

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION**

**APRIL 13, 2022**

**CALL TO ORDER:** The regular meeting of the Board of Legislators was called to order at 2:01 p.m. by Chairman Philip G. Stockin.

**PLEDGE OF ALLEGIANCE TO THE FLAG:** The Pledge of Allegiance was led by Legislator Steven A. Havey.

**INVOCATION:** The Invocation was given by Legislator Dwight “Mike” Healy.

**ROLL CALL:** 14 Legislators Present: Gary Barnes, Janice Burdick, Philip Curran, Adam Cyr, Kevin “Fred” Demick, Dwight Fanton, Gretchen Hanchett, Steven Havey, Dwight “Mike” Healy, John Ricci, Jennifer Ricketts-Swales, Debra Root, James Rumfelt, Philip Stockin (Absent: Brooke Harris)

**APPROVAL OF MINUTES:**

The Board meeting minutes of March 23, 2022, were approved on a motion made by Legislator Hanchett, seconded by Legislator Havey, and carried.

**PUBLIC HEARING:**

Chairman Philip G. Stockin closed the regular meeting to hold a public hearing on the appropriation of funds from the Solid Waste Reserve Fund to Solid Waste – Motor Vehicle Account for the Purchase of a 2023 Kenworth T800 Day Cab Tractor. There being no one desiring to speak, the public hearing was declared closed, and the Board reconvened in regular session.

**PRIVILEGE OF THE FLOOR:**

Sheriff Rick Whitney was granted privilege of the floor in honor of 911 Public Safety Telecommunicator Week. Sheriff Whitney read the following statement:

*“Each year, April is recognized as 911 Education month, and this year April 10-16 is dedicated to the men and women who serve as public safety telecommunicators. The Allegany County E911 Center manages dispatch services for the Allegany County Sheriff’s Office, New York State Police, all of our town and village police departments, Allegany County Office of Emergency Services, Allegany County SPCA, and Allegany County Fire and EMS. The Allegany County Sheriff’s Office celebrates this year’s National Emergency Telecommunications Week in honor of our dedicated communications officers who, last year, handled more than 78,000 emergency and non-emergency calls, an average of 214 calls per day. The dispatchers at Allegany County E911*

*Center are a team of dedicated emergency communications professionals who are ready to respond to the needs of the public in emergency situations. Our emergency service dispatchers are the first and most critical contact citizens have with emergency services. A fire just this week, in which 5 children lost their lives, is an example of the worst types of calls they must handle. Our dispatchers are also the single most vital link for our emergency responders, by monitoring responders' activities and providing them with critical information, they help ensure the safety of our law enforcement officers, firefighters, and EMTs. It is extremely important to recognize the men and women who answer the calls and dispatch the responders. They are true 'first responders.' The Allegany County Sheriff's Office asks our citizens to honor our public safety dispatchers throughout the month of April, as a token of our heartfelt appreciation, for the outstanding work and dedication they show day to day."*

Chairman Philip G. Stockin read a proclamation declaring April 10-16, 2022, as 911 Public Safety Telecommunicator Week.

Deputy Social Services Commissioner II Jennifer Bigelow and Child Advocacy Center Representative Dave Chambers were granted privilege of the floor in recognition of Child Abuse Prevention Month. Ms. Bigelow and Mr. Chambers read the following statement:

*"Good afternoon, and thank you for the opportunity to come together today for the purpose of bringing awareness to preventing child abuse and neglect. All children deserve to grow up in a caring and loving environment, yet across our community, too many children are neglected or abused each year, often causing lasting consequences. Although effectively intervening in the lives of these children and their families is an important responsibility at all levels of government and community, preventing abuse and neglect is a shared obligation. During Child Abuse Prevention Month, we recommit to giving every child a chance to succeed and ensure that every child grows up in a safe, stable, and nurturing environment that is free from abuse and neglect. Preventing child abuse is an effort that we must undertake as one community. Nationally, more than four children die every day from abuse or neglect, but together we can prevent these tragedies from occurring. Children who are being abused or neglected may display constant alertness, sudden changes in behavior and school performance, or untreated physical or medical issues. Child abuse may take many forms, including neglect and physical, sexual, or emotional abuse. It's our business; all too common child abuse happens behind closed doors, mostly at home, mostly with caregivers. Think about the many kids that are away from the home at school, camps, sports facilities and other locations where caring community professionals are the ones to spot the signs most often. Today, tomorrow, next week - say something. Become aware and learn more about how to detect and act. We are proud of the work being done in Allegany County. We join forces to educate the community, parents, and children to increase knowledge and awareness. It is not one entity that solves this problem, it is one community. All families can benefit from strong*

*support systems and resources in the face of these challenges, and as government officials, professionals, parents, friends, neighbors, and fellow human beings, keeping our kids safe is among our highest priorities. The workforce that is among you in this room today, as well as the team of professionals that are unable to be present today, are dedicated to fostering healthy and supportive conditions that enable our children to develop and thrive, and that ensure parents and caretakers have the resources they need to properly care for their children. Their efforts every day lift up vulnerable families, improve the coordination of programs and services within our communities, and promote meaningful and measurable changes in the lives of children to improve their social and emotional well-being. We believe that it is important to recognize that their efforts are vital to the success of the future of our communities. We want to take this time to simply say, thank you. We know the effects of child abuse and neglect can negatively impact a child throughout their life. Together, we must address these issues. So let's start with promising to make a difference today. Beginning on April 1, a pinwheel garden was started and the County building began lighting up blue each night to represent Child Abuse Prevention Awareness Month. As you may have noticed, throughout Allegany and Cattaraugus County many are following suit including professional and community agencies, libraries, schools, and individuals by placing blue lights in their windows, sidewalks, and porches in an effort to be a part of the awareness campaign. If you would like to participate, please reach out to the Allegany County Department of Social Services or the Southern Tier Child Advocacy Center; there are blue lightbulbs available for free to anyone that would like to participate. The commitment to preventing child abuse and neglect demands that individuals and communities partner together to provide safe and nurturing environments for all children. Without question, we should all work to ensure that children and families receive the best, most innovative services available. And we should also ensure that we support those tasked with delivering that service. This month, let us aim to eradicate child abuse from our society, and let us secure a future for our children that is bright and full of hope, healing, and safety."*

Chairman Stockin read a proclamation declaring April 2022 as Child Abuse Prevention Month in Allegany County.

#### **ACKNOWLEDGMENTS, COMMUNICATIONS, REPORTS, ETC.:**

1. Report of Tax Bill Corrections and IntraFund Transfers Approved by the County Administrator in March
2. 2020 Journal of Proceedings

**PROCLAMATIONS:**

Chairman Philip G. Stockin proclaimed April 10-16, 2022, as **911 PUBLIC SAFETY TELECOMMUNICATOR WEEK** in Allegany County.

Chairman Philip G. Stockin proclaimed April 2022 as **CHILD ABUSE PREVENTION MONTH** in Allegany County.

Chairman Philip G. Stockin declared April 4-10, 2022, as **PUBLIC HEALTH WEEK** in Allegany County.

**RESOLUTIONS:**

**RESOLUTION NO. 109-22**

**RESOLUTION CALLING ON THE GOVERNOR AND THE NEW YORK STATE LEGISLATURE TO INCREASE FUNDING FOR THE AID AND INCENTIVES FOR MUNICIPALITIES (AIM) LOCAL REVENUE SHARING PROGRAM**

Offered by: Ways & Means Committee

**WHEREAS**, unrestricted state funding of local governments was consolidated into the Aid and Incentives for Municipalities (AIM) Local Revenue Sharing program in the State Fiscal Year (SFY) 2006 Enacted New York State Budget, and

**WHEREAS**, the original stated intent of the AIM program was to increase the amount of state funding to local governments year-over-year, and

**WHEREAS**, AIM funding was held flat from SFY 2012 to SFY 2020, and

**WHEREAS**, AIM funding was reduced in the SFY 2019 Enacted New York State Budget, and said funding has not been restored to previous levels, and

**WHEREAS**, the New York State Comptroller has determined that when adjusted for inflation, AIM funding has decreased 24 percent in the last twelve years, and

**WHEREAS**, the New York State Property Tax Cap, which was enacted in 2012, severely limits municipalities' ability to generate needed revenue to provide necessary and often mandated services and benefits to their constituents, and

**WHEREAS**, the taxpayers within municipalities that receive funding through the AIM program significantly contribute to the generation of state tax revenues, and

**WHEREAS**, AIM funding enables local municipalities to provide important benefits to their citizens, including, but not limited to:

- Stabilizing property taxes while ensuring fiscal sustainability;

- Investing in critical infrastructure;
- Protecting public health, safety, and welfare;
- Operating public utility systems, including water, sewer, electric, and/or broadband;
- Developing and supporting an effective workforce; and
- Promoting green energy and infrastructure, and

**WHEREAS**, the Allegany County Legislature supports the position of the New York State Conference of Mayors and Municipal Leaders as stated in their 2022 Legislative Program, listing an increase in state aid to municipalities as its top legislative priority, now, therefore, be it

**RESOLVED:**

1. That the Allegany County Legislature calls upon the Governor and the New York State Legislature to increase funding to the Aid and Incentives for Municipalities (AIM) Local Revenue Sharing program.

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. Fanton  
Seconded by: Mr. Demick

Adopted: Voice Vote

**RESOLUTION NO. 110-22**

**CHANGING LOCATION AND DATE OF JULY 27, 2022, REGULAR BOARD MEETING**

Offered by: Ways & Means Committee

**RESOLVED:**

1. Notwithstanding Rule 110.A. of County Board Rules, the second regular meeting of this Board in the month of July 2022 shall be held on Thursday, July 21, 2022, at 2:00 p.m., and not on Wednesday, July 27, 2022, at 2:00 p.m.

2. Notwithstanding Rule 110.F. of County Board Rules, the second regular Board meeting for July 2022 shall be held at the Allegany County Fairgrounds, Angelica, New York, and not at the Legislative Chambers in Belmont, New York.

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

Adopted: Voice Vote

**RESOLUTION NO. 111-22**

**CREATION OF ONE PART-TIME POSITION OF FIFTH ASSISTANT PUBLIC DEFENDER  
WITHIN THE SECTION IV SALARY PLAN; AMENDING SECTION 4 OF  
RESOLUTION NO. 297-75**

Offered by: Public Safety and Personnel Committees

**RESOLVED:**

1. That one part-time position of Fifth Assistant Public Defender is created in the Section IV Salary Plan at an annual salary of \$50,000.
2. That Section 4 of Resolution No. 297-75, as amended, is hereby amended to include one part-time position of Fifth Assistant Public Defender.
3. This resolution shall take effect on April 14, 2022.

Moved by: Mr. Havey  
Seconded by: Mr. Rumfelt

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

**RESOLUTION NO. 112-22**

**AUTHORIZING THE APPROPRIATION OF FUNDS IN THE SOLID WASTE RESERVE  
FUND FOR THE PURCHASE OF A 2023 KENWORTH T800 DAY CAB TRACTOR**

Offered by: Public Works and Ways & Means Committees

Pursuant to § 6-o of the General Municipal Law

**WHEREAS**, this Board had heretofore established a Solid Waste Reserve Fund, and

**WHEREAS**, the Department of Public Works requests an appropriation from the Solid Waste Reserve Fund for the purchase of a 2023 Kenworth T800 day cab tractor for use at the landfill, and

**WHEREAS**, the cost of the Kenworth tractor is \$158,000, and

**WHEREAS**, monies in the Solid Waste Reserve Fund may only be appropriated for the purpose of paying amounts due for the design, construction, and operation of solid waste management facilities owned or operated by such municipality, and for closure or post-closure care, including operation and maintenance expenses of solid waste management facilities owned or operated by or on behalf of such municipality, and

**WHEREAS**, absent an emergency, prior to the adoption of a resolution approving the appropriation of money from a Solid Waste Reserve Fund, a public hearing must be held, and

**WHEREAS**, notice of a public hearing related to the expenditure of funds from the Solid Waste Reserve Fund was timely published and the public hearing held, and

**WHEREAS**, it appears that the expenditure of \$158,000 from the Solid Waste Reserve Fund is warranted and consistent with legal requirements related to the use of those funds, now therefore, be it

**RESOLVED:**

1. That this Board hereby authorizes the appropriation of the sum of \$158,000 from the previously established Solid Waste Reserve Fund for the purchase of a 2023 Kenworth T800 day cab tractor as follows:

<b>From:</b>		
A883.0000	Solid Waste Reserve Fund	\$158,000
<b>To:</b>		
A8160.204	Solid Waste – Motor Vehicles	\$158,000

Moved by: Mr. Fanton  
Seconded by: Mr. Cyr

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

**RESOLUTION NO. 113-22**

**APPROVAL OF GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF PARKS,  
RECREATION, AND HISTORIC PRESERVATION FOR THE 2022-2023 SNOWMOBILE  
TRAILS AND MAINTENANCE GRANT**

Offered by: Resource Management and Ways & Means Committees

**WHEREAS**, Allegany County, in conjunction with the Allegany County Federation of Snowmobilers Association, Inc., wishes to submit a funding application to the New York State Office of Parks, Recreation, and Historic Preservation for the 2022-2023 Snowmobile Trails and Maintenance Grant, and

**WHEREAS**, the grant funds would provide for the continued development and maintenance of the 369 miles of snowmobile trails in Allegany County, and

**WHEREAS**, if approved, the grant would provide an estimated \$113,772, now, therefore, be it

**RESOLVED:**

1. That Allegany County, in conjunction with the Allegany County Federation of Snowmobilers Association, Inc., is authorized to apply for grant funds from the New York State Office of Parks, Recreation, and Historic Preservation for the 2022-2023 Snowmobile Trails and Maintenance Grant.

2. That the Chairman of this Board and the Allegany County Administrator are authorized to sign grant documents, as needed, to administer the grant.

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

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

### **RESOLUTION NO. 114-22**

#### **APPROVAL OF EXTENSION OF THE AGREEMENT BETWEEN COUNTY OF ALLEGANY AND ALLEGANY COUNTY FEDERATION OF SNOWMOBILERS, INC.**

Offered by: Resource Management Committee

**WHEREAS**, the Allegany County Federation of Snowmobilers, Inc. (Federation), in conjunction with the County of Allegany, desires to submit a grant application for the 2022-2023 grant cycle to the New York State Office of Parks, Recreation, and Historic Preservation for funding to undertake snowmobile trail development and maintenance, and

**WHEREAS**, pursuant to Resolution No. 392-21, the County entered into an agreement with the Allegany County Federation of Snowmobilers, Inc. for snowmobile trail maintenance, that expires on December 31, 2022, and

**WHEREAS**, the 2022-2023 grant cycle follows the state fiscal year of April 1, 2022, through March 31, 2023, and the County wishes to extend the term of its current Agreement to coincide with the term of the grant cycle, and

**WHEREAS**, the County desires that such snowmobile trail development and maintenance be the sole responsibility of the Federation, and

**WHEREAS**, the County desires to extend the current Agreement with the Federation to set forth the County's role and limit its liability relative to the performance of the terms and conditions of any grant award from the New York State Office of Parks, Recreation, and Historic Preservation under the above described grant application, now, therefore, be it

#### **RESOLVED:**

1. That the extension of the Agreement between the County of Allegany and Allegany County Federation of Snowmobilers, Inc., for the term of January 1, 2022, through March 31, 2023, is approved.



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

Moved by: Mr. Curran  
Seconded by: Mr. Healy

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

**RESOLUTION NO. 115-22**

**AUTHORIZING THE ALLEGANY COUNTY ATTORNEY TO EMPLOY OUTSIDE COUNSEL; APPROVAL OF AGREEMENT WITH PHILLIPS LYTLE, LLP FOR THE REVIEW OF TAX SEARCHES REQUIRED FOR ENFORCEMENT OF DELINQUENT TAXES AND PROVISION OF LEGAL SERVICES FOR IN-REM TAX FORECLOSURE PROCEEDINGS; RATIFICATION OF SIGNATURE OF ALLEGANY COUNTY TREASURER ON 2019 AGREEMENT WITH PHILLIPS LYTLE, LLP**

Offered by: Ways & Means Committee

Pursuant to: Section 501 of the County Law

**WHEREAS**, Allegany County has a long-standing relationship utilizing the legal services of Phillips Lytle, LLP to provide legal services for the tax enforcement process, and

**WHEREAS**, in addition to legal services, Phillips Lytle, LLP provides Allegany County with additional services to support the Allegany County Treasurer in fulfilling the requirements of Article 11 of the Real Property Tax Law, and

**WHEREAS**, the Allegany County Attorney desires to continue to employ Phillips Lytle, LLP to provide legal services for the 2020 and 2021 in-rem tax foreclosure proceedings pursuant to her powers and duties defined in Section 501 of the County Law, now therefore, be it

**RESOLVED:**

1. That the Allegany County Attorney is authorized to employ Phillips Lytle, LLP as outside counsel to review tax searches required for the enforcement of the 2020 and 2021 in-rem delinquent taxes under such terms as the County Attorney deems reasonable and, in the County's best interest, and within the limits of the appropriations set by this Board.

2. That the Agreement between Allegany County and Phillips Lytle, LLP to provide legal services for the 2020 and 2021 in-rem tax enforcement process is approved.

3. That the Chairman of the Board of Legislators is authorized to execute said Agreement.

4. That the Allegany County Treasurer's signature on the 2019 Agreement between Allegany County and Phillips Lytle, LLP as outside counsel to review tax searches required for the enforcement of the 2019 in-rem delinquent taxes, and to provide legal services for the 2019 in-rem tax enforcement process, is ratified.

Moved by: Mr. Fanton  
Seconded by: Mr. Havey

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

**AUDITS:**

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

Legislator Barnes asked why the amount under Special Education was larger than usual. County Treasurer Terri Ross stated that it is for program expenses, including transportation and tuition, that are paid at different times of the year.

A motion was made by Legislator Root, seconded by Legislator Ricci, and adopted on a roll call vote of 14 Ayes, 0 Noes, 1 Absent, that the audit of claims, totaling \$4,147,310.14 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 \$2,532,048.*)

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