

**ALLEGANY COUNTY BOARD OF LEGISLATORS  
REGULAR SESSION**

**AUGUST 10, 2022**

**CALL TO ORDER:** The regular meeting of the Board of Legislators was called to order at 2:08 p.m. by Chairman Philip G. Stockin.

**PLEDGE OF ALLEGIANCE TO THE FLAG:** The Pledge of Allegiance was led by Legislator Dwight "Mike" Healy.

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

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

**APPROVAL OF MINUTES:**

The Committee of the Whole Meeting Minutes of July 20, 2022, were approved on a motion made by Legislator Fanton, seconded by Legislator Hanchett, and carried.

The Board meeting minutes of July 21, 2022, were approved on a motion made by Legislator Root, seconded by Legislator Curran, and carried.

The Committee of the Whole meeting minutes of August 3, 2022, were approved on a motion made by Legislator Rumfelt, seconded by Legislator Fanton, and carried.

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

1. County Administrator's Report of IntraFund Transfers and Tax Bill Corrections
2. Correspondence from the Allegany County Industrial Development Agency announcing a public hearing on the proposed Running Supply, Inc., Project on August 8.
3. Reminder that the 31<sup>st</sup> Annual Kids Fishing Contest at Andover Ponds on Route 21 will be Saturday, August 13. Please let Clerk of the Board Riehle know if you plan to attend.
4. Reminder that ACCORD's 50<sup>th</sup> Anniversary Celebration is Friday, August 19, at Island Park in Wellsville from 11:00 a.m. to 3:00 p.m. Please let Clerk of the Board Riehle know if you plan to attend.

5. Correspondence from the Allegany County Industrial Development Agency regarding a proposed deviation from Uniform Tax Exemption Policy for the Running Supply, Inc., Project

**RESOLUTIONS:**

**RESOLUTION NO. 226-22**

**RESOLUTION SETTING DATE FOR PUBLIC HEARING TO DISCUSS THE NEW YORK STATE HOMES AND COMMUNITY RENEWAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR WELL WATER/SEPTIC SYSTEM REPLACEMENTS DELIVERED IN PARTNERSHIP WITH ACCORD**

Offered by: Ways & Means Committee

**WHEREAS**, on November 25, 2019, Allegany County held a public hearing on the grant application for the New York State Homes and Community Renewal Community Development Block Grant Program, and

**WHEREAS**, by Resolution No. 95-20, Allegany County accepted and appropriated \$400,000 in grant funds received under the New York State Homes and Community Renewal Community Development Block Grant Program for an award known as the CDBG Well & Septic Project #20WS350-19, and

**WHEREAS**, Allegany County partnered with Allegany County Community Opportunities & Rural Development Corporation (ACCORD) to administer the CDBG Well & Septic Project #20WS350-19, and

**WHEREAS**, the objective of the grant is to complete twenty-five or more well water/septic system replacements within Allegany County, with such homes owned by members of a vulnerable population comprising the elderly, disabled, and veterans, and

**WHEREAS**, it is necessary to conduct an additional public hearing at the 75 percent expenditure mark that will provide further information related to the CDBG Well & Septic Project #20WS350-19 and to accept public comments on activities which are proposed to be added, deleted, or substantially changed from the project, pursuant to 24 CFR §§ 570.431 and 570.486, now, therefore, be it

**RESOLVED:**

1. That a public hearing on the New York State Homes and Community Renewal Community Development Block Grant program for an award known as the CDBG Well & Septic Project #20WS350-19 shall be held by this Board at the County Legislative Chambers, County Office Building, Room 221, 7 Court Street, Belmont, New York 14813, on August 24, 2022, at 2:00 p.m., in a manner consistent with the CDBG program requirements.

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

Adopted: Voice Vote

**RESOLUTION NO. 227-22**

**ACCEPTANCE OF INSURANCE PAYMENT FROM NYMIR AND  
APPROPRIATION OF FUNDS TO RISK RETENTION ACCOUNTS**

Offered by: Ways & Means Committee

**WHEREAS**, a check in the amount of \$23,041.02, representing the cost less a \$2,500 deductible, to repair a 2016 Kenworth T800 Truck (VIN #1NKDL70X5GR495301) assigned to the Department of Public Works that was damaged in a motor vehicle accident on June 15, 2022, has been offered by the New York Municipal Insurance Reciprocal (NYMIR) in settlement for such damage, now, therefore, be it

**RESOLVED:**

1. That the sum of \$23,041.02, representing the cost less a \$2,500 deductible, to repair a 2016 Kenworth T800 Truck (VIN #1NKDL70X5GR495301) assigned to the Department of Public Works that was damaged in a motor vehicle accident on June 15, 2022, is accepted.

2. That the accepted sum shall be budgeted as follows:

Appropriation:

CS1931.429	Risk Retention – Uninsured Property Loss	\$23,041.02
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Revenue:

CS1930.2680.00	Insurance Recovery	\$23,041.02
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Moved by: Mr. Fanton  
Seconded by: Mr. Cyr

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

**RESOLUTION NO. 228-22**

**APPROVAL OF A ROAD USE AGREEMENT BETWEEN THE COUNTY OF ALLEGANY  
AND OYA RENEWABLE CONSTRUCTION HOLDINGS, 2, LLC, FOR THE DEPARTMENT  
OF PUBLIC WORKS**

Offered by: Public Works Committee

**RESOLVED:**

1. That the Road Use Agreement between the County of Allegany and OYA Renewable Construction Holdings, 2, LLC, for the Department of Public Works is approved.

2. That Allegany County shall grant OYA Renewable Construction Holdings, 2, LLC, and its companies a non-exclusive right and permit to use County roads and rights-of-ways identified in the Road Use Agreement during the initial construction and installation phase of the solar projects located in the Town of Independence, Allegany County, New York, subject to the terms and conditions contained therein.

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

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

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

## **RESOLUTION NO. 229-22**

### **APPOINTMENT OF THOMAS H. WINDUS AS COUNTY SUPERINTENDENT OF PUBLIC WORKS**

Offered by: Public Works Committee

#### **RESOLVED:**

1. That Thomas H. Windus of the Town of Genesee is appointed to the office of County Superintendent of Public Works for a term of four years to commence August 11, 2022, and expire August 11, 2026, at an annual salary of \$130,000.

2. That the Section IV Salary Schedule is hereby amended, effective August 11, 2022, to show the annual base salary of the County Superintendent of Public Works as \$130,000.

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

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

Comments made regarding Resolution No. 229-22: Public Works Committee Chairman Dwight Fanton thanked the Board for the approval of Mr. Windus' appointment. Mr. Fanton stated that he's looking forward to working with Mr. Windus and thanked Dean Scholes for filling in as Acting Superintendent until Mr. Windus was appointed.

**RESOLUTION NO. 230-22**

**APPROVAL OF AGREEMENT BETWEEN THE COUNTY OF ALLEGANY AND  
PRIMECARE MEDICAL OF NEW YORK, INC., TO PROVIDE MEDICAL SERVICES AT  
THE ALLEGANY COUNTY JAIL FOR THE SHERIFF'S OFFICE**

Offered by: Public Safety and Ways & Means Committees

Pursuant to New York State Correction Law §§ 501 and 505

**WHEREAS**, the County is required to provide adequate medical care for incarcerated persons in the County Jail, and

**WHEREAS**, the County desires to enter into an agreement with PrimeCare Medical of New York, Inc., to provide medical services to incarcerated persons, now, therefore, be it

**RESOLVED:**

1. That the Agreement between the County of Allegany and PrimeCare Medical of New York, Inc., to provide medical services at the Allegany County Jail commencing on August 11, 2022, at 12:01 a.m. and terminating on August 11, 2023, at 12:00 a.m., with the option of two additional one-year terms at a cost mutually agreeable to the parties, is approved.

2. That the County agrees to pay PrimeCare Medical of New York, Inc., \$1,132,674.67 for services performed during the initial term of this Agreement.

3. That the Chairman of the 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. Rumfelt

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

**AUDITS:**

A motion was made by Legislator Healy, seconded by Legislator Ricci, 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 13 Ayes, 0 Noes, 2 Absent, that the audit of claims, totaling \$6,322,203.93 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 \$5,404,806.*)

**COMMENTS:**

Chairman Stockin stated a Committee of the Whole meeting is scheduled for 3 p.m. today.

Legislator Rumfelt asked about the possibility of reaching out to our Veterans Service Agency to get more veterans lined up to lead us in the Pledge of Allegiance at our Board meetings. Chairman Stockin stated that the Veterans Service Agency has had a difficult time getting veterans to volunteer for this. He encouraged the Legislators to direct people to that office if they know of anyone who might be willing to participate.

**ADJOURNMENT:** The meeting was adjourned at 2:23 p.m. on a motion made by Legislator Rumfelt, seconded by Legislator Ricci, and carried.