



CATTARAUGUS COUNTY

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The Legislature of Cattaraugus County will meet in adjourned session at the County Center, Little Valley, New York, on **Wednesday, July 26, 2017**, for the transaction of such business as may properly come before the meeting.

Contingent Fund Balance: \$336,669

- 4:00 p.m. CALL TO ORDER
ROLL CALL
INVOCATION
PLEDGE OF ALLEGIANCE
COMMUNICATIONS
PRIVILEGE OF THE FLOOR
- Public Hearing – Local Law Number 3-2017
 - McCarthy & Conlon – Nursing Home Audit
 - Rachel Linderman – Healthy Cattaraugus
- MINUTES OF PREVIOUS MEETING
RESOLUTIONS/MOTIONS/NOTICES READY FOR ACTION
RESOLUTIONS – IMMEDIATE CONSIDERATION
UNFINISHED BUSINESS
ADJOURNMENT

ACT NO.

RESOLUTION NOT READY FOR ACTION

299-17 Mr. Giardini and Mr. Helmich
ACCEPTING CERTAIN BIDS FOR ROOF REPAIRS, SIDEWALK REPLACEMENT AND PLUMBING REPAIRS AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS (The Pines Healthcare and Rehabilitation Center-Machias Campus
Held in Finance, Human Services and Public Works Committees

RESOLUTIONS READY FOR ACTION

269-17 Mr. Klancer and Mr. Neal
LOCAL LAW NUMBER 3 – 2017 - A LOCAL LAW IMPOSING WIRELESS COMMUNICATIONS SURCHARGES IN CATTARAUGUS COUNTY AND REPEALING LOCAL LAW NO. 24-2002 (INTRO NO. 29-2002)

287-17 Mr. Giardini and Mr. Helmich
BID ACCEPTANCE FOR PURCHASE OF NATURAL GAS (Department of Public Works)
Approved by 7 Finance and 6 Public Works

288-17 Mr. Giardini and Mr. Helmich
BID ACCEPTANCE FOR DEPARTMENT OF NURSING HOMES CHILLER REPLACEMENT PROJECT (Department of Public Works)
Approved by 7 Finance and 7 Public Works

- 289-17 Mr. Giardini and Mr. Helmich
DECLARING COUNTY-OWNED PROPERTY IN THE VILLAGE OF LITTLE VALLEY NO LONGER NECESSARY FOR PUBLIC USE (Board of Elections and Museum Building)
Approved by 7 Finance and 7 Public Works
- 290-17 Mr. Giardini and Mr. Helmich
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH SJB SERVICES, INC. FOR SOIL BORING SERVICES, MATERIAL TESTING, DECK CORING AND GEOTECHNICAL SERVICES
Approved by 7 Finance and 7 Public Works
- 291-17 Mr. Giardini and Mr. Helmich
AUTHORIZING THE CHAIR TO EXECUTE LICENSE AGREEMENT WITH ADMINISTRATIVE OFFICE OF THE UNITED STATES BANKRUPTCY COURT FOR FEDERAL USE OF COUNTY PROPERTY
Approved by 7 Finance and 7 Public Works
- 292-17 Ms. Vickman, Ms. Hastings and Mrs. Labuhn
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS (Department of Nursing Homes)
Approved by 7 Finance, 7 Human Services and 7 Public Works
- 293-17 Ms. Vickman, Ms. Hastings and Mrs. Labuhn
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS (Department of Nursing Homes)
AMENDED: in the 1st Resolved, delete “and \$37,615.00 from Fund Balance Account El. 909.000”; add “Decrease Appropriation Account: El.453.4530.1160.20002 Building Improvements \$37,615.00”
Approved by 7 Finance, 7 County Operations/Public Safety and 7 Human Services
- 294-17 Ms. Vickman and Ms. Hastings
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH OLEAN GENERAL HOSPITAL FOR FAMILY PLANNING CLINIC LABORATORY SERVICES
Approved by 7 Finance and 7 Human Services
- 295-17 Ms. Vickman and Ms. Hastings
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH FIELDS RESEARCH, INC. FOR DEPARTMENT OF HEALTH HH-CAHPS SURVEY
Approved by 7 Finance and 7 Human Services
- 296-17 Ms. Vickman and Ms. Hastings
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK STATE DEPARTMENT OF HEALTH FOR HEALTH DEPARTMENT CHILDHOOD LEAD POISONING PREVENTION PROGRAM
Approved by 7 Finance and 7 Human Services
- 297-17 Ms. Vickman and Ms. Hastings
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK STATE DEPARTMENT OF HEALTH FOR ADOLESCENT TOBACCO USE PREVENTION ACT ENFORCEMENT PROGRAM
Approved by 7 Finance and 7 Human Services

- 298-17 Ms. Vickman and Ms. Hastings
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH HEALTHY COMMUNITY ALLIANCE, INC. FOR COORDINATOR OF PUBLIC HEALTH EMERGENCY PREPAREDNESS & RESPONSE TO BIOTERRORISM
Approved by 7 Finance and 7 Human Services
- 300-17 Mr. Snyder, Jr. and Ms. Hastings
APPROVING JCC CAPITAL PROJECT AND AUTHORIZING ASSISTANCE WITH COST OF REPAIR AND UPGRADE OF OLEAN CAMPUS AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS (Department of Economic Development, Planning and Tourism)
AMENDED: in the 5th Whereas, delete “as follows: \$250,000.00”; add “in a lump sum payment to come”; delete “\$250,000.00 to be budgeted in 2018 and \$250,000.00 to be budgeted in 2019”; in the 2nd Resolved, delete both “\$250,000.00”, replace with “\$750,000.00”
Additional sponsors: Mr. Breton, Mr. Higgins, Mr. Klancer, Mr. Neal, Mr. VanRensselaer, Ms. Vickman, Mr. Giardini, Mrs. Labuhn and Mr. Padlo
Approved by 7 Finance and 7 Human Services
- 301-17 Mr. VanRensselaer and Mr. Padlo
AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH APPALACHIAN REGIONAL COMMISSION FOR DEPARTMENT OF ECONOMIC DEVELOPMENT, PLANNING AND TOURISM COMMUNITY DEVELOPMENT INITIATIVE AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Department of Economic Development, Planning & Tourism)
Approved by 7 Finance and 7 Development & Agriculture
- 302-17 Ms. Vickman and Mrs. Labuhn
APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND HILLSIDE FAMILY OF AGENCIES FOR DEPARTMENT OF COMMUNITY SERVICES RESPITE SERVICES
Approved by 6 Finance and 6 Human Services
- 303-17 Mr. Klancer and Mr. Padlo
AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR ALTERNATIVE TO INCARCERATION SERVICES
Approved by 7 Finance and 7 County Operations/Public Safety
- 304-17 Mrs. Stockman, Mr. Snyder, Sr., Ms. Vickman, Mr. VanRensselaer, Mr. Neal, Mrs. Labuhn, Mr. Koch and Mr. Padlo
ADOPTING CATTARAUGUS COUNTY ADA TRANSITION PLAN
Approved by 7 Finance and 7 Public Works
- 305-17 Mrs. Stockman, Mr. Snyder, Sr., Ms. Vickman, Mr. VanRensselaer, Mr. Neal, Mrs. Labuhn, Mr. Koch and Mr. Padlo
ADOPTION OF CATTARAUGUS COUNTY TITLE VI PLAN
Approved by 7 Finance and 7 Public Works

- 306-17 Mr. Breton and Ms. Vickman
SALE OF TAX TITLE PROPERTY TO VILLAGE OF FRANKLINVILLE AND WAIVING RULE 40 OF
THE RULES OF ORDER (Village of Franklinville)
Approved by 7 Finance and 7 Public Works
- 307-17 Mr. Neal and Mr. VanRensselaer
SALE OF TAX TITLE PROPERTY (Second Highest Bidder)
Approved by 7 Finance and 7 County Operations/Public Safety
- 308-17 Mr. Breton, Mr. Higgins, Mr. Neal, Mr. VanRensselaer and Ms. Vickman
AUTHORING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH CATTARAUGUS
COUNTY SPCA AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
Approved by 6 Finance and 5 County Operations/Public Safety
- 309-17 Mr. Giardini and Mr. Helmich
BID ACCEPTANCE FOR SALE OF BOARD OF ELECTIONS AND MUSEUM BUILDING
(Department of Public Works)
Additional sponsors: Mr. Boberg, Mr. Higgins, Ms. Hastings and Mr. Koch
Approved by 7 Finance, 6 Strategic Planning and 7 Public Works
- 310-17 Mr. Breton, Mr. Higgins and Mr. VanRensselaer
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CITY OF OLEAN FOR
DEVELOPMENT OF PUBLIC FARMERS' MARKET AND ADJUSTING VARIOUS
APPROPRIATION ACCOUNTS
Approved by 6 Finance and 6 Development & Agriculture

**LOCAL LAW NUMBER 3 - 2017
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 186-g of the New York State Tax Law.

**A LOCAL LAW IMPOSING WIRELESS COMMUNICATIONS
SURCHARGES IN CATTARAUGUS COUNTY AND
REPEALING LOCAL LAW NO. 24-2002 (INTRO NO. 29-2002)**

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

SECTION 1. Legislative Intent.

1.1 It is the intent of this Local Law to repeal Local Law No. 24-2002 (Intro No. 29-2002) which established a wireless communications service surcharge in Cattaraugus County.

1.2 It is further the intent of this Local Law to impose the wireless communications surcharges authorized by New York State Tax Law Section 186-g.

SECTION 2. Imposition of Wireless Communications Surcharges.

2.1 Pursuant to the authority of Tax Law §186-g, there are hereby imposed and there shall be paid surcharges within the territorial limits of Cattaraugus County on:

- (i) wireless communications service provided to a wireless communications customer with a place of primary use within such County, at the rate of thirty cents (\$.30) per month on each wireless communications device in service during any part of the month; and
- (ii) the retail sale of prepaid wireless communications service sold within such County, at the rate of thirty cents (\$.30) per retail sale, whether or not any tangible personal property is sold therewith.

2.2 Wireless communications service suppliers shall begin to add such surcharge to the billings of its customers and prepaid wireless communications sellers shall begin to collect such surcharge from its customers commencing December 1, 2017.

2.3 Each wireless communications service supplier and prepaid wireless communications seller is entitled to retain, as an administrative fee, an amount equal to three percent (3%) of its collections of the surcharges imposed by this Local Law, provided that the supplier or seller files any required return and remits the surcharges due to the New York State Commissioner of Taxation and Finance on or before its due date.

SECTION 3. Administration of Surcharges. The surcharges imposed by this Local Law shall be administered and collected by the New York State Commissioner of Taxation and Finance as provided in paragraph (8) of Tax Law §186-g, and in a like manner as the taxes imposed by Articles Twenty-Eight and Twenty-Nine of the Tax Law.

SECTION 4. Applicability of State law to surcharges imposed by this Local Law. All the provisions of Tax Law §186-g shall apply to the surcharges imposed by this Local Law with the same force and effect as if those

provisions had been set forth in full in this Local Law, except to the extent that any of those provisions is either inconsistent with or not relevant to the surcharges imposed by this Local Law.

SECTION 5. Net Collections Received. Net collections received by this County from the surcharges imposed by this Local Law shall be expended only upon authorization of the Cattaraugus County Legislature of the County of Cattaraugus and only for payment of system costs, eligible wireless 911 service costs, or other costs associated with the administration, design, installation, construction, operation, or maintenance of public safety communications networks or a system to provide enhanced wireless 911 service serving such County, as provided in paragraph (9) of Tax Law §186-g, including, but not limited to, hardware, software, consultants, financing and other acquisition costs. The County shall separately account for and keep adequate books and records of the amount and object or purpose of all expenditures of all such monies. If, at the end of any fiscal year, the total amount of all such monies exceeds the amount necessary for payment of the above mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.

SECTION 6. Repeal of Local Law Number 24-2002. Local Law No. 24-2002 (Intro No. 29-2002) is hereby repealed.

SECTION 7. Severability. If any clause, sentence, paragraph, section, subdivision or other part of this Local Law or its applications shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this Local Law which shall remain in full force and effect except as limited by such order or judgment.

SECTION 8. Effective Date. This Local Law shall take effect December 1, 2017.

**ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Nursing Homes)**

Pursuant to Sections 363 and 366 of the County Law.

I. WHEREAS, an additional \$78,758.77 is needed from the fund balance in order to cover VOIP project expenses for The Pines Healthcare and Rehabilitation Centers, and

II. WHEREAS, various appropriation and revenue accounts must be adjusted to cover the cost of the aforementioned project, now, therefore, be it

I. RESOLVED, that the County Administrator is hereby directed to appropriate \$41,145.00 from Fund Balance Account EF.909.0000 ~~and \$37,615.00 from Fund Balance Account EI.909.0000~~ and to make the following budgetary changes:

Increase Appropriation Accounts:

EF.453.4530.1190.20011	Communications Equipment	\$41,145.00
EI.453.4530.1190.20011	Communications Equipment	\$37,615.00.

Decrease Appropriation Account:

EI.453.4530.1160.20002	Building Improvements	\$37,615.00
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**APPROVING JCC CAPITAL PROJECT AND AUTHORIZING
ASSISTANCE WITH COST OF REPAIR
AND UPGRADE OF OLEAN CAMPUS AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Economic Development, Planning and Tourism)**

Pursuant to Section 6310 of the Education Law and
Sections 153, 363 and 366 of the County Law.

- I. WHEREAS, Section 6310(10) of the Education Law requires that all proposals for the improvement of college facilities adopted by a community college regional board of trustees be approved by the legislative body of all local governments appointing members to such board of trustees, and
 - II. WHEREAS, as a legal sponsor of Jamestown Community College (JCC), Cattaraugus County has contributed funds to build the Cattaraugus County Campus at Olean (JCC Olean Campus), and
 - III. WHEREAS, JCC Olean Campus is celebrating its 40th anniversary of providing academic and life transformational programs to the residents of Cattaraugus County, and
 - IV. WHEREAS, the buildings on the Olean Campus are more than 16 years old and are showing major interior and exterior deterioration to its physical structures and the mechanical machinery and equipment, such as HVAC, Roofs, window cells and elevators, and
 - V. WHEREAS, major capital technology upgrades are also needed, which include distance learning and videoconferencing, and
 - VI. WHEREAS, this capital project is necessary in order to expand various academic programs, and
 - VII. WHEREAS, funding is needed from the County to match New York State's critical maintenance support, and
 - VIII. WHEREAS, JCC has already secured \$1.5 million, through the NYS Legislature, that can only be used if JCC matches those funds locally through a dollar-for-dollar match (\$1.5 million), and
 - IX. WHEREAS, Cattaraugus County's share will be a total of \$750,000.00, which is 25% of the total capital project, with JCC raising the remaining 25% from local donors, and
 - X. WHEREAS, the County's \$750,000.00 share will be paid ~~as follows: \$250,000.00 to come from the County Fund Balance Account, \$250,000.00 to be budgeted in 2018 and \$250,000.00 to be budgeted in 2019 in 2017~~, and
 - XI. WHEREAS, various appropriation accounts must be adjusted to cover the cost of the aforementioned assistance, now, therefore, be it
- I. RESOLVED, that the Cattaraugus County Legislature hereby approves the aforementioned JCC capital project for the repair and upgrade of the JCC Olean Campus for a total project amount not to exceed \$1.5 million, with the County's total share not to exceed \$750,000.00, and be it further

II. RESOLVED, that the County Administrator is hereby directed to appropriate ~~\$250,000.00~~
\$750,000.00 from the Fund Balance Account and make the following budgetary changes:

Increase Appropriation Account:

A.298.2495.0000.42039 Jamestown Community College ~~\$250,000.00~~ **\$750,000.00.**