elect. Comm.	Crawford, Marcy J.	7	08/02/10-12/31/12	Y	NA
Elections Comm. (D)	Lorow, Catherine M.	6	01/01/09-12/31/12	Y	12.54
Deputy Elect. Comm.	Broughton, Barbara	7	01/01/10-12/31/13	Y	NA
Emergency Services Dir.	Tucker, John	7	01/01/10-12/31/10	Y	NA
Deputy OES Director	Barney, Michael	7	01/01/10-12/31/10	Y	NA
Employment & Train. Dir.	Garmong, Jerry	7	01/01/10-12/31/13	Y	NA
Health Director	Ballengee, Loreen	7	05/22/07-05/22/13	Y	NA
Deputy Health Director	Hull, Thomas	7	05/22/07-05/22/13	Y	NA
Historian	Braack, Craig R.	7	01/01/10-12/31/13	Y	NA
Information Tech. Dir.	Button, Deborah	7	01/01/10-12/31/13	Y	NA
Personnel Officer	Ruckle, Ellen A.	7	09/27/05-09/27/11	Y	NA
Planner	Dirlam, H Kier	7	04/26/10-12/31/13	Y	NA
Public Defender	Kelley, Barbara J.	7	01/01/10-12/31/13	Y	NA
Public Def., 1st Assist.	Fogarty, Patricia	7	01/01/10-12/31/13	Y	NA
Secretary to Public Def.	Webb, Jennifer	7	01/01/10-12/31/13	Y	NA
Public Works Super.	Roeske, David S.	7	10/25/08-10/24/12	Y	NA
Deputy DPW Super I	Mancuso, John	7	10/25/08-10/24/12	Y	NA
Deputy DPW Super I	James, Guy R.	7	10/25/08-10/24/12	Y	NA
Deputy DPW Super II	Scholes, Dean	7	09/14/10-10/24/12	Y	NA
Secretary to DPW Sup.	Dorrett, Lea	7	10/25/08-10/24/12	Y	NA
Real Property Tax Dir.	Presutti, Steven	7	01/01/10-12/31/13	Y	NA
Social Services Comm.	Schmelzer, Patricia	7	12/14/09-12/13/14	Y	NA
Deputy DSS Comm.	Grant, Vicki	7	12/14/09-12/13/14	Y	NA
Secretary to DSS omm.	Zalar, Tina	7	01/01/10-12/13/14	Y	NA
STOP-DWI/Youth Director	Edwards, Linda	7	01/01/10-12/31/10	Y	NA
Treasure Deputy	Budinger, Joseph	7	01/01/10-12/31/13	Y	NA
Veterans Service Director	Spillane, H. Scott	7	01/01/10-12/31/13	Y	NA
Workers' Comp. Ex. Sec.	Dillon, Douglas	7	01/01/10-12/31/13	Y	17.2
Workers' Comp.	Keib, Sharon	7	01/01/10-12/31/13	Y	NA

Moved by: Mr. Pullen
 Seconded by: Mr. Hopkins

Adopted: Roll Call
 11 Ayes, 2 Noes, 2 Absent
 Voting No: Cady, Ungermann

Comments made regarding Resolution No. 197-10 included: Legislator Ungermann stated that his original statement made for Resolution 144-10 was that it was not truthful, and he didn't believe this one was either.

RESOLUTION NO. 198-10

AUTHORIZING COUNTY TREASURER TO COLLECT A FEE FOR DISHONORED CHECKS

Offered by: Ways & Means Committee

WHEREAS, Section 85 of the General Municipal Law allows a municipality to impose a charge to any account owing to the municipality when a tendered payment to the municipality is dishonored by a bank or depository institution, and

BOARD OF LEGISLATORS SESSION MINUTES, OCTOBER 25, 2010

WHEREAS, the County Treasurer has reported that her office is experiencing added expense and inconvenience from receiving checks which are subsequently dishonored by the banks on which they are drawn, and

WHEREAS, most municipalities impose a service charge for returned checks, and

WHEREAS, imposition of a service charge by Allegany County would act to discourage the issuance of "bad checks" to the County and help compensate the County for the added expense and inconvenience resulting from such checks, now therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators hereby authorizes the County Treasurer to impose a service charge of twenty dollars for any check issued to Allegany County which is subsequently dishonored by a bank or depository institution.

2. That the County Treasurer may further require that future payments to collect the underlying account and service charge be in cash or by certified or cashier's check.

3. That this resolution shall take effect immediately.

Moved by: Mr. Hopkins
Seconded by: Mr. Healy

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 199-10

**CREATING ONE POSITION OF OFFICE MANAGER WITHIN THE
COMMUNITY SERVICES AGENCY IN THE PEF SALARY PLAN AND
ABOLISHING ONE POSITION OF SENIOR ACCOUNT CLERK STENOGRAPHER
IN THE AFSCME SALARY PLAN DUE TO
HUMAN RESOURCES AND CIVIL SERVICE DEPARTMENT RECLASSIFICATION**

Offered by: Personnel and Ways and Means Committees

WHEREAS, the Human Resources and Civil Service Department has reclassified one position of Senior Account Clerk Stenographer in the AFSCME Salary Plan to an Office Manager within the Community Services Agency, and

WHEREAS, the New Position Duties Statement has been submitted to the Personnel Officer, who has approved the title in accordance with Section 22 of the Civil Service Law, now, therefore, be it

RESOLVED:

1. That one position of Office Manager within the Community Services Agency is created in the PEF Salary Plan and one position of Senior Account Clerk Stenographer in the AFSCME Salary Plan is abolished due to Human Resources and Civil Service Department reclassification.

2. This resolution shall take effect on October 26, 2010.

Moved by: Mr. Burdick
Seconded by: Mr. Hopkins

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 200-10**TRANSFER OF FUNDS WITHIN PUBLIC HEALTH DEPARTMENT ACCOUNTS**

Offered by: Human Services Committee

RESOLVED:

1. That the sum of \$8,600 is transferred from Account No. A4010.1 to Account No. A4010.4.

Moved by: Mr. Burdick
 Seconded by: Mr. Pullen

Adopted: Roll Call
 13 Ayes, 0 Noes, 2 Absent

(Memo: Regarding the transfer of funds approved by Resolution No. 200-10, funds were budgeted in 2010 for a Public Health Educator position. The position remained vacant until September 20, at which time the County contracted with Cornell Cooperative Extension for a Community Health Educator, paid for through a contractual account rather than personnel services accounts.)

RESOLUTION NO. 201-10**TRANSFER OF FUNDS WITHIN BIO-TERRORISM PREPAREDNESS ACCOUNTS**

Offered by: Human Services Committee

RESOLVED:

1. That the sum of \$4,000 is transferred from Account No. A4189.4 to Account No. A4189.2, to cover cost of equipment.

Moved by: Mr. Burdick
 Seconded by: Mr. Curran

Adopted: Roll Call
 13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 202-10**TRANSFER OF FUNDS WITHIN HEALTH DEPARTMENT ACCOUNTS TO RABIES PROGRAM TO COVER COST OF POST-EXPOSURE SHOTS**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$33,500 is transferred to Account No. A4043.4 as follows: \$6,000 from Account No. A4010.4, \$10,000 from Account No. A4060.4, and \$17,500 from Account No. A2960.4.

Moved by: Mr. Burdick
 Seconded by: Mr. Sinclair

Adopted: Roll Call
 13 Ayes, 0 Noes, 2 Absent

(Memo: The transfer approved by Resolution No. 202-10 was necessary to cover the cost of post-exposure shots provided by local hospitals to County residents who go through the rabies shot series due to exposure to a high-risk animal (bat, raccoon, stray animal) or dog bite. There has been a dramatic rise in the number of County residents needing to go through the series. As a result, the Health Department is currently over budget, and there are

BOARD OF LEGISLATORS SESSION MINUTES, OCTOBER 25, 2010

approximately nine more individuals who have been identified as needing treatment. The transfer should provide enough funds to cover expenditures through the end of the year.)

RESOLUTION NO. 203-10**TRANSFER OF FUNDS BETWEEN CAPITAL PROJECT ACCOUNTS**

Offered by: Public Works and Ways and Means Committee

RESOLVED:

1. That the sum of \$30,000 is transferred from Account No. H5912.200 (BR #01-11, Alfred) to Account No. H5913.200 (BR #04-28, CR32, Almond).

Moved by: Mr. Fanton

Seconded by: Mr. Hopkins

Adopted: Roll Call

13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 204-10

**INCREASING DEPARTMENT OF SOCIAL SERVICES
APPROPRIATION AND REVENUE PROGRAM ACCOUNTS;
TRANSFERRING FUNDS TO RECONCILE ACCOUNTS FOR END OF YEAR**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the following Department of Social Services Accounts are increased as follows: \$3,089,505 to Account No. A6141.474 (HEAP), with a like sum credited to Revenue Account No. A11.4641.00, and \$3,715,527 to Account No. A6150.474 (Food Stamps), with a like sum credited to Revenue Account No. A11.4650.00.

2. That the sum of \$274,189 is transferred as follows: \$90,000 from Account No. A6010.101 to Account No. A6010.104, \$10,832 from Account No. A6010.409, with a sum of \$2,357 to Account No. A6010.476 and \$8,475 to Account No. A6010.481, \$173,357 from Account No. A6010.476, with a sum of \$33,418 to Account No. A6070.474, \$47,637 to Account No. A6010.477, \$51,227 to Account No. A6010.478, and \$41,075 to Account No. A6010.481.

Moved by: Mr. Burdick

Seconded by: Mr. Hopkins

Adopted: Roll Call

13 Ayes, 0 Noes, 2 Absent

Comments made regarding Resolution No. 204-10 included the following: Legislator Pullen stated that we talk a lot about our opposition to many of the social welfare programs. Many of the people speaking today rely on these programs, as they do upon the Office for the Aging programs. There are many people who spend a lot of their time volunteering for the Senior Foundation and other volunteer groups making it possible to meet the needs that the government programs, for whatever reason, can't keep up with. Now we're seeing that the state is engaging in across the board cuts. These appropriations and transfers won't adversely affect the budget. We are facing hard times, and the Senior Foundation Board struggles with that challenge. It's not a matter of providing more benefits for our seniors, but how to provide benefits that have historically been provided by state and county government that we are no longer able to provide. Mr. Pullen has heard people say that we're not serious about cuts until we start eliminating programs and cutting services. That's the downside of this issue of trying to balance the budget. As a nation, as a state, and maybe as a county, we've lived beyond our means. There are no easy answers. We need to look at reducing

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

expenses because of the things that are beyond our control. The Department of Social Services budget is the largest budget the County has. Eighty to ninety percent of the Budget is mandated by the state and federal government. That's where we'll have to focus with the next elections coming up.

RESOLUTION NO. 205-10**ACCEPTING AND APPROPRIATING FUNDING FROM THE ESTATE OF EDNA E. MCANDREWS TO OFFICE FOR THE AGING ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$37,669.51 from the Estate of Edna E. McAndrews to the Office for the Aging is accepted.

2. That the accepted sum of \$37,669.51 is appropriated as follows: \$3,852 to Account No. A6776.4, with a like sum credited to Revenue Account No. A02.1972.09, and the sum of \$33,817.51 to Reserve Account No. A08 2755.R.

Moved by: Mr. Burdick
Seconded by: Mr. Fanton

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

(Memo: A portion of the bequest accepted by Resolution 205-10 will be used immediately to provide Lifelines for frail seniors to help keep them safe at home, and the remainder is being placed in the OFA reserve account for future services.)

Chairman Crandall expressed the Board's gratitude to the McAndrews Estate.

RESOLUTION NO. 206-10**ACCEPTANCE AND APPROPRIATION OF DONATION FROM SUSAN KADUC TO HEALTH DEPARTMENT CANCER SERVICES ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$4,000 from Susan Kaduc is accepted.

2. That the accepted sum of \$4,000 is appropriated to Account No. A4071.409 (Cancer Screening – Contractual), with a like sum credited to Revenue Account No. A08.2705.4071 (Gifts and Donations - Komen Kares).

Moved by: Mr. Burdick
Seconded by: Mr. Healy

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

Chairman Crandall expressed the Board's gratitude to Susan and Jeff Kaduc.

RESOLUTION NO. 207-10**A RESOLUTION CONTINUING THE SERVICES OF INDEPENDENT HEALTH'S PHARMACY BENEFIT DIMENSIONS, LLC, FOR PROVIDING PHARMACY BENEFIT MANAGEMENT SERVICES FOR COUNTY OFFICERS, EMPLOYEES AND RETIREES; AUTHORIZING CHAIRMAN TO EXECUTE SUCH AGREEMENT**

BOARD OF LEGISLATORS SESSION MINUTES, NOVEMBER 8, 2010

Offered by: Personnel Committee

RESOLVED:

1. That the Agreement with Independent Health's Pharmacy Benefit Dimensions, LLC, covering the period January 1, 2011, to December 31, 2012, to provide pharmacy benefit management services for County officers, employees and retirees who are eligible participants in Allegany County's pharmacy benefit plan is approved.

2. That the Chairman of this Board is authorized to execute such Agreement.

Moved by: Mr. Pullen
Seconded by: Mr. Hopkins

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

Comments made regarding Resolution No. 207-10 included the following: Legislator Pullen remarked that an increasing portion of the County expense for providing health related insurances has gone for pharmacy type benefits. We have seen a significant savings in the plan and are moving forward with negotiations. Having a qualified administrator for the pharmacy benefits is very important.

AUDITS:

A motion was made by Legislator Hopkins, seconded by Legislator Sinclair and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator Hopkins, seconded by Legislator Fanton and adopted on a roll call vote of 12 Ayes, 1 No, 2 Absent, that the audit of claims, totaling \$2,751,308.57 including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$6,431,285.*) Legislator Ungermann asked about expenses included under the County Administrator's accounts and whether there were any expenses related to the Article 78 in Cuba. County Administrator John Margeson explained the account activity, noting that there were not any expenses related to the Article 78 in Cuba.

ADJOURNMENT: The meeting was adjourned at 4:00 p.m. on a motion made by Legislator Cady, seconded by Legislator Pullen and carried.

REGULAR SESSION – NOVEMBER 8, 2010

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army Sergeant 1st Class Robert Christman (County Clerk).

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 14 Present; 1 Absent (Legislator Russo).

APPROVAL OF MINUTES:

The Committee of the Whole meeting minutes of September 27, 2010, were approved on a motion made by Legislator Fanton, seconded by Legislator Sinclair and carried.

The Committee of the Whole meeting minutes of October 12, 2010, were approved on a motion made by Legislator Curran, seconded by Legislator Fanton and carried.

The Board meeting minutes of October 25, 2010, were approved on a motion made by Legislator Burdick, seconded by Legislator Pullen and carried.

PRIVILEGE OF THE FLOOR:

Chairman Curtis W. Crandall presented a certificate to Robert Christman, former United States Army Sergeant 1st Class, in grateful appreciation of his service to our Country. (Mr. Christman is currently the Allegany County Clerk.) Mr. Christman's Army service dates were from 1979 to 1984, and he attained the rank of Specialist 4th Class, after which he served in the Army Reserves from 1984 through 1992, attaining the rank of Sergeant 1st Class. Following Basic Training and Advanced Training at Fort Jackson, SC, assignments included: Fort Clayton in the Panama Canal Zone and Fort Huachuca, AZ. Commendations he received included: Army Commendation Medal, Army Service Ribbon, and Good Conduct Medal. Beginning April 2010, Mr. Christman is serving a six-year enlistment in the New York State Air National Guard. Mr. Christman led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall presented certificates to honor the following employees who have thirty years of service with the County. (The employees from Social Services were present to receive the awards; the remaining employees will receive theirs at a later date.)

County Treasurer's Office

Pamela Margeson, Senior Account Clerk Typist

Department of Social Services

Jeanette Cobb, Senior Caseworker
Wendy Schoonover, Support Investigator
Miriam Gleason, Account Clerk Typist
Melody Robinson, Resource Assistant
Nancy Houle, Support Investigator

Emergency Services

Brenda Witter, Account Clerk Typist
John Tucker, Former Director (retired)

Employment and Training

Jerry Garmong, Director

Workers' Compensation

Sharon Keib, Office Manager

Department of Public Works

John Doty, Heavy Motor Equipment Operator I
James Buzzard, Heavy Motor Equipment Operator II

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. Report of Tax Bill Corrections approved by the County Administrator in October.
2. Report of Intrafund Transfers approved by the County Administrator in October.

BOARD OF LEGISLATORS SESSION MINUTES, NOVEMBER 8, 2010

The following communications were also acknowledged:

1. County Treasurer Terri Ross filed Certificates of Withdrawal of Delinquent Tax Liens in the Clerk of the Board's Office pursuant to Article 11 of the Real Property Tax Law for properties in the Town of Scio on October 29, 2010.
2. Notice of next InterCounty Association meeting to be hosted by Genesee County in Batavia on November 19.
3. Press release prepared by Chairman Crandall regarding action taken by the Committee of the Whole this morning to further reduce the 2011 Tentative Budget by \$75,000 which will result in no tax rate increase when the Final Budget is adopted on November 22.

RESOLUTIONS:**RESOLUTION NO. 208-10**

**AMENDMENT OF RESOLUTION NO. 27-79 AS PREVIOUSLY AMENDED
TO INCREASE THE RATE OF COMPENSATION FOR
SOIL AND WATER CONSERVATION DISTRICT DIRECTORS FOR
ATTENDANCE AT DISTRICT BOARD MEETINGS**

Offered by: Ways and Means Committee

Pursuant to Soil & Water Conservation Districts Law § 7

RESOLVED:

1. That section 1. of Resolution No. 27-79, as amended by Resolution No. 101-97 and Resolution No. 222-01, is amended to read as follows:

1. That retroactive to January 1, 2010, the compensation for each Director of the Board of Directors of the Allegany County Soil and Water Conservation District is fixed at Seventy-Five Dollars (\$75.00) for each district board meeting attended by such Director. Members of the Soil and Water Conservation District Board of Directors who are also members of the Allegany County Board of Legislators shall not be entitled to such compensation or any mileage reimbursement from the District.

Moved by: Mr. Hopkins
Seconded by: Mr. Burdick

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

Resolution Intro. No. 215-10 (Relevy of Returned School Taxes) was amended on a motion made by Legislator Hopkins, seconded by Legislator Healy and carried, by changing the effective date from November 9 to November 16, due to the fact that the final date for collection is November 15.

RESOLUTION NO. 209-10**RELEVY OF RETURNED SCHOOL TAXES**

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law § 1330

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

RESOLVED:

1. That the amount of the unpaid returned school taxes of the several school districts of Allegany County with seven per centum of the amount of principal and interest in addition thereto, is relieved upon the real property upon which the same were imposed.
2. This resolution shall take effect on November 16, 2010.

Moved by: Mr. Hopkins
 Seconded by: Mr. Healy

Adopted: Roll Call
 14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 209-10 included the following: Legislator Pullen remarked that many taxpayers are not aware that the County is in the position where it guarantees that the school districts will receive their full levy. If anything is lost, the County has to deal with it. This is how the state set it up, and it's something that we participate in. Several downstate counties are threatening to discontinue this, which impacts school district funding. Whether good or bad, it's something that has been done, and he would want serious consideration before changing it.

Resolution Intro. No. 216-10 (Relief of Returned Village Taxes) was amended on a motion made by Legislator Hopkins, seconded by Legislator Fanton and carried, by changing the effective date from November 9 to November 16, due to the fact that the final date for collection is November 15.

RESOLUTION NO. 210-10**RELIEF OF RETURNED VILLAGE TAXES**

Offered by: Ways and Means Committee

Pursuant to Local Law No. 4 of 1978 and Real Property Tax Law § 1442

RESOLVED:

1. That the amount of the unpaid returned village taxes of each village of Allegany County which has complied with the provisions of Local Law No. 4 of 1978, together with seven per centum of the amount of principal and interest, is relieved upon the real property upon which the same were originally imposed by each such respective village.
2. This resolution shall take effect on November 16, 2010.

Moved by: Mr. Hopkins
 Seconded by: Mr. Fanton

Adopted: Roll Call
 14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 210-10 included the following: Legislator Pullen noted that the same comments he made for the last Resolution apply here. All the other subordinate units get their full levy, and the County is on the hook if there's a shortfall.

RESOLUTION NO. 211-10

**A RESOLUTION LEVYING THE AMOUNT OF UNPAID SEWER AND WATER RENTS IN
 VARIOUS TOWN SEWER AND WATER DISTRICTS
 AGAINST THE VARIOUS REAL PROPERTIES LIABLE THEREFOR**

Offered by: Ways and Means Committee

BOARD OF LEGISLATORS SESSION MINUTES, NOVEMBER 8, 2010

Pursuant to Article 14-F of the General Municipal Law and Town Law § 198

WHEREAS, the Towns of Belfast, Caneadea, Friendship, Hume, Independence, Scio and Wellsville have submitted to this Board of Legislators statements showing sewer and water rents unpaid by the persons or entities noted therein and the real property to be charged with such unpaid rents, and

WHEREAS, pursuant to law this Board is required to levy such sums against the real property liable therefor, now, therefore, be it

RESOLVED:

1. That the unpaid sewer and water rents by the persons or entities noted in statements filed with this Board of Legislators by the respective Supervisors of the Towns of Belfast, Caneadea, Friendship, Hume, Independence, Scio and Wellsville between September 23, 2010, and November 1, 2010, are levied against the real property noted in such statements and are to be placed on the tax rolls of such Towns in the manner provided by law.

Moved by: Mr. Hopkins
Seconded by: Mr. Healy

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 212-10

**A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE
2008-2011 COUNTY AND TOWN TAX ROLLS FOR THE TOWNS NAMED
WITH REGARD TO REAL PROPERTY OF VARIOUS TAXPAYERS THEREIN;
DIRECTING MAILING OF NOTICES OF APPROVAL OF APPLICATIONS
FOR CORRECTED TAX ROLLS AND
ORDERING THE VARIOUS TOWN TAX COLLECTORS TO CORRECT THE TAX ROLLS;
PROVIDING FOR CHARGE BACKS OR CREDITS**

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law § 554

WHEREAS, applications, for the taxpayers hereafter described, have been made to the County's Director of Real Property Tax Service Agency, for the correction of certain errors affecting their real property on various tax rolls, and

WHEREAS, the Director has transmitted to this Board the applications, in duplicate, together with a written report of his investigation of the claimed errors and his written recommendation for action thereon by this Board as to each application, and

WHEREAS, this Board has examined each application and report to determine whether the claimed error exists, now, therefore, be it

RESOLVED:

1. That with regard to the applications for the named taxpayers pertaining to claimed errors regarding their real property on the respective tax rolls of the named Towns, this Board of Legislators does determine that the claimed errors as alleged in those applications exist and does approve those applications.

2. That the Chairman of this Board is authorized and directed to make a notation on those applications and the duplicates thereof that they are approved, to enter thereon the

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

respective correct extension of taxes as set forth by the Director in his report, to enter thereon the respective date of mailing of a notice of approval, to enter thereon the date of mailing of a certified copy of this resolution to the proper Tax Collector, and to sign thereon as Chairman.

3. That the Clerk of this Board is directed to mail to the below listed taxpayers a notice of approval stating, in substance, that their application made has been approved, to inform the Chairman of this Board of the date of the mailing thereof, and to inform such respective taxpayers of the applicable provisions of subdivision seven of Section 554 of the Real Property Tax Law.

4. That the Tax Collector of the Town of Amity is ordered and directed to correct in the 2009-2010 and 2010 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Tullar, Thomas: Parcel 171.-1-96.2
Assessment: Land \$165,000 Total \$165,000

this is a duplicate parcel and should have been deleted from the Tax Roll, and the County Treasurer is directed to make the following refund:

	<u>2009</u>	<u>2010</u>
Allegany County	\$3,455.33	\$3,466.12
Town	1,830.01	1,930.16
Fire	216.84	226.35
School Relevy	\$4,040.97	3,905.92
Less Payment Applied	-6,072.90	-6,063.62
Total	\$3,470.25	\$3,464.93

5. That the Tax Collector of the Town of Andover is ordered and directed to correct in the 2010-2011 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. US Energy Development Corp.: Parcel 188.-1-987
Assessment: Land \$683,074 Total \$683,074

this parcel's assessment was calculated wrong for the new file, and by reducing the Total Taxable Value to \$241,681, and by correcting the County and Town taxes, as follows:

Wellsville Central School	\$6,309.96
Library	125.89
Total	\$6,435.85

and the County Treasurer is directed to make the following charges on her books:

Wellsville Central School	\$11,524.18
Library	229.93
Total	\$11,754.11

6. That the Tax Collector of the Town of Belfast is ordered and directed to correct in the 2010-2011 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Goodman, Donald R.: Parcel 116.-1-1.3
Assessment: Land \$25,100 Total \$25,100

BOARD OF LEGISLATORS SESSION MINUTES, NOVEMBER 8, 2010

this parcel was combined with another parcel and should have been deleted from the Tax Roll, and the County Treasurer is directed to make the following charges on her books:

Belfast Central School	\$466.46
Library	11.44
Total	\$477.90

- b. Goodman, Donald R.: Parcel 116.-1-1.3.1
Assessment: Land \$24,100 Total \$29,100

this parcel was combined with another parcel and should have been deleted from the Tax Roll, and the County Treasurer is directed to make the following charges on her books:

Belfast Central School	\$540.80
Library	13.26
Total	\$554.06

7. That the Tax Collector of the Town of Clarksville is ordered and directed to correct in the 2010-2011 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Nolder, William & Sandra.: Parcel 219.-1-13.22
Assessment: Land \$25,600 Total \$102,400

this parcel should have been deleted from the Tax Roll, and the County Treasurer is directed to make the following charges on her book:

Bolivar-Richburg Central School	\$1,256.49
Library	28.72
Total	\$1,285.21

8. That the Tax Collector of the Town of Scio is ordered and directed to correct in the 2008, 2009, 2010 and 2010-2011 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Oldenburg, Donn A.: Parcel 225.10-1-10.31
Assessment: Land \$3,000 Total \$3,000

this parcel was combined and should have been deleted from the Tax Roll, and the County Treasurer is directed to make the following refund on her books:

	<u>2008</u>
Allegany County	\$59.50
Town	36.90
Fire	4.89
Total	\$101.29

- b. Oldenburg, Donn A.: Parcel 225.10-1-10.33
Assessment: Land \$40,500 Total \$40,500

this parcel was combined and should have been deleted from the Tax Roll, and the County Treasurer is directed to make the following refund on her books:

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

	<u>2008</u>
Allegany County	\$803.22
Town	498.08
Fire	66.05
Unpaid Water	280.31
Total	\$1,647.66

- c. Oldenburg, Donn A.: Parcel 225.10-1-10.31
Assessment: Land \$3,000 Total \$3,000

this parcel was combined and should have been deleted from the Tax Roll, and the County Treasurer is directed to make the following charges on her books:

	<u>2009</u>	<u>2010</u>	<u>2010-2011</u>
Allegany County	\$60.55	\$65.78	
Town	39.31	38.65	
Fire	4.83	6.10	
School Relevy	100.65	107.68	
Wellsville Central School			\$99.00
Library			1.98
Water District	5.48	6.84	
Total	\$210.82	\$225.05	\$100.98

- d. Oldenburg, Donn A.: Parcel 225.10-1-10.33
Assessment: Land \$40,500 Total \$40,500

this parcel was combined and should have been deleted from the Tax Roll, and the County Treasurer is directed to make the following charges on her books:

	<u>2009</u>	<u>2010</u>	<u>2010-2011</u>
Allegany County	\$817.41	\$888.03	
Town	530.71	521.84	
Fire	65.27	82.38	
School Relevy	1,358.75	1,453.66	
Wellsville Central School			\$1,336.44
Water District	73.91	92.31	
Library			26.66
Unpaid Water	40.28	121.61	
Total	\$2,886.33	\$3,159.83	\$1,363.10

9. That the Tax Collector of the Town of Willing is ordered and directed to correct in the 2010-2011 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Gebelein, Conrad: Parcel 278.-1-34.3
Assessment: Land \$3,700 Total \$3,700

this parcel should have been combined at grievance time on the Tax Roll, and the County Treasurer is directed to make the following charges on her books:

Wellsville Central School	\$87.91
Library	1.75
Total	\$89.66

- b. Gebelein, Conrad: Parcel 278.-1-35
Assessment: Land \$700 Total \$700

BOARD OF LEGISLATORS SESSION MINUTES, NOVEMBER 8, 2010

this parcel should have been combined at grievance time on the Tax Roll, and the County Treasurer is directed to make the following charges on her books:

Wellsville Central School	\$16.63
Library	.33
Total	\$16.96

- c. Gebelein, Conrad: Parcel 278.-1-78.2
Assessment: Land \$6,900 Total \$6,900

this parcel should have been combined at grievance time on the Tax Roll, and the County Treasurer is directed to make the following charges on her books:

Wellsville Central School	\$163.94
Library	3.27
Total	\$167.21

10. That the Tax Collector of the Town of Wirt is ordered and directed to correct in the 2010-2011 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. Frame, Edward & Frame, Patricia: Parcel 209.-1-17.1
Assessment: Land \$43,900 Total \$43,900

this parcel was sold and split off and should have been deleted from the Tax Roll, and the County Treasurer is directed to make the following charges on her book:

Bolivar-Richburg Central School	\$761.88
Library	12.31
Total	\$774.19

11. That the Clerk of this Board is directed to forthwith mail a certified copy of this resolution to the various Tax Collectors for the Towns stated above together with the original copies of those applications completed in accordance with section two of this resolution.

12. The Clerk of this Board shall mail a copy of this resolution to the above named School and the amount to be charged to each School shall not be charged until 10 days after such mailing. Such amount shall be deducted by the County Treasurer from the money payable to each School as a result of school taxes returned after the date such amount is charged and which shall be paid to each School after May 1, 2011. The County Treasurer shall send a written notice to each School of the amount of such deduction prior to May 1, 2011.

Moved by: Mr. Hopkins
Seconded by: Mr. Fanton

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

A motion was made by Legislator Ungermann, seconded by Legislator Sinclair and carried, to grant Legislator O’Grady permission to abstain from voting on Resolution Intro. No. 219-10 (Approval of Final 2011 Allegany County Plan under County Special Traffic Options Program for Driving While Intoxicated; Authorizing STOP-DWI Coordinator to Enter into Agreements for Services).

RESOLUTION NO. 213-10**APPROVAL OF FINAL 2011 ALLEGANY COUNTY PLAN UNDER COUNTY SPECIAL TRAFFIC OPTIONS PROGRAM FOR DRIVING WHILE INTOXICATED; AUTHORIZING STOP-DWI COORDINATOR TO ENTER INTO AGREEMENTS FOR SERVICES**

Offered by: Public Safety and Ways and Means Committees

Pursuant to Vehicle and Traffic Law § 1197

RESOLVED:

1. That the final Allegany County 2011 STOP-DWI Plan is approved and shall replace on and after January 1, 2011, the Plan approved by Resolution No. 196-2009.

2. That the STOP-DWI Coordinator is authorized to enter into agreements with Towns and Villages who wish to participate in the STOP-DWI Program; all such agreements to be in accordance with the approved Plan.

Moved by: Mr. Healy
Seconded by: Mr. Pullen

Adopted: Roll Call
13 Ayes, 0 Noes, 1 Absent
Abstaining: O'Grady

(Memo: Regarding Resolution No. 213-10, the 2011 STOP-DWI Plan was approved in the amount of \$139,078, for which there is no fiscal impact for the County. Revenue for the 2011 program year is estimated at \$150,000, derived solely from DWI fines.)

RESOLUTION NO. 214-10**APPROVING AN AGREEMENT WITH J. O'CONNELL & ASSOCIATES, INC. GRANTS CONSULTANTS FOR THE PROVISION OF GRANT WRITING SERVICES; AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT**

Offered by: Ways & Means Committee

RESOLVED:

1. That an agreement between Allegany County and J. O'Connell & Associates, Inc. Grants Consultants for grant writing services in the amount of \$30,000 is approved.

2. That the fee for such services shall be paid out of the Crossroads Capital Project Account (H6997.200).

3. That the Chairman of this Board is authorized to execute this agreement.

Moved by: Mr. Hopkins
Seconded by: Mr. Healy

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 214-10 included the following:

Legislator O'Grady noted that at a recent District IV meeting, it was asked why the County doesn't utilize in-house services of employees whose job descriptions include seeking grant funding instead of using contract services. Legislator Sinclair responded that there are certain types of grants that require extensive research and preparation, and knowledge on

BOARD OF LEGISLATORS SESSION MINUTES, NOVEMBER 8, 2010

how to prepare the grants in order to be successful. We're talking about specialty HUD-type grants for infrastructure, such as water and sewer lines; Environmental Facilities Corporation; and the Small Cities Development Corporation. This level of grant writing is more than what you would give to an average employee who happens to have that in their job description. This firm has a staff of eight people, including researchers and experienced grant writers, and they also have the capability to manage the grants afterward. They have experience writing grants for these agencies and know what is needed. This is an efficient way of furthering our infrastructure development project and our economic development efforts in the County. The funds being used for the contract were originally allocated to the County during the confrontation with low-level radioactive waste to compensate us for the time and expense incurred in working through that process. Special state legislation has allowed the County to use the residual funds for economic development purposes. There will be no extra expense for the taxpayers.

Legislator Ungermann pointed out that the promise of something happening at the Crossroads is long-standing, and relying on something to get done in-house hasn't worked. Mr. Ungermann noted that he didn't mind spending some money if we're going to increase the tax base. The County has been spending plenty of money on other things, like the Courthouse addition, that don't expand our tax base at all. This is long over-due.

Legislator Cady commented that we have to take action to complete this project. He questioned if the acquisition of easements with landowners was nearly complete, and it was noted that they are. Mr. Cady also asked that if these grants are submitted and rejected, can the same application be used later with no new expense. Mr. Margeson replied that it could.

Legislator Healy remarked that this money was set aside for the purpose of development at the Crossroads, and the time has arrived to get it done. This isn't just about the expenditure of money, but investment in our future. He applauded Mr. Sinclair for his work on this.

Chairman Crandall noted that the state legislation allowing the use of the money specifically identified the Crossroads area. Regarding in-house grant writing, he pointed out that there are many County employees who are very successful in writing and obtaining grants on a regular basis, but it sounds like this is a specialized area.

RESOLUTION NO. 215-10

APPROVAL OF AGREEMENTS WITH APPROVED PROVIDERS OF PROGRAMS, SEIT AND/OR EVALUATIONS FOR PRESCHOOLERS WITH DISABILITIES

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That Agreements titled "County of Allegany Contract for Approved Providers of Programs, SEIT and/or Evaluations for Preschoolers with Disabilities" with Cattaraugus Rehabilitation Center, Inc. d/b/a Children's Learning Center and Friendship Central School, for the period September 1, 2010, to August 31, 2011, are approved.

2. That the Chairman of this Board is authorized to execute such Agreements.

Moved by: Mr. Burdick
Seconded by: Mr. Pullen

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 215-10 included the following: Legislator Pullen remarked that this issue should be handled under the Education Law and the public school system. The state pushed this onto the counties. The primary reason appears to be that the

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

state aid rates for school districts is significantly higher than the state aid contribution rate for counties. It's mandated, so we don't have any choice. This Resolution is just to approve certain providers. It's just another case of us incurring expense and spending taxpayers' dollars, not because of what we've decided, but simply because it's a mandate.

RESOLUTION NO. 216-10

**PLACING ALL RETIREES CURRENTLY ENROLLED IN THE
ALLEGANY COUNTY HEALTH INSURANCE PLAN INTO
OPTION 1 OF THE COUNTY HEALTH INSURANCE PLAN
EFFECTIVE JANUARY 1, 2011**

Offered by: Personnel Committee

RESOLVED:

1. That all retirees who are currently enrolled in the Health Insurance Plan offered by Allegany County shall be placed in Option 1 of that plan as of January 1, 2011.

Moved by: Mr. O'Grady
Seconded by: Mr. Fanton

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 216-10 included the following:

Legislator Ungermann questioned if the Resolution includes retired Legislators, to which Mr. Margeson replied that it does.

Legislator Pullen commented that the Health Insurance Option 1 Plan emphasizes the use of in-network providers, and there have also been recent changes in drug co-pays. Since implementing for active non-unit personnel, significant savings have been realized this past year. The PEF union recently approved a contract that will put new employees under Option 1, and that along with this resolution will further enhance those savings. There are ongoing efforts to achieve savings and get costs down. As a result, our costs have gone down in recent years for the self-insurance health coverage, whereas most other providers have seen double-digit increases almost every year and again this year.

RESOLUTION NO. 217-10

**APPROVING AN AGREEMENT BETWEEN HB SOFTWARE SOLUTIONS, INC.,
ALLEGANY COUNTY AND ALLEGANY/WESTERN STEUBEN
RURAL HEALTH NETWORK, INC. TO PROVIDE SOFTWARE LICENSING,
SUPPORT AND CONSULTING SERVICES FOR USE BY
ALLEGANY COUNTY'S PUBLIC TRANSPORTATION SYSTEM**

Offered by: Ways & Means Committee

RESOLVED:

1. That an agreement between HB Software Solutions, Inc., Allegany County and Allegany/Western Steuben Rural Health Network, Inc. to provide software licensing, support and consulting services for use by Allegany County's public transportation system is approved.

2. That the Chairman of this Board is authorized to execute this agreement.

BOARD OF LEGISLATORS SESSION MINUTES, NOVEMBER 8, 2010

Moved by: Mr. Hopkins
 Seconded by: Mr. Healy

Adopted: Roll Call
 13 Ayes, 1 No, 1 Absent
 Voting No: Burdick

(Memo: The software referenced in Resolution No. 217-10 will assist with bus transportation routing and trip scheduling. The GIS-based coordinated public transportation software will help identify instances where cost savings are possible. For instance, it will help identify when an existing fixed route could be used for a medical transport, rather than arranging a more costly personal pick-up.)

Comments made regarding Resolution No. 217-10 included the following:

Legislator Ungermann questioned the cost of the agreement and whether it was entirely grant funded. Mr. Margeson replied that the cost was a little over \$113,000, all grant funds. Legislator Sinclair asked if we are sure some of the funds didn't come through Thruway Authority or tolls. Mr. Margeson stated that it was federally generated with state pass-through.

Legislator Pullen pointed out that it's mandated for the County to provide certain levels of services for Medicaid recipients and others, so it's not a choice of doing this or nothing, it's doing this or another alternative. In the past, we've used methods that cost two to three times what this program is now costing. Hopefully, this contract will make it even more efficient. Frustration has been expressed about the lack of ridership, but the program is working on it. Mr. Pullen supported the agreement grudgingly in hopes ridership goes up and it helps to decrease the local share.

AUDITS:

A motion was made by Legislator Hopkins, seconded by Legislator Sinclair and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator O'Grady, seconded by Legislator Hopkins and adopted on a roll call vote of 13 Ayes, 1 No, 1 Absent, that the audit of claims, totaling \$4,684,223.40 including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$6,741,407.)*

COMMENTS:

Legislator Ungermann pointed out that Erie County, with a population of 1.5 million, voted in, with a 75 percent margin, a reduction in the number of Erie County Legislators from 15 to 11. It's time for this County to discuss that, let the people debate it, and let the people vote on it. Mr. Ungermann is willing to support such a resolution. The process was started once before, and it stalled in Ways and Means.

Legislator Sinclair noted that the Erie County legislative body had extreme difficulties, and the public realized that and reduced their numbers. He didn't see Allegany County as being similar in any way. Mr. Sinclair felt that this Legislature is functioning very well as a body, and also he thought we're a little different. An example is that the Village of Cuba has stricken down the idea of reducing government. If it's not broke, don't fix it. Mr. Ungermann responded that Erie County did have problems, but the Control Board has left, and the Legislature is on its own.

Legislator O'Grady noted that he's not opposed to putting the issue up for consideration, if that's what we need to do, but he pointed out another difference. Erie

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

County has 15 full-time Legislators, and the total bill is considerably larger than what we put forth in Allegany County.

Legislator LaForge stated that he'd support Mr. Ungermann's proposal, if it was part of a comprehensive look at the entire way we deliver government here in the County, including the 29 towns and 10 villages. There's a lot of overlap and duplication of services. A case in point is the number of snow plows from multiple municipalities going over the same road.

Legislator Pullen commented that he thought it may have been a good idea for some of the reasons already suggested that Erie County should actually do this. Their Legislators are paid \$42,588 each. Costs for the Legislators totaled \$658,821 in 2009. Our cost is basically \$127,500. But it doesn't stop there. Will the remaining 11 Legislators get a raise due to the increase in work? And they don't work alone. Each one has an intern, and they have their own legal counsel; they do not use the County Attorney. They have four full-time assistants. The total salaries for personnel came to \$1,967,598 in 2009. That dwarfs what we are spending. Mr. Pullen is in favor of cutting costs, but he pointed to a study done by a foundation that's part of the University of Buffalo that indicates when you reduce the number of representatives, you make it harder for the public to actually talk to someone. Depending on what you're looking at, if the costs are exorbitant, he would support cutting those costs. When you look at Erie County's 15 Legislators generating costs of almost \$2 million and compare that to Allegany County with total costs amounting to about \$300,000, do we want to consider Erie County as our example? And that's not counting the fact that they have had a dysfunctional County government. They spent \$535,397 in 2007 and 493,000 in 2009 on a financial control board. They have finally gotten out from under that, but that probably has more to do with the County Executive than the County Board. Our people deserve the best government they can get at the best price. Mr. Pullen noted that he doesn't know of anyone serving on this Board for the money. Erie County's Legislature isn't something he'd want to use as an example. He was at a District 1 meeting recently and was asked if the Board would consider a reduction in the number of Legislators. He asked the person what he hoped to achieve, and the answer was cost savings. He asked the person what he thought a Legislator is paid; the reply was that it had to be over \$100,000. Mr. Pullen pointed out to this person that it was only a little over \$100,000 for all 15 Legislators. Who on this Board doesn't bring a valuable perspective? He values all the points of view and contributions, even if he disagrees with some. We will lose that if we reduce. Mr. Pullen stated that he would be willing to consider the issue, but it doesn't seem to add up.

Chairman Crandall remarked on action taken this morning by the Committee of the Whole to recommend reducing Personnel Services (.1) accounts in the 2011 Tentative Budget by \$75,000 which would bring our tax rate increase to zero. It will be a positive move by this Board. There is obviously time to make adjustments. Prior to the Budget Hearing on Wednesday evening, a Committee of the Whole meeting is scheduled, and Chairman Crandall urged attendance by Board members, Department Heads, and the public. The meeting will deal with state and federal mandated programs and the effect they have on us as taxpayers in Allegany County.

ADJOURNMENT: The meeting was adjourned at 2:58 p.m. on a motion made by Legislator Cady, seconded by Legislator LaForge and carried.

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**2011 ALLEGANY COUNTY TENTATIVE BUDGET
PUBLIC HEARING****NOVEMBER 10, 2010**

The public hearing on the 2011 Allegany County Tentative Budget was declared open at 7:00 p.m. by Chairman Curtis W. Crandall. There were 14 Legislators present; 1 absent (Legislator Russo). Also present were approximately 18 members of the public; 16 County employees; and 3 reporters.

Chairman Crandall welcomed those present and thanked the people responsible for the preparation of the 2011 Tentative Budget. He noted that working on the Budget is a year-round process, including monitoring the current Budget situation throughout the year. Chairman Crandall turned the meeting over to County Administrator/Budget Officer John Margeson.

Mr. Margeson stated that the purpose of the hearing is to give the public the opportunity to become familiar with the Tentative Budget, ask questions as to its content, and offer comment for the benefit of the Board of Legislators. He explained the format to be followed and requested that the Clerk of the Board read an abbreviated form of his 2011 Budget Message:

“The 2011 Tentative Budget, which is the subject of tonight’s public hearing, is a joint effort of the County budget staff and the Budget Committee of the Board of Legislators.

The Tentative Budget, when taking into account all nine major appropriation funds, totals \$123,511,457. Offsetting these appropriations are anticipated revenues totaling \$95,909,374, leaving a balance of \$27,602,083 to be raised in County property tax to balance the Budget.

While the monetary amount of the 2011 tax levy is \$463,049 more than the levy in 2010, the assessed value of the taxable property in the County rose by over \$24 million from 2010 to 2011.

The amount to be raised in taxes, when calculated as an average County tax rate, is 0.21 percent greater than the amount raised in 2010. The average homeowner will pay \$1.65 more in County property tax in 2011 than was paid in 2010.

Having said this, it should be noted that on November 22, the Board of Legislators will vote on a resolution to reduce the Tentative Budget by \$75,000. If this resolution is adopted, there will be no increase in the average County tax rate in 2011.

It is expected that a Final County Budget will be adopted by the Board of Legislators at its regularly scheduled meeting on Monday, November 22 at 2:00 p.m.”

Mr. Margeson commented:

“Before we begin, there is a point I would like to reiterate concerning the Tentative Budget. In my Budget Message of October 4, I indicated that total appropriations in the 2011 Budget were significantly higher than total appropriations in the 2010 Budget; higher by \$11,781,000. However, I think it is important to point out that \$3,183,000 of this increase is the result of a change in the way the County is required to account for expenses associated with the Home Energy Assistance Program administered by the Department of Social Services. Because 100 percent of this additional cost is covered by the state and federal governments, this increase in cost is not borne by, or passed along to, the local taxpayers.

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

The same holds true for the Food Stamp Program which saw appropriations increase by \$4,600,000. The costs associated with the Food Stamp Program are federally funded at a rate of 100 percent, and, again, not borne by local County property taxpayers. These two circumstances alone account for \$7,783,000 of the \$11.7 million increase in total appropriations from 2010 to 2011. If we were to back these costs out of the equation, you would see total appropriations increasing by approximately \$4,000,000 in the 2011 Tentative Budget versus the 2010 Final Budget.

Now, let's factor in the local taxpayer costs of just three state mandates: Medicaid, the contribution the County must make to the State Retirement System, and the debt service payment on the state mandated Courthouse addition. The increased cost in 2011 alone for these three mandates totals \$2,477,000. If you were to back out the increased cost of just these three mandates from the \$4 million increase in total appropriations, we would have been able to produce a Budget calling for total appropriations of approximately \$1.5 million more than total appropriations in the 2010 Final Budget, or a 1.3 percent increase.

Very recently, my friend and colleague Jack Searles, who is the County Administrator and Budget Officer in Cattaraugus County, presented his version of the 2011 Cattaraugus County Tentative Budget to his Board of Legislators. At the onset of that presentation, Jack's first words were, 'Mandates are killing you.' I couldn't agree more."

The Clerk of the Board read each major category of the 2011 Tentative Budget appropriations, along with the corresponding total. A summary of comments and questions pertaining to each category is included below, with answers indicated in italics:

Total General Government Support – \$7,758,170

Total Education – \$2,852,900

Total Public Safety – \$9,012,148

Total Health – \$5,471,534

Total Bus Transportation – \$810,000

Total Economic Assistance & Opportunity – \$44,966,033

Sharon Dewey Collins, Belfast, asked if this category includes Social Services, what portion of the Budget is comprised by Social Services program expenses, and how much of those expenses are reimbursed. *Budget Officer John Margeson responded that it does include Social Services, accounting for an estimated 40 percent of the Budget, and \$29.3 million of the total \$42 million in Social Services expenses are reimbursed.*

Total Culture and Recreation – \$500,354

Total Home & Community Services – \$2,429,815

Total Undistributed – \$22,014,243

Naysim Simon, Belmont, questioned what was included under Undistributed. *Mr. Margeson replied that the category includes appropriations for the State Retirement contribution the County has to make on behalf of employees, the County's contribution to Social Security on behalf of employees, the cost to provide Workers' Compensation benefits and Disability Insurance for employees, and Interfund Transfers which are monies in the General Fund that are transferred throughout the year to other specific funds to finance County departmental operations. It's basically an accounting function.*

Grand Total General Fund – \$95,815,197

Mr. Margeson noted that this amount is the culmination of all amounts recited so far.

Total WIA Grant Fund – \$1,025,686

Mr. Margeson explained that WIA is an acronym for Workforce Investment Act. The funds provide for the operation of the Allegany County Office of Employment and Training.

Total Risk Retention Fund – \$333,500

Mr. Margeson explained that these funds are used to pay for liability and comprehensive insurance claims that may be filed against the County.

Total Risk Retention - Health Fund – \$5,312,000

Mr. Margeson explained that these funds are used to pay expenses associated with providing health insurance for County employees.

Grand Total County Road Fund – \$10,754,373

Mr. Margeson explained that these funds are used to provide maintenance for County roads and County bridges and to pay the various towns that provide snow and ice removal on County roads.

Grand Total Road Machinery Fund – \$1,448,563**Grand Total Capital Projects Fund – \$3,046,900**

Naysim Simon asked if this fund included all bond funds being paid back, or if it was for ongoing expenses. *Mr. Margeson replied that it was not bond funds being paid back, but is a listing of all capital projects that are still outstanding in some form. The capital projects scheduled for 2011 (pages 33 to 34 of the Tentative Budget) include the construction or replacement of two County bridges and four town bridges. There are also funds appropriated for the replacement of certain County vehicles that are used by various departments. Mr. Margeson clarified that the County Road Fund is primarily for ongoing maintenance of County roads and bridges, and the Capital Projects Fund is for payment of the actual replacement of bridges. In his Budget Message, Mr. Margeson noted that the six bridges scheduled for repair or replacement in 2011 will be paid for as we go. The County is not borrowing any money for these projects in 2011.*

Total Self-Insurance Fund – \$933,945

Mr. Margeson explained that Allegany County administers a Mutual Self-Insurance Fund providing Workers' Compensation benefits, not only for County employees, but also for the towns, villages, and volunteer fire departments. This fund provides the financing to operate that self-insurance fund for 2011.

Sharon Collins asked if the fund includes only Workers' Compensation. *Mr. Margeson replied that it does.*

Total Debt Service Fund – \$4,454,000

Mr. Margeson explained that this is the fund used to make annual payments on the debt service for the issuance of debt approved by the Board of Legislators in the past.

Cindy Gowiski, Birdsall, stated that she was under the impression that this debt service fund is used to pay for the Jail and the Court Facilities bonds. She was also under the impression that in 2004, a resolution was passed (Resolution No. 118-04) that said any money from housing out-of-County inmates would go into a separate reserve fund, and that money would be used to pay off the bond at a faster rate. She asked if that was not happening. *Mr. Margeson responded that the County began to make debt service payments on the Jail Facility in 2004 when we borrowed money through a Bond Anticipation Note (BAN), which is short-term financing. From 2004 to the present, we have made debt payments on that facility, either in the form of BANs or serial bonds, totaling \$8.32 million. We began housing inmates from outside of Allegany County and the federal government in the summer of 2007. From the time we began taking out-of-County inmates until the present, we have achieved revenues of \$6.6 million. Currently, we have still paid out \$1.7 million more in debt service for the Jail than we have taken in for revenue.* Ms. Gowiski asked if the \$6.6 million revenue was part of our \$12 million surplus (fund balance). *Mr. Margeson: No.* Ms. Gowiski: *When will the County start applying the \$6.6 million revenue toward the bond payment to pay it off quicker?* *Mr. Margeson: The \$6.6 million represents revenue already taken in, and it was used toward the payment of debt.* Ms. Gowiski thought that debt payments were supposed to be paid from the General Fund, and in addition to that, revenues would be used to pay the debt down quicker. *Mr. Margeson: There will come a point in time when the County will have taken in enough revenue, probably 2.5 to 3 years from now, whereby that \$1.7 million difference between the past debt service payments and revenues has been satisfied. When that time comes, any surplus received over and above the \$1.6 million annual bond payment could be applied to future payments or put in a reserve and used for annual debt service. That's the intent.*

Naysim Simon asked what was included in the County's current debt service payment. *Mr. Margeson answered that the two major projects driving the debt service payment are the Jail Facility at \$1.6 million per year and the Courthouse Facility slated at \$1.4 million to begin in 2011. We are still repaying debt that was issued in the early part of this decade to perform replacement and repair of some County and town bridges when we couldn't afford to pay as we go, so we borrowed the money for those projects. We have borrowed money to close Cells 1, 2, and 3 in the County Landfill. We have borrowed money to purchase heavy equipment for the County Highway Department and for Solid Waste.* Mr. Simon questioned what the total outstanding debt is. *County Treasurer Terri Ross responded that the schedule of repayment on the bonds that the County currently has is included on page 58 of the Tentative Budget. There are five bonds listed that show the totals outstanding to-date, the principals due, and the dates of maturity. Our total outstanding debt, including the money just borrowed in April, totals \$39.5 million, as of October 20.*

General Comments:

Cindy Gowiski commented that the presentation earlier this evening (Committee of the Whole) regarding the County's costs for state mandated programs makes it sound like we have no control over some of the mandated programs. The state mandates that we provide the required services which may include upgrading facilities like the Jail or building facilities for the Courts, but they don't dictate to us the size or style or cost of these projects. That's something the Legislature can alter significantly. Ms. Gowiski felt that the County could have done things much cheaper and still conform to what the state wanted.

Ms. Gowiski referred to a spreadsheet prepared by the County Treasurer that shows the property tax levies from 2001 to the present. Since 2001, the total assessed value on our homes and businesses has increased approximately 24 percent. Since 2001, total sales tax revenue has increased approximately 25 percent. Since 2001, the County Budget has increased by 66 percent, and the tax levy has increased nearly 100 percent. This pace of budgeting and levying is outweighing the growth of the revenue and our assessed value by a

PUBLIC HEARING, 2011 COUNTY TENTATIVE BUDGET, NOVEMBER 10, 2010

ratio of 3.5 to 1. We can't sustain this kind of spending. The Legislature's decision on Monday to bring the tax rate increase down to zero and keep the County tax rate at \$16.92 per thousand is a very small step in the right direction; however, even with zero increase, Allegany County property owners pay anywhere from \$460 to \$940 more in county tax than any of our neighbors for every \$100,000 in assessment. Livingston and Wyoming Counties' average county tax rate is \$7.50 per thousand. Steuben County's is \$8.75, and Cattaraugus County's is \$12.25. Allegany County's tax rate is \$16.92 per thousand. These other counties are at half of our county tax rate. Also, if we have no control over 90 percent of what the state is mandating to us (referring to the earlier presentation), then why do we need 15 legislators to spend that last \$1 million? It's time we reduce the size of our government according to our population and look hard at where we can save.

Don Kaake, Angelica, commented that the chart from the *Cuba Patriot* that Cindy Gowiski referred to is very significant. It shows that the County's combined tax rate is \$48 and gave the percentage of assessment. Mr. Kaake asked Mr. Margeson for an explanation. Ms. Gowiski stated that the chart shows the combined tax rate for all taxing jurisdictions including school, library, fire, town, County, and special districts. The combined tax rate in this County is \$48.80 per thousand, and that's \$13 higher per thousand than all of our neighboring counties. The biggest portion is in the County tax rate. *Mr. Margeson noted that he had not seen the chart, so he had no response to the question this evening, as he would need time to study it. But, he stated that what the County put together for the 2011 Budget is a step in the right direction, and that's to hold the line on increasing property taxes, not just for one year, but for several years to come.* Mr. Kaake commented on the relationship of our taxation with the rest of the counties in New York. And if New York's taxes are 79 percent higher than the national average, how much higher are Allegany County's? *Chairman Crandall commented that he saw the news article, and if \$48.80 is the accurate number for Allegany County, the County's share of that, as presented tonight, is \$17 dollars. The answer to where the County stands on that \$48.80 is \$17 per thousand. The reason for what our taxes are, at \$17 per thousand, is represented in our Tentative Budget, and why we're at that point is what was presented previously in the Committee of the Whole with the figures from New York State that were shared, but more to the point, the figures as they relate to Allegany County. We're not alone.*

Sharon Collins pointed out that the highest entity that the County pulls tax dollars from for the Budget is real property taxes, followed by federal aid, sales tax, then state aid. Ms. Collins stated that as an assessor, she receives trends from New York State Real Property. The trends for last year indicate that the rate of increase for residential property value is currently at zero percent, and the trend for the value of commercial property is minus two percent. So, in preparing next year's Budget, the Legislature needs to keep that in mind and think about what to reduce, because the property assessments may not be higher than this year's. Assessments are trending downward.

Arlene Hughes, Clarksville, commented that after reading Tuesday's *Olean Times Herald*, she is in favor of a small increase in property tax. She hopes that the Board does not eliminate the small increase at their next meeting, which may lead to an even larger increase the next year. If tax spending practices had been more equal, we wouldn't be here.

Adjournment: The public hearing was closed at 7:50 p.m.

REGULAR SESSION – NOVEMBER 22, 2010

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army Lieutenant Pilot Rod Ballengee.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 14 Present; 1 Absent (Legislator Russo).

APPROVAL OF MINUTES:

The Board meeting minutes of November 8, 2010, were approved on a motion made by Legislator Pullen, seconded by Legislator Fanton and carried.

The Committee of the Whole meeting minutes of November 8, 2010, were approved on a motion made by Legislator Curran, seconded by Legislator Sinclair and carried.

The Committee of the Whole meeting minutes of November 10, 2010, were approved on a motion made by Legislator Ungermann, seconded by Legislator Hopkins and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Rod Ballengee, former United States Army Lieutenant Pilot, in grateful appreciation of his service to our Country. Mr. Ballengee's service dates were from 1969 to 1972. Following Basic Training at Fort Dix, NJ, and Officers' Training at Fort Rucker, AL, assignments included Fort Hood, TX, Fort Leonard Wood, MO, and a tour of duty in the 1st Aviation Brigade, 1st Air Cavalry Airmobile in Vietnam. Mr. Ballengee led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

Chairman Crandall presented a plaque to Veterans' Service Agency Director H. Scott Spillane in recognition of his 12 years of dedicated service for Allegany County. Mr. Spillane is retiring effective December 28, 2010. Chairman Crandall highlighted Mr. Spillane's accomplishments and thanked him on behalf of the Board and the people of Allegany County.

Chairman Crandall granted privilege of the floor to Dale Beebe, from the United Way. Some of the past year's accomplishments achieved by partner agencies with assistance from United Way funding included: Literacy West distributed 14,000 books to students in grades K-6 last year and 35,000 books over the past three years; the initiative called Success by Six distributed activity calendars and 18,000 books for new parents; through their partnership with the Earned Income Tax Credit Program last year, over \$250,000 was brought back to the County that wouldn't have come back otherwise (five years ago, it was estimated that \$1.8 million in EITC money was going unclaimed in Allegany County); and Allegany/Western Steuben Rural Health Network brought in the Caremark Program for prescription assistance for the uninsured or underinsured. United Way partners with 24 programs through 18 agencies. United Way has embarked on a program called Community Impact and formed three Community Impact Counsels for the areas of Education, Income, and Health. Each one will look at a segment of the County's needs and ways to meet those needs. They will then request proposals from County organizations to try to fund these areas. This year's campaign is set at \$280,000, down a little from last year. County employees will receive this year's brochure and pledge card with their next paychecks.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

BOARD OF LEGISLATORS SESSION MINUTES, NOVEMBER 22, 2010

Copies of the following were placed on each Legislator's desk:

1. December 2010 Calendar of Board and Standing Committee meeting dates.
2. Minutes from the Public Hearing on the 2011 Tentative County Budget on November 10, 2010, for review.

APPOINTMENTS:

The Clerk of the Board announced that Chairman Crandall has appointed Kimberley Toot, of Wellsville, as a designated representative of the Allegany County Board of Legislators on the **ACCORD BOARD OF DIRECTORS**, to serve at his pleasure.

PROCLAMATION:

Chairman Crandall proclaimed November 22 through 27, 2010, as Winter Weather Awareness Week, and urged all citizens to prepare for the upcoming season by heeding the advice and information from the emergency management community so that they can enjoy winter with a greater sense of comfort and safety.

RESOLUTIONS:**RESOLUTION NO. 218-10****APPOINTMENT OF COMMISSIONER OF ELECTIONS**

Offered by: Personnel Committee

Pursuant to Election Law §§ 3-202, 3-204

WHEREAS, the Chairman of the Allegany County Democrat Committee has filed with the Clerk of this Board, a certificate in accordance with Election Law § 3-204 that recommends the appointment of Catherine (Cass) Lorow to the office of Commissioner of Elections, and

WHEREAS, the Personnel Committee has determined that Catherine (Cass) Lorow is qualified to hold such office, now, therefore, be it

RESOLVED:

1. That Catherine (Cass) Lorow is appointed Commissioner of Elections with term of office commencing January 1, 2011, and expiring December 31, 2014.

Moved by: Mr. O'Grady
Seconded by: Mr. Fanton

Adopted: Voice Vote

RESOLUTION NO. 219-10**AMENDMENT OF 2011 COUNTY TENTATIVE BUDGET**

Offered by: Committee of the Whole

RESOLVED:

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

1. That the 2011 County Tentative Budget dated October 4, 2010, is amended as follows:

SCHEDULE 1-A
APPROPRIATIONS-GENERAL FUND

<u>Account No.</u>	<u>Account Name</u>	<u>Amendment</u>
A3150.1	Jail-Personnel Services	Change from 3,992,053 to 3,967,053
A4010.1	County Health Dept.-Personnel Services	Change from 871,800 to 861,800
A6010.1	Social Services Adm.-Personnel Services	Change from 4,414,232 to 4,389,232
A9522.9	Interfund Trans. County Road Fund	Change from 7,354,480 to 7,339,480

SCHEDULE 1-D
APPROPRIATIONS-COUNTY ROAD FUND

D5110.1	Personnel Services	Change from 1,859,032 to 1,844,032
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SCHEDULE 2-D
ESTIMATED REVENUES OTHER THAN REAL PROPERTY TAXES

D12.5031.03	Interfund Revenue from General	Change from 7,354,480 to 7,339,480
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Moved by: Mr. Pullen
Seconded by: Mr. Hopkins

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 220-10

ADOPTION OF 2011 COUNTY FINAL BUDGET

Offered by: Ways and Means Committee

RESOLVED:

1. That the 2011 County Tentative Budget dated October 4, 2010, as amended and revised, is adopted as the 2011 County Final Budget.

Moved by: Mr. Hopkins
Seconded by: Mr. Fanton

Adopted: Roll Call
13 Ayes, 1 No, 1 Absent
Voting No: Ungermann

Comments made regarding Resolution No. 220-10 included the following:

Legislator Pullen stated that this is a solid Budget. He noted that the zero percent property tax rate increase illustrates that, although we are still trying to achieve a responsible budget, one that can hold the line and not result in some pay date in the future, we can do that without an increase. It has not been easy, but hopefully we can continue to see decreases. The Committee of the Whole saw a presentation on the nine major state and federal mandates and other mandates that together leave the County with very little of the tax levy available for discretionary spending. The Board has worked on this and found ways to make reductions, and is also looking at things such as reduction in the workforce through the recent retirement incentive. The NYSAC website indicated that Chemung County had six years of zero percent property tax rate increases or decreases. That was not done through spending cuts, but through increased revenue from sources other than the property tax levy. They have commercial hubs and other development areas and have seen their sales tax revenue increase from \$20 million in 2000 to \$36 million in 2010. What could Allegany County do if we had an additional \$16 million in sales tax revenue? But there's only so far we can go with

BOARD OF LEGISLATORS SESSION MINUTES, NOVEMBER 22, 2010

cuts; the future will be through growth. Hopefully we can overcome the dysfunction in Albany, because we have to if the County is going to survive and grow. Mr. Pullen thanked every member of this Board and the previous Board for their efforts. If we keep at it, we'll be able to provide not only a zero percent increase, but hopefully a reduction. The status quo is simply not acceptable.

Legislator Ungermann read a prepared statement:

"The minutes from the Public Hearing for the Budget state that the assessed value of Allegany County rose by over \$24 million. There may have been a few new structures added to our tax base here and there, but for the most part, this increase is from several re-evaluations done on existing properties. At the same tax rate of \$16.92 per thousand dollars of assessed value, this means that over \$406,000 more in revenue will be raised by property taxes. Thousands of us (including myself) will see a tax increase, despite the touted 0 percent rate increase over last year. I, like the people who appeared at the two recently held public hearings, am not at all happy with it. We are tired of giving our hard-earned dollars to this government and others.

This Board has bought into threats of sanctions if we didn't build a new Courthouse, when in reality the Office of Court Administration has never sanctioned anyone. I also believe there are several areas where savings could be had. There are still too many County cars being driven home. And, not to single out the Department of Public Works, but when I see four or five County dump trucks going down the road nose to tail with each other, it signals to me that the first truck waited until the last truck was loaded before leaving for its destination. This creates a traffic jam at the dumpsite as well, and over the course of the day, perhaps one or two round trips are lost to waiting time. Furthermore, single axle trucks hauling sand clear across the County with a payload of seven or eight tons, versus a larger capacity truck carrying 18 to 20 tons, is simply not efficient.

We still have too many employees (including legislators) that do not contribute towards health insurance. The benefit package exceeds 50 percent of the base wage – twice that of what the very best in the private sector sees. Yes, we've made improvements. Some employees now contribute as much as four percent towards the cost of a health plan, but even state employees pay upwards of 18 percent. The maximum longevity payment here is \$1,650 per year. Perhaps that could be lessened and/or capped at five or six hundred per year instead. We allow the sell-back of unused vacation and sick time that costs the taxpayers over \$330,000 per year – some without record of what time has already been taken over the course of the year. I believe that 50 to 75 percent of that bill would disappear if an accurate time-clock system were installed.

I've now been through four or five budgets as a legislator. There has been some improvement, but for the most part it remains status quo. Things like pay raises, equipment purchases, and building add-ons have become par for the course despite downturns in the economy, private sector job losses, and a decrease in the population. We must re-evaluate our way of governing, just like we seem to be able to re-evaluate the property owners year after year."

Legislator Cady pointed out that the state is not insisting on re-evaluations now, because prices are not going up. We've all felt that it's been inflated artificially, but we just can't plan on that every year, and you wonder how many towns are left in the County to be re-evaluated. We have to take care in budgeting, and if something is left, we may need it for subsequent years.

Following adoption of Resolution No. 220-10, Chairman Crandall commented that this is an honest budget. When he began, the tax rate was being reduced. In 2001, the property tax rate was actually reduced by 1.85 percent, following several years of reductions, but it was

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

being done irresponsibly. Allegany County's finances were not in a position to allow us to do that. In 2004, we ended up with a more than 20 percent property tax rate increase to adjust those faults in setting the property tax rate. But this is an honest budget. Good suggestions were made on how to improve the budget process. We need to continue to implement better practices to keep ourselves on good financial footing. It's long-range financial planning that does that. The zero percent property tax rate increase is a good thing; a reduction is better, but it has to be done on a firm financial footing. Chairman Crandall stated that his biggest concern is state and federal mandates, which looms heavily on us. To deal with those, we responsibly used \$950,000 of the fund balance to put us in this position, but it's uncertain how long we can maintain this if the state doesn't address their unfunded mandates and before capping property taxes. Chairman Crandall thanked the Board and everyone else for working through this. It's a step in the right direction.

RESOLUTION NO. 221-10**RESOLUTION MAKING APPROPRIATIONS FOR THE CONDUCT OF THE COUNTY GOVERNMENT FOR THE FISCAL YEAR 2011**

Offered by: Ways and Means Committee

WHEREAS, this Board, by Resolution No. 220-10, has adopted a budget for the fiscal year 2011, now, therefore, be it

RESOLVED:

1. That the several amounts specified in the 2011 County Final Budget in the column entitled "Final Budget 2011" be and they are appropriated for the objects and purposes specified.

Moved by: Mr. Hopkins
Seconded by: Mr. LaForge

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 222-10**APPROVAL OF APPORTIONMENT OF MORTGAGE TAX TO TAX DISTRICTS AND AUTHORIZING WARRANT THEREFOR**

Offered by: Ways and Means Committee

Pursuant to Tax Law § 261 (3)

RESOLVED:

1. That the Semi-Annual Report for the period April 1, 2010, through September 30, 2010, relating to Mortgage Tax Receipts and Disbursements, and the proposed distribution of such mortgage tax receipts therein, is approved.

2. That the Clerk of this Board is authorized and directed to execute a warrant of this Board to the County Treasurer directing her to distribute to the several tax districts in the County their respective share of such mortgage tax.

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 223-10

**AUTHORIZING PAYMENT TO TOWNS AND VILLAGES FROM
ADDITIONAL MORTGAGE TAX FEE RETAINAGE BY COUNTY CLERK;
APPROPRIATING FUNDS THEREFOR**

Offered by: Ways and Means Committee

WHEREAS, by Resolution No. 214-2004 the County Clerk was authorized pursuant to Section 262 of the Tax Law to request and receive reimbursement from the State of New York for all of his necessary expenses incurred in the administration of the Mortgage Tax Program on behalf of the State of New York, and

WHEREAS, it was the intent of this Board in adopting such resolution that the Towns and Villages of the County would not suffer any adverse financial consequences as a result of any increased retained expense reimbursement to the County Clerk, and

WHEREAS, the County Clerk has received reimbursement of his necessary expenses incurred in the administration of the Mortgage Tax Program for period April 1, 2010, to September 30, 2010, and

WHEREAS, this Board wishes to appropriate part of such reimbursement of necessary expenses received by the County Clerk for the administration of the Mortgage Tax Program to the Towns and Villages of the County, now, therefore, be it

RESOLVED:

1. The amount of \$25,844.31 is appropriated from Account No. A1410.432 (County Clerk – Contractual) and shall be distributed to the Towns and Villages of the County as follows:

TOWNS	AMOUNT RETAINED BY COUNTY CLERK'S OFFICE FOR MORTGAGE TAX FEE	REBATE AMT TO TOWN	REBATE AMT TO VILLAGE	VILLAGES
Alfred	1,458.63	1,170.60	288.03	Alfred
Allen	375.07	375.07		
Alma	580.95	580.95		
Almond	743.15	684.85	58.30	Almond
Amity	975.19	816.55	158.64	Belmont
Andover	561.14	459.56	101.58	Andover
Angelica	649.11	539.68	109.43	Angelica
Belfast	1,105.00	1,105.00		
Birdsall	92.89	92.89		
Bolivar	1,149.40	913.53	218.03	Bolivar
			17.84	Richburg
Burns	489.74	424.04	65.70	Canaseraga
Caneadea	1,774.11	1,774.11		
Centerville	730.70	730.70		
Clarksville	546.56	546.56		
Cuba	2,872.77	2,445.35	427.42	Cuba

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

Friendship	918.35	918.35		
Genesee	799.31	799.31		
Granger	493.90	493.90		
Grove	414.46	414.46		
Hume	1,069.73	1,069.73		
Independence	757.74	757.74		
New Hudson	209.81	209.81		
Rushford	1,884.10	1,884.10		
Scio	878.02	878.02		
Ward	101.88	101.88		
Wellsville	3,367.97	2,459.71	908.26	Wellsville
West Almond	188.90	188.90		
Willing	211.77	211.77		
Wirt	443.96	412.81	31.15	Richburg
TOTALS	25,844.31	23,459.93	2,384.38	

2. The Chairman of this Board, Allegany County Clerk, and Allegany County Treasurer are authorized to execute any and all vouchers, warrants, and other necessary documents of every nature and kind in order to effect the purpose of this resolution.

Moved by: Mr. Hopkins
 Seconded by: Mr. Fanton

Adopted: Roll Call
 14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 224-10

RESOLUTION LEVYING TOWNS 2011 SHARE OF ALLEGANY COUNTY MUTUAL SELF-INSURANCE PLAN

Offered by: Ways and Means Committee

Pursuant to § 67 (2) and § 71 of the Workers' Compensation Law and § 13 of Local Law No. 3 of 2002

RESOLVED:

1. That this Board levies the sum of \$337,851 upon the taxable property of the Towns participating in the Allegany County Mutual Self-Insurance Plan, in the proportionate amount which each such Town is required to pay for such participation as determined by the provisions of Section 12 of Local Law No. 3 of 2002.

Moved by: Mr. Hopkins
 Seconded by: Mr. O'Grady

Adopted: Roll Call
 14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 225-10

AUTHORIZING THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE OF THE ALLEGANY COUNTY BOARD OF LEGISLATORS TO ACT AS TOURIST PROMOTION AGENCY AND TO APPLY FOR STATE FUNDS FOR TOURISM PROMOTION PURPOSES

Offered by: Ways and Means Committee

BOARD OF LEGISLATORS SESSION MINUTES, NOVEMBER 22, 2010

Pursuant to Article 5-A of the Economic Development Law

RESOLVED:

1. That the Planning and Economic Development Committee of this County Board of Legislators is authorized to act as a tourist promotion agency and to apply for state funds up to \$213,000 for tourism promotion purposes.

2. That if the application for the funding is approved, such Committee shall submit the grant agreement to this Board for approval and appropriation of such funds prior to commencing any work pursuant to the terms of the grant agreement or expending any of such funds.

3. That the Clerk of this Board is directed to send a certified copy of this resolution to the New York State Commissioner of Economic Development.

Moved by: Mr. Hopkins
Seconded by: Mr. Sinclair

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 225-10 included the following:

Legislator Sinclair remarked that this is a formality that will allow us to take advantage of state funds if they become available. Last year they were not, so we tailored back the program. We're prepared to do that again; however, if state matching funds are available, we would be able to have a broader program. There is no additional fiscal impact; the amount of funds in the approved Budget will remain the same.

Legislator Ungermann questioned the effect this resolution will have on our relationship with the County Chamber of Commerce. Legislator Sinclair stated that it supports our County Chamber in their tourism efforts.

RESOLUTION NO. 226-10

**ACCEPTANCE AND APPROPRIATION OF JOB ACCESS REVERSE COMMUTE
(JARC)/NEW FREEDOM GRANT FUNDS FROM NEW YORK STATE;
FUNDS TO BE ADMINISTERED BY ALLEGANY/WESTERN STEUBEN
RURAL HEALTH NETWORK**

Offered by: Ways and Means Committee

RESOLVED:

1. That grant funds from New York State in the amount of \$250,000 to be administered by Allegany/Western Steuben Rural Health Network to provide Mobility Management Services in Allegany County are accepted.

2. That the sum of \$250,000 is appropriated to accounts to be designated by the County Treasurer.

Moved by: Mr. Hopkins
Seconded by: Mr. Healy

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

(Memo: The grant program referenced in Resolution no. 226-10 strives to help low-income individuals to get to their place of employment easier and maintain their employment so they can move towards separating themselves from the welfare system. The funds cover a two-year grant allocation.)

RESOLUTION NO. 227-10**ACCEPTANCE OF DONATION FROM THE ALLEGANY SENIOR FOUNDATION AND AN INCREASE IN FUNDING FROM ALLEGANY COUNTY SOCIAL SERVICES DEPARTMENT FOR OFFICE FOR AGING ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$5,000 from the Allegany Senior Foundation and \$5,500 from the Allegany County Social Services Department for OFA Accounts, is accepted.

2. That the accepted sum of \$10,500 is appropriated as follows: \$5,000 to Account No. A6776.4 (OFA – Community Services for Elderly – Contractual) with a like sum credited to Revenue Account No. A02.1972.09 (CSE) and \$5,500 to Account No. A6777.474 (OFA – HEAP) with a like sum credited to Revenue Account No. A09.2801.40 (HEAP).

Moved by: Mr. Burdick
Seconded by: Mr. Pullen

Adopted: Roll Call
14 Ayes, 0 Noes, 1 Absent

(Memo: Regarding Resolution No. 227-10, the donation accepted from the Allegany Senior Foundation will be used for Blizzard Boxes for Meals-on-Wheels recipients during inclement weather, and the increased Social Services funding goes toward the 2010-2011 contract with Office for the Aging to certify HEAP applications for seniors.)

Comments made regarding Resolution No. 227-10 included the following:

Legislator Pullen noted that the donation from the Senior Foundation represents an effort to cover some of the shortfall caused by state cuts, but it will not be enough to keep things at full level, and it will do nothing about future cuts from Albany. Support will be needed from the public and other community organizations, such as the United Way, to continue to meet these needs. The seniors receiving these services are some of the most vulnerable individuals of any of the County's taxpayers. Addressing this problem in the months and years ahead will take proper planning and efforts to look ahead. Mr. Pullen stated that he appreciates the efforts made by the Office for the Aging staff, and hopefully we can continue to meet the commitments made to the senior population. He commended the Senior Foundation.

RESOLUTION NO. 228-10**ACCEPTANCE AND APPROPRIATION OF FUNDS FROM THE EMPLOYEES AND AUXILIARY OF CUBA MEMORIAL HOSPITAL TO PUBLIC HEALTH ACCOUNTS**

Offered by: Human Services and Ways and Means Committees

WHEREAS, the sum of \$500 has been offered to the Allegany County Department of Health from the Employees and Auxiliary of Cuba Memorial Hospital to provide services to cancer residents of Allegany County, now, therefore, be it

RESOLVED:

1. That the sum of \$500 offered by the Employees and Auxiliary of Cuba Memorial Hospital is accepted and appropriated to Account No. A4071.409 (Cancer Services – Fees) with a like sum credited to Revenue Account No. A08.2705.01.

BOARD OF LEGISLATORS SESSION MINUTES, NOVEMBER 22, 2010

Moved by: Mr. Burdick
 Seconded by: Mr. LaForge

Adopted: Roll Call
 14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 228-10: Chairman Crandall thanked the Cuba Hospital Auxiliary and employees.

RESOLUTION NO. 229-10**TRANSFER OF FUNDS FROM SPECIAL EDUCATION PHC ACCOUNT TO RABIES CLINICS ACCOUNT**

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$25,000 is transferred from Account No. A2960.4 to Account No. A4043.4.

Moved by: Mr. Burdick
 Seconded by: Mr. Healy

Adopted: Roll Call
 14 Ayes, 0 Noes, 1 Absent

(Memo: The transfer approved by Resolution No. 229-10 was necessary to cover the cost of post-exposure shots provided by local hospitals to County residents who go through the rabies series due to exposure to a high-risk animal (bat, raccoon, stray animal) or dog bite. There has been a dramatic rise in the number of County residents needing to go through the series. As a result, the Health Department is currently over budget, and there are approximately ten more individuals who have been identified as needing treatment. The transfer should provide enough funds to cover expenditures through the end of the year.)

RESOLUTION NO. 230-10**RESOLUTION APPROVING AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND THE ALLEGANY-WESTERN STEUBEN RURAL HEALTH NETWORK IN PROVIDING MOBILITY MANAGEMENT SERVICES IN ALLEGANY COUNTY**

Offered by: Ways and Means Committees

RESOLVED:

1. That the Agreement with the Allegany-Western Steuben Rural Health Network in providing mobility management services in Allegany County for period September 1, 2010, to August 31, 2012, is approved.

2. That the Chairman of this Board of Legislators is authorized to enter into such Agreement.

Moved by: Mr. Hopkins
 Seconded by: Mr. Healy

Adopted: Roll Call
 14 Ayes, 0 Noes, 1 Absent

RESOLUTION NO. 231-10**APPROVAL OF AGREEMENT WITH J2 SOFTWARE SOLUTIONS, LLC FOR E-MAIL INTERFACE FOR PSIMS COMPUTER-AIDED DISPATCH SYSTEM**

Offered by: Public Safety Committee

RESOLVED:

1. That Agreement between J2 Software Solutions, LLC and the County of Allegany, for E-mail Interface for PSIMS Computer-Aided Dispatch System, is approved.
2. That the Chairman of this Board is authorized to execute such contract.

Moved by: Mr. Healy
 Seconded by: Mr. Burdick

Adopted: Roll Call
 14 Ayes, 0 Noes, 1 Absent

(Memo: Regarding Resolution No. 231-10, the e-mail interface for the PSIMS Computer-Aided Dispatch System will provide a text message to the fire and first responders at about the same time the tones go out for a fire or ambulance alarm. The first responder will have the address and nature of the call on his cell phone, which should eliminate much of the radio traffic. If the department has a computer set up and running, an informational e-mail can be sent for their information when they arrive at the hall. When the system is installed, many first responders will not need their expensive pagers. Contract cost is \$3,500 plus an annual \$200 maintenance fee. Funds are already included in the Budget.)

RESOLUTION NO. 232-10

**APPROVAL OF AGREEMENT BETWEEN COUNTY OF ALLEGANY AND
 DOUGLAS DILLON FOR CONSULTANT SERVICES**

Offered by: Personnel Committee

RESOLVED:

1. That the Agreement between the County of Allegany and Douglas Dillon in relation to providing consultant services to the Allegany County Mutual, Self-Insurance Plan at the rate of \$45 per hour, with the total amount paid not to exceed \$12,000, for a six-month period, is approved.
2. That the Chairman of this Board is authorized to execute said Agreement.

Moved by: Mr. O'Grady
 Seconded by: Mr. Fanton

Adopted: Roll Call
 14 Ayes, 0 Noes, 1 Absent

Comments made regarding Resolution No. 232-10 included the following:

Legislator Pullen recognized Douglas Dillon for his years of service to the County in the position of Executive Secretary of the Mutual Self-Insurance Program dealing with workers' compensation issues. He is retiring, and we will use him as a consultant during the time of transition. Legislator Pullen thanked Doug for his service and wished him well in retirement.

RESOLUTION NO. 233-10

**APPROVAL OF SERVICE AGREEMENT WITH
 EMPLOYEE BENEFITS SOLUTIONS-RMSCO, INC. FOR
 ADMINISTRATION SERVICES ON WORKERS' COMPENSATION CLAIMS**

Offered by: Personnel Committee

BOARD OF LEGISLATORS SESSION MINUTES, NOVEMBER 22, 2010

RESOLVED:

1. That the Agreement between Employee Benefits Solutions-RMSCO, Inc. and the County of Allegany, for Administration Services on Workers' Compensation claims is approved.
2. That the Chairman of this Board is authorized to execute such contract.

Moved by: Mr. O'Grady
 Seconded by: Mr. Pullen

Adopted: Roll Call
 14 Ayes, 0 Noes, 1 Absent

(Memo: Resolution No. 233-10 approves a Third-Party Administration contract between EBS-RMSCO and the Allegany County Mutual Self-Insurance Plan for workers' compensation claim administration for the 13-month period of 12/01/10-12/31/11. The 13-month contract fee is \$23,835 plus expenses. Medicare Reporting costs are included.)

Comments made regarding Resolution No. 233-10 included the following:

Legislator Sinclair noted that this agreement is a good example of capitalizing on outsourcing to a firm that will handle workers' compensation claims after the retirement of Mr. Dillon. In this type of economy, there are significant savings to be realized by taking this approach.

Legislator Pullen remarked that this is another example of a mandated service, not only for ourselves, but for many of the other municipalities, fire departments, and emergency dispatch within the County. By doing it at a cost-effective level, it helps keep local taxes down. They keep adding new aspects to this at the state level, so we are upgrading services as well as keeping costs down.

AUDITS:

A motion was made by Legislator Hopkins, seconded by Legislator Sinclair and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator Pullen, seconded by Legislator LaForge and adopted on a roll call vote of 13 Ayes, 1 No, 1 Absent, that the audit of claims, totaling \$4,388,891.18 including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). *(Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$7,051,529.)*

ADJOURNMENT: The meeting was adjourned at 3:00 p.m. on a motion made by Legislator Ungermann, seconded by Legislator Hopkins and carried.

REGULAR SESSION – DECEMBER 13, 2010

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by former United States Army 1st Sergeant Joseph L. Mead, Sr.

INVOCATION: The Invocation was given by Legislator David Pullen, followed by “*God Bless America*,” led by Mr. Mead.

ROLL CALL: 12 Present; 3 Absent (Legislators Benson, Curran, and Russo).

APPROVAL OF MINUTES:

The minutes of the Public Hearing on the 2011 Allegany County Tentative Budget on November 10, 2010, were approved on a motion made by Legislator Sinclair, seconded by Legislator Hopkins and carried.

The Board meeting minutes of November 22, 2010, were approved on a motion made by Legislator Fanton, seconded by Legislator Pullen and carried.

The Committee of the Whole meeting minutes of November 22, 2010, were approved on a motion made by Legislator LaForge, seconded by Legislator O’Grady and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Joseph L. Mead, Sr., former United States Army 1st Sergeant, in grateful appreciation of his service to our Country. Mr. Mead’s service dates were from 1965 to 1995, for a total of 31 years, spending time in the Air Force, Navy, and Army. Following Basic Training at Sampson Air Force Base, NY, assignments included Orlando Air Force Base, FL, Fort Leonard Wood, MO, Fort Dix, NJ, Fort Jackson, SC, Fort Bragg, NC, and Fort Drum, NY, and overseas duty at Guantanamo, Cuba. Mr. Mead led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans’ Honorary Pledge of Allegiance Program.

Chairman Crandall granted privilege of the floor to the following:

STOP-DWI Coordinator Linda Edwards spoke about the annual recognition of National Drunk and Drugged Driving Awareness Month during December. Ms. Edwards gave some statistics on deaths and injuries related to drunk driving, and encouraged action on the part of individuals and communities to help prevent it. Old English Wassail and Christmas cookies, prepared by BOCES Culinary Arts students, were served in the foyer.

Timothy C. Lyon from Reality Check, Allegany Council on Alcoholism and Substance Abuse (ACASA), and Kate O’Stricker from Cornell Cooperative Extension presented information on the Tobacco Free Program of Chautauqua, Cattaraugus and Allegany Counties. The program’s goal is education on the prevalence and impact that tobacco products and point-of-sale marketing efforts have on youth smoking initiation. Statistics were given on the number of lives lost each year and the high healthcare costs directly related to smoking.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator’s desk:

BOARD OF LEGISLATORS SESSION MINUTES, DECEMBER 13, 2010

1. 2009 Journal of Proceedings.
2. Report of Intrafund Transfers approved by the County Administrator in November.
3. Report of Tax Bill Corrections approved by the County Administrator in November.

The following communications were also acknowledged:

1. Correspondence from Comprehensive Plan Implementation Group Chairman Edward Eicher regarding the group's goals and objectives.

APPOINTMENTS:

The Clerk of the Board announced that Chairman Crandall has appointed Janae Rangel, of Houghton, to serve as a Youth Representative on the **ALLEGANY COUNTY YOUTH BOARD**. The term of the appointment is unfixed, but in no event shall such term exceed the twenty-first birthday of the appointee.

PROCLAMATION:

Chairman Crandall proclaimed the month of December 2010 as National Drunk and Drugged Driving Prevention Month, and urged the citizens of Allegany County to avoid driving under the influence of alcohol.

RESOLUTIONS:

RESOLUTION NO. 234-10

A RESOLUTION EXPRESSING OPPOSITION TO THE CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL) REGULATORY PROPOSAL BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) AND RAISING SERIOUS CONCERNS REGARDING THE UNATTAINABLE MANDATE AND LACK OF PARITY REPRESENTED IN LOAD ALLOCATIONS FOR THE STATE OF NEW YORK COMPARED TO OTHER BAY STATES AND WATERSHED JURISDICTION PARTNERS; REQUESTING INTERVENTION BY OUR ELECTED REPRESENTATIVES IN THE UNITED STATES CONGRESS, NEW YORK STATE SENATE AND NEW YORK STATE ASSEMBLY IN SECURING A MORATORIUM ON REGULATORY IMPLEMENTATION OF THE CHESAPEAKE BAY TMDL IN NEW YORK UNTIL SUCH OBJECTIONS AND CONCERNS ARE FULLY ADDRESSED

Offered by: Planning and Economic Development Committee

WHEREAS, clean water and healthy watersheds are a priority for New York farmers, which play a critical role in proven and successful local efforts to conserve and protect New York's natural resources, and

WHEREAS, the U.S. Environmental Protection Agency Region 3 is implementing a Chesapeake Bay TMDL which imposes new and costly federal regulations on approximately 19 counties, 650,000 residents and 2,000 New York family farms within the New York portion of the Chesapeake Bay watershed area, and

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

WHEREAS, New York accounts for 10 percent of the total watershed area which is mostly forested (76 percent), is home to 4 percent of the total population in the watershed with agriculture (21 percent) being the dominant business sector, and

WHEREAS, the federally-designed TMDL, intended to limit nitrogen, phosphorous and sediment discharges into the Chesapeake Bay watershed, is now projected to cost New York State as much as \$250 million over the next 15 years, without being able to satisfy EPA's regulatory goal, and

WHEREAS, the best way to achieve the important public benefit of clean water at a regional level is through locally led conservation efforts, rather than a top-down federal, one-size-fits-all regulatory approach such as EPA's TMDL for the Chesapeake Bay watershed, and

WHEREAS, EPA's proposed TMDL regulation imposes disproportionately heavier restrictions for water quality in New York in order to help other states meet their overall TMDL goal, ignores New York's excellent record of environmental accomplishments over the past 25 years using state and local conservation efforts and forces unrealistic costs on the businesses, governments and residents within the watershed area, and

WHEREAS, even if the other states achieve their EPA mandated allocations by 2025, their water would still contain higher nutrient loads per acre than New York's current 2010 load per acre because of progressive natural resource management programs like New York State's Agricultural Environmental Management Program, and

WHEREAS, even with the elimination of animal agriculture and utilizing every best management practice available in the watershed area, New York would still not be able to meet EPA's TMDL allocation, and

WHEREAS, we object to EPA's discriminatory regulatory process that disproportionately burdens our farm communities with costly mandates, weakens our rural economies, disrupts local food systems and provides no additional water quality protection for the Chesapeake Bay watershed, and

WHEREAS, we oppose EPA increasing its federal regulatory control and usurping state and local jurisdiction and authority in order to impose their TMDL, instead of working collaboratively with State agriculture and environmental protection agencies, Soil and Water Conservation Districts and local communities to address Bay watershed water quality concerns, and

WHEREAS, we object to the fact that in order to satisfy EPA's regulatory goals without confirmation of water quality improvement, EPA has not ensured realistic delivery of needed funding and technical assistance and has not provided regulatory flexibility to allow for implementation of continually improving on-farm practices in response to site-specific environmental variables, and

WHEREAS, each and every day farmers across New York work to improve their environmental sustainability recognizing that appropriate natural resource management is critical to maintaining success of their businesses for future generations; supporting farmers in these endeavors is how government can best aid agriculture in protecting water quality, and

WHEREAS, we support state and locally driven collaborative initiatives which effectively use federal environmental funds and specifically address areas of high environmental risk and employ a farm-specific focus, such as New York State Department of Agriculture and Market's Agricultural Environmental Management Program, and

BOARD OF LEGISLATORS SESSION MINUTES, DECEMBER 13, 2010

WHEREAS, we support New York State Department of Environmental Conservation's recommendations in their draft Phase 1 Watershed Implementation Plan which recognizes the environmental stewardship of New York farmers and inherent inequality of the current EPA proposal, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators fully supports responsible efforts to improve water quality in the Chesapeake Bay watershed, to protect our State's environment and natural resources, and we object to the unfair and unattainable mandate the Chesapeake Bay TMDL forces upon our local governments, local communities and family farms.

2. That this Board urges its Congressional and State representatives to intercede with EPA, and enact superseding legislation if required, to delay implementation of the Chesapeake Bay TMDL and request that EPA report to them on their response and adaptations regarding the aforementioned concerns.

3. That the Clerk of this Board is directed to send certified copies of this resolution to Governor David Paterson, United States Senators Charles Schumer and Kirsten Gillibrand, New York State Senator Catharine M. Young, New York State Assemblymen Daniel J. Burling and Joseph M. Giglio, the Commissioner of the New York State Department of Agriculture and Markets, the Commissioner of the New York State Department of Environmental Conservation, and Administrator Judith Enck of EPA Region 2.

Moved by: Mr. Sinclair
Seconded by: Mr. Ungermann

Adopted: Voice Vote

RESOLUTION NO. 235-10**A RESOLUTION IN RELATION TO THE COMPENSATION OF COUNTY OFFICERS AND EMPLOYEES**

Offered by: Personnel Committee

RESOLVED:

1. That commencing January 1, 2011, each unit employee occupying a position set forth in the "County Unit Salary Plan" shall receive the salary or rate of compensation for the step of the Grade of the position occupied that is set forth in "Appendix A-5" or in "Appendix B-5" of Agreement approved by Resolution No. 149-2005, and which salary or rate of compensation such unit employee is entitled to receive commencing January 1, 2011, pursuant to said Agreement and pursuant to the "County Unit Salary Plan"; the increment recommendations from the department heads for each such unit employee under their jurisdiction receiving such recommendation being approved.

2. That commencing January 1, 2011, each unit employee occupying a position set forth in Agreement between the County of Allegany and the New York State Nurses Association, which Agreement was approved by Resolution No. 85-2004, shall receive the salary or rate of compensation for the step of the Grade of the position occupied that is set forth in "Schedule A" of said Agreement, and which salary or rate of compensation such unit employee is entitled to receive commencing January 1, 2011, pursuant to said Agreement and pursuant to the "County Unit Salary Plan"; the increment recommendation from the Public Health Director for each such unit employee under her jurisdiction receiving such recommendation being approved.

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

3. That commencing January 1, 2011, each unit employee occupying a position set forth in Agreement between the County of Allegany and the Allegany County Deputy Sheriff's Association, which Agreement was approved by Resolution No. 302-2003, shall receive the salary or rate of compensation for the step of the Grade of the position occupied that is set forth in "Appendix A" of said Agreement, and which salary or rate of compensation such unit employee is entitled to receive commencing January 1, 2011, pursuant to said Agreement and pursuant to the "County Unit Salary Plan"; the increment recommendation from the Sheriff for each such unit employee under his jurisdiction receiving such recommendation being approved.

4. That commencing January 1, 2011, each employee occupying a position set forth in Agreement between the County of Allegany and the New York State Public Employees Federation, which Agreement was approved by Resolution No. 174-2010, shall receive the salary or rate of compensation for the step of the Grade of the position occupied that is set forth in said Agreement, and which salary or rate of compensation such employee is entitled to receive commencing January 1, 2011, pursuant to said Agreement and pursuant to the "County Unit Salary Plan"; the increment recommendations from the department heads for each such employee under their jurisdiction receiving such recommendation being approved.

5. That commencing January 1, 2011, each non-unit employee occupying a position set forth in the "County Non-Unit Salary Plan" shall receive the salary for the step of the Grade of the position occupied that is set forth in section 6 of Resolution No. 297-75, as last amended by Resolution No. 226-09, and which salary such non-unit employee is entitled to receive commencing January 1, 2011; the increment recommendations from the department heads for each such non-unit employee under their jurisdiction receiving such recommendation being approved.

6. That the Personnel Officer is directed to prepare and deliver a list of the names and pay of the employees affected by sections one, two, three, four and five of this resolution to the County officers who are responsible for preparing the payrolls of such employees.

7. That commencing January 1, 2011, the base salaries, none of which include any earned longevity increment, of the incumbents of the titled positions herein set forth shall be the amount set forth opposite such position, to wit:

<u>TITLE</u>	<u>BASE SALARY</u>
County Legislators (15)	8,500
Chairman of the Board	8,500
Majority Leader	300
Minority Leader	300
Budget Officer	2,500
Deputy Budget Officer	2,500
County Administrator	92,376
Deputy County Administrator	61,800
Clerk of the Board	54,275
District Attorney	119,800
Assistant District Attorney (1st)	35,760
Assistant District Attorney (2nd)	33,185
Assistant District Attorney (3rd)	33,185
Assistant District Attorney (4th)	33,185
Assistant District Attorney (5th) RTR	26,000
Assistant District Attorney (6th) Welfare	24,000
District Attorney Investigator (PT)	12,669

BOARD OF LEGISLATORS SESSION MINUTES, DECEMBER 13, 2010

Assistant Public Defender (1st)	73,550
Coroners	150 p/d
Coroners' Physician	50 p/d
Deputy County Auditor	1,200
Assistant County Attorney (1st)	78,010
Assistant County Attorney (2nd)	58,045
Assistant County Attorney (3rd)	57,000
Election Commissioners (2)	13,525
Election Technicians	\$16.50/hr.
Election Inspectors	\$85/day primary
Election Inspectors	\$135/day general
Seasonal Laborers (Public Works)	8.00/hr.
Information Technology Director	63,940
Sheriff	58,000
Probation Director II	58,830
STOP-DWI Coordinator	15,250
Youth Director	29,960
Emergency Management and Fire Director	48,000
Medical Director	20,000
Community Services Director	37,430
Development Director	78,400
Office for the Aging Director	57,325
Office for the Aging:	
Site Managers	7.50-9.50/hr.
Drivers, Aides	7.50-9.50/hr.
Rushford Lake:	
Youth Agencies Director	495/wk.
Lifeguards	9.75/hr.
JTPA Summer Counselors/Teachers	12/hr.
Executive Secretary, Workers Comp.	32,340

Moved by: Mr. O'Grady
 Seconded by: Mr. Fanton

Adopted: Roll Call
 11 Ayes, 1 Noes, 3 Absent
 Voting No: Ungermann

(Memo: Salaries previously set by Local Law No. 4-10, adopted by Resolution No. 195-10, were not included in this Resolution No. 235-10. They were Public Defender, County Treasurer, Real Property Tax Director, County Clerk, County Attorney, Personnel Officer, Public Works Superintendent, Public Health Director, Social Services Commissioner, and the Employment and Training Director.)

Comments made regarding Resolution No. 235-10 included the following: Legislator Ungermann stated his opinion that some employees deserve raises, others don't. This year, about \$30,000 was added to department head salaries and another \$27,000 was added in salaries for non-unit employees, plus the extra cost in benefits. We're adding another \$100,000 to payroll. The County has a \$20 million payroll; that's \$76,000 per day. Mr. Ungermann acknowledged that we need to look out for our employees, but we also need to look out for the taxpayers. Every year we give raises, and it's always 2.5 to 3 percent. At least \$0.5 million has been added to payroll since he's been here. Mr. Ungermann questioned how long the taxpayers can stand it. He read a paragraph from an article in a magazine on Governing entitled, "How Rules Demean Public Workers." *"Take the fellow who has shown up late 40 times to answer calls in our 311 call center. Don't you think the hardworking operator next to him - in the same union - must feel a bit demoralized? She is treated the same way the slacker is. Is such a system fair?"* Mr. Ungermann remarked that he doesn't know how we can do it better, but we must. The article goes on to say, *"The vast majority of public workers do a great job."*

RESOLUTION NO. 236-10

**AMENDMENT OF RESOLUTION NO. 297-75 TO PROVIDE
NEW SALARY GRADE SCHEDULE IN COUNTY NON-UNIT SALARY PLAN**

Offered by: Personnel Committee

RESOLVED:

1. That effective January 1, 2011, Section 6 of Resolution No. 297-75, as last amended by Resolution No. 226-2009, is amended to read as follows:

Section 6. The following salary grades are hereby established for use in determining the compensation for the positions graded in Section Three of this resolution:

Grade	Base	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Inc
1	26,361	27,152	27,967	28,805	29,669	30,560	31,476	32,420	33,393	34,394	35,425	36,488	921
2	27,967	28,805	29,669	30,560	31,476	32,420	33,393	34,394	35,425	36,488	37,584	38,712	977
3	29,669	30,560	31,476	32,420	33,393	34,394	35,425	36,488	37,584	38,712	39,873	41,067	1,036
4	31,476	32,420	33,393	34,394	35,425	36,488	37,584	38,712	39,873	41,067	42,301	43,571	1,099
5	33,393	34,394	35,425	36,488	37,584	38,712	39,873	41,067	42,301	43,571	44,878	46,224	1,166
6	35,425	36,488	37,584	38,712	39,873	41,067	42,301	43,571	44,878	46,224	47,610	49,040	1,238
7	37,584	38,712	39,873	41,067	42,301	43,571	44,878	46,224	47,610	49,040	50,511	52,026	1,313
8	39,873	41,067	42,301	43,571	44,878	46,224	47,610	49,040	50,511	52,026	53,586	55,195	1,393
9	42,301	43,571	44,878	46,224	47,610	49,040	50,511	52,026	53,586	55,195	56,850	58,555	1,478
10	44,878	46,224	47,610	49,040	50,511	52,026	53,586	55,195	56,850	58,555	60,311	62,120	1,568
11	47,610	49,040	50,511	52,026	53,586	55,195	56,850	58,555	60,311	62,120	63,984	65,905	1,663

Moved by: Mr. O’Grady
Seconded by: Mr. Pullen

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

(Memo: The salary grade schedule approved in Resolution No. 236-10 represents a 2.5 percent increase.)

RESOLUTION NO. 237-10

**CREATING ONE POSITION OF REGISTERED NURSE AND
ONE POSITION OF ACCOUNTANT IN THE HEALTH DEPARTMENT**

Offered by: Human Services Committee

RESOLVED:

1. That one position of Registered Nurse and one position of Accountant are created in the Health Department.

2. This resolution shall take effect on December 14, 2010.

Moved by: Mr. Burdick
Seconded by: Mr. Pullen

Adopted: Roll Call
9 Ayes, 3 Noes, 3 Absent
Voting No: Cady, O’Grady, Ungermann

(Memo: Regarding the Health Department positions created in Resolution No. 237-10: The Registered Nurse position will replace the Public Health Nurse position at a savings of about \$16,000 annually, and will assist in the Family Planning and Child and Adult Immunization

BOARD OF LEGISLATORS SESSION MINUTES, DECEMBER 13, 2010

Programs. The salary is funded 100 percent by the state DOH. The Accountant position will help the department capture maximum revenue and stay in compliance with the state. Grants reimburse a portion of the salary. By lowering the position to four days per week and hiring at base pay, savings will be over \$30,000 annually, including benefits.)

RESOLUTION NO. 238-10**CREATING TWO POSITIONS OF SENIOR RECORDING CLERK IN
THE COUNTY CLERK'S OFFICE**

Offered by: Personnel Committee

RESOLVED:

1. That two positions of Senior Recording Clerk are created in the County Clerk's Office.
2. This resolution shall take effect on December 14, 2010.

Moved by: Mr. O'Grady
Seconded by: Mr. Fanton

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

(Memo: The two Senior Recording Clerk positions created by Resolution No. 238-10 will replace a Senior Index Clerk and an Index Clerk in the County Clerk's Office. Salaries will be 100 percent County funded and are offset by fees generated by both the DMV and County Clerk's Office.)

Comments made regarding Resolution No. 238-10 included the following:

Legislator Pullen noted that although there have been a lot of personnel transitions, with more to come, it's not that the Board is adding positions and expense of the sort that Mr. Ungermann has referred to; it's the result of retirements, mainly due to the incentive program that the state adopted and authorized and the County chose to participate in. The Board has a couple of goals in this process: 1) reduce the number of positions, if possible, and actually decrease County employment, saving on personnel costs; and 2) replace some employees who have a lot of seniority with employees who have lesser seniority or none, resulting in savings. To participate in the retirement incentive program, the County had to demonstrate a projected savings. So, we're not just adding positions and creating a lot of new spending, but are actually trying to reduce spending. This resolution actually goes a step beyond that. The County Clerk is establishing more efficient procedures that will have the long-term effect of reducing spending, as well as improving service to the public.

Chairman Crandall commented on a resolution adopted a couple of months ago which dealt with reduction in workforce and outlined the procedure for that. The Board continues to monitor not only the positions, but the cost savings associated with them.

RESOLUTION NO. 239-10**RESOLUTION CREATING POSITION OF JANITOR AND
BUILDING MAINTENANCE MECHANIC IN BUILDINGS AND GROUNDS DEPARTMENT
OF PUBLIC WORKS**

Offered by: Public Works Committee

RESOLVED:

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

1. That one position of Janitor and one position of Building Maintenance Mechanic are created in the Buildings and Grounds Department of Public Works.

2. This resolution shall take effect January 1, 2011.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

(Memo: The positions created by Resolution No. 239-10 are necessary due to the new Courthouse addition and will not be filled until early 2011.)

Resolution Intro. No. 246-10 (Appointment of Members to Allegany County Fire Advisory Board) was amended on a motion made by Legislator Healy, seconded by Legislator Burdick and carried, by adding *Jeff Luckey, Short Tract*, to the list of appointees. Mr. Healy noted that Mr. Luckey's name was put forward initially, but because the committee felt there may be a conflict of interest, they held off. Since that time, the County Attorney and County Administrator have determined that there is no conflict.

RESOLUTION NO. 240-10**APPOINTMENT OF MEMBERS TO ALLEGANY COUNTY FIRE ADVISORY BOARD**

Offered by: Public Safety Committee

Pursuant to County Law § 225-a.

RESOLVED:

1. That each of the following persons is appointed to the Allegany County Fire Advisory Board, with term of office for each to commence January 1, 2011, and expire December 31, 2011:

Richard Hoffman, Jr.	Alfred
Judson Stearns, Jr.	Alfred Station
Robert Prior	Allentown
Bryan Snyder	Almond
Brian Ennis	Andover
Richard Sortore	Angelica
David Jennings	Belfast
Brandon LaValley	Belmont
Terry Richardson	Bolivar
Donald Van Skiver	Canaseraga
Robert Lester	Cuba
Gerald Gayford	Fillmore
Carl Greene	Friendship
David Vogel, Sr.	New Hudson
Sherman Gage	Richburg
Dan Metcalf	Rushford
Jeff Luckey	Short Tract
David Sweet	Wellsville
Larry Erdmann	Whitesville
LeRoy Ives	Willing
Alan Mills	Wiscoy-Rossburg

Moved by: Mr. Healy
Seconded by: Mr. Burdick

Adopted: Voice Vote

RESOLUTION NO. 241-10**REAPPOINTMENT OF TWO LEGISLATIVE MEMBERS AND ONE AT LARGE MEMBER TO THE ALLEGANY COUNTY SOIL AND WATER CONSERVATION DISTRICT BOARD**

Offered by: Public Works Committee

Pursuant to Soil and Water Conservation District Law §§ 6 and 7

RESOLVED:

1. That Theodore L. Hopkins and Douglas D. Burdick are reappointed to the Allegany County Soil and Water Conservation District Board, as Legislative Members with term of office commencing January 1, 2011, and expiring December 31, 2011.

2. That Rodney K. Bennett is reappointed to the Allegany County Soil and Water Conservation District Board, as an At Large Member with term of office commencing January 1, 2011, and expiring December 31, 2013

Moved by: Mr. Fanton
 Seconded by: Mr. Sinclair

Adopted: Voice Vote

RESOLUTION NO. 242-10**RESOLUTION LEVYING COUNTY TAXES**

Offered by: Ways and Means Committee

Pursuant to County Law § 360 and Real Property Tax Law § 900

WHEREAS, this Board, by Resolution No. 220-2010, has adopted a final budget for the fiscal year 2011, and

WHEREAS, this Board, by Resolution No. 221-2010, made appropriations for the conduct of the County Government for the fiscal year 2011, and

WHEREAS, in order to meet such appropriations it will be necessary to levy taxes, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators levies County taxes in the amount of \$27,527,083 upon all the taxable real property in the County liable therefor.

Moved by: Mr. Hopkins
 Seconded by: Mr. Fanton

Adopted: Roll Call
 12 Ayes, 0 Noes, 3 Absent

RESOLUTION NO. 243-10

**RESOLUTION APPROVING THE FINAL ASSESSMENT ROLLS
 WITH TAXES EXTENDED THEREON;
 AUTHORIZING AND DIRECTING THE PREPARATION AND EXECUTION OF
 TAX WARRANTS AND CAUSING DELIVERY OF TAX ROLLS TO
 COLLECTING OFFICERS**

Offered by: Ways and Means Committee

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

Pursuant to Real Property Tax Law §§ 900 and 904

WHEREAS, upon the final assessment rolls of the several Towns the several taxes have been duly extended as provided by law, now, therefore, be it

RESOLVED:

1. That the final assessment rolls of the several Towns with the taxes so extended thereon are approved.
2. That the taxes so extended opposite the assessment of each parcel of real property in such rolls are determined to be the taxes thereon.
3. That there be annexed to each such roll a tax warrant in the form prepared by the Clerk of this Board to contain the respective amounts heretofore authorized to be levied upon the taxable property in each such roll and to bear the seal of the County Board of Legislators.
4. That the Chairman and Clerk of this Board shall sign each such warrant.

Moved by: Mr. Hopkins
 Seconded by: Mr. Sinclair

Adopted: Roll Call
 12 Ayes, 0 Noes, 3 Absent

RESOLUTION NO. 244-10

LEVYING TAXES AND ASSESSMENTS REQUIRED FOR PURPOSES OF ANNUAL BUDGETS OF THE TOWNS OF ALLEGANY COUNTY

Offered by: Ways and Means Committee

Pursuant to Town Law § 115

WHEREAS, there has been presented to the Board of Legislators a duly certified copy of the annual adopted budget of each of the several Towns in the County of Allegany for the fiscal year beginning January 1, 2011, now, therefore, be it

RESOLVED:

1. That there is levied, assessed and raised by tax and assessments upon the real property liable therefore situated in the following Towns outside of any incorporated villages wholly or partially located therein, the General Fund and Highway Fund amounts specified in the annual adopted budgets of such Towns and indicated opposite such Towns, as follows:

	General Fund	Highway Fund
Alfred	25,110.00	105,605.00
Almond	26,420.00	151,958.00
Amity	0.00	352,205.00
Andover	18,726.00	151,407.00
Angelica	1,949.00	45,834.00
Bolivar	18,136.00	207,888.00
Burns	6,660.00	44,060.00
Cuba	(-1,400.00)	239,259.51
Wellsville	129,668.85	312,703.92
Wirt	487.95	118,428.00

BOARD OF LEGISLATORS SESSION MINUTES, DECEMBER 13, 2010

2. That there is levied, assessed and raised by tax and assessments upon the real property liable therefore situated in the following Towns, the General Fund and Highway Fund amounts specified in the annual adopted budgets of such Towns and indicated opposite such Towns, as follows:

	General Fund	Highway Fund
Alfred	117,273.00	215,517.00
Allen	99,177.00	120,780.00
Alma	173,201.00	347,060.00
Almond	182,151.00	175,993.00
Amity	153,885.00	0.00
Andover	139,898.00	179,658.00
Angelica	100,882.00	92,261.00
Belfast	255,709.00	370,790.00
Birdsall	81,950.00	71,670.00
Bolivar	170,318.00	203,659.00
Burns	119,305.00	159,750.00
Caneadea	161,590.00	504,326.00
Centerville	147,319.00	208,093.00
Clarksville	147,849.00	299,718.00
Cuba	586,056.83	277,900.65
Friendship	278,509.00	226,547.00
Genesee	121,605.00	397,050.00
Granger	96,750.00	168,800.00
Grove	153,209.00	236,500.00
Hume	195,000.00	406,000.00
Independence	211,809.00	423,122.00
New Hudson	128,940.00	292,169.00
Rushford	274,075.00	428,510.00
Scio	181,969.00	373,593.00
Ward	103,743.00	171,970.00
Wellsville	592,967.78	307,291.74
West Almond	93,930.00	44,440.00
Willing	209,607.00	263,704.00
Wirt	170,370.00	243,936.65

3. That there is levied, assessed and raised by tax and assessments upon the real property liable therefore in the following fire, fire protection, improvement and other special districts in the following Towns, the amounts specified in the annual adopted budgets of such Towns for such districts and indicated opposite such Towns, as follows:

Alfred	Fire Protection	35,000.00
	Hydrant	352.00
Allen	Fire District	13,945.00
Alma	Fire Protection	53,000.00
	Light District	2,100.00
Almond	Fire Protection	25,000.00
Amity	Fire District	47,000.00
Andover	Fire Protection	30,250.00
Angelica	Fire Protection District	33,600.00
Belfast	Water	98,709.00
	Fire District	60,278.00
	Light	10,300.00
Birdsall	Fire	21,450.00

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

Bolivar	Richburg-Wirt Fire District	4,503.00
	Bolivar Joint Fire District	108,000.00
Burns	Canaseraga Fire Protection	16,000.00
Caneadea	Houghton Water District	159,167.00
	Houghton Sewer District	63,380.00
	Caneadea Light	2,600.00
	Houghton Light	15,000.00
	Oramel Light	650.00
	Rushford Lake District	44,184.00
	Caneadea Fire	109,000.00
Centerville	Fire Districts	25,450.00
Clarksville	Fire District	73,712.00
Cuba	Fire District	54,522.00
	Sewer #1 (Echo Lanes)	(-2,200.00)
	Sewer #3 (Acme)	(-1,183.00)
	Sewer #5 (Capital note)	70,219.00
	Sewer #5 (Usage)	64,768.00
	Water #3 (Acme)	(-1,200.00)
	Water #4 (School)	2,261.00
	Lake District	41,392.00
Friendship	Fire Protection District	91,250.00
	Street Lighting District	26,845.00
	Sidewalks Fund	37,894.00
	Refuse & Garbage District	56,611.00
Genesee	Fire Protection 1 (Bolivar)	39,000.00
	Fire Protection 2 (Portville)	31,292.00
Granger	Fire Protection	18,000.00
Grove	Swain Lighting District	2,500.00
	Canaseraga Fire District 1	16,000.00
	Nunda Fire District 2	2,000.00
Hume	Fire Protection	85,225.00
	Light District 1 (Hume)	3,765.00
	Light District 2 (R & W)	3,500.00
	Light District 3	4,500.00
	Sidewalk	24,200.00
	Sewer District	0.00
	Consolidated Water Dist.	0.00
Independence	Fire	51,000.00
	Street Light	10,000.00
	Water District	0.00
New Hudson	Light District 1	2,500.00
	Fire District 1	32,000.00
Rushford	Lighting District	5,500.00
	Rushford Lake Rec. Dist.	195,816.00
	Rushford Fire District	87,650.00
Scio	Consolidated Water Dist.	42,937.00
	Light District 1	16,000.00
	Fire District 1	39,000.00
	Fire District 2	78,000.00
Ward	Fire Protection	9,000.00
Wellsville	Fire Protection District	115,000.00
	Hillcrest Lighting District	285.00
	E. State St. Sewer District	0.00
	Sinclair Sewer District	0.00
	Bolivar Rd. Sewer District	0.00
	Airport Sewer District	0.00

BOARD OF LEGISLATORS SESSION MINUTES, DECEMBER 13, 2010

	Sinclair Water District	0.00
	Riverside Water District	0.00
	East State Water District	496.00
	Bolivar Rd. Water District	0.00
	George St. Water District	0.00
	W. Wellsville Water District	18,755.00
	Airway Sanitary Sewer Dist.	0.00
	Phillips Creek Water District	0.00
West Almond	Fire District	9,045.00
Willing	Fire Department	65,430.00
Wirt	Fire Protection Townwide	89,309.03

4. That such taxes and assessments, when collected, shall be paid to the Supervisors of the several Towns in the amounts as shown in this resolution, for distribution by them in the manner provided by law.

Moved by: Mr. Hopkins
 Seconded by: Mr. Pullen

Adopted: Roll Call
 12 Ayes, 0 Noes, 3 Absent

RESOLUTION NO. 245-10

ACCEPTANCE OF INSURANCE PAYMENT FROM NYMIR AND APPROPRIATION OF FUNDS TO RISK RETENTION ACCOUNTS

Offered by: Ways and Means Committee

WHEREAS, a check in the amount of \$200 representing the cost to replace a broken windshield on a County vehicle and a check in the amount of \$3,746.06 representing the cost to repair a County vehicle less a \$500 deductible have been offered by NYMIR in settlement for such property damage, now, therefore, be it

RESOLVED:

1. That the amount of \$3,946.06 from NYMIR representing the cost of replacing a broken windshield on a 2007 Ford Focus and repair on a 2010 Dodge Uplander is accepted.

2. That the sum of \$3,946.06 is appropriated to Account No. CS1931.429 (Risk Retention – Uninsured Property Loss) with a like sum credited to Revenue Account No. CS07.2680.00 (Risk Retention – Insurance Recovery).

Moved by: Mr. Hopkins
 Seconded by: Mr. Healy

Adopted: Roll Call
 12 Ayes, 0 Noes, 3 Absent

(Memo: The insurance claims addressed in Resolution No. 245-10 resulted from a broken windshield on a 2007 Ford Focus assigned to the Health Department and damage to a 2010 Dodge Uplander Van assigned to the Office for the Aging.)

RESOLUTION NO. 246-10

TRANSFER OF FUNDS WITHIN PROBATION ACCOUNT

Offered by: Public Safety Committee

RESOLVED:

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

1. That the sum of \$2,350 is transferred from Account No. A3140.4 (Probation – Rentals) to Account No. A3140.2 (Probation – Equipment), for the purchase of 11 new office chairs.

Moved by: Mr. Healy
Seconded by: Mr. Fanton

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

RESOLUTION NO. 247-10**TRANSFER OF FUNDS WITHIN PUBLIC SAFETY COMPLEX –
BUILDINGS AND GROUNDS ACCOUNT**

Offered by: Public Works Committee

RESOLVED:

1. That the sum of \$788 is transferred from Account No. A3152.1 to Account No. A3152.2.

Moved by: Mr. Fanton
Seconded by: Mr. Hopkins

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

(Memo: The transfer approved by Resolution No. 247-10 was needed for the purchase of Jail security computers.)

RESOLUTION NO. 248-10**TRANSFER OF FUNDS WITHIN COUNTY ROAD ENGINEERING ACCOUNT**

Offered by: Public Works Committee

RESOLVED:

1. That the sum of \$5,000 is transferred from Account No. D5020.4 to Account No. D5020.2, to replace a broken and un-repairable Data Collector.

Moved by: Mr. Fanton
Seconded by: Mr. Pullen

Adopted: Roll Call
12 Ayes, 0 Noes, 3 Absent

RESOLUTION NO. 249-10**APPROVAL OF RENEWAL AGREEMENT WITH BMA CONSULTING SERVICES, INC.
FOR INSURANCE ADVICE AND SERVICES;
AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT**

Offered by: Personnel Committee

RESOLVED:

1. That the renewal agreement with BMA Consulting Services, Inc. for the period January 1, 2011, to December 31, 2011, to provide insurance advice and services is approved.

2. The Chairman of this Board is authorized to execute such Agreement.

BOARD OF LEGISLATORS SESSION MINUTES, DECEMBER 13, 2010

Moved by: Mr. O'Grady
 Seconded by: Mr. Pullen

Adopted: Roll Call
 11 Ayes, 1 No, 3 Absent
 Voting No: Ungermann

(Memo: Regarding Resolution No. 249-10, Brian Baty, president of BMA Consulting Services, has been an insurance consultant for the County for over 20 years. The annual fee for the services is \$10,000, which if paid within the first 30 days of the contract can be discounted by ten percent, for a savings of \$1,000.)

Comments made regarding Resolution No. 249-10 included the following:

Legislator Ungermann remarked that the Personnel Committee has been wrestling with the issue of settlement of past workers' compensation insurance claims for over a year. He felt that was a job for Mr. Baty. Allegany County is not unique; every other municipality has the same problem, and he deals with other municipalities. When Mr. Baty came to committee regarding renewal of his contract, he was asked if he did anything with workers' compensation insurance, and he said that he did. Mr. Ungermann questioned the value of what we're getting for our money here. That's something that the County really needed help on, and we finally hired someone to do it, without any advice or direction from Mr. Baty.

Chairman Crandall noted that the advice Mr. Baty has given us and what he has typically worked on hasn't been workers' compensation, because he was not asked for that. He was performing the same advisory role as he has for several years.

County Administrator John Margeson explained that BMA does have some workers' compensation insurance experience, but historically we have used Mr. Baty's services to provide us advice regarding comprehensive and liability insurance. When the County released a request for proposals from third-party administrators for the workers' comp program, Mr. Baty was aware of it. He was in contact with one of his clients, and they did prepare a proposal, but it was submitted too late. Mr. Margeson stated that he might take issue with a suggestion that Mr. Baty, himself, could administer our workers' comp program, as he doesn't believe that's what Mr. Baty is in the business of doing. Mr. Margeson reported that when Mr. Baty was informed on who we hired as a third-party administrator, he was highly complimentary of the company.

Legislator Pullen commented that his understanding was that Mr. Baty provides insurance consulting services for a wide range of different things. In recent discussions with NYMIR, the County's main insurance carrier, we found that costs have gone down and the level of coverage has gone up in recent years. This may not all be due to Mr. Baty, but he has provided guidance and made recommendations to the Board. Possibly he could do more, but in terms of what this agreement covers, it has been valuable, and the trends have definitely been favorable to the County.

Legislator Sinclair stated that he felt this consultant service was for situations such as sponsoring an event that could result in an exposure risk for advice on whether insurances were adequate and other ramifications. That is much different than doing investigative work on medical reports and closing out workers' compensation cases.

RESOLUTION NO. 250-10

APPROVING ADMINISTRATIVE SERVICES AGREEMENT WITH BLUE CROSS AND BLUE SHIELD OF WESTERN NEW YORK TO ADMINISTER COUNTY SELF-INSURANCE MEDICAL PLAN FOR COUNTY OFFICERS, EMPLOYEES AND RETIREES

Offered by: Personnel Committee

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

RESOLVED:

1. That Administrative Services Agreement effective January 1, 2011, between the County of Allegany and Blue Cross and Blue Shield of Western New York in relation to the administration of the County Self-Insurance Medical Plan is approved.
2. That the Chairman of this Board is authorized to execute such Agreement.

Moved by: Mr. O'Grady
 Seconded by: Mr. Burdick

Adopted: Roll Call
 12 Ayes, 0 Noes, 3 Absent

RESOLUTION NO. 251-10

**APPROVAL OF AGREEMENT BETWEEN COUNTY OF ALLEGANY AND
 DENNIS LEE DUNHAM FOR CONSULTANT SERVICES**

Offered by: Public Works Committee

RESOLVED:

1. That the Agreement between the County of Allegany and Dennis Lee Dunham in relation to providing consultant services to assist with training the new Buildings and Grounds Maintenance Supervisor at the rate of \$27.62 per hour commencing January 1, 2011, to March 1, 2011, is approved.
2. That the Chairman of this Board is authorized to execute said Agreement.

Moved by: Mr. Fanton
 Seconded by: Mr. Healy

Adopted: Roll Call
 12 Ayes, 0 Noes, 3 Absent

Comments made regarding Resolution No. 251-10 included the following: Legislator Cady noted that a recent consulting agreement with Mr. Dillon included a maximum dollar amount; this agreement only specifies a length of time at a given rate. Will it take the entire length of time or a few hours? Public Works Superintendent David Roeske explained that Mr. Dunham will consult for up to two months until they find a replacement; if a replacement is found in three weeks, the length of time will be less. It's just transitional.

RESOLUTION NO. 252-10

**APPROVAL OF AGREEMENTS WITH THE
 VILLAGES OF BOLIVAR, CUBA, WELLSVILLE AND
 TOWNS OF FRIENDSHIP AND CANEADEA
 IN RELATION TO THE DISPOSAL OF COUNTY LANDFILL LEACHATE AT
 THE VILLAGE AND TOWN WASTE WATER TREATMENT PLANTS;
 AUTHORIZING BOARD CHAIRMAN TO EXECUTE AGREEMENTS**

Offered by: Public Works Committee

RESOLVED:

1. That Agreements between the County of Allegany and the Villages of Bolivar, Cuba, Wellsville and Towns of Friendship and Caneadea in relation to the County's disposal of leachate at the respective Village and Town waste water treatment plants at the rate of \$.025 per gallon for period January 1, 2011, to December 31, 2012, are approved.

BOARD OF LEGISLATORS SESSION MINUTES, DECEMBER 13, 2010

2. That the Chairman of this Board is authorized to execute the Agreements.

Moved by: Mr. Fanton
 Seconded by: Mr. Healy

Adopted: Roll Call
 12 Ayes, 0 Noes, 3 Absent

Comments made regarding Resolution No. 252-10 included the following: Legislator O'Grady asked if we have actually received responses from these municipalities, because this agreement is pointless otherwise. He questioned if the resolution should be tabled until we hear back. Public Works Superintendent Roeske replied that they hadn't heard back from the municipalities, but there shouldn't be any concern. The only change was in the length of the contract from one year to two years. Chairman Crandall noted that this is an on-going contract.

RESOLUTION NO. 253-10

RESOLUTION APPROVING THE INTER-MUNICIPAL MUTUAL AID AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND THE ALLEGANY COUNTY TOWN HIGHWAY SUPERINTENDENTS ASSOCIATION

Offered by: Public Works Committee

RESOLVED:

1. That the Inter-Municipal Mutual Aid Agreement between the County of Allegany and the Allegany County Town Highway Superintendents Association for period January 1, 2011, to December 31, 2011, is approved.

Moved by: Mr. Fanton
 Seconded by: Mr. McGraw

Adopted: Roll Call
 11 Ayes, 1 No, 3 Absent
 Voting No: Ungermann

(Memo: The agreement approved by Resolution No. 253-10 allows any participating municipality within the County to assist another municipality with highway projects, maintenance and emergency road work, or any similar function, and it allows the proper authorities to expedite the work flow as quickly as possible.)

Comments made regarding Resolution no. 253-10 included the following: Legislator Ungermann voiced his concern with the wording in the contract under No. 6: *"Upon activation of the Mutual Aid Plan, the requesting municipality shall: 1 – provide reimbursement to the assisting municipality by providing assistance at a later date and of an equal value to the assisting municipality when requested to do so by the Coordinator"* There are no guidelines, so how does anyone know that they're getting equal value? He acknowledged that there are state rates for various things, but maybe that ought to be mentioned. Legislator Burdick noted that if a town feels it's getting taken advantage of, they can always withdraw. Chairman Crandall commented that the program is self monitored, and apparently it's been working.

AUDITS:

A motion was made by Legislator Hopkins, seconded by Legislator O'Grady and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator Hopkins, seconded by Legislator Pullen and adopted on a roll call vote of 11 Ayes, 1 No, 3 Absent, that the audit of claims, totaling \$3,071,673.68 including prepaid expenses, be approved for payment as recommended by the County

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$7,516,712.*)

GENERAL COMMENTS:

Chairman Crandall remarked that when the resolution on the administrative services agreement with Blue Cross and Blue Shield was considered, no comments were offered, and it passed unanimously. The Board has had debates on issues valued at less than \$10,000, but no mention was made that the action taken today on that agreement involves a projected savings of over \$2 million for Allegany County. He felt it was worth mentioning.

Legislator Sinclair requested that the resolution addressing the Chesapeake Bay Total Maximum Daily Load regulatory proposal by the U.S. EPA also be sent to Congressman Tom Reed. He also asked the Clerk of the Board to provide Legislators with the Congressman's contact information.

Legislator Hopkins announced that the Joint Human Services and Ways and Means meeting scheduled for December 15 has been cancelled. The regular Ways and Means Committee meeting will be held at 2 p.m.

ADJOURNMENT: The meeting was adjourned at 3:10 p.m. on a motion made by Legislator LaForge, seconded by Legislator Burdick and carried.

REGULAR SESSION – DECEMBER 27, 2010

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:00 p.m. by Chairman Curtis W. Crandall.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by United States Air Force Captain Bryan J. Schmelzer.

INVOCATION: The Invocation was given by Legislator David Pullen.

ROLL CALL: 13 Present; 2 Absent (Legislators McGraw and Russo).

APPROVAL OF MINUTES:

The Board meeting minutes of December 13, 2010, were approved on a motion made by Legislator Ungermann, seconded by Legislator O'Grady and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall presented a certificate to Bryan J. Schmelzer, United States Air Force Captain, in grateful appreciation of his service to our Country. Mr. Schmelzer's service dates are July 2002 to the present; he was commissioned in May 2004. Following Basic Training at Lackland Air Force Base, TX, assignments included Tinker AFB, OK, Bolling AFB, Washington, DC, Andrews AFB, MD, and Keesler AFB, MS, and overseas duty in Kuwait, Afghanistan, and Kyrgyzstan. He participated in Operation Iraqi Freedom and Operation Enduring Freedom. Commendations he received include: USAF Commendation Medal w/ one Oak Leaf Cluster and USAF Achievement Medal. Mr. Schmelzer led the Pledge of Allegiance to the Flag at the beginning of the meeting as part of the Veterans' Honorary Pledge of Allegiance Program.

BOARD OF LEGISLATORS SESSION MINUTES, DECEMBER 27, 2010

Senator Catharine Young and Chairman Crandall presented certificates and plaques to retirees: Social Services Commissioner Patricia Schmelzer, District Attorney Terrence Parker, and Fire Coordinator Paul Gallmann. Senator Young thanked the retiring County employees who have done so much for the people of Allegany County. Her office receives thousands of calls by constituents, and Allegany County officials have always been extremely responsive. Senator Young expressed gratitude for their service. Chairman Crandall highlighted the history of each retiree.

Social Services Commissioner Patricia Schmelzer began employment with the Allegany County Department of Social Services in 1974 as a Typist, and she represents those employees who are hired, continue their education, work hard, and advance through the ranks. Mrs. Schmelzer held numerous positions before her appointment as Commissioner in December 2004. Chairman Crandall expressed his appreciation for Mrs. Schmelzer's 36 years of dedicated service. Pat Schmelzer commented that when she started working for DSS in 1974, she was working at the County Home in Angelica. Raymond Shear was the Commissioner, Harland Hale was the Chairman of the Board of Legislators, and Jess Present was our New York State Senator. There were twelve standing committees and two special committees, one of which was the Building Committee. The County was in the process of building the present County Office Building. Even though 36 years have passed, we're still in the same type of cycle. Mrs. Schmelzer thanked the Board for everything they have done for her and the Department of Social Services, and she asked that they remember that many of their constituents need the help of the department.

Paul Gallmann was recognized for his nine years of dedicated service as the Allegany County Fire Coordinator. He was one of the founding members of the Angelica Ambulance Squad that began in 1967, Fireman for 46 years, appointed Deputy Fire Coordinator for First Aid and Rescue in 1974, taught Auto Rescue for several years, Chief of Angelica Fire Department for 25 years, active EMT for 37 years, and was appointed Allegany County Fire Coordinator in 2002. Chairman Crandall thanked Mr. Gallmann on behalf of the Board and the people of Allegany County for his efforts, and expressed his gratitude. Paul Gallmann thanked the Board for their cooperation over the years.

District Attorney Terrence Parker is retiring and moving on to the position of Allegany County Judge, to be sworn in on January 1. Some of his accomplishments while in the District Attorney's Office include the implementation of Felony and Misdemeanor Drug Courts, Integrated Domestic Violence Court, and the first coordinated Domestic Violence and Sexual Assault Prosecution Protocol. Chairman Crandall commented that it seems that those who achieve and put time and effort into their professional positions, certainly put it into civic and public activities as well. Mr. Parker is very active in Boy Scouting, Belfast Lion's Club Charter Member, Allegany County Youth Court Board of Directors, Cuba Memorial Hospital Board of Trustees, Allegany County MADD, and Southern Tier Healthcare System Board of Directors. Chairman Crandall thanked Mr. Parker on behalf of the Board and the people of Allegany County for his first 27 years of service to the County. Terry Parker thanked the Board and the people of the County for trusting him as District Attorney during his career. He remarked that he is looking forward to his new position and wished his successor well.

Chairman Crandall thanked Senator Young for assisting in the recognition of these retirees. He noted that the Board has recognized other retirees in the past couple of months, and as was said to them, the Board will miss their experience and guidance, but also looks forward to new ideas and new direction that some of the replacements will bring.

New York State Police Captain Timothy Talley and Lieutenant David Gresham were granted privilege of the floor for the presentation of certificates to District Attorney Terrence Parker, Fire Coordinator Paul Gallmann, and former Emergency Services Director John

Tucker. Captain Talley noted that these three officials represent over 100 years worth of experience. Throughout all of those years, during the worst things that have happened in the County where the New York State Police have been present, they have been there with these men. On behalf of John Melville, Acting Superintendent of State Police, and Chris Cummings, Troop A Commander, Captain Talley thanked the retirees. He commented that many of the things these people did day in and day out, and the competence and integrity with which they did their work, aren't widely known, but it was a pleasure serving with them.

Privilege of the floor was granted to Legislator Kevin LaForge, who shared information on "Efficiency in Government":

"I would like to introduce the strategic opportunity to create an on-going program of 'Efficiency in Government.' As a true Independent Legislator, I believe that this coming year, the Legislature should review and undertake a program to reduce municipal expenses and property taxes through the planning and implementation of new local government service delivery efficiencies.

As a businessman, as many of our Legislators are, I continue to examine ways to reduce costs without sacrificing the quality of services. In fact, we continue to look for ways to increase the quality of services through efficiencies. The recently adopted 'Allegany County Comprehensive Plan' from 2008 has an entire section devoted to 'Inter-Governmental Cooperation.'

Specific objectives include:

- Foster and facilitate consolidation of services and encourage resource sharing among government entities.*
- Enable towns and villages to make decisions based on the best available information.*
- Emphasize the necessity of consulting other government entities and considering all relevant plans in the decision-making process.*

The Comprehensive Plan also sets forth various strategies. They include:

- Obtain more federal and state support.*
- Develop a strategy and implementation plan.*
- Aggressively support sharing of services and facilities between towns, villages, County, schools, fire, ambulance, and police services.*
- Encourage communities to collaborate on land use decisions and shared services.*
- Encourage common goals between communities and all levels of government.*
- Undertake an analysis of inter-governmental agreements within Allegany County and encourage changes as needed.*

The Comprehensive Plan is our roadmap to the future, and as a Legislature, we must realize that the future will soon be upon us. Our current level of overlapping government deliverables and the associated level of taxation is unsustainable. We continue to have positive discussion regarding the size of our County Legislature, but I suggest that is only one small area for review. A much larger initiative needs our attention. While honoring the pioneering work of the Northeast Coalition, we must take this type of thinking to a countywide level. We should undertake a critical review of all our service deliverables, in all sectors of our government. Careful thought and analysis is critical, as our County's continued growth and quality of life depend on it.

I would like to encourage my fellow Legislators to support this strategic initiative to create 'Efficiency in Government' throughout our municipalities and Allegany County. To assist, there may also be the possibility of securing funding from the New York State Department of State through their Local Government Efficiency Grant Program.

BOARD OF LEGISLATORS SESSION MINUTES, DECEMBER 27, 2010

I ask, Mr. Chairman, that the Strategic Concept of 'Efficiencies in Government' be referred to the most appropriate committee early in January."

Kevin S. LaForge, Allegany County Legislator

Chairman Crandall commented that what Legislator LaForge outlined sparked some interesting conversation, and rather than referring the matter to a specific committee, Committee of the Whole would be more appropriate. A meeting is scheduled for January 25.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

Copies of the following were placed on each Legislator's desk:

1. January 2011 Calendar of Board and Standing Committee meeting dates. (Special note was made of the Board Organization meeting on January 3, and the Committee of the Whole meeting on January 25.)

The following communications were also acknowledged:

1. Correspondence that Congressman Tom Reed sent to the U.S. Environmental Protection Agency regarding the Chesapeake Bay Total Maximum Daily Load.

2. Correspondence and Allegany County Fair Annual Report from Allegany County Agricultural Society President Martha Roberts.

3. Correspondence from ACCORD expressing gratitude for our support and commitment to community services.

4. NYSAC 2011 Legislative Conference material. Legislators planning to attend should notify the Clerk of the Board as soon as possible.

5. Correspondence from District Attorney Terrence Parker stating that he has been elected to serve as Allegany County Judge commencing January 1, 2011, and he is resigning his position as District Attorney effective at midnight, December 31, 2010.

RESOLUTIONS:

RESOLUTION NO. 254-10

RESOLUTION FIXING DATE OF 2011 ORGANIZATION MEETING

Offered by: Ways and Means Committee

RESOLVED:

1. That the Board of Legislators shall meet on Monday, January 3, 2011, at 2:00 P.M. in the Legislators' Chambers in the County Office Building, Belmont, New York, for the purpose of organizing the Board, selecting a Chairman and such other officers or appointees as may be desired, and for the transaction of any other business which could properly come before any regular meeting of the Board.

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

Adopted: Voice Vote

RESOLUTION NO. 255-10**SUSPENDING CERTAIN COUNTY BOARD RULES AFFECTING
PROPOSED RESOLUTIONS REQUESTED TO BE SUBMITTED AT
ORGANIZATION MEETING ON JANUARY 3, 2011**

Offered by: Ways and Means Committee

RESOLVED:

1. That section D. of Rule 170 and sections C., D. and E. of Rule 180 of County Board Rules are suspended for proposed resolutions which are requested to be submitted at the organization meeting of the County Board of Legislators to be held on January 3, 2011.

Moved by: Mr. Hopkins
Seconded by: Mr. Healy

Adopted: Voice Vote

RESOLUTION NO. 256-10**RESOLUTION DESIGNATING OFFICIAL NEWSPAPERS
FOR THE PUBLICATION OF LOCAL LAWS, NOTICES AND OTHER MATTERS
REQUIRED BY LAW TO BE PUBLISHED IN 2011**

Offered by: Ways and Means Committee

WHEREAS, in accordance with subdivision 1 of Section 214 of the County Law, the members of this Board of Legislators, representing respectively each of the two principal political parties into which the people of this State are divided, have designated in writing the newspapers set forth below to publish, in 2011, the concurrent resolutions of the State Legislature, election notices issued by the Secretary of State, and the official canvass:

Concurrent Resolutions of the Legislature:

The Alfred Sun, Alfred, New York (Republican)
Cuba Patriot & Free Press, Cuba, New York (Democrat)

Election Notices and Official Canvass:

Wellsville Daily Reporter, Wellsville, New York (Republican)
Cuba Patriot & Free Press, Cuba, New York (Democrat)

WHEREAS, subdivision 2 of Section 214 of the County Law requires this Board of Legislators to annually designate at least two newspapers within the County of Allegany as official newspapers for the publication of all local laws, notices and other matters required by law to be published, now, therefore, be it

RESOLVED:

1. That the newspapers listed below are designated as the official newspapers of the County of Allegany for the publication of local laws, notices and other matters required by law to be published in 2011:

Wellsville Daily Reporter, Wellsville, New York (Republican)
Cuba Patriot & Free Press, Cuba, New York (Democrat)

BOARD OF LEGISLATORS SESSION MINUTES, DECEMBER 27, 2010

Moved by: Mr. Hopkins
 Seconded by: Mr. Fanton

Adopted: Voice Vote

RESOLUTION NO. 257-10**DESIGNATING THE WELLSVILLE DAILY REPORTER AS SOLE OFFICIAL NEWSPAPER FOR THE PERIOD JANUARY 2, 2011, TO JANUARY 8, 2011**

Offered by: Ways and Means Committee

WHEREAS, the Clerk of this Board was informed that the Cuba Patriot & Free Press, one of the official newspapers, will not be publishing during the period of January 2, 2011, to January 8, 2011, now, therefore, be it

RESOLVED:

1. Notwithstanding the provisions of Section 1. of Resolution No. 256-2010, the newspaper, "The Wellsville Daily Reporter," is designated as the sole official newspaper to publish local laws, notices and other matters required by law to be published during the period of January 2, 2011, to January 8, 2011.

Moved by: Mr. Hopkins
 Seconded by: Mr. Curran

Adopted: Voice Vote

RESOLUTION NO. 258-10**RESOLUTION DIRECTING NOTICE OF DISTRICT REVIEW OF AGRICULTURAL DISTRICT NUMBER THREE PURSUANT TO SECTION 303-A OF THE AGRICULTURE AND MARKETS LAW**

Offered by: Planning and Economic Development Committee

Pursuant to Agriculture and Markets Law § 303-a

WHEREAS, Agricultural District Number Three, being within the Towns of Almond, Birdsall, Burns and Grove, was created by Resolution No. 158-2002 on May 28, 2002, and

WHEREAS, pursuant to Agriculture and Markets Law § 303-a an eight-year review of the District is required, now, therefore, be it

RESOLVED:

1. That the Clerk of the Board of Legislators is directed to provide proper notice of such district review, which shall include publication of such notice in a newspaper having general circulation within the district, as provided for in Section 303-a subdivision 2. a. of the Agriculture and Markets Law.

2. That the County Agricultural and Farmland Protection Board is directed to prepare and file with the Board of Legislators a report in accordance with Section 303-a subdivision 2. b. of the Agriculture and Markets Law.

Moved by: Mr. Sinclair
 Seconded by: Mr. Pullen

Adopted: Roll Call
 13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 259-10**DELEGATING AUTHORITY FOR CERTAIN REAL PROPERTY TAX REFUNDS
AND CORRECTION OF TAX BILLS AND TAX ROLLS**

Offered by: Ways and Means Committee

Pursuant to Sections 554 (9) (a) and 556 (8) (a) of the Real Property Tax Law

WHEREAS, Sections 554 and 556 of the Real Property Tax Law authorize the County Board of Legislators to delegate the authority to make real property tax refunds and correct tax bills and tax rolls where the recommended refund or correction is \$2,500 or less, and

WHEREAS, utilization of this option will save numerous resolutions per year, and

WHEREAS, it is proposed that the County Administrator, who is also the County Auditor, as the individual who audits bills for payments, would be the official to perform the delegated refund and correction duties, and

WHEREAS, should the County Administrator as County Auditor deny the refund, the application would then be presented to the County Board of Legislators for its consideration, and

WHEREAS, the delegation must be given each calendar year, now, therefore, be it

RESOLVED:

1. This Board does delegate the authority to make real property tax refunds and to correct tax bills and tax rolls to the County Administrator as County Auditor pursuant to the above sections of the Real Property Tax Law subject to the limitations in paragraphs 2. and 3. of this resolution for calendar year 2011.

2. That for calendar year 2011, the County Administrator as County Auditor is authorized to perform the duties of the County Board of Legislators in providing real property tax refunds, where the recommended refund is \$2,500 or less, in accordance with Section 556 of the Real Property Tax Law.

3. That for calendar year 2011, the County Administrator as County Auditor is authorized to correct tax bills and tax rolls, where the recommended correction is \$2,500 or less, in accordance with Section 554 of the Real Property Tax Law.

Moved by: Mr. Hopkins
Seconded by: Mr. Curran

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 260-10**CHARGEBACK TO TOWNS OF COST OF VARIOUS TAX SUPPLIES
PURCHASED OR PROVIDED FOR BY COUNTY**

Offered by: Ways and Means Committee

WHEREAS, assessment rolls, field books and various other tax supplies have been purchased or provided by the County for Towns within the County, and

WHEREAS, it is necessary to charge the cost of such items back to the Towns, now, therefore, be it

RESOLVED:

1. That the cost of assessment rolls, field books and various other tax supplies purchased or provided by the County to the Towns within Allegany County shall be charged back to the Towns on the 2011 tax rolls, as follows:

Alfred	1,540.60	Friendship	1,609.00
Allen	696.00	Genesee	1,446.00
Alma	1,238.40	Granger	706.80
Almond	1,431.40	Grove	841.00
Amity	1,742.20	Hume	1,459.00
Andover	1,664.00	Independence	1,006.80
Angelica	1,402.60	New Hudson	918.00
Belfast	1,456.60	Rushford	2,064.80
Birdsall	743.80	Scio	1,489.20
Bolivar	1,904.40	Ward	540.00
Burns	962.20	Wellsville	4,487.60
Caneadea	1,743.40	West Almond	663.60
Centerville	758.40	Willing	1,316.20
Clarksville	1,352.40	Wirt	1,234.60
Cuba	2,742.80		

Moved by: Mr. Hopkins
 Seconded by: Mr. Pullen

Adopted: Roll Call
 13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 261-10

A RESOLUTION DETERMINING THAT ERRORS EXIST ON THE 2010 COUNTY AND TOWN TAX ROLLS FOR THE TOWNS NAMED WITH REGARD TO REAL PROPERTY OF VARIOUS TAXPAYERS THEREIN; DIRECTING MAILING OF NOTICES OF APPROVAL OF APPLICATIONS FOR CORRECTED TAX ROLLS AND ORDERING THE VARIOUS TOWN TAX COLLECTORS TO CORRECT THE TAX ROLLS; PROVIDING FOR CHARGE BACKS OR CREDITS

Offered by: Ways and Means Committee

Pursuant to Real Property Tax Law § 554

WHEREAS, applications, for the taxpayers hereafter described, have been made to the County's Director of Real Property Tax Service Agency, for the correction of certain errors affecting their real property on various tax rolls, and

WHEREAS, the Director has transmitted to this Board the applications, in duplicate, together with a written report of his investigation of the claimed errors and his written recommendation for action thereon by this Board as to each application, and

WHEREAS, this Board has examined each application and report to determine whether the claimed error exists, now, therefore, be it

RESOLVED:

1. That with regard to the applications for the named taxpayers pertaining to claimed errors regarding their real property on the respective tax rolls of the named Towns,

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

this Board of Legislators does determine that the claimed errors as alleged in those applications exist and does approve those applications.

2. That the Chairman of this Board is authorized and directed to make a notation on those applications and the duplicates thereof that they are approved, to enter thereon the respective correct extension of taxes as set forth by the Director in his report, to enter thereon the respective date of mailing of a notice of approval, to enter thereon the date of mailing of a certified copy of this resolution to the proper Tax Collector, and to sign thereon as Chairman.

3. That the Clerk of this Board is directed to mail to the below listed taxpayers a notice of approval stating, in substance, that their application made has been approved, to inform the Chairman of this Board of the date of the mailing thereof, and to inform such respective taxpayers of the applicable provisions of subdivision seven of Section 554 of the Real Property Tax Law.

4. That the Tax Collector of the Town of Scio is ordered and directed to correct in the 2010 County and Town Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

- a. McAllister, Mary C.: Parcel 199.14-1-923
Assessment: Land \$7,000 Total \$7,000

this parcel was combined and should have been deleted from the Tax Roll, and the County Treasurer is directed to make the following charges on her books:

Allegany County	\$153.49
Town	90.19
Fire	14.38
School Relevy	251.26
Light District	8.10
Water District	15.95
Total	\$533.37

5. That the Clerk of this Board is directed to forthwith mail a certified copy of this resolution to the various Tax Collectors for the Towns stated above together with the original copies of those applications completed in accordance with section two of this resolution.

6. The Clerk of this Board shall mail a copy of this resolution to the above named School and the amount to be charged to each School shall not be charged until 10 days after such mailing. Such amount shall be deducted by the County Treasurer from the money payable to each School as a result of school taxes returned after the date such amount is charged and which shall be paid to each School after May 1, 2011. The County Treasurer shall send a written notice to each School of the amount of such deduction prior to May 1, 2011.

Moved by: Mr. Hopkins
Seconded by: Mr. Fanton

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 262-10

ACCEPTANCE AND APPROPRIATION OF DONATION FROM HIGHLAND HEALTHCARE TO HEALTH DEPARTMENT CANCER SERVICES ACCOUNTS

Offered by: Human Services and Ways and Means Committees

RESOLVED:

BOARD OF LEGISLATORS SESSION MINUTES, DECEMBER 27, 2010

1. That the sum of \$552 from Highland Healthcare is accepted.

2. That the accepted sum of \$552 is appropriated to Account No. A4071.409 (Cancer Screening – Contractual) with a like sum credited to Revenue Account No. A08.2705.01 (Gifts and Donations – Other).

Moved by: Mr. Burdick
Seconded by: Mr. Pullen

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

(Memo: The donation accepted by Resolution No. 262-10 will be used to provide further services to cancer residents of Allegany County.)

Comments made regarding Resolution No. 262-10 included the following: Legislator Hopkins suggested that a press release be prepared to recognize the donor each time donations are accepted, including an explanation for the use of the funds.

RESOLUTION NO. 263-10

TRANSFER OF FUNDS WITHIN OFA ACCOUNTS TO COVER YEAR-END EXPENSES

Offered by: Human Services and Ways and Means Committees

RESOLVED:

1. That the sum of \$13,000 is transferred as follows: \$3,000 from Account No. A6777.4 to Account No. A6777.1, \$5,000 from Account No. A6772.4 to Account No. A6778.4, and \$5,000 from Account No. A6786.4 to Account No. A6778.4.

Moved by: Mr. O'Grady
Seconded by: Mr. Burdick

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 264-10

TRANSFER OF FUNDS FROM SOLID WASTE PERSONNEL SERVICES ACCOUNT TO PUBLIC WORKS ADMINISTRATION PERSONNEL SERVICES ACCOUNT

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. That the sum of \$3,500 is transferred from Account No. A8160.106 (Solid Waste – Personnel) to Account No. A1490.106 (Public Works Administration – Personnel) to cover payroll overruns due to a retirement and the signing of the PEF Contract.

Moved by: Mr. Fanton
Seconded by: Mr. Healy

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 265-10

TRANSFER OF FUNDS FROM COUNTY ROAD SNOW REMOVAL AND MAINTENANCE ROADS AND BRIDGES PERSONNEL SERVICES ACCOUNT TO ROAD MACHINERY PERSONNEL SERVICES ACCOUNT

Offered by: Public Works and Ways and Means Committees

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

RESOLVED:

1. That the sum of \$14,500 is transferred from Account No. D5110.103 (County Road – Maintenance Roads & Bridges – Personnel) to Account No. DM5130.101 (Road Machinery – Personnel) to cover payroll overruns due to a retirement and the signing of the PEF Contract.

Moved by: Mr. Fanton
 Seconded by: Mr. Pullen

Adopted: Roll Call
 13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 266-10**TRANSFER OF FUNDS WITHIN CAPITAL PROJECT ACCOUNTS**

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. That the sum of \$46,900 is transferred as follows: \$18,900 from Account No. H5903.200, \$18,000 from Account No. H5912.200, and \$10,000 from Account No. H5913.200 to Account No. H5915.200.

Moved by: Mr. Fanton
 Seconded by: Mr. Ungermann

Adopted: Roll Call
 13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 267-10**TRANSFER OF FUNDS WITHIN DISTRICT ATTORNEY ACCOUNT**

Offered by: Ways and Means Committee

RESOLVED:

1. That the sum of \$2,400 is transferred from Account No. A1165.436 (DA - Contractual) to Account No. A1165.201 (DA – Equipment) to cover the expense of two additional desktop computers.

Moved by: Mr. Hopkins
 Seconded by: Mr. Healy

Adopted: Roll Call
 13 Ayes, 0 Noes, 2 Absent

(Memo: The computers referred to in Resolution No. 267-10 will equip the space to be occupied by Assistant District Attorneys beginning January 1. Due to increased revenue from the Vehicle and Traffic Diversion Program, the cost will be covered by funds already available.)

RESOLUTION NO. 268-10**APPROVAL OF AGREEMENT WITH APPROVED PROVIDER OF PROGRAMS, SEIT AND/OR EVALUATIONS FOR PRESCHOOLERS WITH DISABILITIES**

Offered by: Human Services Committee

RESOLVED:

1. That Agreement titled "County of Allegany Contract for Approved Providers of Programs, SEIT and/or Evaluations for Preschoolers with Disabilities" with Cattaraugus-

BOARD OF LEGISLATORS SESSION MINUTES, DECEMBER 27, 2010

Allegany Board of Cooperative Educational Services, for the period September 1, 2010, to August 31, 2011, is approved.

2. That the Chairman of this Board is authorized to execute such Agreement.

Moved by: Mr. Burdick

Seconded by: Mr. LaForge

Adopted: Roll Call

10 Ayes, 3 Noes, 2 Absent

Voting No: Fanton, O'Grady, Ungermann

(Memo: The agreement with Cattaraugus-Allegany BOCES, approved by Resolution No. 268-10, provides special education services for preschoolers with disabilities. This is an annual renewal of an existing agreement. Reimbursement for services provided will be made at the rates approved by the New York State Education Department. Costs are split 59.5 percent state and 40.5 percent County contribution. See also Resolution No. 215-10 for two additional provider agreements.)

Comments made regarding Resolution No. 268-10 included the following:

Legislator Pullen remarked that this area of programming was discussed extensively during budget deliberations. The program is state mandated, but there are some questions about state reimbursement for programs the County is funding upfront. The state seems to be dealing with its budget problems by not paying what it should be paying. This can't continue; there has been some discussion in committee about dealing with this and investigating what should happen if they continue to withhold all or a portion of the funding for a program. Can the County stop providing part of the programming? What are the options? How much will the reduced funding impact us, and ultimately the local taxpayers? These problems are symptomatic of a much larger problem. Albany is a train wreck, but that doesn't mean they can destroy our County in the process. Something needs to happen. This is one of the programs we need to look at to determine what our options are, with guidance from the County Attorney, County Administrator, and Public Health Director. We can't continue to accept more and more responsibility when there is a funding mechanism in place that Albany is simply ignoring.

Legislator Ungermann agreed with Legislator Pullen that something needs to be done. The County is 17 months in the hole on this; behind by nearly \$150,000. The contract was supposed to be renewed in August, and he questioned why it's coming up now. Mr. Ungermann noted that he spoke with a former school administrator who said this is one of those things where the fox is watching the hen house. There is a tendency of putting children in this program that shouldn't be, which increases the funding for the people doing the evaluations. He stated he would not support the contract today, but suggested the matter could come back up after we get some answers. This is not unique to just our County, and he questioned it a couple of years ago. It's a big ticket item. The reimbursement rate is about 59.5 percent, so that adds up to quite a lot of money.

RESOLUTION NO. 269-10

APPROVAL OF AGREEMENT BETWEEN ALLEGANY COUNTY BOARD OF ELECTIONS AND NTS DATA SERVICES, LLC

Offered by: Personnel Committee

RESOLVED:

1. That this Board approves the Agreement between Allegany County Board of Elections and NTS Data Services, LLC for period January 1, 2011, through December 31, 2015, at a fee of \$100,711.

2010 ALLEGANY COUNTY LEGISLATIVE PROCEEDINGS

2. That the Chairman of this Board is authorized to execute said Agreement.

Moved by: Mr. O'Grady
 Seconded by: Mr. Pullen

Adopted: Roll Call
 13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 270-10

**APPROVAL OF RENEWAL AGREEMENT BETWEEN
 THE NEW YORK STATE UNIFIED COURT SYSTEM (CONTRACT #C300235)
 AND COUNTY OF ALLEGANY FOR SFY 2010-2011
 MAINTENANCE AND OPERATION OF COURT FACILITIES**

Offered by: Public Works Committee

RESOLVED:

1. That Renewal Agreement between the New York State Unified Court System and County of Allegany, in relation to cleaning services for the interior of the Allegany County Courthouse as well as minor and emergency repairs to that facility for the period April 1, 2010, to March 31, 2011, is approved.

2. That the Chairman of this Board is authorized to execute such Agreement.

Moved by: Mr. Fanton
 Seconded by: Mr. Healy

Adopted: Roll Call
 13 Ayes, 0 Noes, 2 Absent

(Memo: The agreement approved by Resolution No. 270-10 involves reimbursement of approximately \$181,411 for this annual renewal period.)

Comments made regarding Resolution No. 270-10 included the following:

Legislator Ungermann stated that the contract started in April, and we're approving it now when nine months of the period has already passed. It's strange that the NYS Unified Court System can't get this around any sooner.

Legislator Pullen noted that the contract is for the state fiscal year, which began in April. New York State didn't have a budget until the end of August, and then they had a lot of things that needed attention. He agreed with Mr. Ungermann's concern, but was not surprised.

RESOLUTION NO. 271-10

**APPROVAL OF AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND
 THE GREATER ALLEGANY COUNTY CHAMBER OF COMMERCE;
 AUTHORIZING BOARD CHAIRMAN TO EXECUTE SAID AGREEMENT**

Offered by: Ways and Means Committee

RESOLVED:

1. That Agreement between the County of Allegany and the Greater Allegany County Chamber of Commerce to administer tourism as the County Tourism Promotion Agency for an annual fee of \$75,000, commencing January 1, 2011, and ending on December 31, 2011, is approved.

2. That the Chairman of this Board is authorized to execute said Agreement.

Moved by: Mr. Hopkins
Seconded by: Mr. Sinclair

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 272-10

TRANSFERS BETWEEN APPROPRIATION ACCOUNTS

Offered by: Ways and Means Committee

WHEREAS, the Committees of this Board have authorized expenditures and such expenditures may be in excess of appropriations, and

WHEREAS, unexpended, unencumbered balances may exist in accounts, now, therefore, be it

RESOLVED:

1. That the County Treasurer is authorized to make transfers between appropriation accounts upon her books and to expend the same therefrom as she deems necessary for the purpose of balancing the accounts for the end of the 2010 fiscal year.

2. That upon the completion of such transfers the County Treasurer shall file a certification listing such transfers with the Clerk of this Board. Such certification shall be incorporated in the 2010 proceedings of this Board following this resolution.

Moved by: Mr. Hopkins
Seconded by: Mr. Pullen

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

AUDITS:

A motion was made by Legislator Hopkins, seconded by Legislator Curran and carried, that the audits be acted upon collectively and by totals.

A motion was made by Legislator Hopkins, seconded by Legislator Fanton and adopted on a roll call vote of 12 Ayes, 1 No, 2 Absent, that the audit of claims, totaling \$3,439,749.58 including prepaid expenses, be approved for payment as recommended by the County Administrator (opposed: Ungermann). (*Allegany County's Local Dollar Share of the NYS Medicaid Program paid year-to-date is \$7,826,834.*) Legislator Hopkins noted that by the end of the year, Medicaid costs will be nearly \$8 million, or close to 40 percent of our property taxes.

ADJOURNMENT: The meeting was adjourned at 3:00 p.m. on a motion made by Legislator Sinclair, seconded by Legislator Hopkins and carried.

CERTIFICATE OF JOURNAL

LEGISLATORS' CHAMBERS

BELMONT, NEW YORK)
STATE OF NEW YORK)SS:
COUNTY OF ALLEGANY)

Pursuant to the provisions of law, we do hereby certify that this Journal was printed by authority of the Board of Legislators of Allegany County and the foregoing contains a true record of the Proceedings of said Board and the whole thereof, at all Regular and Special Sessions held during the year 2010.

CURTIS W. CRANDALL, Chairman

BRENDA R. RIEHLE, Clerk of the Board

