



# CATTARAUGUS COUNTY

John R. Searles, County Administrator

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Little Valley, New York 14755

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The Legislature of Cattaraugus County will meet in adjourned session at the County Center, Little Valley, New York, on **Wednesday, March 25, 2015** for the transaction of such business as may properly come before the meeting.

Contingent Fund Balance: \$325,679

3:00 p.m.      CALL TO ORDER  
ROLL CALL  
INVOCATION  
MINUTES OF PREVIOUS MEETING  
COMMUNICATIONS  
PRIVILEGE OF THE FLOOR  
- *Public Hearing – Local Law No. 2-2015*  
- *Joe Keller, Treasurer - 2014 Annual Financial Report*  
- *Crystal Abers, Econ Dev – Historical Advisory Committee  
New Brochure*  
RESOLUTIONS READY FOR ACTION  
RESOLUTIONS – IMMEDIATE CONSIDERATION  
UNFINISHED BUSINESS  
ADJOURNMENT

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**ACT NO.**

**RESOLUTIONS NOT READY FOR ACTION**

180-15

Mr. VanRensselaer and Mrs. Labuhn  
AUTHORIZING THE CHAIR TO EXECUTE LOAN DOCUMENTS WITH HIDE-A-WAY  
RESTAURANT, LLC FOR EXPANSION PROJECT  
Held in Finance and Development & Agriculture Committees

**ACT NO.**

**RESOLUTIONS READY FOR ACTION**

153-15

Mr. Marsh, Mr. Snyder, Sr., Mr. Teachman, Ms. Vickman, Mrs. Labuhn and Mr. Sprague  
LOCAL LAW NUMBER 2-2015 – A LOCAL LAW AMENDING LOCAL LAW NO. 23-2002 (ACT  
NO. 473-2002)(INTRO NO. 28-2002), ENTITLED “A LOCAL LAW CREATING THE HUMAN  
RESOURCES DEPARTMENT AND REPEALING LOCAL LAW NO. 17-2001 (INTRO NO. 4-  
2001)”, EFFECTIVE SEPTEMBER 30, 2002, AS AMENDED BY ACT NO. 269-2004 (LOCAL  
LAW NO. 5-2004 [INTRO NO. 4-2004] AND ACT NO. 475-2008 [INTRO NO. 7-2008])

155-15

Ms. Edstrom, Mr. Klancer, Mr. Snyder, Jr., Mrs. Stockman, Mr. Teachman, Mr. Weller,  
Mr. Koch and Mr. Sprague  
AMENDING RULE 41 OF THE RULES OF ORDER OF THE COUNTY LEGISLATURE  
Approved by 9 Finance and 8 Public Works

- 156-15 Mr. Weller and Mr. Koch  
REJECTING A CERTAIN DEPARTMENT OF PUBLIC WORKS BID FOR FIVE YEAR LEASE OF LAUNDRY TRUCK (Departments of Public Works – Nursing Homes)  
Approved by 9 Finance, 7 Senior Services and 8 Public Works
- 157-15 Mr. Weller and Mr. Koch  
BID ACCEPTANCE FOR REPLACEMENT OF PORTVILLE BRIDGE NO. 20 AND COUNTY ROAD NO. 27 PHASE IV RECONSTRUCTION/REHABILITATION PROJECT (Department of Public Works)  
Approved by 9 Finance and 8 Public Works
- 158-15 Mr. Hale, Mr. Snyder, Sr., Mr. Weller and Mr. Koch  
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH HUNT ENGINEERS ARCHITECTS & LAND SURVEYORS, P.C. FOR ON-SITE CONSTRUCTION INSPECTION SERVICES FOR PORTVILLE BRIDGE NO. 20 AND COUNTY ROAD NO. 27 PHASE IV RECONSTRUCTION/REHABILITATION PROJECT  
Approved by 9 Finance and 8 Public Works
- 159-15 Mr. Felton and Ms. Vickman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH MDA CONSULTING ENGINEERS, PLLC, FOR ENGINEERING SERVICES FOR DEPARTMENT OF NURSING HOMES SEWAGE DISPOSAL SYSTEM  
Approved by 9 Finance and 8 Public Works
- 160-15 Mr. Weller and Mr. Koch  
BID ACCEPTANCE FOR REPLACEMENT OF FREEDOM BRIDGE NO. 10 (Department of Public Works)  
Approved by 9 Finance and 8 Public Works
- 161-15 Mr. Murphy  
BID ACCEPTANCE FOR DRY CLEANING SERVICES (Sheriff's Office)  
Approved by 9 Finance and 7 Public Safety
- 162-15 Mr. Murphy  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH SAM ASHER COMPUTING SERVICES, INC. FOR SHERIFF'S OFFICE HYPER-REACH SYSTEM  
Approved by 9 Finance and 7 Public Safety
- 163-15 Mr. Murphy  
AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH NEW YORK STATE GOVERNOR'S TRAFFIC SAFETY PARTNERSHIP PROGRAM  
**Additional sponsors: Mr. Teachman, Mr. VanRensselaer and Mr. Koch**  
Approved by 9 Finance and 7 Public Safety

- 164-15 Mr. Felton and Ms. Vickman  
AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH NEW YORK STATE OFFICE FOR THE AGING FOR FUNDING UNDER VARIOUS TITLES OF THE OLDER AMERICANS ACT OF 1965, AS AMENDED  
Approved by 9 Finance and 7 Senior Services
- 165-15 Mr. Felton and Ms. Vickman  
AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH NEW YORK STATE OFFICE FOR THE AGING FOR VARIOUS PROGRAMS FOR DEPARTMENT OF AGING  
Approved by 9 Finance and 7 Senior Services
- 166-15 Mr. Felton and Ms. Vickman  
AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH NEW YORK STATE OFFICE FOR THE AGING FOR MEDICARE IMPROVEMENTS FOR PATIENTS & PROVIDERS ACT (MIPPA) FUNDING  
Approved by 9 Finance and 7 Senior Services
- 167-15 Mr. Felton and Ms. Vickman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH HEALTHY COMMUNITY ALLIANCE, INC. FOR HEALTH INSURANCE AND LONG-TERM CARE INFORMATION AND COUNSELING  
**AMENDED: in the 4<sup>th</sup> Whereas, delete "24%", replace with "22%"**  
Approved by 9 Finance and 7 Senior Services
- 168-15 Mr. Felton and Ms. Vickman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATTARAUGUS REHABILITATION CENTER, INC. FOR MANAGEMENT, OPERATION AND CONTROL OF LINWOOD CENTER ADULT DAY SERVICES  
Approved by 7 Finance and 6 Senior Services
- 169-15 Mr. Felton and Ms. Vickman  
AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENT WITH CATTARAUGUS REHABILITATION CENTER, INC. FOR DEPARTMENT OF AGING SENIOR WELLNESS AND NUTRITION PROGRAM SITE  
Approved by 7 Finance and 6 Senior Services
- 170-15 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE RENTAL DOCUMENTS WITH BI INCORPORATED FOR YOUTH BUREAU YOUTH PLACEMENT PREVENTION ELECTRONIC MONITORING PROGRAM  
Approved by 9 Finance and 6 Human Services

- 171-15 Mr. Felton and Ms. Vickman  
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH ABILITY NETWORK, INC. FOR PURCHASE OF ADDITIONAL COMPONENT OF ELECTRONIC BILLING FOR MEDICARE (Department of Nursing Homes)  
**AMENDED: in the 3<sup>rd</sup> Whereas, delete the extra “.00” after \$194.00**  
Approved by 9 Finance and 7 Senior Services
- 172-15 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH NEW YORK STATE DEPARTMENT OF HEALTH FOR EBOLA GRANT FUNDING AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Health Department)  
Approved by 9 Finance and 6 Human Services
- 173-15 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK STATE DEPARTMENT OF HEALTH FOR ADOLESCENT TOBACCO USE PREVENTION ACT ENFORCEMENT PROGRAM  
**Additional sponsor: Ms. Vickman**  
Approved by 9 Finance and 6 Human Services
- 174-15 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH HEALTHY COMMUNITY ALLIANCE, INC. FOR MEDICAID MANAGED CARE RECRUITMENT SPECIALIST  
Approved by 9 Finance and 6 Human Services
- 175-15 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH CATHOLIC CHARITIES OF WESTERN NY FOR DEPARTMENT OF SOCIAL SERVICES TANF FUNDING FOR MULTI SYSTEMIC THERAPY SERVICES FOR PINS DIVERSION AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Department of Social Services)  
Approved by 9 Finance and 6 Human Services
- 176-15 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH BERKSHIRE FARM CENTER & SERVICES FOR YOUTH, INC. FOR DEPARTMENT OF SOCIAL SERVICES CHILD ABUSE PREVENTION SERVICES  
Approved by 9 Finance and 6 Human Services
- 177-15 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATTARAUGUS COMMUNITY ACTION, INC. FOR DEPARTMENT OF SOCIAL SERVICES CHILD ABUSE PREVENTION SERVICES  
**Additional sponsor: Ms. Vickman**  
Approved by 9 Finance and 6 Human Services

- 178-15 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH ALFRED UNIVERSITY FOR  
EDUCATIONAL CLINICAL EXPERIENCE PROGRAMS  
Approved by 9 Finance and 6 Human Services
- 179-15 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE ATTESTATION CONFIRMING THAT 2% FUNDING  
INCREASES WILL BE USED TO SUPPORT SALARY AND SALARY RELATED FRINGE BENEFIT  
COSTS OF CERTAIN STAFF AT NOT-FOR-PROFIT PROVIDERS  
***Additional sponsor: Mr. Padlo***  
Approved by 9 Finance and 6 Human Services
- 181-15 Mr. Felton and Ms. Vickman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH LINSTAR, INC. FOR ON-SITE  
SERVICE AND MAINTENANCE OF ACCESS CONTROL AND ID SYSTEMS AND VIDEO  
SURVEILLANCE SYSTEM  
Approved by 9 Finance, 7 Senior Services and 7 County Operations
- 182-15 Mr. Teachman and Mr. Padlo  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH VAN HOOK SERVICE CO., INC.  
FOR LIEBERT CRV COOLING SYSTEM (Information Services)  
Approved by 9 Finance, 7 Senior Services and 7 County Operations
- 183-15 Mr. Marsh  
LOCAL LAW NUMBER 3-2015 – A LOCAL LAW ALLOWING FOR COMMON, SAFE ITEMS  
TO BE EXCLUDED FROM THE DANGEROUS FIREWORKS DEFINITION AS PERMITTED BY  
NEW YORK STATE PENAL LAW SECTION 405(b)  
Approved by 8 Finance and 7 County Operations
- 184-15 Mr. Marsh  
AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 3-2015  
Approved by 8 Finance and 7 County Operations
- 185-15 Mr. Edwards  
LOCAL LAW NUMBER 4-2015 – A LOCAL LAW AMENDING LOCAL LAW NUMBER 3-1989  
ENTITLED “A LOCAL LAW TO ESTABLISH FOR THE CATTARAUGUS COUNTY SELF-  
INSURANCE PLAN AND TO PROVIDE FOR THE ADMINISTRATION THEREOF”, AS  
AMENDED BY LOCAL LAW NUMBER 6-2014  
Approved by 9 Finance and 4 Labor Relations
- 187-15 Mr. Edwards  
AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 4-2015  
Approved by 9 Finance and 4 Labor Relations

**LOCAL LAW NUMBER 2-2015  
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW AMENDING LOCAL LAW NO. 23-2002 (ACT NO. 473-2002)(INTRO NO. 28-2002), ENTITLED “A LOCAL LAW CREATING THE HUMAN RESOURCES DEPARTMENT AND REPEALING LOCAL LAW NO. 17-2001 (INTRO NO. 4-2001)”, EFFECTIVE SEPTEMBER 30, 2002, AS AMENDED BY ACT NO. 269-2004 (LOCAL LAW NO. 5-2004 [INTRO NO. 4-2004] AND ACT NO. 475-2008 [INTRO NO. 7-2008])**

BE IT ENACTED by the County Legislature of the County of Cattaraugus as follows:

SECTION 1. Legislative Intent. It is the intent of the Legislature by this Local Law to make necessary amendments to the structure and direction of the Cattaraugus County Human Resources Department in order to effectuate the Legislature’s election, by Act No. 109-2014, adopted after a public hearing upon due notice on March 12, 2014, to withdraw from the Civil Service Commission form of administration of the Civil Service Law effective May 1, 2015 and that the such Law shall on and after that date be administered by a Personnel Officer.

SECTION 2. Amendments. Local Law No. 23-2002 (Act No. 473-2002)(Intro No. 28-2002), entitled “A Local Law Creating The Human Resources Department And Repealing Local Law No. 17-2001 (Intro No. 4-2001)”, effective September 30, 2002, as amended by Act No. 269-2004 (Local Law No. 5-2004 [Intro No. 4-2004] and Act No. 475-2008 [Intro No. 7-2008]), is further amended in the following respects:

- 2.1. Section 3 thereof, entitled “Human Resources Director” is amended as follows:
  - 2.1.1. by changing the title thereof from “Human Resources Director” to “Personnel Officer”;
  - 2.1.2. by changing all references to “Human Resources Director” in such section to “Personnel Officer”;
  - 2.1.3. by deleting Section 3.6 therefrom and substituting the following in the place and stead thereof:

“3.6. Pursuant to Civil Service Law §15(1)(b), the Personnel Officer shall serve for a term of six (6) years.”
- 2.2. Sections 4 and 5 of such Local Law, entitled “Civil Service Commission” and “Powers and Duties of the Civil Service Commission” are deleted and all subsequent sections, formerly numbered “6”, “7” and “8” are hereby renumbered “4”, “5” and “6”, respectively.
- 2.3. The former Section 6 thereof, now Section 4, entitled “Powers and Duties of Human Resources Director”, is amended as follows:
  - 2.3.1. by changing the title thereof from “Powers and Duties of Human Resources Director” to “Powers and Duties of Personnel Officer”;
  - 2.3.2. by adding a new subsection 4.1, as follows:

“4.1. all the powers and duties of a municipal civil service commission;”

- 2.3.3. by renumbering the subsections formerly numbered "6.1" through "6.3", inclusive, to subsections "4.2" through "4.4", inclusive;
- 2.3.4. by removing the words "the Cattaraugus County Civil Service Commission and" from subsection 4.2 (formerly 6.1) thereof;
- 2.3.5. by deleting former subsection 6.4 therefrom;
- 2.3.6. by renumbering former subsections "6.5" through "6.34", inclusive, to subsections "4.5" through "4.34", inclusive;
- 2.3.7. by deleting the following from subsection "4.6" (formerly "6.6") thereof: "the Cattaraugus County Civil Service Commission and";
- 2.3.8. by deleting from subsection "4.32" (formerly "6.32") the term "Human Resources Director" and substituting in place thereof the term "Personnel Officer";
- 2.3.9. by deleting from subsection "4.33" (formerly "6.33") the term "Human Resources Director" and the term "Human Resources Director's" and substituting in place thereof the terms "Personnel Officer" and "Personnel Officer's", respectively; and
- 2.3.10. by deleting from subsection "4.34" (formerly "6.34") the following phrase: "or County Civil Service Commission".

2.4. The former Section 7 thereof, now Section 5, entitled "Department Responsibilities", is hereby amended as follows:

- 2.4.1. by deleting from subsection 5.1 thereof the phrase "Cattaraugus County Civil Service Commission and" and the phrase ", under direction of the Human Resources Director" and by substituting in the place and stead of the latter the term "and the Personnel Officer", such that the subsection shall read as follows: "The employees of the Human Resources Department shall implement the policies of the County Legislature and the Personnel Officer."

2.5. By adding a new Section 7, as follows:

"SECTION 7. Certification of Payrolls. No payroll, estimate or account providing for the payment of wages or salaries shall be approved for payment unless it bears the certificate of the Personnel Officer stating that the persons named therein have been during the periods specified, employed in their respective positions in accordance with the provisions of law and the rules made pursuant thereto."

2.6. By adding a new Section 8, as follows:

"SECTION 8. Cooperation with Administrative Unit Heads. It shall be the duty of the head of each unit of county government in Cattaraugus County to furnish the Personnel Officer with such information and assistance as may be necessary for the performance of his/her duties."

SECTION 3. Effect of Amendments. Except as herein amended, Local Law No. 23-2002 (Act No. 473-2002)(Intro No. 28-2002), entitled "A Local Law Creating The Human Resources Department And Repealing Local Law No. 17-2001 (Intro No. 4-2001)", effective September 30, 2002, as amended by Act No. 269-2004 (Local Law No. 5-2004 [Intro No. 4-2004] and Act No. 475-2008 [Intro No. 7-2008]), shall be and remain in full force and effect.

SECTION 4. Severability. If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5. Effective Date. This Local Law shall become effective on May 1, 2015.

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
HEALTHY COMMUNITY ALLIANCE, INC. FOR  
HEALTH INSURANCE AND LONG-TERM CARE INFORMATION AND COUNSELING**

Pursuant to Article 2, Title 3 of the Elder Law and  
Section 450 of the County Law.

- I. WHEREAS, Act 114-2014 authorized a contract with Healthy Community Alliance, Inc., 1 School Street, Suite 100, Gowanda, New York 14070, for the provision of information, counseling and workshops to Cattaraugus County residents in order to help them better understand health insurance and long term care services, the term of which expires March 31, 2015, and
  - II. WHEREAS, the Department of Aging is desirous of continuing the aforementioned program, and
  - III. WHEREAS, Healthy Community Alliance, Inc., can provide staff persons to the Department of Aging who will provide information, counseling and workshops to Cattaraugus County residents in order to help them better understand health insurance, Medicare benefits, EPIC and other long-term care services, for an amount of \$55,874.00 for staffing, training and travel-related expenses, to be paid on a quarterly basis, as invoiced, and
  - IV. WHEREAS, this program is 77% federal, 1% local and ~~24%~~ 22% county funded, and
  - V. WHEREAS, sufficient funds are included in the 2015 budget to cover the costs of the aforementioned services, now, therefore, be it
- I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Healthy Community Alliance, Inc., for the provision of the above-described services, for a term commencing April 1, 2015 and terminating March 31, 2016, according to the above-described terms, and be it further
  - II. RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further
  - III. RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further
  - IV. RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH  
ABILITY NETWORK, INC. FOR PURCHASE OF ADDITIONAL COMPONENT OF  
ELECTRONIC BILLING FOR MEDICARE  
(Department of Nursing Homes)**

Pursuant to Section 450 of the County Law.

- I. WHEREAS, Act 407-2013 authorized a contract with ABILITY Network, Inc., 100 North 6<sup>th</sup> Street, Suite 900A, Minneapolis, Minnesota 55403, for the provision of the installation and set-up of the ABILITY software necessary for participation in electronic billing for Medicare, and
- II. WHEREAS, the County Department of Nursing Homes is desirous of purchasing an additional component the aforementioned electronic billing system to include ABILITY/CHOICE All Payer Claims software, and
- III. WHEREAS, ABILITY Network, Inc., can provide for the installation and set-up of the ABILITY/CHOICE All Payer Claims, for an additional amount of \$194.00.~~00~~ per month, for a total monthly amount of \$458.00, plus a one-time set up fee in the amount of \$350.00 to process the ABILITY/CHOICE All Payer Claims, and
- IV. WHEREAS, any increase in the monthly cost shall be agreed upon between the parties hereto on an annual basis prior to renewal, and
- V. WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned services, now, therefore, be it
- I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with ABILITY Network, Inc., for the provision of the above-described software and services, for a term commencing April 1, 2015 and terminating December 31, 2015, with automatic annual renewals, until terminated by either party hereto, according to the above-described terms.