

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

OCTOBER 12, 2022

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:12 p.m. by Chairman Philip G. Stockin.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by Legislator Gary R. Barnes.

INVOCATION: The Invocation was given by Legislator James M. Rumfelt.

ROLL CALL: 13 Legislators Present: Gary Barnes, Janice Burdick, Philip Curran, Adam Cyr (*departed at 2:31 p.m.*), Kevin "Fred" Demick, Dwight Fanton, Gretchen Hanchett, Brooke Harris, Steven Havey, John Ricci, Jennifer Ricketts-Swales, Debra Root, Philip Stockin (Absent: Dwight "Mike" Healy, James Rumfelt)

APPROVAL OF MINUTES:

The Committee of the Whole meeting minutes of September 22, 2022, were approved on a motion made by Legislator Fanton, seconded by Legislator Havey, and carried.

The Board meeting minutes of September 28, 2022, were approved on a motion made by Legislator Harris, seconded by Legislator Curran, and carried.

The Committee of the Whole meeting minutes of September 28, 2022, were approved on a motion made by Legislator Demick, seconded by Legislator Hanchett, and carried.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. Report of IntraFund Transfers and Tax Bill Corrections Approved by the County Administrator in September.
2. On September 30, 2022, Allegany County Treasurer Terri Ross filed the following financial reports that were prepared by the EFPR Group, LLP, in the Clerk of the Board's Office:
 - a. Basic Financial Statements, Supplementary Information and Independent Auditors' Report for the Year Ended December 31, 2021.
 - b. NYS DOT Single Audit Report and Independent Auditors' Report for Year Ended December 31, 2021.
 - c. Single Audit and Independent Auditors' Report for the Year Ended December 31, 2021.

APPOINTMENTS:

Chairman Philip G. Stockin was reappointed to the **LAW LIBRARY BOARD OF TRUSTEES**.

INTRODUCTION OF LEGISLATION:

Legislator Brooke Harris introduced Local Law Intro. No. 2-2022, Print No. 1, "A Local Law to Provide Increases in the Compensation of Certain County Officers."

RESOLUTIONS:

RESOLUTION NO. 291-22

RESOLUTION SETTING DATE OF PUBLIC HEARING ON A LOCAL LAW TO PROVIDE INCREASES IN THE COMPENSATION OF CERTAIN COUNTY OFFICERS

Offered by: Personnel and Ways & Means Committees

WHEREAS, on this 12th day of October 2022, a Local Law (Intro. No. 2-2022, 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 a public hearing on said proposed local law, now, therefore, be it

RESOLVED:

1. That a public hearing shall be held on October 26, 2022, at 2:00 p.m. in the County Legislative Chambers, Room 221, County Office Building, 7 Court Street, Belmont, New York, before the Allegany County Board of Legislators, in relation to proposed Local Law Intro. No. 2-2022, 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 three 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. Havey
Seconded by: Mr. Fanton

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 292-22

REAPPOINTMENT OF THREE MEMBERS TO THE ALLEGANY COUNTY LAND BANK CORPORATION BOARD OF DIRECTORS

Offered by: Planning & Economic Development Committee

RESOLVED:

1. That the reappointments of the Chairman of the Board of H. Kier Dirlam of Almond, Darwin Fanton of Wellsville, and Brian Loucks of New Hudson, to the Allegany County Land Bank Corporation Board of Directors, for a two-year term commencing on October 1, 2022, and expiring on September 30, 2024, is confirmed.

Moved by: Mrs. Root
Seconded by: Mr. Barnes

Adopted: Voice Vote

RESOLUTION NO. 293-22

CORRECTING WELLSVILLE CENTRAL SCHOOL TAX BILL FOR PROPERTY OWNED BY WILLIAM & PATRICIA NEWSOME; DIRECTING MAILING OF NOTICE OF APPROVAL OF APPLICATION FOR CORRECTED TAX ROLLS AND ORDERING THE SCHOOL TAX COLLECTOR TO CORRECT THE TAX ROLLS; PROVIDING FOR CHARGEBACKS OR CREDITS

Offered by: Ways & Means Committee

WHEREAS, an application for the taxpayer hereafter described, has been made to the County's Director of Real Property Tax Service Agency for the correction of a certain error affecting their real property on the various tax rolls, and

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

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

RESOLVED:

1. That with regard to the application for the named taxpayer pertaining to claimed errors regarding their real property on the tax roll of the Wellsville Central School, the Board of Legislators does determine that the claimed error as alleged in the application does exist and does approve the application.

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

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

4. That the Tax Assessor for the Town of Wellsville is ordered and directed to correct in the 2022-2023 Wellsville Central School Tax Roll the assessment or taxes, or both, of the property assessed to the following taxpayer and described as follows:

William & Patricia Newsome: Tax Map No. 240.-1-16.1
Assessment: \$2,832,583

In that the taxes on this parcel were incorrect due to an error in essential fact, thereby reducing the Total Taxable Value to \$142,000, and correcting the taxes as follows:

School:	\$3,067.04
Library:	\$ 170.35
(STAR SAVINGS):	(\$ 492.45)

5. That the Clerk of this Board is directed to mail a certified copy of this resolution to the Tax Collector for the Wellsville Central School District, together with the original copy of the application completed, in accordance with section two of this resolution.

6. That the Clerk of this Board shall mail a copy of this resolution to the above-named school, and the amount to be charged to the 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 the school as a result of the school taxes returned after the date of such amount is charged, and which shall be paid to the school after April 1, 2023. The County Treasurer shall send a written notice to the school of the amount of such deduction prior to April 1, 2023.

Moved by: Mr. Harris
Seconded by: Mr. Fanton

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 294-22

APPROVAL AND COMMITMENT OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS TO IMPROVE ACCESS TO COUNTY FOREST LANDS

Offered by: Resource Management Committee

WHEREAS, the American Rescue Plan Act (ARPA) was signed into law on March 11, 2021, and this legislation contains a wide array of stimulus and recovery funding designed to ensure the nation's swift economic and public health recovery, and

WHEREAS, the County of Allegany received an award of \$8,952,636 in ARPA funding, and

WHEREAS, a proposal was submitted to the County Board of Legislators to improve access to the County's forest lands on the C. Horner Lot, Dixon Lot, Engle Lots, Helmer/Neetz Lots, Metz/Griffin Lots, and Travis Lots, and

WHEREAS, these improvements are intended to increase outdoor recreational opportunities, expand awareness of the WNY Wilds brand, and encourage future trail development, and

WHEREAS, the cost for these improvements shall be approximately \$321,000, and

WHEREAS, the proposed plan to improve access to the County's forest lands falls into one of the designated ARPA funding categories as defined by the United States Treasury Department, is sustainable, and has a county-wide impact, now, therefore, be it

RESOLVED:

1. That the Board of Legislators approves the proposal to improve access to the County's forest lands on the C. Horner Lot, Dixon Lot, Engle Lots, Helmer/Neetz Lots, Metz/Griffin Lots, and Travis Lots.

2. That the Board of Legislators commits \$321,000 of its ARPA funds to the approved proposal to improve access to the County's forest lands.

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

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 295-22

**APPROVAL OF AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND
PICTOMETRY INTERNATIONAL CORP., FOR THREE BIENNIAL COUNTY-WIDE AERIAL
IMAGERY PROJECTS**

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

RESOLVED:

1. That the Agreement between the County of Allegany and Pictometry International Corp., for three biennial County-wide aerial imagery projects, which include three aerial imagery flights in the autumn of 2022, 2024, and 2026, for a six-year term, is approved.

2. That the County shall pay Pictometry International Corp., a sum not to exceed \$185,985 per aerial imagery project, for a total sum not to exceed \$557,955 during the term of the Agreement.

3. That the Chairman of this Board is authorized to execute said Agreement subject to the review and approval of its terms and conditions by the County Attorney.

Moved by: Mrs. Root
Seconded by: Mr. Barnes

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 296-22

CREATION OF A CAPITAL FUND PROJECT ACCOUNT FOR THE PICTOMETRY INTERNATIONAL CORP., THREE BIENNIAL COUNTY-WIDE AERIAL IMAGERY PROJECTS, AND THE TRANSFER OF FUNDING FROM THE AMERICAN RESCUE PLAN ACT (ARPA) FUNDS TO THE CAPITAL FUND PROJECT ACCOUNT NUMBER H8097*

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

RESOLVED:

1. That a Capital Fund Project Account is established within the Capital Fund for the Pictometry International Corp., three biennial County-wide aerial imagery projects.

2. That the following transfer of funding from the American Rescue Plan Act (ARPA) funds be made to the Capital Fund project account number H8097*:

<u>Budget Adjustment: General</u>	<u>Amount</u>
EXPENSE	
A9560.904A* Interfund Transfer to Capital from General ARP	\$ 560,000
REVENUE	
A2030.4089.ARP Fed Aid – COVID 19 American Rescue Funds	\$ 560,000

<u>Budget Adjustment: Capital</u>	
EXPENSE	
H8097.200* Capital Project Expense	\$ 560,000
REVENUE	
H8097.4031.ARP* Interfund Transfer from General ARP	\$ 560,000

Journal: General/Capital

A691.ARPA	Def Rev – Fed ARPA Funding 2021	(\$ 560,000)
A2030.4089.ARP	Fed Aid – COVID 19 American Rescue Funds	\$ 560,000
A9560.904A*	Interfund Transfer to Capital from Gen ARP	(\$ 560,000)
H8097.5031.ARP*	Interfund Transfer from General ARP	\$ 560,000

Moved by: Mrs. Root
Seconded by: Mr. Barnes

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

RESOLUTION NO. 297-22

APPROVAL OF AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND MEDICAL TRANSPORT SERVICE, INC., FOR SUPPLEMENTAL EMERGENCY MEDICAL SERVICES

Offered by: Public Safety and Ways & Means Committees

Pursuant to General Municipal Section 122-b

RESOLVED:

1. That the Agreement between the County of Allegany and Medical Transport Service, Inc., for a term not to exceed six months, commencing on October 5, 2022, through April 4, 2023, is approved.
2. That the County shall commit to transfer to Medical Transport Service, Inc., a sum not to exceed \$600,000, subject to the terms and conditions mutually agreed to by the parties, during the term of the Agreement.
3. That the Chairman of this Board is authorized to execute said Agreement subject to the review and approval of its terms and conditions by the County Attorney.

Moved by: Mr. Havey
Seconded by: Mr. Harris

Adopted: Roll Call
11 Ayes, 2 Noes, 2 Absent
Voting No: Cyr, Ricci

Comments made regarding Resolution No. 297-22: Legislator Ricci stated he would not be supporting the resolution. He doesn't like the contract, saying he feels it needs to be stiffened up a bit. He's had to borrow money for his businesses over the years and feels this contract is too easy. Legislator Havey stated that this is an important move to help stabilize medical services in the County. Legislator Harris said that he admires the contract for being concise and appreciates that there is an "out" clause in the event we aren't satisfied. He also noted this approves a contract for up to \$600,000; it's not necessarily going to be a \$600,000 appropriation. Legislator Fanton remarked that there will be a resolution later in the meeting

to approve the appropriation of American Rescue Plan Act (ARPA) funds to cover the cost of this agreement.

RESOLUTION NO. 298-22

APPROVAL OF GRANT APPLICATION FOR FISCAL YEARS 2022-2023 FEDERAL TRANSIT ADMINISTRATION FORMULA GRANT FOR RURAL AREAS (SECTION 5311)

Offered by: Ways & Means Committee

WHEREAS, the Federal Transit Administration (FTA) Formula Grant for Rural Areas (Section 5311) grant funding promotes access to healthcare, shopping, education, employment, public services, and recreational opportunities, and serves to foster economic growth for people in rural areas by maintaining, developing, and improving the use of public transportation systems and facilitating the coordination of programs and services, and

WHEREAS, the County of Allegany is submitting a request for grant funds to the New York State Department of Transportation (NYSDOT), pursuant to Section 5311, Title 49, United States Code, for project(s) to provide public mass transportation services for the Allegany County deviated-fixed routes and mobility management services by third-party contractors for Fiscal Years 2022 and 2023, and the County has committed the local share, and

WHEREAS, the County and the State of New York have entered into continuing agreements, or will enter into successor continuing agreements, which authorizes the undertaking of the project(s)' reimbursement of the Federal and applicable State shares, and

WHEREAS, if approved, the grant request would be in the amount of \$17,702,196, with the federal share of \$14,371,357 for Fiscal Years 2022-2023, now, therefore, be it

RESOLVED:

1. That the Chairman of this Board is authorized to sign the Fiscal Years 2022-2023 Federal Transit Administration Formula Grant for Rural Areas (Section 5311) grant application on behalf of the County.

Moved by: Mr. Harris
Seconded by: Mr. Fanton

Adopted: Roll Call
13 Ayes, 0 Noes, 2 Absent

Comments made regarding Resolution No. 298-22: Legislator Harris made a motion to amend the resolution changing the wording in the second and fourth whereas clauses. The motion was seconded by Legislator Havey, and carried by a majority voice vote.

RESOLUTION NO. 299-22

**APPROVAL AND APPROPRIATION OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS
TO MEDICAL TRANSPORT SERVICE, INC., FOR PROVIDING SUPPLEMENTAL
EMERGENCY MEDICAL SERVICES**

Offered by: Ways & Means Committee

WHEREAS, the American Rescue Plan Act (ARPA) was signed into law on March 11, 2021, and this legislation contains a wide array of stimulus and recovery funding designed to ensure the nation's swift economic and public health recovery, and

WHEREAS, the County of Allegany received an award of \$8,952,636 in ARPA funding, and

WHEREAS, an agreement was submitted to the County Board of Legislators by Medical Transport Service, Inc., between the County and Medical Transport Service, Inc., (MTS), where MTS provides supplemental emergency medical services to the residents of Allegany County, and

WHEREAS, the total amount of this Agreement shall not exceed \$600,000, and

WHEREAS, the services performed pursuant to this Agreement fall into one of the designated ARPA funding categories as defined by the United States Treasury Department, is sustainable, and has a county-wide impact, now, therefore, be it

RESOLVED:

1. That the Board of Legislators approves the use of \$600,000 of its ARPA funds for the Agreement between the County and Medical Transport Service, Inc., for providing supplemental emergency medical services.

2. That the following adjustments shall be made to the 2022 Adopted Budget:

<u>Budget Adjustment: General</u>	<u>Amount</u>
EXPENSE	
A1340.429 Budget – Gen Govt Support	\$ 600,000
REVENUE	
A2030.4089.ARP Fed Aid – COVID 19 American Rescue Fund	\$ 600,000

<u>Journal: General</u>	
A691.ARP Def Rev – Fed ARPA Funding 2021	(\$ 600,000)
A2030.4089.ARP Fed Aid – COVID 19 American Rescue Fund	\$ 600,000

Moved by: Mr. Harris
Seconded by: Mr. Curran

Adopted: Roll Call
11 Ayes, 1 No, 3 Absent

(Memo: Legislator Cyr left the meeting before the vote on Resolution No. 299-22.)

Comments made regarding Resolution No. 299-22: Legislator Fanton pointed out that the funding for the MTS Contract is from the American Rescue Plan Act (ARPA). He's voting yes because of that.

AUDITS:

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

A motion was made by Legislator Root, seconded by Legislator Havey, and adopted on a roll call vote of 11 Ayes, 1 No (*Ricci*), 3 Absent, that the audit of claims, totaling \$3,783,805.71 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 \$6,933,516.*)

ADJOURNMENT: The meeting was adjourned at 2:36 p.m. on a motion made by Legislator Harris, seconded by Legislator Havey, and carried.