

**ALLEGANY COUNTY BOARD OF LEGISLATORS
Regular Session**

May 29, 2007

APPROVED

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 invocation was given by Legislator Pullen.

Roll Call: 15 Present; 0 Absent.

APPROVAL OF MINUTES:

The Board meeting minutes of May 14, 2007 were approved on a motion made by Legislator Truax, seconded by Legislator Dibble and carried.

PRIVILEGE OF THE FLOOR:

Chairman Crandall granted privilege of the floor to Allegany County Dairy Princess Casey Arlig, who spoke on the promotion of dairy products, and noted that agriculture is the largest industry in New York State with dairy being its largest component. Milk punch was available following the meeting.

Privilege of the Floor was also granted to Shawnee Wright, Community Coordinator for Partners for Prevention in Allegany County (PPAC) to give an update on the progress of the coalition. Ms. Wright highlighted their public awareness campaign, "Parents Who Host Lose the Most - Don't be a Party to Teenage Drinking," and thanked the Board for the upcoming proclamation.

Deborah Johnson and Genesee Valley Central School students involved in "Students Against Destructive Decisions" (SADD) were given privilege of the floor. SADD members recently took part in a school-day reenactment of drunk-driving fatalities. The students presented information on the public awareness campaign, "Parents Who Host Lose the Most - Don't be a Party to Teenage Drinking."

Chairman Crandall granted privilege of the floor to Village of Wellsville Mayor Bradley Thompson. The Mayor noted that since he was informed Resolution Intro. No. 99-07, rescinding support for Wellsville's city status, will not be brought off the table at this meeting, he can't wait any longer and will be submitting the city charter to the state tomorrow. The State Legislature will be going out of session on June 27.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. A news release was received for the May 17 Southern Tier West Regional Planning and Development Annual Board Meeting.

PROCLAMATION:

Chairman Crandall proclaimed Allegany County as a "Parents Who Host Lose the Most: Don't be a Party to Teenage Drinking" County. Allegany County not only discourages the use of alcohol by those below the legal age of consumption, but also exhorts all residents to refuse to provide alcoholic beverages to those underage youth, and will continue to take the necessary steps to discourage this illegal and unhealthy activity.

RESOLUTIONS:

RESOLUTION NO. 97-07

**RESOLUTION REQUESTING GOVERNOR SPITZER AND
NEW YORK STATE LEGISLATURE TO ADVANCE AND EXPEDITE THE
TIMETABLES FOR INFRASTRUCTURE PROJECTS**

Offered by: Public Works Committee

WHEREAS, the Governor has made the revitalization and improvement of the economy of Upstate New York a priority for his administration, and

WHEREAS, the fourteen counties along the Route 15 (I-99), I-86, and Route 17 (I-86) Corridor make up the three Local Development Districts in the thirteen state Appalachian Regional Commission, which has vastly improved the economy and quality of life in the region, and

WHEREAS, Route 15 (I-99), I-86, and Route 17 (I-86) are New York State's section of the thirteen state Appalachian Development Highway System and as such are eligible for Appalachian funding, and

WHEREAS, Interstates 86 and 99 have been designated New York Trade Corridors and as such will continue to receive appropriate support and additional funding as key elements of major trade and tourism corridors, and

WHEREAS, the 2.9 billion dollar Rebuild and Renew New York Transportation Bond Act included in the 35.9 billion dollar New York Capital Investment Program for statewide transportation facilities for the years 2005-2010 is the largest transportation program in the state's history, and

WHEREAS, the New York I-86 Economic Development Benefit Study, issued in January 2000, which was widely accepted and quoted at all levels of government, called for an aggressive eight-year construction period that would result in a 3.2 billion dollar direct economic benefit to communities along the I-86 Highway Corridor once the conversion has been completed, and

WHEREAS, the Governor and the New York State Department of Transportation committed to a ten-to-twelve year construction program to complete the Route 17 conversion to Interstate I-86 beginning with the first designation (177 miles Chemung County west to Pennsylvania) December 3, 1999, and

WHEREAS, the Pennsylvania Department of Transportation has projected a completion date for the conversion of Route 15 to Interstate standards to the New York State border by the end of 2010, and

WHEREAS, the designation of New York State Route 17 to I-86 and Route 15 to I-99 will provide a highway network with connection to every Interstate Highway located within New York State and Interstates leading into Pennsylvania, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators does hereby express its support for those projects contained within the 2005 Transportation Bond Act and the Transportation Plan for the State of New York Department of Transportation.

2. That this Board does hereby urge the Governor and the New York State Legislature to advance funding necessary to commence those projects and to advance and expedite the timetables set forth for each project to meet the Governor's commitments and the Pennsylvania Department of Transportation's timetable.

3. That the Clerk of this Board is hereby authorized and directed to forward a certified copy of this resolution to Governor Eliot Spitzer, Senate Temporary President and Majority Leader Joseph L. Bruno, Speaker of the Assembly Sheldon Silver, Senator Catharine M. Young, Assembly Members Daniel J. Burling and Joseph M. Giglio, Transportation Commissioner Astrid Glynn, Senate Transportation Committee Chairman Thomas W. Libous, Assembly Standing Committee on Transportation Chairman David Gantt, Upstate Co-Chairman for the Economic Development Corporation Daniel Gundersen, the New York State Association of Counties, the fourteen counties bordering I-86, the Inter-County Association of Western New York, and the Rural Association of Mayors/Supervisors.

Moved by: Mr. Reynolds
Seconded by: Mr. Fanton

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

RESOLUTION NO. 98-07

**RESOLUTION GRANTING THE STATE OF NEW YORK
AUTHORITY TO PERFORM THE ADJUSTMENT FOR THE OWNER AND AGREEING TO
MAINTAIN FACILITIES ADJUSTED VIA STATE-LET CONTRACT**

Offered by: Public Works and Ways and Means Committees

WHEREAS, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of SR 19 Bridge Replacement over VanCampen Creek and WNY & PA Railroad, Town of Amity located in Allegany County, PIN 6014.40.121, and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the construction of a 12" sewer line on the structure, extending under and beyond the approach slabs, pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner, and

WHEREAS, the service life of the relocated and or replaced utilities has not been extended, and

WHEREAS, the State will provide for the reconstruction of the above-mentioned work, as shown on the contract plans relating to the above-mentioned project, now, therefore, be it

RESOLVED:

1. That the Allegany County Board of Legislators and the Allegany County Department of Public Works approve of the relocation of and adjustment to their sewer line and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the County of Allegany and the Allegany County Department of Public Works will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

2. That David Roeske, Superintendent of Public Works has the authority to sign, with the concurrence of the Allegany County Board of Legislators, any and all documentation that may become necessary as a result of this project as it relates to the Allegany County Department of Public Works.

3. That the Clerk of this Board is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Moved by: Mr. Fanton
Seconded by: Mr. Hall

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

(Memo: The sewer line installation under the state's bridge replacement approved by Resolution No. 98-07 will provide possible future service for development at the Crossroads area north of Belmont. See also Resolution No. 107-07.)

RESOLUTION NO. 99-07

**RESOLUTION APPROVING OF WATER SYSTEM EXTENSION AND
AUTHORIZING CHAIRMAN OF THE ALLEGANY COUNTY BOARD OF LEGISLATORS TO
EXECUTE PETITION ON BEHALF OF COUNTY WITH RESPECT TO
TOWN OF CANEADEA WATER EXTENSION PROJECT**

Offered by: Ways and Means Committee

WHEREAS, the Town of Caneadea is extending its water system along State Route 19 from south of Houghton to the Town of Belfast town line, and

WHEREAS, the Town of Caneadea is using a petition process pursuant to the General Municipal Law for the approval of the extension, and

WHEREAS, the petition process requires the approval of the owners of more than fifty percent of the assessed value of the real property within the extension area and of the residential property owners, and

WHEREAS, Allegany County Transfer Station No. 1 and the County owned real property surrounding it, having an assessed value of \$72,100, are included within the proposed extension area, now, therefore, be it

RESOLVED:

1. That this Board of Legislators approves of the Town of Caneadea water system extension and authorizes the Chairman of this Board to execute the petition on behalf of the County.

Moved by: Mr. Reynolds
Seconded by: Mr. Pullen

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

RESOLUTION NO. 100-07

**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 October 1, 2006 through March 31, 2007, 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. Reynolds
Seconded by: Mr. Truax

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

RESOLUTION NO. 101-07

**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 \$25,551.51 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	733.65	584.63	149.02	Alfred
Allen	434.85	434.85		
Alma	524.06	524.06		
Almond	874.23	800.63	73.60	Almond
Amity	1,460.76	1,210.83	249.93	Belmont
Andover	652.98	533.46	119.52	Andover
Angelica	762.03	624.09	137.94	Angelica
Belfast	1,245.82	1,245.82		
Birdsall	256.08	256.08		
Bolivar	1,228.60	968.93	240.68	Bolivar
			18.99	Richburg
Burns	384.77	332.33	52.44	Canaseraga
Caneadea	814.02	814.02		
Centerville	270.09	270.09		
Clarksville	432.87	432.87		
Cuba	1,512.28	1,265.30	246.98	Cuba
Friendship	590.80	590.80		
Genesee	728.62	728.62		
Granger	593.15	593.15		
Grove	304.87	304.87		
Hume	1,540.72	1,540.72		
Independence	332.10	332.10		
New Hudson	1,229.55	1,229.55		
Rushford	1,545.19	1,545.19		
Scio	910.81	910.81		
Ward	251.58	251.58		
Wellsville	4,410.57	3,197.82	1,212.75	Wellsville
West Almond	240.32	240.32		
Willing	682.24	682.24		
Wirt	603.90	558.74	45.16	Richburg
TOTALS	25,551.51	23,004.50	2,547.01	

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 affect the purpose of this resolution.

Moved by: Mr. Reynolds
Seconded by: Mr. Pullen

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

(Memo: The reimbursement to towns and villages for Mortgage Tax Fee Retainage approved by Resolution No. 101-07 is for the period 10/01/06 through 03/31/07.)

RESOLUTION NO. 102-07

APPOINTMENT OF TWO MEMBERS TO COUNTY TRAFFIC SAFETY BOARD

Offered by: Public Safety Committee

Pursuant to Local Law No. 2 of 1972

RESOLVED:

1. That Susan Belmont of Andover, New York and Ann Feuchter of Cuba, New York are appointed to the County Traffic Safety Board, with term of office commencing May 14, 2007 and expiring December 31, 2009.

Moved by: Mr. Dibble
Seconded by: Mr. Fanton

Adopted: Voice Vote

RESOLUTION NO. 103-07

**ACCEPTANCE OF GRANT FUNDS FROM THE NEW YORK STATE
DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES;
AUTHORIZING DIRECTOR OF PROBATION TO EXECUTE ANY AND ALL
AGREEMENTS NECESSARY TO SECURE SUCH GRANT AND
APPROPRIATION OF GRANT FUNDS TO
PROBATION CONTRACTUAL EXPENSES ACCOUNT**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That a grant in the amount of \$50,000 from the New York State Division of Probation and Correctional Alternatives is accepted. That the Director of Probation is authorized to execute any and all agreements and documents necessary to secure such grant.

2. That the accepted sum of \$50,000 is appropriated to Account No. A3140.449 with a like sum credited to Revenue Account No. A10.3310.06.

Moved by: Mr. Dibble
Seconded by: Mr. Ungermann

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

(Memo: The grant accepted per Resolution No. 103-07 is for the "Services for a Shared Population" Program that will allow the Probation Department to improve its delivery of services to those with mentally handicapping conditions involved with the criminal justice system. The award is for a two-year period, contingent upon availability of state funding. The Probation Department will contract with a forensic clinical coordinator for appropriate mental health and substance abuse evaluations. A comprehensive range of integrated services including counseling, case management, referral

for medication evaluation, medication monitoring, social skills training, and family interventions will be provided.)

RESOLUTION NO. 104-07

**ACCEPTANCE OF GRANT FROM THE NEW YORK STATE
OFFICE OF HOMELAND SECURITY AND APPROPRIATION OF GRANT FUNDS TO
EMERGENCY SERVICES AND HOMELAND SECURITY ACCOUNTS**

Offered by: Public Safety and Ways and Means Committees

RESOLVED:

1. That a grant from the New York State Office of Homeland Security in the amount of \$27,800 is accepted. That such grant funds are appropriated as follows: \$3,000 to Account No. A3640.448 and \$24,800 to Account No. A3645.218; with the sum of \$27,800 credited to Revenue Account No. A10.3306.EMG8.

Moved by: Mr. Dibble
Seconded by: Mr. Reynolds

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

(Memo: The grant accepted per Resolution No. 104-07 is for the period 07/01/06 through 06/30/08 and will be used for emergency medical operation equipment and fencing. The application was approved by Resolution No. 22-07 on January 22.)

RESOLUTION NO. 105-07

**INCREASING APPROPRIATION AND REVENUE ACCOUNTS IN THE
DEPARTMENT OF PUBLIC WORKS**

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. That Department of Public Works Account No. D5112.223 (County Road CHIPS Paving) and Revenue Account No. D10.3501.00 (State Aid CHIPS) are increased by \$143,663.

Moved by: Mr. Fanton
Seconded by: Mr. McCormick

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

(Memo: The requested increase in accounts approved by Resolution No. 105-07 is due to an increase in the State Fiscal Year 2007-08 Consolidated Highway Improvement Program [CHIPS] funding.)

RESOLUTION NO. 106-07

**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 \$205, representing the cost to replace a broken windshield on a County Health Department vehicle, has been offered by NYMIR in settlement for such property damage, now, therefore, be it

RESOLVED:

1. That an insurance payment in the amount of \$205 from NYMIR, representing the cost of replacing a broken windshield on a County Health Department vehicle, is accepted.

2. That the sum of \$205 is appropriated to Account No. CS1931.429 (Risk Retention - Uninsured Property Loss) with a like sum credited to Revenue Account No. CS07.2680 (Risk Retention - Insurance Recovery).

Moved by: Mr. Reynolds
Seconded by: Mr. Hopkins

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

RESOLUTION NO. 107-07

**TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT TO A
CAPITAL ACCOUNT TO BE ESTABLISHED BY THE COUNTY TREASURER**

Offered by: Public Works and Ways and Means Committees

RESOLVED:

1. That the sum of \$41,412.40 is transferred from Account No. A1990.4 to an Account to be established by the County Treasurer to finance the cost of installing a 12" sanitary sewer line under bridge on State Route 19, Belvidere, VanCampen Creek, and WNY & PA RR (PIN 6014.40.121).

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

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

(Memo: Comments on the transfer approved by Resolution No. 107-07 included (1) a reluctance to transfer money from Contingent when anticipated sales tax revenues to-date are down, (2) the decision can't be delayed if the sewer line is to be included in the design phase of the state's bridge replacement project, (3) the placement of the line under the bridge at a later date would cost many times more, and (4) the possibility of having future users or grants pay for the work if completed at a later date. It was noted that this possible sewer line from Belmont to the Crossroads development area

in Belvidere would be a back-up plan to the Town of Friendship plan. See also Resolution No. 98-07.)

RESOLUTION NO. 108-07

**TRANSFER OF FUNDS FROM CONTINGENT ACCOUNT TO
OFFICE OF DEVELOPMENT CONTRACTUAL EXPENSES ACCOUNT**

Offered by: Ways and Means Committee

RESOLVED:

1. That the sum of \$35,000 is transferred from Account No. A1990.4 to Account No. A6430.4 to fund administrative expenses for the Allegany County Comprehensive Plan.

Moved by: Mr. Reynolds
Seconded by: Mr. Hall

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

AUDITS:

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

A motion was made by Legislator Truax, seconded by Legislator Kruger and adopted on a roll call vote of 15 Ayes, 0 Noes, 0 Absent, that the audit of claims, totaling \$697,220.69 including prepaids, 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 \$3,478,228.*)

COMMENTS:

Following discussion on introducing Resolution Intro. No. 99-07 (Resolution Rescinding Resolution No. 187-2004), which was tabled at the May 14 Board meeting, no motion was made to remove the resolution from the table. The 2004 resolution stands, and the tabled resolution will remain such until it is removed from the table or until December 31, 2007. Resolution No. 187-2004 supports the designation of the Village of Wellsville as a city.

Legislator Dibble noted two potential Genesee River stream bank erosion projects. The next major flood will jeopardize two spots on State Route 19: one is north of Scio; the other is in Belfast.

Legislator Truax introduced Lori Ballengee, the newly appointed Public Health Director.

ADJOURNMENT:

The meeting was adjourned at 3:40 p.m. following a motion made by Legislator Truax, seconded by Legislator Pullen and carried.