

JULY 24, 2013

July 24, 2013

The meeting was called to order by the Chairman Norman L. Marsh.

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed one Legislator absent – Mr. Snyder, Sr.

MR. BOSER moved, seconded by Ms. Edstrom that the minutes of the June 26, 2013 session be approved. Carried.

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COMMUNICATIONS:

New York State Member of Assembly Joseph M. Giglio: Letter to Governor Cuomo regarding Assembly Bill A.6738 (sales tax extension).

Fulton County Board of Supervisors: Resolution No. 188 entitled: "Resolution Urging Governor Cuomo and State Legislators to Exempt Firearm Permit Records from FOIL Disclosure".

Jack Searles, County Administrator: Audit reports received from NYS Comptroller Thomas P. DiNapoli – Internal Controls Over Selected Financial Activities for period January 1, 2011 - December 19, 2012 and Internal Controls Over Inmate Healthcare for period January 1, 2011 - December 19, 2012.

Family of Dr. Andrzej Klaczynski: Thank you note for adjourning in memory of Dr. Andy and condolences.

APPOINTMENTS:

CATTARAUGUS-ALLEGANY
WORKFORCE INVESTMENT BOARD
Two-year terms to expire December 31, 2014

Kirk Gilbert
Cattaraugus Community Action, Inc.
24 Jefferson Street
Salamanca, New York 14779

Rebecca Cooper
Housing Options Made Easy, Inc.
75 Jamestown Street
Gowanda, New York 14070

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CHAIRMAN MARSH granted Privilege of the Floor to Legislator Steve Teachman who spoke regarding the Civil War Re-enactment held in Gettysburg July 4-7 commemorating the 150th Anniversary of the Battle of Gettysburg. Mark Loveless and Bill Moore also attended the event. The three gentlemen paid tribute to the 154th New York Regiment and Amos Humiston, the Civil War soldier from Portville who died in the battle. Legislator Teachman presented a replica of the 154th Regiment, 11th

Core, 2nd Division, 1st Brigade flag made by Tina Fishbaugh to Brian McClellan, Museum Curator, along with memorabilia from the event. Legislator Teachman also presented plaques commemorating the July event to Mr. Loveless and Mr. Moore, thanking them for their participation.

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CHAIRMAN MARSH announced this is the time and place called for a public hearing on **Act No. 294-2013**, Local Law Number 3-2013, A Local Law Amending Local Law Number 2-1993 (Intro Number 2-1993) entitled, "Allowing Release of Funds Lined Under Section 22 of the General Municipal Law", and that anyone wishing to speak for or against this local law, may now do so.

There being no one wishing to speak, CHAIRMAN MARSH declared the public hearing closed.

CHAIRMAN MARSH called up Act No. 294-2013 and asked that it be read.

Approved by 7 members of the Finance Committee and 5 members of the County Operations Committee.

CHAIRMAN MARSH requested a Roll Call vote on Act No. 294-2013, Local Law Number 3-2013, which disclosed as follows:

Ayes: Aiello 0.8673, Boser 1.0267, Edstrom 0.8673, Edwards 0.9684, Felton 1.0972, Hale 1.0655, Klancer 1.1005, Koch 0.8685, Labuhn 0.8685, Lamberson 1.0267, Murphy 1.1005, Padlo 0.8673, Snyder, Jr. 1.0655, Sprague 1.0230, Stockman 1.0003, Teachman 0.8673, VanRensselaer 1.1278, Vickman 1.0972, Weller 1.0972, Marsh 1.1278 – 20.1305.

Nays: none.

Act No. 294-2013, Local Law Number 3-2013, having received the majority vote of the Legislature was declared Adopted.

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ACT NO. 307-2013 by Mr. Marsh
and Mr. Lamberson¹

**APPOINTMENTS TO COMMUNITY SERVICES BOARD ALCOHOL & SUBSTANCE ABUSE SUBCOMMITTEE,
COMMUNITY SERVICES BOARD MENTAL HEALTH SUBCOMMITTEE, AND
COMMUNITY SERVICES BOARD PEOPLE WITH DEVELOPMENTAL DISABILITIES SUBCOMMITTEE**

Pursuant to Section 41.11 of the Mental Hygiene Law.

RESOLVED, that the following individuals are appointed to the Community Services Board Alcohol & Substance Abuse Subcommittee effective July 24, 2013 with terms to expire December 31, 2016:

Daniel Piccioli
10 Solterra Circle
Allegany, New York 14706

Alan Barlow
Lionel R. John Health Center
R.C. Hoag Drive
Salamanca, New York 14779
(to fill the unexpired term of Matthew Bull),

and be it further

RESOLVED, that the following individual is appointed to the Community Services Board Mental Health Subcommittee effective July 24, 2013 with a term to expire December 31, 2015:

Matthew Bull
4122 Riceville Road
Machias, New York 14101,

and be it further

RESOLVED, that the following individual is appointed to the Community Services Board People with Developmental Disabilities Subcommittee effective July 24, 2013 with a term to expire December 31, 2015:

Linda Edstrom
408 Laurens Street
Olean, New York 14760.

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

¹The following Legislator requested his name be listed as an additional sponsor: "Mr. Lamberson".

Adopted July 24, 2013 by voice vote.

ACT NO. 308-2013 by Mr. Aiello and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
AUDUBON ARCHITECTURE, ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTS, P.C.
FOR PREPARATION OF BIDDING DOCUMENTS FOR MAKEUP AIR UNIT REPLACEMENT**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the existing rooftop makeup air unit at the Public Works Facility, serving the Parts Room (MAU-2), is failing and is in need of replacement, and

WHEREAS, Audubon Architecture, Engineering, Surveying & Landscape Architects, P.C., (formerly known as Wendel Duchscherer), 140 John James Audubon Parkway, Suite 201, Buffalo, New York 14228, can prepare the contractor bidding documents necessary for the aforementioned replacement for an amount of \$11,200.00 plus reimbursables not to exceed \$1,000.00, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Audubon Architecture, Engineering, Surveying & Landscape Architects, P.C., (formerly known as Wendel Duchscherer), for the provision of the above-described services, for a term commencing July 25, 2013 and terminating July 31, 2014, according to the above-described terms.

Approved by 9 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted July 24, 2013 by voice vote.

ACT NO. 309-2013 by Mr. Aiello and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH STANLEY ACCESS TECHNOLOGIES, LLC FOR MAINTENANCE OF
AUTOMATIC DOORS AT OLEAN OFFICE FACILITY**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 316-2010 authorized a contract with Seneca Automatic Door, Inc., for the provision of preventive maintenance services for the automatic doors at the Olean Office Facility, the term of which expires July 31, 2013, and

WHEREAS, the County Department of Public Works is desirous of continuing the aforementioned preventive maintenance services, and

WHEREAS, Stanley Access Technologies, LLC, (formerly Seneca Automatic Door, Inc.), 3699 Luker Road, Cortland, New York 13045, has agreed to provide preventive maintenance services for the automatic doors at the Olean Office Facility, for an amount of \$525.00 for each slide door operator, for a total of \$1,050.00 per year and a three-year total of \$3,150.00, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Stanley Access Technologies, LLC, for the provision of the above-described services, for a term commencing August 1, 2013 and terminating July 31, 2016, according to the above-described terms.

Approved by 9 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted July 24, 2013 by voice vote.

ACT NO. 310-2013 by Mr. Aiello and Mr. Weller
and Mrs. Stockman, Mr. VanRensselaer and Mr. Lamberson¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
T. Y. LIN INTERNATIONAL FOR
ENGINEERING ASSESSMENT REPORTS FOR
CATTARAUGUS COUNTY CLASS B DAMS**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the Department of Public Works is desirous of contracting for the provision of engineering assessment services for the following three (3) Class B dams in Cattaraugus County:

Conewango Creek Watershed Dam 13
 Ischua Creek Watershed Dam 2
 Ischua Creek Watershed Dam 3,

and

WHEREAS, T.Y. Lin International, 220 Red Tail, Suite 10, Orchard Park, New York 14127, can provide the necessary engineering assessment services for three (3) dams in Cattaraugus County for an amount of \$11,000.00 per dam, for a total amount of \$33,000.00, to be paid on a percent-of-completion basis as invoiced, and approved by the Department of Public Works, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned costs, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with T.Y. Lin International, for the provision of the above-described services, for a term commencing July 25, 2013 and terminating July 31, 2014, according to the above-described terms.

Approved by 9 members of the Finance Committee and 9 members of the Public Works Committee.

¹The following Legislators requested their names be listed as additional sponsors: "Mrs. Stockman, Mr. VanRensselaer and Mr. Lamberson".

Adopted July 24, 2013 by voice vote.

ACT NO. 311-2013 by Mr. Aiello and Mr. Weller
and Mrs. Stockman, Mr. VanRensselaer and Mr. Lamberson¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
 T. Y. LIN INTERNATIONAL FOR
 DAM HYDRAULIC CALCULATIONS FOR
 CATTARAUGUS COUNTY CLASS C AND B DAMS**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the Department of Public Works is desirous of contracting for the provision of engineering services for dam hydraulic calculations for eleven (11) Class C and B dams in Cattaraugus County, and

WHEREAS, T.Y. Lin International, 220 Red Tail, Suite 10, Orchard Park, New York 14127, can provide the necessary engineering services for dam hydraulic calculations for eleven (11) Class C and B dams in Cattaraugus County for an amount of \$13,500.00 per dam, for a total amount of \$148,500.00, to be paid on a percent-of-completion basis as invoiced, and approved by the Department of Public Works, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with T.Y. Lin International, for the provision of the above-described services, for a term commencing July 25, 2013 and terminating July 31, 2014, according to the above-described terms.

Approved by 9 members of the Finance Committee and 9 members of the Public Works Committee.

¹The following Legislators requested their names be listed as additional sponsors: “Mrs. Stockman, Mr. VanRensselaer and Mr. Lamberson”.

Adopted July 24, 2013 by voice vote.

ACT NO. 312-2013 by Mr. Aiello and Mr. Weller
and Mr. VanRensselaer¹

**AUTHORIZING TRANSFER OF FUNDS FOR
RENTAL USE OF MOORINGS AT ONOVILLE MARINA
(Onoville Marina Fund Balance)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, pursuant to an agreement with the Seneca Nation of Indians for the County's use of moorings on Seneca land at the Onoville Marina, the amount of \$23,236.80 is due representing rental for the years 2005, 2006 and 2007, as follows:

2005	\$7,985.60
2006	\$7,817.60
2007	\$7,433.60,

and

WHEREAS, it is necessary to appropriate from the Onoville Marina Enterprise Funds Retained Earnings account in order to pay the aforementioned amounts, now, therefore, be it

RESOLVED, that the County Administrator is hereby directed to make the following budgetary changes:

Increase Appropriation Account:

ER.723.7230.0000.44208	Onoville Marina Lease	\$23,236.80.
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Approved by 9 members of the Finance Committee and 9 members of the Public Works Committee.

¹The following Legislator requested his name be listed as an additional sponsor: “Mr. VanRensselaer”.

Adopted July 24, 2013 by voice vote.

ACT NO. 313-2013 by Mr. VanRensselaer and Mr. Boser
and Mr. Murphy and Mrs. Labuhn¹

ALLOCATION OF CATTARAUGUS COUNTY HOTEL AND MOTEL TAX

Pursuant to Local Law No. 20-2003 (Intro No. 21-2003).

WHEREAS, the Cattaraugus County Legislature is committed to the development and expansion of the County's economy, with emphasis on its tourism, industrial, agricultural and small business assets, and

WHEREAS, the diverse natural and recreational assets and cultural resources located in Cattaraugus County have made the County a significant tourist destination in the northeast, and

WHEREAS, examples of such resources include the Seneca Nation of Indians and its Seneca Allegany Casino, the Amish communities, Holiday Valley and Holimont ski resorts, Allegany State Park, Onoville Marina, Rock City, Griffis Sculpture Park, East Otto Country, several hundred miles of well-maintained snowmobile and hiking trails, equine trails, many hunting and fishing destinations, Lime Lake and an array of museums, and

WHEREAS, Local Law No. 20-2003 (Intro No. 21-2003), adopted by the Cattaraugus County Legislature on November 12, 2003, established the Cattaraugus County Hotel and Motel Tax, and

WHEREAS, the intent and purpose of Local Law No. 20-2003, as expressed therein, was to impose a tax on facilities providing lodging on an overnight basis and provide for the collection thereof in order to make funds available for tourism and economic development throughout Cattaraugus County, and

WHEREAS, the County is desirous of establishing a fair and equitable process for the provision of tourism promotion services, funded by the Hotel and Motel Tax, to all geographic areas within Cattaraugus County, and

WHEREAS, the Cattaraugus County Legislature deems it necessary to amend the Tourism Promotion Grant Program established by Act 465-2005, as amended by Act 107-2009, for the purpose of providing an equitable method for determining allocations from such tax on a long-term basis, now, therefore, be it

RESOLVED, that effective for the years 2014 through 2017, the Cattaraugus County Tourism Promotion Grant Program ("the Program") is amended and reconstituted as described herein, and be it further

RESOLVED, that annual funding for the Program shall be based on the net Hotel and Motel Tax receipts (gross receipts less five percent [5%] thereof which, as authorized by Local Law 20-2003, shall be used for the cost of administering such tax) for the year prior to the year in which the budget for Program funding is approved by the Legislature, i.e.: such funding for the 2014 Program shall be based on Hotel and Motel Tax received by the County in the year 2012, and be it further

RESOLVED, that the annual allocation to fund the Program shall be thirty percent (30%) of such net receipts (herein called "the Fund"), and be it further

RESOLVED, that sixty percent (60%) of the Fund shall be allocated to the following entities (collectively referred to as "Group A"), in the following proportions:

- a) Fifty-seven percent (57%) thereof to the Ellicottville Chamber of Commerce;
- b) Twenty-nine percent (29%) thereof to the Greater Olean, Inc. Chamber of Commerce; and
- c) Fourteen percent (14%) thereof to the Seneca Salamanca Chamber of Commerce,

and be it further

RESOLVED, that the following rules and procedures shall apply to Group A participants:

- a) applications for funding shall be submitted, on or before the first day of October of the year prior to the year for which funding is sought, to the Economic Development, Planning and Tourism Department (“the Department”) on forms which shall be available at the office of the Department;
- b) such applications shall include marketing and media plans for the year;
- c) the Department shall review such applications to determine whether proposed expenditures are consistent with the goals and objectives of the Program and are within the amounts budgeted therefore;
- d) if such proposed funding is approved by the Director of the Department, the County Attorney and the County Administrator, the Chair of the Legislature is authorized and directed to execute contracts, on behalf of Cattaraugus County, with Group A entities for the provision of tourism promotion services during the year;
- e) each such contract shall provide that fifty percent (50%) of the subject Chamber’s allocation shall be paid upon the execution thereof and that the balance shall be paid upon receipt by the Department of receipted invoices or other proof documenting that the Chamber has fully paid the approved expenses for the event involved, together with a report in writing describing the event and all promotional materials and research relating to the event, including, without limitation, promotional videos and photographs; and
- f) Group A participants must notify the Department of the date, place and time of their monthly meetings, permit a representative of the Department to attend such meetings and furnish the Department with copies of all directors’ meeting minutes within ten (10) days after such minutes are approved by the board of directors,

and be it further

RESOLVED, that the remaining forty percent (40%) of the Fund shall be allocated to Account A.645.6410.0000.40813 (Grant Program for Tourism) for the benefit of any Chamber of Commerce (other than those Chambers of Commerce listed in the fourth Resolved paragraph above) or other organization or entity (collectively referred to as “Group B”) which seeks financial assistance for tourism promotion in Cattaraugus County during the next calendar year, and be it further

RESOLVED, that the following rules and procedures shall apply to Group B participants:

- a) applications for funding shall be submitted, on or before the first day of December of the year prior to the year for which funding is sought, to the Economic Development, Planning and Tourism Department (“the Department”) on forms which shall be available at the office of the Department;

- b) the Department shall review such applications and determine which Group B entities and events shall be promoted by the County during the succeeding year, subject to the approval of the Development and Agriculture Committee; and
- c) upon receiving such approval, the Department is authorized and directed to plan for, advertise and otherwise market the approved Group B events during the year, within the amount budgeted therefore,

and be it further

RESOLVED, that any Group A participant may at any time, in its sole discretion, opt to participate in Group B rather than in Group A for the years following the year in which such decision is made. In that event, the participant's share of the Fund shall be deducted from the Part A allocation and added to the Part B allocation. Such amount shall be devoted to and used by the Department for tourism promotion for the benefit of such participant, and be it further

RESOLVED, that the requirements established by this resolution shall, unless otherwise extended by the Legislature, expire on December 31, 2017.

Approved by 9 members of the Finance Committee and 7 members of the Development and Agriculture Committee.

¹The following Legislators requested their names be listed as additional sponsors: "Mr. Murphy and Mrs. Labuhn".

Adopted July 24, 2013 by voice vote. Mr. Edwards voted No.

ACT NO. 314-2013 by Mr. Snyder, Sr.

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NCSPLUS INCORPORATED FOR
TREASURER'S OFFICE COLLECTION SERVICES AND
TRANSFER OF FUNDS
(Contingent Fund – Treasurer)**

Pursuant to Sections 363, 365, 450 and 550 of the County Law.

WHEREAS, Cattaraugus County is desirous of obtaining services for the collection of delinquent accounts, and

WHEREAS, NCSPlus Incorporated, 117 East 24th Street, 5th Floor, New York, New York 10010, shall provide Level 1 Service collection services, which shall include five (5) letters, phone calls, skip tracing and credit reporting for Cattaraugus County for an amount of \$7,000.00, which is based on 500 accounts at \$14.00 per account, and

WHEREAS, NCSPlus Incorporated guarantees that the County will recover 400% of its paid-in-full system purchase price during the Case Recovery System's Primary Phase, or NCS will continue to work additional accounts for free until the 400% return on investment is achieved, and

WHEREAS, a transfer of funds is necessary in order to cover the cost of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with NCSPlus Incorporated, for the provision of

the above-described services, for a term commencing July 24, 2013 and continuing in full force and effect until terminated by either party hereto, according to the above-described terms, and be it further
RESOLVED, that the County Administrator is hereby directed to make the following budgetary changes:

Decrease Appropriation Account:

A.901.1990.0000.40601	Contingent Fund	\$7,000.00
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Increase Appropriation Account:

A.132.1325.0000.41019	Collection Services	\$7,000.00.
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Approved by 9 members of the Finance Committee.

Adopted July 24, 2013 by voice vote.

ACT NO. 315-2013 by Mr. VanRensselaer and Mr. Boser
and Mrs. Labuhn¹

**AUTHORIZING APPLICATION FOR TOURISM PROMOTION AND
DESIGNATING GRANT ADMINISTRATOR**

Pursuant to Section 164 of the Economic Development Law.

WHEREAS, Act 332-2012 authorized an application for tourism promotion and designated the grant administrator, and

WHEREAS, the New York State Tourist Promotion Act provides that the Commissioner of Economic Development may, upon application, match the funds expended by tourist promotion agencies and provide other assistance to local organizations for the promotion of tourist travel, resorts, and vacation businesses of the State of New York, and

WHEREAS, before an application for matching funds for the promotion of tourism can be submitted, it is required that the Cattaraugus County Legislature designate a tourist promotion agency to make such application and to receive grants for the purposes specified in the law, and

WHEREAS, Cattaraugus County should contribute a local share of \$70,000.00 in Fiscal Year 2014 to leverage additional funds from the New York State I Love New York Matching Funds Program, now, therefore, be it

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism, is hereby authorized and directed to submit all the required applications and other documents, on behalf of Cattaraugus County, necessary for the purpose of receiving these funds, and be it further

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism, is hereby authorized and directed to receive grants from the State of New York for, and on behalf of, Cattaraugus County for the purposes herein specified, and be it further

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism is hereby designated as the administrator of these funds, and be it further

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism is authorized to apply for state matching funds up to \$500,000 for the program year October 1, 2013 through September 30, 2014, and be it further

RESOLVED, that if the application for such funding is approved, then the Cattaraugus County Department of Economic Development, Planning and Tourism shall submit the grant agreement to the Legislature for approval and appropriation prior to the commencement of any work, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Commissioner of Economic Development of the State of New York and the Marketing Manager, Matching Funds, New York State Department of Economic Development.

Approved by 9 members of the Finance Committee and 7 members of the Development and Agriculture Committee.

¹The following Legislator requested her name be listed as an additional sponsor: "Mrs. Labuhn".

Adopted July 24, 2013 by voice vote.

ACT NO. 316-2013 by Mr. Murphy

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
FOR 2013 STATE HOMELAND SECURITY PROGRAM GRANT
(Sheriff's Office)**

Pursuant to Public Law 107-56, Department of Homeland Security Appropriations Act of 2005, Public Law 108-334 and Sections 363 and 366 of the County Law.

WHEREAS, Act 265-2013 authorized the Chairman to execute grant documents with the New York State Office of Homeland Security for a grant in the amount of \$160,000.00 for the fiscal year 2013 State Homeland Security Program, and

WHEREAS, the County Sheriff's Office has been awarded an amount of \$40,000.00 under the 2013 State Homeland Security Program, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned funding, now, therefore, be it

RESOLVED, that the County Administrator is hereby directed to make the following budgetary changes:

Increase Estimated Revenue Account:

A.311.3645.3643.4389-01	2013 Homeland Security	\$40,000.00
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Increase Appropriation Accounts:

A.311.3645.3643.20207	Homeland Security Equipment	\$33,000.00
A.311.3645.3643.45401	Small Tools & Equipment	\$ 7,000.00.

Approved by 9 members of the Finance Committee and 5 members of the Public Safety Committee.

Adopted July 24, 2013 by voice vote.

ACT NO. 317-2013 by Mrs. Stockman

**SALE OF TAX TITLE PROPERTY TO FORMER OWNERS
(Town of Dayton)**

Pursuant to Section 215 of the County Law and Rule 40 of the Rules of Order of the Cattaraugus County Legislature.

WHEREAS, Cattaraugus County has tax title to certain property situate in the Town of Dayton, and

WHEREAS, the former owners of the property have offered to purchase the same at a cost which will cover the County’s financial involvement in these premises, and

WHEREAS, the costs involved for these premises have been tendered to the County Treasurer’s Office, now, therefore, be it

RESOLVED, that the County Treasurer be, and hereby is, authorized and directed, on behalf of Cattaraugus County, to execute a County Treasurer’s Deed conveying this property to the following individuals:

TOWN OF DAYTON

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
119	33.034-1-16	¹ Travis Everett	8331 Route 62 ¹ South Dayton, NY 14138	\$7,919.96

Approved by 9 members of the Finance Committee and 7 members of the County Operations Committee.

¹MRS. STOCKMAN moved, Mr. Teachman seconded, to amend as follows: Under Former Owner(s), delete: “Lisa Silleman”, and under Address, delete: “283 Mill St”, and replace with: “8331 Route 62”. Carried.

Adopted, as amended, July 24, 2013 by voice vote.

ACT NO. 318-2013 by Mr. Aiello and Mr. Lamberson

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
WCA HOSPITAL FOR AUDIOMETRIC TESTING TO INCLUDE
MEDICAL EXAMINATIONS FOR POLICE OFFICERS**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 129-2013 authorized a contract with WCA Hospital for the provision of audiometric examinations, monitoring and training services for certain County employees, the term of which expires December 31, 2013, and

WHEREAS, the Human Resources Department is required to perform medical examinations on prospective Police Officers and Deputy Sheriffs, and

WHEREAS, the Human Resources Department is desirous of having WCA Hospital perform these medical examinations which must meet the standards prescribed by the New York State Municipal Police Training Council, and

WHEREAS, WCA Hospital has agreed to provide the aforementioned medical examination services, in accordance with the following rate schedule:

Industry History and Physical	\$68.00/exam
Drug Screen Teds PLUS	\$47.00/exam
EKG with interpretation	\$45.00/exam
OH Hearing	\$23.00/exam,

and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract with WCA Hospital, for the provision of medical examination services, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms.

Approved by 9 members of the Finance Committee, 5 members of the Public Safety Committee and 5 members of the Labor Relations Committee.

Adopted July 24, 2013 by voice vote.

ACT NO. 319-2013 by Mr. Felton and Ms. Vickman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
TOTAL SENIOR CARE, INC. FOR
PACE PROGRAM HOME DELIVERED MEALS**

Pursuant to Section 95-a of the General Municipal Law and
Section 450 of the County Law.

WHEREAS, Act 402-2012 authorized a contract with Total Senior Care, Inc., 519 North Union Street, Olean, New York 14760, to purchase home delivered meals and congregate meals from the County Department of Aging for PACE Program participants as part of a comprehensive program of services to participants, the term of which expires August 31, 2013, and

WHEREAS, the County Department of Aging is desirous of renewing the aforementioned contract, and

WHEREAS, the Department of Aging has agreed to provide the aforementioned meals through its Senior Nutrition Program to PACE Program participants in accordance with the following rates:

Hot Noon Meal and Cold Supper combined:	Medicaid Rate
Hot Noon Meal only:	Medicaid Rate
Congregate Meal:	\$4.50 per meal,

now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Total Senior Care, Inc., for the provision of the above-described meal services, for a term commencing September 1, 2013 and terminating August 31, 2014, according to the above-described terms.

Approved by 9 members of the Finance Committee and 5 members of the Senior Services Committee.

Adopted July 24, 2013 by voice vote.

ACT NO. 320-2013 by Ms. Edstrom and Mrs. Stockman
and Mr. VanRensselaer¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
RANDOLPH CENTRAL SCHOOL DISTRICT FOR
PEDIATRIC SKILLED NURSING SERVICES IN SCHOOL SETTING**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 139-2013 authorized a contract with the Randolph Central School District, 18 Main Street, Randolph, New York 14772, for the provision of pediatric skilled nursing services for one preschool child in a school setting and during transport to and from school in the Randolph Central School District, the term of which expired June 30, 2013, and

WHEREAS, the Youth Bureau is in need of continuing the aforementioned pediatric skilled nursing services, and

WHEREAS, the Randolph Central School District has personnel who can provide pediatric skilled nursing services for two preschool children in a school setting and during transport to and from school in the Randolph Central School District for an amount in accordance with the following rate schedule:

Registered Nurse	\$28.00 per hour
LPN	\$21.00 per hour
LPN Premium	\$24.00 per hour,

and

WHEREAS, this program is 59% federal, 25% state and 16% county funded, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Randolph Central School District, for the provision of the above-described services, for a term commencing July 1, 2013 and terminating June 30, 2014, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

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

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.

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

¹The following Legislator requested his name be listed as an additional sponsor: "Mr. VanRensselaer".

Adopted July 24, 2013 by voice vote.

ACT NO. 321-2013 by Ms. Edstrom and Mrs. Stockman
and Mrs. Vickman¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COMMUNITY ACTION, INC. FOR
WIC LICENSED PRACTICAL NURSING SERVICES**

Pursuant to Section 3602 of the Public Health Law and
Section 450 of the County Law.

WHEREAS, Act 474-2012 authorized a contract with the Willcare, Inc., for the provision of licensed practical nursing (LPN) services for the Health Department WIC Program, the term of which expires December 31, 2013, and

WHEREAS, effective August 1, 2013, Willcare, Inc., will no longer be providing the aforementioned services, and

WHEREAS, Cattaraugus Community Action, Inc., 25 Jefferson Street, P.O. Box 308, Salamanca, New York 14779, has agreed to provide the aforementioned LPN services to Cattaraugus County for an amount not to exceed \$40,450.00, to be paid on a monthly basis as invoiced, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Cattaraugus Community Action, Inc., for the provision of the above-described services, for a term commencing August 1, 2013 and terminating September 30, 2014, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

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

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.

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

¹The following Legislator requested her name be listed as an additional sponsor: “Mrs. Vickman”.

Adopted July 24, 2013 by voice vote.

ACT NO. 322-2013 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENT AND FINANCING DOCUMENTS
WITH THERMO FISHER FINANCIAL SERVICES AND FISHER HEALTHCARE
FOR HEALTH DEPARTMENT LABORATORY EQUIPMENT**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 187-2008 authorized a lease agreement with Beckman Coulter, Inc., for the provision of equipment for the Health Department laboratory, the term of which expires July 31, 2013, and

WHEREAS, the County Health Department is desirous of leasing laboratory equipment, and

WHEREAS, the County Health Department is also desirous of executing the financing documents for the leasing of the aforementioned laboratory equipment, and

WHEREAS, Thermo Fisher Financial Services, in partnership with Fisher HealthCare, 81 Wyman Street, Waltham, Massachusetts 02451, has agreed to lease to the County Health Department laboratory equipment for an amount as follows:

Horiba/ABX Micros 16 LiteDM CT Equipment	\$13,125.00
4 Years Pass Through Service	\$11,244.00
Reagents	<u>\$252.52/month</u>
Total	\$680.02/month,

and

WHEREAS, the aforementioned lease shall be a 60-month lease with a full five-year warranty at no additional charge, and

WHEREAS, sufficient funds are included in the budget to cover the costs of the aforementioned lease, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a lease agreement and necessary financing documents, on behalf of Cattaraugus County, with Thermo Fisher Financial Services, in partnership with Fisher HealthCare, for the provision of the above-described leased laboratory equipment, for a term commencing August 1, 2013 and terminating July 31, 2018, according to the above-described terms.

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted July 24, 2013 by voice vote.

ACT NO. 323-2013 by 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
(Department of Health)**

Pursuant to Article 13-F of the Public Health Law and
Section 450 of the County Law.

WHEREAS, Act 214-2012 authorized a contract with New York State Department of Health for a youth tobacco enforcement and preventive work plan to reduce the use and accessibility of tobacco to youths under 18 years of age, the term of which expired March 31, 2013, and

WHEREAS, funding is available in the amount of \$28,761.00 through the New York State Department of Health under the Center for Environmental Health, Bureau of Community Sanitation and Food Protection, Flanigan Square, 547 River Street, Room 515, Troy, New York 12180-2216, for an Adolescent Tobacco Use Prevention Act Enforcement Program for the 2013-2014 program year, and

WHEREAS, the County Department of Health is desirous of continuing the aforementioned program, and

WHEREAS, the program is 100% state funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the New York State Department of Health for the aforementioned program funding, for a term commencing April 1, 2013 and terminating March 31, 2014, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

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

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.

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted July 24, 2013 by voice vote.

ACT NO. 324-2013 by Ms. Edstrom and Mrs. Stockman
and Ms. Vickman and Mr. Lamberson¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR
HEALTH DEPARTMENT WIC PROGRAM**

Pursuant to 42 USCS Section 1786 and
Section 450 of the County Law.

WHEREAS, Act 333-2012 authorized a contract with the New York State Department of Health for WIC Program funding, the term of which expires September 30, 2013, and

WHEREAS, the County Health Department has been awarded funding for the period October 1, 2013 to September 30, 2014 in the amount of \$485,902.00, and

WHEREAS, a contract is necessary in order to receive this funding from the New York State Department of Health, and

WHEREAS, this program is 25% state and 75% federally funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract on behalf of Cattaraugus County, with the New York State Department of Health for WIC Program funding for a term commencing October 1, 2013 and terminating September 30, 2014, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

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

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.

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

¹The following Legislators requested their names be listed as additional sponsors: "Ms. Vickman and Mr. Lamberson".

Adopted July 24, 2013 by voice vote.

ACT NO. 325-2013 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COMMUNITY ACTION, INC., FOR
YOUTH PLACEMENT PREVENTION PROGRAMMING (FAST) AND
TEENAGE SERVICE ACT (TASA) SERVICES**

Pursuant to 9 NYCRR Subpart 165-1, Section 501 of the Executive Law, and
Section 450 of the County Law.

WHEREAS, Act 197-2012, as amended by Act 227-2012, authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, P.O. Box 398, Salamanca, New York 14779, through its "Families and Schools Together (FAST) Program", for the provision of a placement prevention program to reduce the number of Cattaraugus County youth that are court-ordered to placement due to a history of PINS and/or juvenile delinquency behavior, the term of which expired June 30, 2013, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned program, and

WHEREAS, Cattaraugus Community Action, Inc., through its "Families and Schools Together (FAST) Program" and "Teenage Service Act (TASA) Program", will target specific school districts mutually agreed upon by both parties, except the Olean City School District, and has agreed to continue the aforementioned services, plus provide TASA services and for an amount not to exceed \$203,548.00, to be paid on a monthly basis for services provided during the preceding month, as invoiced, and

WHEREAS, this program is 62% state and 38% county funded, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned program, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Cattaraugus Community Action, Inc., for the provision of the above-described Youth Placement Prevention Programming, for a term commencing July 1, 2013 and terminating June 30, 2014, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

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

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.

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted July 24, 2013 by voice vote.

ACT NO. 326-2013 by ¹ Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN COMMUNITY SCHOOLS FOR GED INSTRUCTION**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Department of Social Services is desirous of providing GED instruction services for eligible recipients up to the age of 21, and

WHEREAS, Olean Community Schools, 410 West Sullivan Street, Olean, New York 14760, through its Adult Education Program, can provide the aforementioned GED instruction services for an amount not to exceed \$12,000.00, to be paid on a monthly basis as invoiced, and

WHEREAS, this program is 100% federally funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Olean Community Schools, for the provision of the above-described services, for a term commencing July 1, 2013 and terminating June 30, 2014, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

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

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.

Approved by 9 members of the Finance Committee and 6 members of the Human Services Committee.

¹MS. EDSTROM requested her name be removed as a sponsor.

Adopted July 24, 2013 by voice vote. Ms. Edstrom abstained from vote.

ACT NO. 327-2013 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
JUDITH GALLEGOS FOR TANF ELIGIBLE DRUG/ALCOHOL
SCREENING AND CASE MANAGEMENT**

Pursuant to 29 USCS 1604 and Section 450 of the County Law.

WHEREAS, Act 504-2012 authorized a contract with Judith Gallegos, 6 North Academy Street, Franklinville, New York 14737, for the provision of drug/alcohol screening and comprehensive case management for all public assistance adult applicants/recipients, the term of which expires December 31, 2013, and

WHEREAS, due to the increase in the number of individuals requesting temporary assistance (cash assistance), additional services are necessary, and

WHEREAS, Judith Gallegos, an independent contractor, has agreed to provide additional drug/alcohol screening and comprehensive case management for all public assistance adult applicants/recipients for a total annual amount not to exceed \$45,978.00, to be paid as invoiced, and

WHEREAS, the aforementioned services are 100% federally funded, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with Judith Gallegos for the provision of the above-described services, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

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

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.

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted July 24, 2013 by voice vote.

ACT NO. 328-2013 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING CERTAIN CHARGE-OFFS OF CERTAIN ACCOUNTS
RECEIVABLE IN THE DEPARTMENT OF COMMUNITY SERVICES**

Pursuant to Section 153 of the County Law.

WHEREAS, the Department of Community Services has accounts receivable related to the PROS program which have been deemed to be uncollectable, and

WHEREAS, the Cattaraugus County Community Services Board has recommended that the County remove these bad debts from the records of the Department of Community Services, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the removal of the debts from the accounts receivable records of the Department of Community Services in an amount of \$180.00.

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted July 24, 2013 by voice vote.

ACT NO. 329-2013 by Mr. Marsh and Mrs. Stockman
and Mr. VanRensselaer¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COMMUNITY ACTION, INC., FOR DEPARTMENT OF
COMMUNITY SERVICES MENTAL HEALTH CLINICIAN AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

Pursuant to Section 41.07 of the Mental Hygiene Law and
Sections 363, 366 and 450 of the County Law.

WHEREAS, the County Department of Community Services is desirous of contracting for a Master's Level mental health therapist (clinician) for the PROS Program to replace a County Rehabilitation Specialist position, and

WHEREAS, Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, can provide a Master's Level mental health therapist (clinician) to serve as a mental health therapist for the PROS Program for an amount of \$26,061.00 for the remainder of 2013, to be paid on a monthly basis, as invoiced, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Cattaraugus Community Action, Inc., for the provision of the above-described services, for a term commencing August 1, 2013 and terminating December 31, 2013, according to the above-described terms, and be it further

RESOLVED, that the County Administrator is hereby directed to make the following budgetary changes:

Decrease Appropriation Accounts:

A.431.4340.6340.11000	PROS-Full Time Wages	\$21,038.00
A.431.4340.6340.82000	PROS-Retirement	\$ 3,721.00
A.431.4340.6340.83000	PROS-Health Insurance	\$ 1,302.00

Increase Appropriation Account:

A.431.4340.6340.41229	PROS-Social Worker Contracted	\$26,061.00.
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Approved by 9 members of the Finance Committee and 6 members of the Human Services Committee.

¹The following Legislator requested his name be listed as an additional sponsor: "Mr. VanRensselaer".

Adopted July 24, 2013 by voice vote. Mr. Padlo voted No.

ACT NO. 330-2013 by Mr. Aiello, Mr. Snyder, Sr.,
Mr. Teachman, Ms. Edstrom and Mr. Padlo
who ask immediate consideration

**SALE OF TAX TITLE PROPERTY
(City of Olean)**

Pursuant to Section 215 of the County Law and Rule 40 of the Rules of Order of the Cattaraugus County Legislature.

WHEREAS, Cattaraugus County has tax title to certain property situate in Cattaraugus County, as described below, and

WHEREAS, the property was exposed to bid at public auction as required by Rule 40 of the Rules of Order of the Cattaraugus County Legislature, and

WHEREAS, Act 233-2013 authorized the sale of the following described property to the highest bidder, and

WHEREAS, the highest bidder did not complete the purchase within thirty (30) days, and
WHEREAS, the property has been offered to the second highest bidder at the highest bid price, and

WHEREAS, the highest bid received for the property was the bid listed below, now, therefore, be it

RESOLVED, that if the tender by the bidder of the total purchase price is not made within 30 days after the adoption hereof, then the acceptance of that individual's bid shall thereafter be void and of no further effect, as of course, and the bid deposit shall be forfeited pursuant to Rule 40.8 of the Rules of Order, and be it further

RESOLVED, that the County Treasurer be, and hereby is, authorized and directed to execute County Treasurer's Deed conveying the property to the following individual at the bid price listed:

CITY OF OLEAN

PARCEL NO.	TAX MAP NO.	HIGH BIDDER	ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
26	94.074-1-33	Conn Keogh	22 Carriage Hill Court Williamsville, NY 14221	\$4,723.97	\$3,000.00

MR. KLANCER moved, seconded by Mr. Sprague to waive Rule 12. Carried.

Adopted July 24, 2013 by voice vote.

ACT NO. 331-2013 by Mr. Aiello and Mr. Weller
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
NEW YORK STATE INDUSTRIES FOR THE DISABLED FOR
OLEAN OFFICE FACILITY JANITORIAL SERVICES**

Pursuant to Section 162 of the State Finance
Law and Section 450 of the County Law.

WHEREAS, Act 485-2011, as amended by Acts 60-2012 and 369-2012, authorized a contract with New York State Industries for the Disabled, 155 Washington Avenue, Suite 400, Albany, New York 12210, through SubCon Industries, Inc., for the provision of janitorial services for the Olean Office Facility, the term of which expires December 31, 2013, and

WHEREAS, the New York State Industries for the Disabled, through SubCon Industries, Inc., has notified the County Department of Public Works that due to an increase in the prevailing wage rate schedule published in July of 2013, under PRC#2011900892, for the aforementioned services, the cost for the aforementioned services has also increased, and

WHEREAS, a contract amendment is necessary due to the aforementioned rate increase, and

WHEREAS, the New York State Industries for the Disabled, through SubCon Industries, Inc., has agreed to perform the aforementioned janitorial services for an amount of \$14,450.40 per month, for the period July 1, 2013 through December 31, 2013, to be paid on a monthly basis as invoiced, with the option to increase the hourly rates if the prevailing wage rates increase, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned services, now, therefore, be it

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 New York State Industries for

the Disabled, through SubCon Industries, Inc., for the provision of the above-described services, for a term commencing January 1, 2012 and terminating December 31, 2013, according to the above-described terms.

MS. VICKMAN moved, seconded by Mr. Lamberson to waive Rule 12. Carried.

Adopted July 24, 2013 by voice vote. Mrs. Labuhn and Mr. Padlo abstained from voting.

ACT NO. 332-2013 by Ms. Edstrom and Mrs. Stockman
who ask immediate consideration

**APPROVING AMENDED CONTRACT BETWEEN
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND
NEW YORK STATE INDUSTRIES FOR THE DISABLED, INC. FOR
JANITORIAL SERVICES FOR DEPARTMENT OF COMMUNITY SERVICES
PROS AND CASE MANAGEMENT OFFICES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 181-2012, as amended by Act 370-2012, authorized a contract with the New York State Industries for the Disabled, Inc., for the provision of janitorial services for the PROS Facility and Case Management Offices located at 203 Laurens Street, Olean, New York 14760, the term of which expires December 31, 2013, and

WHEREAS, the New York State Industries for the Disabled, through SubCon Industries, Inc., has notified the County Department of Community Services that due to an increase in the prevailing wage rate schedule published in July of 2013, under PRC#2011900983, for the aforementioned services, the cost for the aforementioned services has also increased, and

WHEREAS, a contract amendment is necessary due to the aforementioned rate increase, and

WHEREAS, the New York State Industries for the Disabled, Inc., through SubCon Industries, Inc., has agreed to provide janitorial services, for the PROS Facility and Case Management Offices located at 203 Laurens Street, Olean, New York 14760, for an amount of \$1,277.91 per month, for the period July 1, 2013 through December 31, 2013, to be paid on a monthly basis as invoiced, with the option to increase the hourly rates if the prevailing wage rates increase, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, between the Cattaraugus County Community Services Board and New York State Industries for the Disabled, Inc., to signify the County's approval, for the provision of the above-described services, for a term commencing January 1, 2012 and terminating December 31, 2013, according to the above-described terms.

MR. VANRENSELAER moved, seconded by Mr. Boser to waive Rule 12. Carried.

Adopted July 24, 2013 by voice vote. Mrs. Labuhn and Mr. Padlo abstained from voting.

ACT NO. 333-2013 by Development & Agriculture Committee:
Mr. VanRensselaer, Mrs. Labuhn, Mr. Murphy, Mr. Snyder, Sr.,
Mr. Teachman, Mr. Boser and Mr. Padlo
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH EVE BERRY & PARTNERS, LLC FOR
GRANT WRITING ASSISTANCE AND CONSULTANT SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, the County is in need of grant writing assistance and consultant services to write and file various grant fund applications, and

WHEREAS, Eve Berry & Partners, LLC, 140 Linwood Avenue, B-12, Buffalo, New York 14209, can provide the necessary grant writing assistance and consultant services to assist the County in applying for funds through various grant programs, for an amount not to exceed \$5,000.00, to be paid as invoiced, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Eve Berry & Partners, LLC, for the provision of the above-described services, for a term commencing July 24, 2013 and terminating July 23, 2014, according to the above-described terms.

MR. HALE moved, seconded by Mr. Padlo to waive Rule 12. Carried.

Adopted July 24, 2013 by voice vote.

ACT NO. 334-2013 by Development & Agriculture Committee:
Mr. VanRensselaer, Mrs. Labuhn, Mr. Murphy, Mr. Snyder, Sr.,
Mr. Teachman, Mr. Boser and Mr. Padlo
and Mr. Aiello and Mr. Weller
who ask immediate consideration

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH THE
CONSOLIDATED FUNDING APPLICATION PROCESS WITH NEW YORK STATE
FOR VARIOUS PROJECTS**

Pursuant to Section 450 of the County Law.

WHEREAS, funding is available through the Consolidated Funding Application (CFA) process from New York State for various projects, including, but not limited to, the following:

- Further planning, development and marketing of the New York Amish Trail;
- Expansion & improvement of Onoville Marina;
- Tourism-related initiatives regarding historical/cultural sites in Cattaraugus County;

- Planning for & development of a multi-use facility on County property in the Olean area; and
- Infrastructure replacement or improvement on County Road Nos. 13 or 27,

and

WHEREAS, the CFA process allows applicants to access multiple State funding sources,

and

WHEREAS, the County is desirous of applying for the aforementioned CFA funding, now,

therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant applications, on behalf of Cattaraugus County, with New York State, in order to apply for grants through the Consolidated Funding Application process, according to the above-described terms.

MS. EDSTROM moved, seconded by Mr. Koch to waive Rule 12. Carried.

Adopted July 24, 2013 by voice vote.

ACT NO. 335-2013 by Mr. Murphy
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES
FOR EXPLOSIVE DETECTION CANINE TEAM GRANT**

Pursuant to Section 103 of the General Municipal Law and
Section 450 of the County Law.

WHEREAS, funding in the amount of \$20,000.00 is available through the New York State Division of Homeland Security and Emergency Services for sustainment and enhancement of capabilities for a previously developed Explosive Detection Canine Team, and

WHEREAS, the Sheriff's Office is desirous of applying for the aforementioned grant, and

WHEREAS, the aforementioned grant includes equipment purchase and training, exercise and planning opportunities that will sustain or enhance a present team's capabilities, and

WHEREAS, grant documents are necessary in order to apply for the aforementioned funding, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the New York State Division of Homeland Security and Emergency Services, in order to apply for the aforementioned grant, according to the above-described terms.

MRS. STOCKMAN moved, seconded by Mrs. Labuhn to waive Rule 12. Carried.

Adopted July 24, 2013 by voice vote.

ACT NO. 336-2013 by Human Services Committee:
 Ms. Edstrom, Mrs. Stockman, Mr. Edwards, Mr. VanRensselaer,
 Ms. Vickman, Mr. Lamberson and Mr. Padlo
 and Senior Services Committee:
 Ms. Vickman, Mr. Felton, Ms. Edstrom, Mr. Hale,
 Mr. Snyder, Jr., Mr. Koch and Mrs. Labuhn
 who ask immediate consideration

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
 (Various Departments)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, the 2013 appropriations for various expenditures are short, and
 WHEREAS, various appropriation and revenue accounts must be adjusted in order to
 correct the overages, now, therefore, be it

RESOLVED, that the County Administrator is hereby directed to make the following
 budgetary changes:

Increase Estimated Revenue Accounts:

EF.453.4530.0000.1650.11	Public Nursing Home Income Physical Therapy	\$17,000.00
EF.453.4530.0000.1650.12	Public Nursing Home Income Occupational Therapy	\$17,000.00
EF.453.4530.0000.1650.13	Public Nursing Home Income Speech Therapy	\$17,000.00

Decrease Appropriation Accounts:

A.431.4341.0670.48102	Client Travel	\$ 4,000.00
A.296.2961.2962.40407	Evaluations	\$ 1,213.00
A.296.2961.2962.40408	Tuition	\$67,859.52
A.296.2961.2962.41601	Transportation	\$13,187.00
A.677.6702.6908.41601	Transportation	\$14,195.00
A.677.6702.6911.41601	Transportation	\$ 1,200.00
A.677.6721.0000.47002	Office Supplies	\$ 270.50
EI.453.4530.6020.00004.13000	LPN Overtime	\$35,000.00

Increase Appropriation Accounts:

A.431.4341.0670.41012	Transportation Coordinator	\$ 4,000.00
A.296.2961.2969.40407	Evaluations	\$ 1,213.00
A.296.2961.2969.40408	Tuition	\$67,859.52
A.296.2961.2961.41012	Transportation Coordinator	\$13,187.00
A.677.6702.6908.41012	Transportation Coordinator	\$14,465.50
A.677.6702.6911.41012	Transportation Coordinator	\$ 1,200.00
EI.453.4530.6020.41220	Nursing Contracted Services	\$35,000.00
EF.453.4530.7340.41221	Occupational Therapy Contracted	\$51,000.00.

MR. AIELLO moved, seconded by Mr. Teachman to waive Rule 12. Carried.

Adopted July 24, 2013 by voice vote.

ACT NO. 337-2013 by Ms. Edstrom and Mrs. Stockman
who ask immediate consideration

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE AMENDED CONTRACT WITH
ALLEGANY COUNTY FOR HEALTH DEPARTMENT
CANCER SERVICES PROGRAM**

Pursuant to Act 290-2011, as amended, of the Cattaraugus County Legislature.

WHEREAS, Act 195-2012 authorized a contract with the Allegany County Health Department for the provision of medical services, including cancer screening services, by the Cattaraugus County Health Department, the term of which expired March 31, 2013, and

WHEREAS, the parties are desirous of continuing the aforementioned program through March 31, 2014, and

WHEREAS, the Cattaraugus County Health Department is able to provide the aforementioned medical services, including colposcopy, colposcopy-directed biopsy and pathology, in accordance with the NYS maximum allowable reimbursement rates, for the Allegany County Health Department, and

WHEREAS, this program is 100% state funded, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with Allegany County for the provision of the above-described services, for a term commencing April 1, 2012 and terminating March 31, 2014, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

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

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.

MR. EDWARDS moved, seconded by Mr. Weller to waive Rule 12. Carried.

Adopted July 24, 2013 by voice vote.

ACT NO. 338-2013 by Ms. Edstrom and Mrs. Stockman
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
WELCO, LKA, INC. FOR HEALTH DEPARTMENT
CLEAN INDOOR AIR ACT COMPLIANCE CHECKS**

Pursuant to Article 13-F of the Public Health Law,
Section 1399-hh(3) of the Public Health Law and
Section 450 of the County Law.

WHEREAS, Act 307-2012 authorized a contract with WELCO, LKA, Inc., 1869 Camp Street Ext., Jamestown, New York 14701, for the provision of Clean Indoor Air Act compliance checks on bars and restaurants within Cattaraugus County, the term of which expired March 30, 2013, and

WHEREAS, the County Health Department is desirous of continuing the aforementioned services for bars only, unless a complaint is received on a facility that is not a bar, and

WHEREAS, WELCO, LKA, Inc., has agreed to continue performing the aforementioned compliance checks on bars, at sites to be determined by the Cattaraugus County Board of Health, for an amount of \$48.00 per site, plus mileage and meals, not to exceed an amount of \$5,904.00, to be paid as invoiced and approved by the Health Department, and

WHEREAS, this program is 100% state funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with WELCO, LKA, Inc., for the provision of the above-described services, for a term commencing August 1, 2013 and terminating March 31, 2014, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

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

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.

MR. SNYDER, JR. moved, seconded by Mr. Felton to waive Rule 12. Carried.

Adopted July 24, 2013 by voice vote. Mr. Hale voted No.

ACT NO. 339-2013 by Ms. Vickman
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ARKRAY USA, INC. FOR PURCHASE OF BLOOD GLUCOSE MONITORING EQUIPMENT
AND PARTICIPATION IN REBATE PROGRAM
(Department of Nursing Homes)**

Pursuant to Section 450 of the County Law.

WHEREAS, ARKRAY USA, Inc., 5198 West 76th Street, Edina, Minnesota 55439, is a market leader in the supply of equipment and services to long-term care facilities for use in the management of patient blood glucose levels, and

WHEREAS, ARKRAY USA, Inc., is offering a rebate program for the purchase of blood glucose monitoring equipment, and

WHEREAS, Buffalo Hospital Supply is a distributor of ARKRAY USA, Inc. equipment and supplies and a part of a purchasing group that the Department of Nursing Homes purchases from, and

WHEREAS, the Department of Nursing Homes is desirous of purchasing ARKRAY USA, Inc., blood glucose monitoring equipment through Buffalo Hospital Supply, and

WHEREAS, the Department of Nursing Homes is also desirous of participating in the aforementioned rebate program, and

WHEREAS, ARKRAY USA, Inc., agrees to issue an annual rebate to the Department of Nursing Homes based on the number of Assure® Platinum Test Strips (50 ct) boxes purchased calculated at the rate of \$0.35 per box, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with ARKRAY USA, Inc., for the purchase of blood glucose monitoring equipment and participation in the aforementioned rebate program, for a term commencing July 1, 2013 and terminating June 30, 2015, according to the above-described terms.

MR. MURPHY moved, seconded by Mr. Boser to waive Rule 12. Carried.

Adopted July 24, 2013 by voice vote.

ACT NO. 340-2013 by Mr. Aiello, Mr. Edwards, Mr. Hale,
Mr. Klancer, Mr. Marsh, Mr. Murphy, Mr. Snyder, Jr.,
Mr. VanRensselaer, Mr. Weller, Mr. Boser and Mr. Lamberson
who ask immediate consideration

**BID ACCEPTANCE FOR PAINTING OF VARIOUS COUNTY BRIDGES
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and
Section 131-b of the Highway Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the painting of various County bridges, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications for two (2) bridges was the bid of Amstar of Western New York, Inc., 825 Rein Road, Cheektowaga, New York 14225, as follows:

Napoli Bridge No. 23	\$ 70,150.00
Leon Bridge No. 40	\$ 86,500.00,

and

WHEREAS, the lowest bid received meeting specifications for one (1) bridge was the bid of Madison Coatings Company, Inc., 15657 S. 70th Court, Orlando Park, Illinois 60462, as follows:

Allegany Bridge No. 49	\$ 46,972.00,
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and

WHEREAS, the lowest bid received meeting specifications for one (1) bridge was the bid of Erie Painting & Maintenance, Inc., 999 Rein Road, Cheektowaga, New York 14225, as follows:

Carrollton Bridge No. 11	\$186,700.00,
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and

WHEREAS, the aforementioned bridge painting services shall commence upon notice to proceed and shall be completed by December 31, 2013, and

WHEREAS, sufficient funds are included in the budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the bids of Amstar of Western New York, Inc., be, and the same hereby are, accepted, and be it further

RESOLVED, that the bid of Madison Coatings be, and the same hereby is, accepted, and be it further

RESOLVED, that the bid of Erie Painting & Maintenance, Inc. be, and the same hereby is, accepted, and be it further

RESOLVED, that the vouchers accordingly certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Ten sets of specifications were sent out.

Three bids were received.

MR. TEACHMAN moved, seconded by Mr. Sprague to waive Rule 12. Carried.

Adopted July 24, 2013 by voice vote.

MR. AIELLO moved, seconded by Mr. Lamberson to adjourn until August 28, 2013 at 3:00 p.m. Carried.

Meeting adjourned at 3:58 p.m.

Ann M. Giglio
Journal Clerk