

**ALLEGANY COUNTY BOARD OF LEGISLATORS
REGULAR SESSION**

FEBRUARY 9, 2022

CALL TO ORDER: The regular meeting of the Board of Legislators was called to order at 2:02 p.m. by Chairman Philip G. Stockin.

PLEDGE OF ALLEGIANCE TO THE FLAG: The Pledge of Allegiance was led by Legislator Debra A. Root.

INVOCATION: The Invocation was given by Legislator Gretchen Hanchett.

ROLL CALL: 11 Legislators Present: Gary Barnes, Janice Burdick, Kevin “Fred” Demick, Gretchen Hanchett, Brooke Harris, Steven Havey, John Ricci, Jennifer Ricketts-Swales, Debra Root, James Rumpfelt, Philip Stockin (Absent: Philip Curran, Adam Cyr, Dwight Fanton, Dwight “Mike” Healy)

APPROVAL OF MINUTES:

The Board meeting minutes of January 26, 2022, were approved on a motion made by Legislator Ricci, seconded by Legislator Rumpfelt, and carried.

ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:

1. Report of IntraFund Transfers and Tax Bill Corrections Approved by the County Administrator in January 2022.
2. Moraine Solar Energy Center, LLC, submitted a notice of intent to file an application to construct a major solar electric generating facility (up to 94 megawatts) in the Town of Burns.

RESOLUTIONS:

RESOLUTION NO. 44-22

**A RESOLUTION APPROVING THE ISSUANCE OF CERTAIN BONDS BY
ALLEGANY COUNTY CAPITAL RESOURCE CORPORATION TO FINANCE
A CERTAIN PROJECT FOR HOUGHTON COLLEGE**

Offered by: Ways & Means Committee

WHEREAS, the Allegany County Capital Resource Corporation (the “Issuer”) was created pursuant to Section 1411 of the Not-For-Profit Corporation Law of the State of New York, as amended (the “Enabling Act”), and pursuant to the provisions of the Enabling Act, Revenue Ruling 57-187, and Private Letter Ruling 200936012, the Board of Legislators

adopted a resolution (the "Sponsor Resolution") (A) authorizing the incorporation of the Issuer under the Enabling Act and (B) appointing the initial members of the board of directors of the Issuer. On August 28, 2009, a certificate of incorporation was filed with the New York Secretary of State's Office (the "Certificate of Incorporation") creating the Issuer as a public instrumentality of the County, and

WHEREAS, the Issuer is authorized and empowered by the provisions of the Enabling Act to relieve and reduce unemployment, promote and provide for additional and maximum employment, better and maintain job opportunities, and lessen the burdens of government and act in the public interest, and in carrying out the aforesaid purposes and in exercising the powers conferred in the Enabling Act, the Enabling Act declares that the Issuer will be performing essential governmental functions, and

WHEREAS, to accomplish its stated purposes, the Issuer is authorized and empowered under the Enabling Act to acquire real and personal property; to borrow money and issue negotiable bonds, notes and other obligations therefore; to lease, sell, mortgage or otherwise dispose of or encumber any of its real or personal property upon such terms as it may determine; and otherwise to carry out its corporate purposes in the territory in which the operations of the Issuer are principally to be conducted, and

WHEREAS, Houghton College, a New York not-for-profit corporation (the "Institution"), has submitted an application (the "Application") to the Issuer, a copy of which Application is on file at the office of the Issuer, which Application requested that the Issuer consider undertaking a project (the "Initial Project") for the benefit of the Institution consisting of the following: (A) the refinancing of certain existing indebtedness of the Institution used to (1) refund the Allegany County Industrial Development Agency Civic Facility Revenue Bonds, Series 1998 (Houghton College Civic Facility) (the "Series 1998 Bonds"), which Series 1998 Bonds were issued for the purpose of financing (a) (i) the acquisition of an interest in certain real property on the Institution's campus (the "Campus") located at One Willard Avenue in the Town of Caneadea, Allegany County, New York (the "Series 1998 Land"), (ii) certain capital improvements located thereon consisting of the demolition of three (3) existing buildings located thereon, the construction of an approximately 50,000 square foot music facility, the construction of an approximately 150- vehicle parking lot and related driveways, roadways and infrastructure, and the construction and renovation of an all-weather eight-lane running track surrounding a new field hockey field, the relocation of the current soccer field, the construction of tennis courts and the construction of related infrastructure, including drainage, irrigation, installation of lighting, temporary overflow parking and other site improvements (collectively, the "Series 1998 Facility") and (iii) the acquisition and installation thereon and therein of various machinery and equipment (the "Series 1998 Equipment") (the Series 1998 Land, the Series 1998 Facility and the Series 1998 Equipment are collectively referred to hereinafter as the "Series 1998 Project Facility") and (b) the refinancing of the Allegany County Industrial Development Agency Civic Facility Revenue Bonds (Houghton College Project), Series 1991 (the "Series 1991 Bonds"), which Series 1991 Bonds were used to (i) finance (A) the acquisition and construction of an approximately 49,000 square foot classroom and faculty office located on the Campus (the "Series 1991 New Facility") and (B) the acquisition and installation thereon and therein of various machinery and equipment (the

“Series 1991 New Facility Equipment”) and (ii) refinance certain outstanding indebtedness of the Institution used to finance (A) the acquisition and construction of four (4) dormitories located on the Campus (the “Series 1991 Dormitories” and together with the Series 1991 New Facility, the “Series 1991 Facility”) and (B) the acquisition and installation thereon and therein of various machinery and equipment (the “Series 1991 Dormitories Equipment” and together with the Series 1991 New Facility Equipment, the “Series 1991 Equipment”) (the Series 1991 Facility and the Series 1991 Equipment are collectively referred to hereinafter as the “Series 1991 Project Facility”); (2) refund the Allegany County Industrial Development Agency Multi-Mode Variable Rate Civic Facility Revenue Bonds (Houghton College Project – Letter of Credit Secured), Series 2004A (the “Series 2004A Bonds”), which Series 2004A Bonds were issued for the purpose of financing (a) (i) the acquisition of various interests located on the Campus and at 1 Willard Avenue in the Town of Caneadea, Allegany County, New York (collectively, the “Series 2004A Existing Land”), together with the various buildings and improvements located thereon (collectively, the “Series 2004A Existing Facility”) and certain existing machinery and equipment located thereon and therein (the “Series 2004A Existing Equipment”), (ii) the acquisition from Houghton Academy (the “Academy”), an entity related to the Institution, or others, of additional parcels of land located near the Campus in the Town of Caneadea, Allegany County, New York (the “Series 2004A New Land”), together with the various buildings and improvements located thereon (the “Series 2004A New Facility”), (iii) the construction and/or reconstruction and renovation of the Series 2004A New Facility, (iv) the acquisition and installation therein and thereon of various machinery and equipment (the “Series 2004A New Equipment”), (v) the possible acquisition from the Academy of an additional parcel or parcels of land located in the Town of Angelica, Allegany County, New York (the “Series 2004A Angelica Land”) (the Series 2004A Existing Land, the Series 2004A New Land and the Series 2004A Angelica Land are collectively referred to hereinafter to as the “Series 2004A Land”), together with the various buildings and improvements located thereon (the “Series 2004A Existing Angelica Facility”) and certain existing machinery and equipment located thereon and therein (the “Series 2004A Existing Angelica Equipment”), (vi) in the event of the acquisition of the Series 2004A Angelica Land, the construction on the Series 2004A Angelica Land of certain new facilities (the “Series 2004A New Angelica Facility”) (the Series 2004A Existing Facility, the Series 2004A New Facility, the Series 2004A Existing Angelica Facility and the Series 2004A New Angelica Facility are collectively referred to hereinafter as the “Series 2004A Facility”) and (vii) in the event of the acquisition of the Series 2004A Angelica Land, the acquisition and installation in the Series 2004A Existing Angelica Facility and the Series 2004A New Angelica Facility and/or on the Series 2004A Angelica Land of various machinery and equipment (the “Series 2004A New Angelica Equipment”) (the Series 2004A Existing Equipment, the Series 2004A New Equipment, the Series 2004A Existing Angelica Equipment and the Series 2004A New Angelica Equipment are collectively referred to hereinafter as the “Series 2004A Equipment”) (the Series 2004A Land, the Series 2004A Facility and the Series 2004A Equipment are collectively referred to hereinafter as the “Series 2004A Project Facility”); (3) finance a swap termination payment in connection with the refunding of the Series 2004A Bonds; and (4) finance (a) the acquisition and construction of athletic fields and a field house located on the Campus (collectively, the “2013 Facility”) and (b) the acquisition and installation thereon and therein of various machinery and equipment (collectively, the “2013 Improvements”) (the 2013 Facility and the 2013 Improvements are collectively referred to hereinafter as the “2013

Project Facility”); (B) the financing of (i) the acquisition and installation of certain capital improvements located on the Campus, including the replacement of existing boilers (collectively, the “Series 2022 Improvements”) and (ii) the acquisition and installation thereon and therein of various machinery and equipment (collectively, the “Series 2022 Equipment”) (the Series 2022 Improvements and the Series 2022 Equipment are collectively referred to hereinafter as the “Series 2022 Project Facility”) (the Series 1991 Project Facility, the Series 1998 Project Facility, the Series 2004A Project Facility, the 2013 Project Facility and the Series 2022 Project Facility are collectively referred to hereinafter as the “Project Facility”), all of the foregoing to constitute an educational facility and other directly and indirectly related activities for use by the Institution; (C) the financing of all or a portion of the costs of the foregoing by the issuance of tax-exempt and/or taxable revenue bonds of the Issuer in one or more issues or series in an aggregate principal amount sufficient to pay the cost of undertaking the Initial Project, together with necessary incidental costs in connection therewith, presently estimated to be \$25,000,000 and in any event not to exceed \$27,000,000 (the “Obligations”); (D) the paying a portion of the costs incidental to the issuance of the Obligations, including issuance costs of the Obligations and any reserve funds as may be necessary to secure the Obligations; and (E) the making of a loan (the “Loan”) of the proceeds of the Obligations to the Institution or such other person as may be designated by the Institution and agreed upon by the Issuer, and

WHEREAS, the Institution has requested that interest on a portion of the Obligations be treated by the federal government as excludable from gross income for federal income tax purposes (hereinafter referred to as the “Tax Exempt Obligations”) pursuant to Section 103 and Section 145(a) of the Internal Revenue Code of 1986, as amended (the “Code”), and

WHEREAS, the Board of Legislators has been advised by the Issuer that the Issuer proposes to issue, subsequent to the adoption of this resolution, the Tax-Exempt Obligations from time to time in a principal amount sufficient to fund all or a portion of the costs of the Initial Project, and

WHEREAS, interest on the Tax-Exempt Obligations will not be excludable from gross income for federal income tax purposes unless, among other things, pursuant to Section 147(f) of the Code, the issuance of the Tax-Exempt Obligations is approved by the “applicable elected representative” of the County after the Issuer has held a public hearing on the nature and location of the Initial Project Facility and the issuance of the Tax-Exempt Obligations, and

WHEREAS, pursuant to the authorization contained in a resolution adopted by the members of the board of directors of the Issuer on January 13, 2022 (the “Public Hearing Resolution”), the Executive Director of the Issuer (A) caused notice of a public hearing of the Issuer (the “General Municipal Law Public Hearing”) pursuant to Section 859-a of the GML, to hear all persons interested in the Project and the financial assistance being contemplated by the Issuer with respect to the Project, to be mailed on January 19, 2022, to the chief executive officers of the county and of each city, town, village and school district in which the Initial Project Facility is to be located, (B) caused notice of the General Municipal Law Public Hearing to be posted on a bulletin board located at 8911 State Route 19 in the Town of

Caneadea, Allegany County, New York and on the Issuer's website, respectively, on January 19, 2022, (C) caused notice of the General Municipal Law Public Hearing to be published on January 21, 2022, in The Spectator, a newspaper of general circulation available to the residents of the Town of Caneadea, Allegany County, New York, (D) conducted the General Municipal Law Public Hearing on February 1, 2022, at 6:00 o'clock p.m., local time at the Caneadea Town Hall located at 8911 State Route 19 in the Town of Caneadea, Allegany County, New York, and (E) prepared a report of the Public Hearing (the "Report") fairly summarizing the views presented at such Public Hearing and caused copies of said Report to be made available to the members of the board of directors of the Issuer and to the Board of Legislators, and

WHEREAS, pursuant to Section 147(f) of the Code, the Board of Legislators desires to allow the interest on the Tax-Exempt Obligations to be exempt from federal income taxation, and

WHEREAS, the Issuer's Certificate of Incorporation specifically provides that neither the Tax-Exempt Obligations nor any other obligation of the Issuer shall be a debt of the County, nor shall the County be liable thereon, now, therefore, be it

RESOLVED:

1. That, for the sole purpose of qualifying the interest payable on the Tax-Exempt Obligations for exclusion from federal income taxation pursuant to the provisions of the Code, the Board of Legislators, as the elected legislative body of the County, hereby approves the issuance by the Issuer of the Tax-Exempt Obligations, provided that the Tax-Exempt Obligations, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State of New York, the County or any political subdivision thereof (other than the Issuer), and neither the State of New York, the County nor any political subdivision thereof (other than the Issuer) shall be liable thereon.

2. That this resolution shall take effect immediately.

Moved by: Mr. Harris
Seconded by: Mr. Ricci

Adopted: Roll Call
11 Ayes, 0 Noes, 4 Absent

RESOLUTION NO. 45-22

RESOLUTION URGING GOVERNOR KATHY HOCHUL AND THE NEW YORK STATE LEGISLATURE TO ALLEVIATE TAXPAYERS OF THE UNFAIR FINANCIAL BURDEN PLACED UPON THEM BY THE LOCAL SHARE OF MEDICAID COSTS

Offered by: Ways & Means Committee

WHEREAS, when created by the Federal Government in 1966, this health insurance program for the poor and disabled was intended to be fully funded by the Federal and State governments, and

WHEREAS, New York State acted inappropriately in 1966 when it opted to force local governments to pay half of the State's Medicaid costs, and

WHEREAS, in 2005, the Governor and legislative leaders recognized the fiscal burden placed upon local taxpayers and initiated steps to limit the growth in local costs for Medicaid, and

WHEREAS, in 2015, Governor Cuomo established a zero percent Medicaid growth cap, and

WHEREAS, despite these efforts, local costs of Medicaid funding paid in New York State continues to be greater than local costs paid in all other states combined, and

WHEREAS, the cost of Allegany County's local Medicaid share in 2021 was \$8,418,951 and represented 28.39 percent of the County's overall tax levy (2021 Tax Levy was \$29,654,597), and 8.6 percent of the County's budgeted general expenses (2021 Budgeted General Expenses was \$97,604,742, and

WHEREAS, that amount is excessive and places an unfair burden upon local taxpayers, and

WHEREAS, the local share is regressive, in that counties with a greater proportion of poor and disabled residents bear a greater financial burden to cover the program's costs, and

WHEREAS, counties do not have the tools nor the authority to control the most significant contributors to the program's growth or inefficiencies, including:

- The ability to audit the Medicaid program
- The ability to control the cost of prescription drugs
- The ability to set provider reimbursement rates
- The ability to modify eligibility and benefit levels for Medicaid recipients
- The ability to control changing demographics across the state
- The ability to control provider contracts, and

WHEREAS, previous suggestions to alleviate the local share include:

- Taking county governments' federal enhanced Medicaid match savings
- Diverting local sales tax revenues to pay local share
- Eliminating the STAR Exemption, and

WHEREAS, those methods would do nothing to alleviate the burden placed upon local taxpayers, they simply would shift costs, and would continue to strain local governments, and

WHEREAS, The Allegany County Legislature is committed to reducing the excessive property taxes whenever possible and is committed to advocating for the County's taxpayers, now, therefore, be it

RESOLVED:

1. That the Allegany County Legislature urges Governor Kathy Hochul and the New York State Legislature to alleviate taxpayers of the unfair burden placed upon them by the Medicaid local share, either through legislation, sound budgeting, greater efficiencies in the program's administration, or any combination thereof.

2. That the Clerk of the Allegany County Legislature shall forward copies of this resolution to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader Rob Ortt, Assembly Majority Leader Crystal D. Peoples-Stokes, Assembly Minority Leader William Barclay, Senator George M. Borrello, Assemblyman Joseph Giglio, and the Inter-County Association of Western New York.

Moved by: Mr. Harris
Seconded by: Mrs. Hanchett

Adopted: Voice Vote

Comments made regarding Resolution No. 45-22: Legislator Harris stated that he is "thankful for the opportunity to vote in favor of this resolution. Despite the Medicaid Growth Cap, Allegany County taxpayers were forced to pay over \$8 million for the local share of Medicaid expenses in 2021 alone. That amount accounts for nearly one-third of the County's property tax levy. This is despite the fact that the County has no authority to audit the Medicaid program, control costs of prescription drugs, set provider rates, modify eligibility and benefit levels, or control provider contracts. This is a federal program that was always intended to be paid for with federal and state funds. I hope that the Governor and State Legislature strongly consider reassuming their obligation and fully fund the Medicaid program without burdening local taxpayers."

RESOLUTION NO. 46-22

APPROVAL OF BOARD CHAIRMAN'S APPOINTMENTS OF TWO MEMBERS TO THE REGION NINE FISH AND WILDLIFE MANAGEMENT BOARD

Offered by: Resource Management Committee

Pursuant to Environmental Conservation Law § 11-0501

RESOLVED:

1. That the appointments by the Chairman of this Board of Robert Jones of Angelica, as the Sportsmen's Representative Member and Joseph C. Herdman, III, of Belmont, as the Alternate Sportsmen's Representative Member, to the Region Nine Fish and

Wildlife Management Board, with a term of office commencing January 1, 2022, and expiring December 31, 2023, are approved.

Moved by: Mrs. Ricketts-Swales
Seconded by: Mr. Rumfelt

Adopted: Voice Vote

RESOLUTION NO. 47-22

APPOINTMENT OF TWO LEGISLATIVE MEMBERS AND APPOINTMENT OF ONE COUNTY FARM BUREAU MEMBER TO THE ALLEGANY COUNTY SOIL AND WATER CONSERVATION DISTRICT BOARD

Offered by: Resource Management Committee

Pursuant to Soil and Water Conservation District Law §§ 6 and 7

RESOLVED:

1. That Adam B. Cyr of Bolivar, and Kevin (Fred) Demick of Angelica, are appointed to the Allegany County Soil and Water Conservation District Board as Legislative Members, with term of office commencing January 1, 2022, and expiring December 31, 2022.

2. That Samuel Mielowski of Alfred Station, is appointed to the Allegany County Soil and Water Conservation District Board as the County Farm Bureau appointee, with term of office commencing January 1, 2022, and expiring December 31, 2024.

Moved by: Mrs. Hanchett
Seconded by: Mrs. Ricketts-Swales

Adopted: Voice Vote

RESOLUTION NO. 48-22

REAPPOINTMENT OF FIVE MEMBERS AND APPOINTMENT OF ONE MEMBER TO THE ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Offered by: Planning & Economic Development Committee

Pursuant to Title 1 of Article 18-A
and Section 906-a of the General Municipal Law

RESOLVED:

1. That Judith Hopkins of Fillmore, Richard Ewell of Wellsville, Randy Shayler of Wellsville, Douglas Frank of Cuba, and Ward "Skip" Wilday of Cuba, are reappointed as

members of the Allegany County Industrial Development Agency with term of office commencing January 1, 2022, and expiring December 31, 2025.

2. That John D. Ricci of Cuba is appointed as a member of the Allegany County Industrial Development Agency with term of office commencing January 1, 2022, and expiring December 31, 2025

3. That the Clerk of this Board is directed to send a certified copy of this resolution to the Secretary of State for filing pursuant to Section 856(2) of the General Municipal Law.

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

Adopted: Voice Vote

Comments made regarding Resolution No. 48-22: Legislator Ricci asked for permission to abstain from voting. Legislator Harris expressed his appreciation for Legislator Ricci taking a seat on this Board as he feels it's important to have legislative representation on the IDA Board.

RESOLUTION NO. 49-22

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 \$10,000, to be paid via equal quarterly distributions of \$2,500, between the County of Allegany and 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 during 2022, is approved.

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

Moved by: Mrs. Burdick
Seconded by: Mrs. Ricketts-Swales

Adopted: Roll Call
11 Ayes, 0 Noes, 4 Absent

RESOLUTION NO. 50-22

APPROVAL OF AGREEMENT WITH ALLEGANY COUNTY AGRICULTURAL SOCIETY FOR PAYMENT OF 2022 BUDGETARY APPROPRIATION

Offered by: Resource Management Committee

RESOLVED:

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 said 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 \$8,000 and charge Account No. A8752.492 (Agricultural Society) therefor.

Moved by: Mr. Havey
Seconded by: Mrs. Hanchett

Adopted: Roll Call
11 Ayes, 0 Noes, 4 Absent

AUDITS:

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

A motion was made by Legislator Root, seconded by Legislator Ricci, and adopted on a roll call vote of 11 Ayes, 0 Noes, 4 Absent, that the audit of claims, totaling \$2,913,910.69 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 \$1,107,771*).

ADJOURNMENT: The meeting was adjourned at 2:15 p.m. on a motion made by Legislator Rumpfelt, seconded by Legislator Havey, and carried.