



# CATTARAUGUS COUNTY

John R. Searles, County Administrator

303 Court Street  
Little Valley, New York 14755

(716) 938-2577 Fax (716) 938-2760

The Legislature of Cattaraugus County will meet in adjourned session at the County Center, Little Valley, New York, on **Wednesday, December 9, 2015** for the transaction of such business as may properly come before the meeting.

Contingent Fund Balance: \$58,993

3:00 p.m.      CALL TO ORDER  
                    ROLL CALL  
                    INVOCATION  
                    MINUTES OF PREVIOUS MEETING  
                    COMMUNICATIONS  
                    PRIVILEGE OF THE FLOOR

- *Public Hearing - Adoption of Proposed Cattaraugus County Comprehensive Plan*
- *Public Hearing – Local Law Number 14-2015*

                    RESOLUTIONS READY FOR ACTION  
                    RESOLUTIONS – IMMEDIATE CONSIDERATION  
                    UNFINISHED BUSINESS  
                    ADJOURNMENT

-----  
**ACT NO.**

**RESOLUTIONS READY FOR ACTION**

- 616-15      Mr. Sprague  
                    LOCAL LAW NUMBER 14-2015 – A LOCAL LAW ENTITLED “CATTARAUGUS COUNTY ROAD PRESERVATION AND REGULATION OF CERTAIN COMMERCIAL AND INDUSTRIAL TRUCK TRAFFIC ASSOCIATED WITH TEMPORARY PROJECTS THAT WOULD INJURE COUNTY ROADS”  
***Additional sponsors: Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. Murphy, Mr. Snyder, Jr., Mr. Snyder, Sr., Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Ms. Vickman, Mr. Weller, Mr. Boser, Mrs. Labuhn, Mr. Lamberson and Mr. Padlo***  
                    Approved by 7 Finance and 8 Public Works
- 638-15      Mr. Marsh  
                    APPOINTMENT TO BOARD OF HEALTH  
**AMENDED: add an “s” on the word individual; delete “is”, replace with “are”; delete “2018”, replace with “2021”**  
***Additional sponsor: Mr. Padlo***  
                    Approved by 7 Finance and 7 Human Services
- 639-15      Mr. Marsh  
                    APPOINTMENT TO COMMUNITY SERVICES BOARD  
                    Approved by 7 Finance and 7 Human Services

- 640-15 Mr. Marsh  
APPOINTMENTS TO COMMUNITY SERVICES BOARD MENTAL HEALTH SUBCOMMITTEE  
Approved by 7 Finance and 7 Human Services
- 641-15 Mr. Marsh  
APPOINTMENT TO COMMUNITY SERVICES BOARD ALCOHOL & SUBSTANCE ABUSE  
SUBCOMMITTEE  
Approved by 7 Finance and 7 Human Services
- 642-15 Mr. Weller and Mr. Koch  
REJECTING CERTAIN BIDS FOR PAPER PRODUCTS (Department of Public Works)  
Approved by 7 Finance and 8 Public Works
- 643-15 Mr. Weller and Mr. Koch  
BID ACCEPTANCE FOR PAPER PRODUCTS (Department of Public Works)  
Approved by 7 Finance and 8 Public Works
- 644-15 Mr. Snyder, Sr.  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Administration)  
Approved by 7 Finance, 7 Public Safety and 8 Public Works
- 645-15 Mr. Teachman and Mr. Padlo  
BID ACCEPTANCE FOR PRINTING SERVICES (Various Departments)  
Approved by 7 Finance and 6 County Operations
- 646-15 Mr. Weller and Mr. Koch  
BID ACCEPTANCE FOR PICKUP, REMOVAL AND DISPOSAL OF REGULATED MEDICAL  
WASTE FROM VARIOUS COUNTY LOCATIONS (Department of Public Works)  
Approved by 7 Finance, 7 Senior Services, 7 Human Services and 8 Public Works
- 647-15 Mr. Edwards, Mr. Weller and Mr. Koch  
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH FISHER ASSOCIATES,  
P.E., L.S., P.C. FOR WETLANDS/ENVIRONMENTAL CONSULTING SERVICES FOR COUNTY  
ROAD NO. 30 REHABILITATION PROJECT  
Approved by 7 Finance and 8 Public Works
- 648-15 Mr. Felton, Ms. Vickman, Mr. Weller and Mr. Koch  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH WENDEL WD ENGINEERING,  
SURVEYING & LANDSCAPE ARCHITECTURE, PC FOR 2016 STONE HOUSE CAPITAL  
IMPROVEMENT PROJECTS ENGINEERING SERVICES  
Approved by 7 Finance and 8 Public Works
- 649-15 Mr. Weller and Mr. Koch  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH COMMUNICATION SERVICES  
OF WNY & PA, INC. D/B/A EAGLE RADIO TECHNOLOGIES FOR RADIO MAINTENANCE  
Approved by 7 Finance, 6 Public Safety and 8 Public Works

- 650-15 Mr. Weller and Mr. Koch  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH U & S SERVICES, INC. FOR HVAC CONTROL SYSTEM MAINTENANCE AND FIRE ALARM INSPECTION  
Approved by 7 Finance and 8 Public Works
- 651-15 Mr. Murphy  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH MOTOROLA SOLUTIONS, INC. FOR E911 TECHNICAL SUPPORT AND MONITORING SERVICES  
Approved by 7 Finance and 6 Public Safety
- 652-15 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATHOLIC CHARITIES OF WESTERN NY FOR DEPARTMENT OF SOCIAL SERVICES TANF FUNDING FOR MULTI-SYSTEMIC THERAPY SERVICES FOR PINS DIVERSION  
Approved by 7 Finance and 7 Human Services
- 653-15 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH BERKSHIRE FARM CENTER & SERVICES FOR YOUTH, INC. FOR DEPARTMENT OF SOCIAL SERVICES PATHWAYS PROGRAM PREVENTIVE SERVICES FOR OPEN CHILD PROTECTIVE CASES  
Approved by 7 Finance and 7 Human Services
- 654-15 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH BERKSHIRE FARM CENTER AND SERVICES FOR YOUTH, INC. FOR DEPARTMENT OF SOCIAL SERVICES PROJECT TURNABOUT (HOME-BASED TRUANCY PREVENTION PROGRAM)  
Approved by 7 Finance and 7 Human Services
- 655-15 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 7 Finance and 7 Human Services
- 656-15 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH JUDITH GALLEGOS FOR TANF ELIGIBLE DRUG/ALCOHOL SCREENING AND CASE MANAGEMENT  
Approved by 7 Finance and 7 Human Services
- 657-15 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH VARIOUS ENTITIES FOR MEDICAL AND TESTING SERVICES  
Approved by 7 Finance and 7 Human Services

- 658-15 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATTARAUGUS COMMUNITY ACTION, INC. FOR DEPARTMENT OF SOCIAL SERVICES SHELTER AND TRANSITIONAL SERVICES FOR HOMELESS INDIVIDUALS  
Approved by 7 Finance and 7 Human Services
- 659-15 Mr. Teachman and Mr. Padlo  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH JAMES B. SCHWAB CO., INC. FOR RENTAL OF COUNTY OFFICE PHOTOCOPIERS  
Approved by 7 Finance and 6 County Operations
- 660-15 Mr. Klancer, Mr. Snyder, Jr., Mr. Teachman, Mr. VanRensselaer, Mr. Weller and Mr. Sprague  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH SUBCON INDUSTRIES, INC. FOR SHREDDING SERVICES  
Approved by 5 Finance and 5 County Operations
- 661-15 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CAROLINE J. WOODHEAD, M.S. CCC-SLP FOR HEALTH DEPARTMENT SPEECH THERAPY SERVICES  
Approved by 7 Finance and 7 Human Services
- 662-15 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH OLEAN GENERAL HOSPITAL FOR HEALTH DEPARTMENT NUTRITION, PHYSICAL, OCCUPATIONAL AND SPEECH THERAPY SERVICES  
Approved by 7 Finance and 7 Human Services
- 663-15 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH WILLCARE, INC. FOR HOME HEALTH CARE SERVICES  
Approved by 7 Finance and 7 Human Services
- 664-15 Mr. Felton and Ms. Vickman  
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH FAVORITE HEALTHCARE STAFFING, INC. FOR HEALTHCARE COVERAGE FOR DEPARTMENT OF NURSING HOMES  
Approved by 7 Finance and 7 Senior Services
- 665-15 Mr. Felton and Ms. Vickman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH P & NP COMPUTER SERVICES, INC. FOR DEPARTMENT OF NURSING HOMES SOFTWARE MAINTENANCE SERVICES  
Approved by 7 Finance and 7 Senior Services

- 666-15 Mr. Felton and Ms. Vickman  
AUTHORIZING THE CHAIR TO EXECUTE AMENDED LEASE AGREEMENT WITH CATTARAUGUS REHABILITATION CENTER, INC. FOR DEPARTMENT OF AGING SENIOR WELLNESS AND NUTRITION PROGRAM SITE  
Approved by 5 Finance and 6 Senior Services
- 667-15 Mr. Felton and Ms. Vickman  
AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENT WITH VILLAGE OF CATTARAUGUS FOR DEPARTMENT OF AGING SENIOR WELLNESS AND NUTRITION PROGRAM SITE.  
Approved by 7 Finance and 7 Senior Services
- 668-15 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING CERTAIN CHARGE-OFFS OF CERTAIN ACCOUNTS RECEIVABLE IN THE DEPARTMENT OF COMMUNITY SERVICES  
Approved by 7 Finance and 7 Human Services
- 669-15 Ms. Edstrom and Mrs. Stockman  
APPROVING CONTRACTS BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND VARIOUS SCHOOL DISTRICTS FOR MENTAL HEALTH SOCIAL WORKER SERVICES  
Approved by 7 Finance and 7 Human Services
- 670-15 Ms. Edstrom and Mrs. Stockman  
APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND ACCUMEDIC COMPUTER SYSTEMS, INC. FOR DEPARTMENT OF COMMUNITY SERVICES ACCUMED SOFTWARE SYSTEM AND RESCINDING ACT 563-15  
Approved by 7 Finance and 7 Human Services
- 671-15 Ms. Edstrom and Mrs. Stockman  
APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND JAMESTOWN PSYCHIATRIC, P.C. FOR DEPARTMENT OF COMMUNITY SERVICES NURSING AND PSYCHIATRIC SERVICES FOR MENTAL HEALTH CLINIC & PROS PROGRAM  
***Additional sponsor: Ms. Vickman***  
Approved by 7 Finance and 7 Human Services
- 672-15 Ms. Edstrom and Mrs. Stockman  
APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND HEALTHCARE SOLUTIONS WNY, LLC FOR DEPARTMENT OF COMMUNITY SERVICES BILLING AND ACCOUNTS RECEIVABLE MANAGEMENT SERVICES  
Approved by 7 Finance and 7 Human Services
- 673-15 Ms. Edstrom and Mrs. Stockman  
APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND HOUSING OPTIONS MADE EASY, INC. FOR PEER SPECIALISTS FOR THE PROS PROGRAM AND MOBILE TRANSITIONAL SUPPORT TEAM  
Approved by 7 Finance and 7 Human Services

- 674-15 Ms. Edstrom and Mrs. Stockman  
APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND CATTARAUGUS COMMUNITY ACTION, INC. FOR DEPARTMENT OF COMMUNITY SERVICES THERAPY AND SUPPORT SERVICES FOR MENTAL HEALTH CLINIC AND PROS PROGRAM AND AFTER HOURS ON-CALL SERVICES  
Approved by 7 Finance and 7 Human Services
- 675-15 Ms. Edstrom and Mrs. Stockman  
APPROVING CONTRACTS BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND BEACON HEALTH OPTIONS, AND ITS AFFILIATES, FOR DEPARTMENT OF COMMUNITY SERVICES MENTAL HEALTH SERVICES PROVIDED THROUGH MEDICAID MANAGED CARE PROVIDER PROGRAM (Department of Community Services)  
Approved by 7 Finance and 7 Human Services
- 676-15 Mr. Weller and Mr. Koch  
AUTHORIZING THE CHAIR TO EXECUTE NO-COST CONTRACT EXTENSION WITH GREENMAN-PEDERSEN, INC. FOR COUNTY ROAD NO. 13 REHABILITATION PROJECT ENGINEERING SERVICES (Department of Public Works)  
Approved by 7 Finance and 8 Public Works
- 677-15 Mr. Marsh  
AUTHORIZING FOR ORGANIZATIONAL MEETING  
Approved by 7 Finance

by Mr. Sprague  
*and Ms. Edstrom Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Klancer,  
Mr. Marsh, Mr. Murphy, Mr. Snyder, Jr., Mr. Snyder, Sr., Mrs. Stockman,  
Mr. Teachman, Mr. VanRensselaer, Ms. Vickman, Mr. Boser, Mrs. Labuhn,  
Mr. Lamberson and Mr. Padlo*

**LOCAL LAW NUMBER 14 - 2015  
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law and  
Section 1650 of the Vehicle & Traffic Law.

**A LOCAL LAW ENTITLED "CATTARAUGUS COUNTY ROAD PRESERVATION AND  
REGULATION OF CERTAIN COMMERCIAL AND INDUSTRIAL TRUCK TRAFFIC ASSOCIATED  
WITH TEMPORARY PROJECTS THAT WOULD INJURE COUNTY ROADS"**

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

Section 1. Authority. The County is authorized to adopt this local law by Section 1650(4) of the New York State Vehicle and Traffic Law and by the Municipal Home Rule Law.

Section 2. Purpose. The purpose of this law is to maintain the safety and general welfare of County residents by regulating heavy commercial or industrial uses of County roads that have the potential to adversely affect such roads. Well-maintained roads are important to the economic well-being of the County. Commercial or industrial endeavors, such as timber harvesting, utility work, construction, mining, and natural gas drilling are also of economic interest. This law is not intended to regulate such businesses: the intent is to protect the public roads from damage.

Section 3. Definitions.

3.1 High Frequency, High-Impact Truck Traffic: Traffic to or from a single project site that generates more than ten (10) truck trips per day for more than three (3) days in a week (any consecutive seven (7) day period) involving trucks averaging a gross weight that exceeds twenty (20) tons (truck and load combined), or such other motor vehicle traffic connected to a temporary project that, in the opinion of the Commissioner of Public Works, subjects any county roads to damage.

3.2 Bond: A commercial indemnity bond to ensure that the condition of the County roads is not adversely impacted by high-frequency, high-impact truck traffic. The County Legislature may accept an equivalent financial guarantee in lieu of bond.

3.3 Bond Release: A bond release given by the Commissioner of Public Works based on satisfactory road conditions at project completion.

3.4 Commissioner: The Cattaraugus County Commissioner of Public Works.

3.5 Permittee: The permittee is the person responsible under this law to obtain a permit regardless of whether the person in fact obtains a permit. The permittee is the person responsible for the project generating the high-frequency, high-impact truck traffic. In any instance in which another permit is required, such as a building or mining permit, any person who obtained any such permit or was required to obtain such other permit shall be deemed the permittee for purposes of this law. In the event no other permit is required, the owner of any property on which the activity is taking place shall be deemed the permittee for purposes of this law.

3.6 Person: Any individual, public or private corporation, political subdivision, government agency, municipality, industry, co-partnership, association, firm, trust, estate, or any other legal entity whatsoever.

3.7 Motor Vehicle: A motor vehicle as defined under §125 of the New York State Vehicle and Traffic Law.

3.8 Temporary Project: Any non-permanent commercial activity for which a state or local permit is required, or which generates high-frequency, high-impact truck traffic on county roads whether or not the project itself is located in the County.

3.9 Exclusions: The following are excluded from the requirements of this local law:

3.9.1 Vehicles and implements and combinations thereof designed and intended for use in agricultural operations as defined by New York State Agricultural District Law or in the movement of agricultural products;

3.9.2 Omnibuses or buses used solely for the transportation of children to and from school;

3.9.3 "Authorized emergency vehicles", as defined in §101 of the Vehicle and Traffic Law;

3.9.4 Vehicles which, as determined by the Commissioner, upon application pursuant to §4.3 hereof.

#### Section 4. General Provisions.

4.1 The County Legislature determines that high-frequency, high-impact truck traffic associated with temporary projects would materially injure County roads.

4.2 Upon a determination by the Commissioner that a temporary project may generate high-frequency, high impact truck traffic, the Commissioner shall erect signs on the appropriate sections of County highways setting forth the notice that such vehicles are excluded, and such notice shall also be published in a newspaper in Cattaraugus County.

4.3 Any permittee may apply to the County Department of Public Works for a permit providing for an appropriate exemption for the vehicles serving a temporary project. Such permit shall be granted, upon appropriate terms and conditions, if the vehicles are performing essential local pick-up or delivery. For purposes of this law, pickup and delivery associated with New York State-permitted mining or gas-drilling operations shall be deemed essential local pickup or delivery.

4.4 Any such permit may designate the route to be traversed and contain other reasonable restrictions or conditions deemed necessary by the Commissioner. The permit shall be carried on all vehicles serving the project and shall be open to inspection by any peace officer acting pursuant to his special duties, or police officer. Such permit shall be for the duration of the temporary project.

4.5 In order to obtain a permit, the permittee must submit a permit application to the County Department of Public Works, which shall include all information required by the Commissioner, including but not limited to: vehicle identification and owners/operators, vehicle weights, load weights, materials carried, route to be followed through the County to site, duration of activity (beginning date and end date), frequency of trips and times of operation. The applicant shall pay a permit fee to be established by the County Legislature, but in no event shall the fee be less than \$50.

4.6 The Commissioner may require the permittee to submit documentation (including, but not limited to, photographs and videos) of the condition of the roads, shoulders, and all structures (culverts, bridges, etc.,) that will be traversed by the permitted traffic as a condition of the permit.

4.7 In addition to the restrictions on routes and other reasonable restrictions, the Commissioner will decide if the scope of work is such that a Bond is required, and the amount of any such bond. The determination of the need and amount of any bond shall be based on a determination of potential damage to County roads based on the truck routes, weight of the vehicles, frequency of travel, and the type-category (classification) of the roads on the approved routes.

4.8 A permittee aggrieved by a determination of the Commissioner may within ten (10) days of the determination appeal to the County Administrator. No action inconsistent with the determination of the Commissioner shall take place pending the determination of the County Administrator.

4.9 The permittee shall be responsible for assuring that any County road that is impacted by high frequency, high-impact truck traffic remains in safe and useable condition for all legal uses of the road throughout the duration of the temporary project.

4.10 Upon completion of the project, the permittee will apply to the Commissioner for a Bond Release. Upon inspection of the traveled roads, as necessary, the Commissioner may approve the release of the Bond. If the release is not approved, the Commissioner will specifically document the tasks that must be accomplished in order for the Bond to be released, which may include, but not be limited to, the payment of money for the repair to damaged roads. The permittee must remedy the specified problems before the bond may be released.

4.11 If the permittee does not comply with this law and all the terms and conditions of the permit and operate within the parameters specified on the permit, the permit may be revoked at the discretion of the Commissioner.

4.12 In the event that high-frequency, high-impact truck traffic uses any County roads without the required valid permit, the Commissioner, and any law enforcement officer or code enforcement officer, is hereby authorized to deny access by such traffic to the roads and, in cases where a County permit was required, to shut down the project. This relief is in addition to any and all damages and penalties.

4.13 The permittee will be responsible for the repair of any damages that occur to any County road when a project proceeds with or without a proper permit, as well as for all fines and penalties specified in this law.

## Section 5. Enforcement.

5.1 The Commissioner, in consultation with the County Attorney, shall enforce the provisions of this law and all rules, regulations, and designations made pursuant thereto. Such enforcement shall include, but not be limited to, legal or equitable proceedings, including without limitation an action for specific performance or injunction brought in the name of the County.

5.2 If a permittee does not comply with this law and all the terms and conditions of the permit and operate within the parameters specified on the permit, the permit may be suspended or revoked at the discretion of the Commissioner.

## Section 6. Penalties for Offenses.

6.1 Any person who violates this article shall be guilty of a violation and subject to a fine of not more than \$500 and/or imprisonment for not more than fifteen (15) days. Each and every act committed that is prohibited by this law shall constitute a separate violation. Each time high-frequency, high-impact truck traffic travels on a County road without a permit as required by this law shall constitute a separate violation. Violations may be prosecuted by the County District Attorney or any other person with authority to prosecute violations within the County.

6.2 Upon failure of any permittee to comply with the requirements of this article, the permit shall be subject to suspension, revocation or to the imposition of conditions.

Section 7. Invalid Segment. Should any section or provision of this Local Law be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Local Law as a whole or any part thereof other than the part declared to be invalid.

Section 8. Effective Date. This Local Law shall take effect upon filing with the Secretary of State.

ACT NO. 638-2015

by Mr. Marsh

**APPOINTMENT TO BOARD OF HEALTH**

Pursuant to Section 343 of the Public Health Law.

I. RESOLVED, that the following individuals **is are** hereby appointed to the Board of Health with a term to expire December 31, ~~2018~~ **2021**:

Theresa Raftis  
429 York Street  
Olean, New York 14760

David L. Smith  
35 N. Chapel Street  
Gowanda, New York 14070.