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August 25, 2010

order by Chairman Michael T. O'Brien.

The invocation was given by Jack Searles.

The Attendance Roll Call disclosed one Legislator absent - Mr. Teachman.

MR. MARSH moved, seconded by Mr. Hebdon that the minutes of the July 28, 2010 and August 11, 2010 sessions be approved. Carried.

* * * * *

COMMUNICATIONS:

Governor Paterson: Letter acknowledging receipt of Act No. 416-2010.

Assembly Member Giglio: Letter acknowledging receipt of Act No. 416-2010.

New York State Association of Counties: Letter acknowledging receipt of Act No. 416-2010.

Chenango County Board of Supervisors: Resolution No. 166-10, Resolution Disputing the Time Reporting Regulations Promulgated by the NYS Comptroller for Elected or Appointed Officials.

Fulton County Board of Supervisors: Resolution No. 307, Resolution Demanding that State Legislators Reduce Unfunded Mandates that Cause Local Property Tax Increases Prior to Imposing a Cap on Local Property Taxes.

Sullivan County Legislature: Resolution No. 393-10, Urging the State of New York to Eliminate the Unfunded Mandates and Reduce the Underfunded Mandates that Cause County Property Tax Increases in Conjunction with Imposing a Cap on County Property Taxes, and Resolution No. 394-10, Urging the State of New York Take Over State Mandated Programs and Services that are Funded by County Property Taxes.

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APPOINTMENTS:

Workforce Investment Board
Three-year term to expire December 31, 2010

Lisa Graham, HR Director
Cuba Memorial Hospital
140 West Main Street
Cuba, New York 14727
(replacing Bradley Walters, who resigned)

Emergency Medical Services Advisory Committee
Term to expire December 31, 2010

Susan Ferguson
82 Swan Street
Salamanca, New York 14779
(replacing Joshua Kibbe, who resigned)



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Joseph Pillittere, Deputy Commissioner
Department of Public Works
(replacing Anthony Capito, who resigned)

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PROCLAMATION:

CHAIRMAN O'BRIEN proclaimed the months of September through December, 2010, as United Way Cattaraugus County Campaign.

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CHAIRMAN O'BRIEN granted privilege of the floor to Joseph Klimak from Toski, Schaefer & Co., who presented the December 31, 2009 Year-End Report.

* * * * *

CHAIRMAN O'BRIEN called up **Act No. 361-2010**, Transfer of Funds (Contingent fund - Soil Conservation District), and asked that it be read.

Approved by 7 members of the Finance Committee and 5 members of the Development and Agriculture Committee.

The following Legislators requested their names be listed as additional sponsors: "Mr. Hebdon and Mr. Padlo".

Adopted August 25, 2010 by voice vote.

CHAIRMAN O'BRIEN called up **Act No. 379-2010**, Bid Acceptance for Boom Mower Attachment and Adjusting Various Appropriation Accounts (Department of Public Works), and asked that it be read.

Approved by 9 members of the Finance Committee and 6 members of the Public Works Committee.

Adopted August 25, 2010 by voice vote.

CHAIRMAN O'BRIEN called up **Act No. 389-2010**, Authorizing the Chair to Execute Contract with Salamanca Area Chamber of Commerce, Inc. for Information Center Manager/Coordinator, and asked that it be read.

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

The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Mr. Burrell, Mr. McClune and Mr. Padlo".

Adopted August 25, 2010 by voice vote.

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up **Act No. 393-2010**, Authorizing County
act with Olean YMCA for YMCA Memberships for
of Placement, and asked that it be read.

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

The following Legislators requested their names be listed as additional
sponsors: "Mr. Aiello, Ms. Vickman and Mr. Padlo".

Adopted August 25, 2010 by voice vote.

CHAIRMAN O'BRIEN called up **Act No. 401-2010**, Authorizing the Chair to
Execute Amended Contract with Wendel Duchscherer Architects & Engineers, P.C.
for County Office Buildings Improvements, and asked that it be read.

Approved by 9 members of the Finance Committee and 6 members of the
Public Works Committee.

Adopted, as amended, August 25, 2010 by voice vote.

* * * * *

ACT NO. 417-2010 by Mr. Giardini
and Mr. Ellis
and Mr. Burrell and Mr. Marsh¹

**DECLARING ONOVILLE MARINA SAWMILL RUN CAMPGROUND DEVELOPMENT PROJECT
TO BE AN UNLISTED SEQRA ACTION**

Pursuant to 6 NYCRR Section 617.

WHEREAS, the Department of Public Works is desirous of expanding
the Sawmill Run campground project at the Onoville Marina, and

WHEREAS, this act initiates the SEQRA process for the proposed
campground expansion and classifies the project as an Unlisted Action as
described in 6 NYCRR 617, and

WHEREAS, the County has identified itself as the sole involved
agency, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature determines that
the proposed campground expansion project is an Unlisted Action as described
in 6 NYCRR 617, and be it further

RESOLVED, that Cattaraugus County is the lead agency for the
proposed campground expansion project, pursuant to 6 NYCRR Part 617, and be
it further

RESOLVED, that the lead agency determines that this Unlisted
Action will not have a significant environmental impact because:

- The County currently owns and maintains the proposed site;
- The project will not create a substantial or adverse change in
existing air quality, ground or surface water quality or quantity,
traffic or noise levels;
- The project will not create a substantial increase in solid waste
production, or in the potential for erosion, flooding, leaching or
drainage problems;



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- involve the removal or destruction of large
on or fauna; substantial interference with the
dent or migratory fish or wildlife species;
impacts on a significant habitat area or CEA; will not create
substantial adverse impacts on a threatened or endangered species of
animal or plant; or the habitat of such a species; or other
significant adverse impacts to natural resources;
- The project will not conflict with a community's current plans or goals as officially approved or adopted;
 - The project will not impair the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
 - The project will not create a major change in the use of either the quantity or type of energy;
 - The project will not create a hazard to human health;
 - The project will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
 - The project will not create any cumulative impacts with other actions or involved agencies,

and be it further

RESOLVED, that as Lead Agency, the County issues a Negative Declaration for this Action.

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

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Burrell and Mr. Marsh".

Adopted August 25, 2010 by voice vote.

ACT NO. 418-2010 by Mr. Giardini
and Mr. Ellis and Mr. Murphy

**AUTHORIZING THE CHAIR TO EXECUTE SUPPLEMENTAL CONTRACT NO. 1
WITH NYSDOT AND AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE
IN THE FEDERAL-AID PROJECT ADMINISTERED BY THE NYSDOT AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works)**

Pursuant to Title 23 U.S. Code and
Sections 363, 366 and 450 of the County Law.

WHEREAS, the Economic Recovery Project for the pavement resurfacing, mill and overlay of County Road No. 4, Broadway Road from 1000 feet south of Point Peter Road in the Town of Persia to Palmer Street, in the Village of Gowanda, Cattaraugus County, PIN 5759.34 (the "Project"), is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% Non-Federal funds, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby approves the above-described project, and be it further

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The Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to advance the Project by making a Non-Federal share (if any) of the cost of the Construction & Construction Inspection phase of the Project, or portions thereof, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Construction & Construction Inspection phase of the project or portions thereof, and be it further

RESOLVED, that the sum of \$300,000 is hereby appropriated through County Resolution No. 263-2009, adopted May 27, 2009, and made available to cover the cost of participation in the above phase of the Project, and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the full Federal and Non-Federal shares of the cost of the project's Construction & Construction Inspection phase exceeds the amount appropriated, \$300,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Construction & Construction Inspection phase exceeds \$309,500, the project's current total cost, the County of Cattaraugus shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute all necessary documents, on behalf of Cattaraugus County, with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and be it further

RESOLVED, that this Resolution shall take effect immediately, and be it further

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

Increase Estimated Revenue Account:

H.4598	ARRA Act of 2009	\$9,500.00
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Increase Appropriation Account:

H.5196.702	County Road No. 4 (Broadway Road)	\$9,500.00.
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Approved by 9 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted August 25, 2010 by voice vote.



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19-2010 by Mr. Giardini
Ellis, Ms. Vickman and Mr. Hebdon

**BID ACCEPTANCE FOR COUNTY ROAD NO. 85 MILLING AND PAVING
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and
Sections 408 and 408-a of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise
for sealed bids for the County Road No. 85 milling and paving project,
according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was the
bid of American Paving & Excavating, Inc., 5880 Thompson Road, Clarence
Center, New York 14032, in the amount of \$678,541.10, and

WHEREAS, sufficient funds are included in the 2010 budget to
cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the bid of American Paving & Excavating, 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.

Seven sets of specifications were sent out.

Six bids were received.

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

Adopted August 25, 2010 by voice vote.

ACT NO. 420-2010 by Mr. Giardini
and Mr. Ellis

**BID ACCEPTANCE FOR PURCHASE OF NATURAL GAS
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and
Sections 408 and 408-a of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise
for sealed bids for the purchase of natural gas for the County Center
building, the DPW Facility in Little Valley and the Pines Healthcare and
Rehabilitation Center in Machias, according to specifications provided by the
Public Works Committee, and

WHEREAS, Energy Enterprises, Inc., energy consultant for the
County, has reviewed the bids submitted as well as the performance history of
the bidders and has recommended that the County accept the bid of National
Fuel Resources, Inc., 165 Lawrence Bell Drive, Suite 120, Williamsville, New
York 14221-7817, for Method #1 - Firm Index Based Pricing with Trigger
Option, as follows:

Basis Pricing shall be the difference between the monthly NYMEX, Henry Hub
settlement price, as reported in the Wall Street Journal and the total price

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...this non-changing basis will be added to the
...settlement figure or the fixed NYMEX upon fixing.
...poststream transportation, margin, etc. \$0.730
The price can be fixed anytime during the contract term at the current
NYMEX + Basis. Notice will be given to the marketer by noon of the day which
the price shall be fixed.,

now, therefore, be it

RESOLVED, that the bid of National Fuel Resources, Inc., be, and
the same hereby is, accepted for a term commencing September 1, 2010 and
terminating August 31, 2011, 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.

Five sets of specifications were sent out.

One bid was received meeting specifications.

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

Adopted August 25, 2010 by voice vote.

ACT NO. 421-2010 by Mr. Neal and Mr. Snyder
and Mr. Aiello and Mr. Sprague¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
TOWN OF YORKSHIRE FOR HEALTH DEPARTMENT WIC CLINIC SPACE**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 5165-2009 authorized a contract with the Town of
Yorkshire, P.O. Box 277, Delevan, New York 14042, for the utilization of
space for the County Health Department WIC program in the Yorkshire/Delevan
area, the term of which expires September 30, 2010, and

WHEREAS, the Town of Yorkshire has agreed to allow the County
Health Department to utilize space in its Board/Courtroom for WIC clinics at
the rate of \$600 per year to cover the cost of utilities used during
operation of the WIC clinics, 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 the Town of Yorkshire for the utilization of the aforementioned
space, for a term commencing October 1, 2010 and terminating September 30,
2011, according to the above-described terms, and be it further

RESOLVED, that upon reduction or termination of either state or
federal funding for this program, then this program shall be automatically
abolished.

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

¹ The following Legislators requested their names be listed as
additional sponsors: "Mr. Aiello and Mr. Sprague".

Adopted August 25, 2010 by voice vote.



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by Ms. Vickman and Mr. McClune

**THE CHAIR TO EXECUTE CONTRACT
WITH SALAMANCA AREA SENIOR CENTER
FOR RENTAL OF SPACE FOR HOME MEAL COORDINATION**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the Department of Aging is in need of a location for home meals to be coordinated and loaded onto vehicles for distribution to area senior citizens, and

WHEREAS, the Salamanca Area Senior Center, 20 Main Street, Salamanca, New York 14779, has space available at 20 Main Street in Salamanca for the coordination of home meals for an amount of \$100 per month, and

WHEREAS, sufficient funds are included in the 2010 budget to cover the costs 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 Salamanca Area Senior Center, for the provision of the above-described services, for a term commencing September 1, 2010 and terminating December 31, 2011, according to the above-described terms.

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

Adopted August 25, 2010 by voice vote.

ACT NO. 423-2010 by Mr. Murphy
and Mr. Burrell¹

**RESCINDING ACT 313-2010 REGARDING CONTRACT WITH
NEW YORK STATE DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES
FOR PROBATION VIOLATION RESIDENTIAL CENTER FUNDING**

Pursuant to American Recovery and Reinvestment Act of 2009
(Public Law 111-5), 42 USC Section 3751(a) and
Section 450 of the County Law.

WHEREAS, Act 313-2010 authorized the Chairman to execute grant documents for American Recovery and Reinvestment Act funding through the New York State Division of Probation and Correctional Alternatives for the operation of a probation violation residential center at Limestone, New York, and

WHEREAS, the Cattaraugus County Legislature has reconsidered its position on the aforementioned project, now, therefore, be it

RESOLVED, that Act 313-2010 be, and hereby is, rescinded.

Approved by 7 members of the Finance Committee and 5 members of the Public Safety Committee.

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

Adopted August 25, 2010 by voice vote. Mr. Ward voting no.

by Mr. McLarney and Mr. Boser
Burrell and Mr. Teachman¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE AMENDED CONTRACT
WITH CATTARAUGUS COUNTY BUSINESS DEVELOPMENT CORP. FOR
HUD SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT**

Pursuant to 42 USCS 5301, 24 CFR Part 570 and
Act 636-2009 of the Cattaraugus County Legislature.

WHEREAS, Act 746-2009 authorized a contract with the Cattaraugus County Business Development Corp., 214 Main Street, Little Valley, New York 14755, for the administration of the Microenterprise Development Revolving Loan Fund for an amount of \$90,000, the term of which expires December 31, 2010, and

WHEREAS, the contract for the Cattaraugus County Business Development Corporation for the administration of the United States Department of Housing and Urban Development (HUD) Small Cities Community Development Block Grant funds should be reduced to an amount not to exceed \$30,000, 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 the Cattaraugus County Business Development Corporation, for the administration and management of the above-referenced grant fund, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms, and be it further

RESOLVED, that upon reduction or termination of either state or federal funding for this program, then this program shall be automatically abolished.

Approved by 9 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Burrell and Mr. Teachman".

Adopted August 25, 2010 by voice vote.

ACT NO. 425-2010 by Mr. McLarney and Mr. Boser
and Mr. Burrell¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE AMENDED CONTRACT WITH
CATTARAUGUS COUNTY BUSINESS DEVELOPMENT CORP. FOR EMPIRE STATE
DEVELOPMENT CORPORATION COMMUNITY DEVELOPMENT BLOCK GRANT**

Pursuant to 42 USCS 5301, 24 CFR Part 570 and
Act 636-2009 of the Cattaraugus County Legislature.

WHEREAS, Act 745-2009 authorized a contract with the Cattaraugus County Business Development Corp., 214 Main Street, Little Valley, New York 14755, for the administration of the Microenterprise Development Revolving Loan Fund for an amount of \$30,000, the term of which expires December 31, 2010, and

WHEREAS, the contract for the Cattaraugus County Business Development Corporation for the administration of the Empire State



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Development Block Grant should be increased
2000, now, therefore, be it
County Administrator be, and hereby is,
authorized and directed to execute an amended contract, on behalf of
Cattaraugus County, with the Cattaraugus County Business Development
Corporation, for the administration and management of the above-referenced
grant fund, for a term commencing January 1, 2010 and terminating December
31, 2010, according to the above-described terms, and be it further

RESOLVED, that upon reduction or termination of either state or
federal funding for this program, then this program shall be automatically
abolished.

Approved by 9 members of the Finance Committee and 6 members of the
Development and Agriculture Committee.

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

Adopted August 25, 2010 by voice vote.

ACT NO. 426-2010 by Mr. McLarney and Mr. Boser
and Mr. Burrell¹

**AUTHORIZING THE CHAIR TO EXECUTE GRANT APPLICATION AND
CONTRACT WITH DEFENSE LOGISTICS AGENCY FOR
PROCUREMENT TECHNICAL ASSISTANCE PROGRAM**

Pursuant to 10 USCS Section 2411, et seq., and
Section 450 of the County Law.

WHEREAS, Act 437-2009 authorized the Chair to execute a grant
application and contract with the Defense Logistics Agency, 8725 John J.
Kingman Road, Ft. Belvoir, Virginia 22060-6221, in order to secure funding
for the continuation of the Procurement Technical Assistance Program, and

WHEREAS, Cattaraugus County is eligible for funding through the
Defense Logistics Agency in order to maintain the Procurement Technical
Assistance Program, and

WHEREAS, it is estimated that the project cost will not exceed
\$161,366, of which Cattaraugus County's cash contribution will not exceed
\$20,812, plus an in-kind contribution of \$16,030, plus third-party support of
\$3,500, and

WHEREAS, Cattaraugus County will be responsible for the share of
any third-party agency which fails to contribute its portion to the program,
now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is,
authorized and directed to execute a grant application and contract, on
behalf of Cattaraugus County, with the Defense Logistics Agency in order to
secure funding for the continuation of the Procurement Technical Assistance
Program, and be it further

RESOLVED, that the Procurement Technical Assistance Program will
commence January 16, 2011 and terminate January 15, 2012, and be it further

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

Approved by 9 members of the Finance Committee and 6 members of the
Development and Agriculture Committee.

requested his name be listed as an additional

Adopted August 25, 2010 by voice vote.

ACT NO. 427-2010 by Mr. McLarney and Mr. Boser

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

Pursuant to Section 164 of the Economic Development Law.

WHEREAS, Act 456-2009 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 in Fiscal Year 2011 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, 2010 through September 30, 2011, 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 6 members of the Development and Agriculture Committee.

Adopted August 25, 2010 by voice vote.



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OF THE BOARD OF LEGISLATORS

10 by Mr. Neal and Mr. Snyder
and Mr. Aiello¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR ADOLESCENT TOBACCO
USE PREVENTION ACT ENFORCEMENT PROGRAM**

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

WHEREAS, Act 517-2009 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 expires September 30, 2010, and

WHEREAS, funding is available in the amount of \$31,440 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 2010-2011 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
grant, for a term commencing October 1, 2010 and terminating September 30,
2011, according to the above-described terms, and be it further

RESOLVED, that upon termination or reduction of state funding for
this program, then this program shall be automatically abolished.

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

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

Adopted August 25, 2010 by voice vote.

ACT NO. 429-2010 by Mr. Neal and Mr. Snyder
and Mr. Aiello¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR
EARLY INTERVENTION PROGRAM ADMINISTRATION (EIP)**

Pursuant to Public Law 98-8 and Section 450 of the County Law.

WHEREAS, Act 107-2007 authorized the Chair to execute a five-year
contract with the New York State Department of Health and various entities
for the Child Find (Infant & Child Health Assessment Program) and the Early
Intervention Program (EIP) administration, the term of which expires
September 30, 2011, and

WHEREAS, the New York State Department of Health, Bureau of Child
and Adolescent Health, has approved funding in the amount of \$55,232 to the
County Health Department to continue a system to gather quality information

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Health care needs in Cattaraugus County for the
2010 and terminating September 30, 2011, and
that it is necessary with the New York State

Department of Health in order to obtain the aforementioned funding, and

WHEREAS, this program is 53% federal and 47% 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, in order to obtain the
aforementioned funding for the Early Intervention Programs, for a term
commencing October 1, 2010 and terminating September 30, 2011, according to
the above-described terms, and be it further

RESOLVED, that upon reduction or termination of either state or
federal funding for this program, then this program shall be automatically
abolished.

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

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

Adopted August 25, 2010 by voice vote.

ACT NO. 430-2010 by Mr. Neal and Mr. Snyder
and Mr. Aiello and Mr. Marsh¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH GLENN COLTON D/B/A GLENN COLTON SHOWS
FOR HEALTHY LIFESTYLES CHILDREN'S FAIR**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Health Department is desirous of using WIC
outreach funds to conduct a Children's Healthy Lifestyles Fair on September
2, 2010 to promote healthy living and to increase WIC participant caseload by
targeting the Little Valley population and surrounding areas, and

WHEREAS, Glenn Colton d/b/a Glenn Colton Shows, 205 Ashwood Lane,
Orchard Park, New York 14127, can provide a summer fun celebration of a
healthy lifestyle musical concert on September 2, 2010 for an amount of \$449,
and

WHEREAS, the musical concert will be performed in the Little
Valley Town Park between the hours of 4:00 p.m. and 7:00 p.m., and

WHEREAS, sufficient funds are included in the 2010 budget to
cover the costs 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 Glenn Colton Shows, for the provision of the above-described
services, for a term commencing September 2, 2010 and terminating September
2, 2010 at the conclusion of the concert, according to the above-described
terms, and be it further

RESOLVED, that upon reduction or termination of either state or
federal funding for this program, then this program shall be automatically
abolished.



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the Finance Committee and 5 members of the

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello and Mr. Marsh".

Adopted August 25, 2010 by voice vote.

ACT NO. 431-2010 by Mr. Neal and Mr. Snyder
and Mr. Aiello¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH MENTAL HEALTH
ASSOCIATION IN CATTARAUGUS COUNTY, INC. FOR
CAMP NEW HORIZONS RESIDENTIAL SUMMER CAMP**

Pursuant to Social Security Act, Title IV, Part A, as amended,
Public Law 104-193, Public Law 105-33 and
Section 450 of the County Law.

WHEREAS, Act 493-2009 authorized a contract with the Mental Health Association in Cattaraugus County, Inc., 502 North Union Street, Olean, New York 14760, for the provision of Camp New Horizons residential summer camp for TANF-eligible and 200% TANF-eligible youths in an effort to reduce at-risk factors, and

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

WHEREAS, Mental Health Association in Cattaraugus County, Inc., has agreed to operate three (3) 8-day residential summer camp sessions, at Camp Allegany in the Allegany State Park, for children and adolescents ages 8-15 whose emotional and/or behavioral problems make it difficult for them to succeed in traditional camp settings, and

WHEREAS, the County Department of Social Services shall provide funding for up to 17 participants at an amount of \$900 per participant, not to exceed \$15,300, 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 Mental Health Association in Cattaraugus County, Inc., for the provision of the above-described residential summer camp, for a term commencing July 1, 2010 and terminating September 30, 2010, according to the above-described terms, and be it further

RESOLVED, that upon reduction or termination of either state or federal funding for this program, then this program shall be automatically abolished.

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

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

Adopted August 25, 2010 by voice vote.

2010 by Mr. Neal and Mr. Snyder
, Mr. Murphy, Mrs. Stockman, Mr. Teachman,
, Mr. Boser and Mr. Padlo¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH GENESIS HOUSE OF OLEAN, INC. FOR HOMELESS SHELTER SERVICES FOR
DEPARTMENT OF SOCIAL SERVICES ELIGIBLE RECIPIENTS**

Pursuant to Article 2-A of the Social Services Law and
Section 450 of the County Law.

WHEREAS, the County Department of Social Services is in need of
homeless shelter services for eligible recipients, and

WHEREAS, Genesis House of Olean, Inc., 107 South Barry Street,
Olean, New York 14760, can provide homeless shelter services on an as-needed
basis in accordance with the following rate schedule:

Single Person	\$30.00 per night
Family (any size)	\$40.00 per night
After 30 Days	\$35.00 per night
Hotel reimbursement in emergency situations at a reasonable rate for a maximum of 3 nights, and	

WHEREAS, the above-described services for families are 50%
federal, 25% state and 25% local funded and for individuals are 50% state and
50% local 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 Genesis House of Olean, Inc., for the provision of the above-
described services, for a term commencing September 1, 2010 and terminating
December 31, 2011, according to the above-described terms, and be it further

RESOLVED, that upon reduction or termination of either state or
federal funding for this program, then this program shall be automatically
abolished.

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

¹ The following Legislators requested their names be listed as
additional sponsors: "Mr. Aiello, Mr. Burrell, Mr. Murphy, Mrs. Stockman, Mr.
Teachman, Ms. Vickman, Mr. Boser and Mr. Padlo".

Adopted August 25, 2010 by voice vote.

ACT NO. 433-2010 by Mr. Neal and Mr. Snyder
and Mr. Aiello and Ms. Vickman¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
COUNCIL ON ADDICTION RECOVERY SERVICES, INC.
FOR CAMP CASA RESIDENTIAL SUMMER CAMP**

Pursuant to Social Security Act, Title IV, Part A, as amended,
Public Law 104-193, Public Law 105-33 and
Section 450 of the County Law.



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09 authorized a contract with the Cattaraugus and Substance Abuse, Inc., 201 South Union for the provision of a residential summer camp

for TANF eligible and 200% TANF eligible youths in an effort to reduce at-risk factors, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned residential summer camp, and

WHEREAS, the Council on Addiction Recovery Services, Inc., formerly the Cattaraugus County Council on Alcoholism and Substance Abuse, Inc., has agreed to operate Camp Casa residential summer camp, at Camp Allegany in the Allegany State Park, for children and adolescents ages 8-11 who are at risk of alcohol and substance abuse, and

WHEREAS, the County Department of Social Services shall provide an amount of \$312.50 per camper, for up to 8 TANF-eligible youth, for a total not to exceed \$2,500, 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 the Council on Addiction Recovery Services, Inc., for the provision of the above-described residential summer camp, for a term commencing July 1, 2010 and terminating September 30, 2010, according to the above-described terms, and be it further

RESOLVED, that upon reduction or termination of either state or federal funding for this program, then this program shall be automatically abolished.

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

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

Adopted August 25, 2010 by voice vote.

ACT NO. 434-2010 by Mr. Neal and Mr. Snyder and Mr. Aiello¹

AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATHOLIC CHARITIES OF WESTERN NEW YORK, INC. FOR DEPARTMENT OF SOCIAL SERVICES KINSHIP PROGRAM

Pursuant to Section 450 of the County Law.

WHEREAS, Act 438-2009 authorized a contract with Catholic Charities of Western New York, Inc., 520 West State Street, Olean, New York 14760, for the provision of a Kinship Program for grandparents or other relatives who obtain custody of children, the term of which expires August 31, 2010, and

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

WHEREAS, the Kinship Program will serve approximately 50 participants and is for those children who are placed with relatives in lieu of foster care, and

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Charities of Western New York, Inc., can
ship Program for a total amount not to exceed

WHEREAS, this program is 100% funded through the Flexible Fund
for Family 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 Catholic Charities of Western New York, Inc., for the provision
of the above-described services, for a term commencing September 1, 2010 and
terminating September 30, 2011, according to the above-described terms, and
be it further

RESOLVED, that upon reduction or termination of either state or
federal funding for this program, then this program shall be automatically
abolished.

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

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

Adopted August 25, 2010 by voice vote.

ACT NO. 435-2010 by Ms. Vickman and Mr. McClune

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION
WITH NEXT GENERATION VENDING AND FOOD SERVICE, INC. FOR
DEPARTMENT OF NURSING HOMES VENDING AND OFFICE REFRESHMENT SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 461-2007 authorized a contract with Next Generation
Vending and Food Service, Inc., 5 Campanelli Circle, Suite 200, Canton, MA
02021-2480, for vending and office refreshment services for the Pines
Healthcare and Rehabilitation Center - Olean Campus, the term of which
expires August 31, 2010, and

WHEREAS, the County Department of Nursing Homes is desirous of
extending the term of the aforementioned contract to March 31, 2011, and

WHEREAS, Next Generation Vending and Food Service, Inc., can
continue providing vending machines and office refreshment equipment,
including microwaves, utensils, condiments and other vending supplies, for
the Pines Healthcare and Rehabilitation Center - Olean Campus, and sell the
following: prepackaged snacks and confections, beverages of all types, and
similar vended items and office refreshment service, in accordance with the
following:

- Prices are fixed annually,
- Option One - No Commission,

now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is,
authorized and directed to execute a contract extension, on behalf of
Cattaraugus County, with Next Generation Vending and Food Service, Inc., for
the provision of the above-described services, for a term commencing
September 1, 2010 and terminating March 31, 2011, according to the above-
described terms.



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the Finance Committee and 6 members of the

Adopted August 25, 2010 by voice vote.

ACT NO. 436-2010 by Ms. Vickman and Mr. McClune

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
MORRISON MANAGEMENT SPECIALISTS, INC. FOR
DEPARTMENT OF NURSING HOMES DIETARY MANAGEMENT SERVICES**

Pursuant to 10 NYCRR Section 415.14, Section 103
of the General Municipal Law and
Sections 408 and 408-a of the County Law.

WHEREAS, Act 140-2006 authorized a contract with Morrison Management Specialists, Inc., 5801 Peachtree Dunwoody Road, Atlanta, Georgia 30342, with a local office at 220 Oakbrook Drive, Williamsville, New York 14221, for the operation and management of the Department of Nursing Homes Dietary Department at the Pines Healthcare & Rehabilitation Centers - Olean and Machias Campuses, the term of which expires September 30, 2010, and

WHEREAS, the Department of Nursing Homes is desirous of extending the term of the aforementioned contract until November 30, 2010 in order to allow for time to rebid the services, and

WHEREAS, there is a 3% annual increase in the per patient day price and registrant meal price in the current contract, which should be included in the 2 month extension, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with Morrison Management Specialists, Inc., for the provision of the above-described services, for a term commencing October 1, 2010 and terminating November 30, 2010, according to the above-described terms.

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

Adopted August 25, 2010 by voice vote.

ACT NO. 437-2010 by Mr. Aiello and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
NEW YORK STATE INDUSTRIES FOR THE DISABLED, INC. FOR
JANITORIAL SERVICES FOR DEPARTMENT OF COMMUNITY SERVICES
GUIDEPOST AND CASE MANAGEMENT OFFICES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 737-2009 authorized the Chair to execute a contract with the New York State Industries for the Disabled, Inc., for the provision of janitorial services for the Guidepost Facility and Case Management Offices located at 203 Laurens Street, Olean, New York 14760, the term of which expires December 31, 2010, and

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Department of Community Services is desirous contract to reduce services to once per week the term through December 31, 2011, and

WHEREAS, the New York State Industries for the Disabled, Inc., through SubCon Industries, Inc., has agreed to provide janitorial services, for the Guidepost Facility and Case Management Offices located at 203 Laurens Street, Olean, New York 14760, for an amount of \$1,024.54 per month, not to exceed \$16,914.72 in 2010 and \$ 12,294.48 in 2011, and

WHEREAS, sufficient funds are included in the 2010 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 the New York State Industries for the Disabled, Inc., for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2011, according to the above-described terms.

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

Adopted August 25, 2010 by voice vote.

ACT NO. 438-2010 by Mr. Neal and Mr. Snyder
and Mr. Burrell and Mr. McClune¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH SALAMANCA CITY CENTRAL SCHOOL DISTRICT FOR
MENTAL HEALTH SOCIAL WORKER SERVICES**

Pursuant to Section 41.07 of the Mental Hygiene Law and
Section 450 of the County Law.

WHEREAS, the Salamanca City Central School District is desirous of obtaining the services of a social worker in the Salamanca City Central School District for the provision of mental health services, and

WHEREAS, a contract with Salamanca City Central School District outlining the mental health services to be provided by the County's Department of Community Services staff social worker is necessary, and

WHEREAS, the Salamanca City Central School District shall provide an office, a phone line and furniture, at no cost to the County, and

WHEREAS, the Salamanca City Central School District shall pay to the Department of Community Services an amount of \$1,667 for 2010 and an amount of \$5,000 for 2011, 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 Salamanca City Central School District, for the provision of the above-described services, for a term commencing September 1, 2010 and terminating December 31, 2011, according to the above-described terms.

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

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Burrell and Mr. McClune".

Adopted August 25, 2010 by voice vote.



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10 by Mr. Neal and Mr. Snyder and Mr. Burrell¹

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AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH FRANKLINVILLE CENTRAL SCHOOL DISTRICT FOR MENTAL HEALTH SOCIAL WORKER SERVICES

Pursuant to Section 41.07 of the Mental Hygiene Law and Section 450 of the County Law.

WHEREAS, Act 727-2009 authorized a contract with the Franklinville Central School District, North Main Street, Franklinville, New York 14737, for the placement of a social worker in the Franklinville Central School District for the provision of mental health services, the term of which expires December 31, 2011, and

WHEREAS, the County Department of Community Services is desirous of amending the aforementioned contract to reflect two (2) days of services per week, and

WHEREAS, the Franklinville Central School District has agreed to pay to the County Department of Community Services an amount of \$8,334 for services provided in 2010 and an amount of \$5,000 for services provided in 2011, and

WHEREAS, Franklinville Central School District shall provide an office, a family meeting room, a phone line and furniture for the County's staff social worker at no cost to the County, 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 the Franklinville Central School District, for the provision of the above-described services, for a term commencing September 1, 2010 and terminating December 31, 2011, according to the above-described terms.

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

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

Adopted August 25, 2010 by voice vote.

ACT NO. 440-2010 by Mr. Marsh and Mr. Padlo

AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH INDIVIDUALS FOR INSTRUCTION ON USE OF IMAGE CAST OPTICAL SCAN MACHINES

Pursuant to 42 USCS Section 15421, Sections 10 and 16 of Chapter 181 of the Laws of 2005 and Section 450 of the County Law.

WHEREAS, the County Board of Elections is desirous of contracting with Monty R. Shields, 19 Church Street, Randolph, New York 14772 and Anthony C. Kopko, 3615 Buffalo Road, Allegany, New York 14706, to instruct the public on the operation of the new Image Cast Optical Scan voting machines at 22 different locations throughout the County, and

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individuals can perform the above-mentioned
ing mileage, and
funds are included in the 2010 budget to
cover the cost of these 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 Monty R. Shields and Anthony C. Kopko, for the provision of the
above-described services, for a term commencing August 9, 2010 and
terminating September 17, 2010, according to the above-described terms.

Approved by 9 members of the Finance Committee and 6 members of the
County Operations Committee.

Adopted August 25, 2010 by voice vote.

ACT NO. 441-2010 by Mr. McLarney, Mr. Boser and Mr. Padlo
and Mr. Aiello, Mr. Burrell, Mr. Teachman and Ms. Vickman¹

**RESOLUTION APPROVING THE ISSUANCE OF CERTAIN OBLIGATIONS BY
CATTARAUGUS COUNTY CAPITAL RESOURCE CORPORATION TO FINANCE
A CERTAIN CIVIC FACILITY PROJECT FOR OLEAN GENERAL HOSPITAL**

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

WHEREAS, pursuant to the provisions of Section 1411 of the Not-
For-Profit Corporation Law of the State of New York, as amended (the
"Enabling Act"), Revenue Ruling 57-187 and Private Letter Ruling 200936012,
the County Legislature of Cattaraugus County, New York (the "County") adopted
a resolution on May 13, 2009 (the "Sponsor Resolution") (A) authorizing the
incorporation of Cattaraugus County Capital Resource Corporation (the
"Issuer") under the Enabling Act and (B) appointing the initial members of
the board of directors of the Issuer, and

WHEREAS, on August 28, 2009, a certificate of incorporation was
filed with the New York Secretary of State's Office (the "Certificate of
Incorporation") creating the Issuer as a public instrumentality of the
County, and

WHEREAS, the Issuer is authorized and empowered by the provisions
of the Enabling Act to relieve and reduce unemployment, promote and provide
for additional and maximum employment, better and maintain job opportunities,
and lessen the burdens of government and act in the public interest, and in
carrying out the aforesaid purposes and in exercising the powers conferred in
the Enabling Act, the Enabling Act declares that the Issuer will be
performing essential governmental functions, and

WHEREAS, to accomplish its stated purposes, the Issuer is
authorized and empowered under the Enabling Act to acquire real and personal
property; to borrow money and issue negotiable bonds, notes and other
obligations therefore; to lease, sell, mortgage or otherwise dispose of or
encumber any of its real or personal property upon such terms as it may
determine; and otherwise to carry out its corporate purposes in the territory
in which the operations of the Issuer are principally to be conducted, and

WHEREAS in July, 2010, Olean General Hospital, a New York not-
for-profit corporation (the "Institution"), submitted an application (the
"Application") to the Issuer, a copy of which Application is on file at the
office of the Issuer, which Application requested that the Issuer consider
undertaking a project (the "Initial Project") for the benefit of the



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ject consisting of the following: (A) (1) the certain parcels of land located at 112 Genesee Street, 520 Main Street and 524 Main Street in the City of Olean, Cattaraugus County, New York containing in the aggregate approximately 2 acres of land (collectively, the "Initial Land"), together with a building located thereon containing approximately 19,000 square feet of space (the "Existing Facility"), (2) the construction of an approximately 18,970 square foot addition to the Existing Facility (the "Addition") and the making of various renovations and/or improvements to the Existing Facility, including, but not limited to, parking lots and a loading dock (the Existing Facility, as improved and the Addition being sometimes collectively referred to as the "Initial Facility"), (3) the acquisition and installation therein and thereon of certain machinery and equipment (the "Initial Equipment") and (4) the refinancing and/or refunding of certain existing indebtedness incurred by or on behalf of the Institution to finance the construction, renovation and equipping of previously completed projects related to the Existing Facility and other properties of the Institution (the "Refinancing Project Facility") (the Initial Land, the Initial Facility, the Initial Equipment and the Refinancing Project Facility being collectively referred to as the "Initial Project Facility"), all the foregoing to constitute a multi-specialty ambulatory surgery center, medical facilities and related facilities to be owned and operated by the Institution; (B) the financing of all or a portion of the costs of the foregoing by the issuance of tax-exempt and taxable revenue bonds of the Issuer in one or more issues or series in an aggregate principal amount sufficient to pay the cost of undertaking the Initial Project, together with necessary incidental costs in connection therewith, presently estimated to be approximately \$21,740,000 and in any event not to exceed \$23,000,000 (the "Obligations"); (C) paying a portion of the costs incidental to the issuance of the Obligations, including issuance costs of the Obligations and any reserve funds as may be necessary to secure the Obligations; (D) the granting of certain other financial assistance with respect to the foregoing, including potential exemptions from real estate transfer taxes and mortgage recording taxes (collectively with the Obligations, the "Financial Assistance"); and (E)) the lease (with an obligation to purchase) or sale of the Initial Project Facility to the Institution or such other person as may be designated by the Institution and agreed upon by the Issuer, and

WHEREAS, the Institution has requested that interest on the Obligations be treated by the federal government as excludable from gross income for federal income tax purposes pursuant to Section 103 and Section 145(a) of the Internal Revenue Code of 1986, as amended (the "Code"), and

WHEREAS, the County Legislature of Cattaraugus County, New York (the "County Legislature") has been advised by the Issuer that the Issuer proposes to issue, subsequent to the adoption of this resolution, the Obligations from time to time in a principal amount sufficient to fund all or a portion of the costs of the Project, and

WHEREAS, interest on the Obligations will not be excludable from gross income for federal income tax purposes unless, among other things, pursuant to Section 147(f) of the Code, the issuance of the Obligations is approved by the "applicable elected representative" of Cattaraugus County, New York after the Issuer has held a public hearing on the nature and location of the Initial Project Facility and the issuance of the Obligations, and

WHEREAS, pursuant to the authorization contained in a resolution adopted by the members of the Issuer on July 27, 2010 (the "Public Hearing Resolution"), the Chief Executive Officer of the Issuer (A) caused notice of a public hearing of the Issuer (the "Public Hearing") pursuant to Section

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Law and Section 147(f) of the Code, to hear the Initial Project and the financial assistance therefor with respect to the Initial Project, to be mailed on July 30, 2010, to the chief executive officers of the county and of each city, town, village and school district in which the Initial Project is or is to be located, (B) caused notice of the public hearing to be posted on July 30, 2010 on bulletin boards located at (1) Olean General Hospital in the City of Olean, Cattaraugus County, New York and (2) 3 East Washington Street in the Town of Ellicottville, Cattaraugus County, New York, (C) caused notice of the Public Hearing to be published on August 3, 2010 in the Olean Times Herald, a newspaper of general circulation available to the residents of the City of Olean, Cattaraugus County, New York, (D) conducted the Public Hearing on August 19, 2010 at 11:00 o'clock a.m., local time in the Cattaraugus County Office, Administrative Conference Room #235, located at 1 Leo Moss Drive in City of Olean, Cattaraugus County, New York, and (E) prepared a report of the Public Hearing (the "Report") which fairly summarized the views presented at the Public Hearing and distributed same to the members of the Issuer and to the County Legislature of Cattaraugus County, New York, and

WHEREAS, pursuant to Section 147(f) of the Code, the County Legislature desires to allow the interest on the Obligations to be treated as excludable from gross income for federal income tax purposes, and

WHEREAS, pursuant to the Issuer's Certificate, neither the Obligations nor any other obligation of the Issuer shall be a debt of Cattaraugus County, New York, nor shall Cattaraugus County, New York be liable thereon,

NOW, THEREFORE, BE IT RESOLVED by the County Legislature of Cattaraugus County, New York, as follows:

Section 1. For the sole purpose of qualifying the interest payable on the Obligations for exclusion from gross income for federal income tax purposes pursuant to the provisions of Section 145(a) of the Code, the County Legislature, as the elected legislative body of Cattaraugus County, New York, hereby approves the issuance by the Issuer of the Obligations, provided that the Obligations, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State of New York, Cattaraugus County, New York or any political subdivision thereof (other than the Issuer), and neither the State of New York, Cattaraugus County, New York nor any political subdivision thereof (other than the Issuer) shall be liable thereon.

Section 2. This resolution shall take effect immediately.

Approved by 9 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Mr. Burrell, Mr. Teachman and Ms. Vickman".

Adopted August 25, 2010 by voice vote.



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ello, Mr. Burrell, Mr. Ellis, Mr. Marsh,
y, Mr. Neal, Mr. O'Brien, Mr. Snyder,
Mr. Vecchiarella, Ms. Vickman, Mr. Boser,
Mr. Giardini, Mr. Hebdon, Mr. McClune, Mr. Nenno,
Mr. Padlo, Mr. Sprague and Mr. Ward

**CONGRATULATING RANDY OPFERBECK ON HIS
RETIREMENT FROM CATTARAUGUS COUNTY**

Pursuant to Section 153 of the County Law.

WHEREAS, Randy Opferbeck of Allegany, New York, retired as a Chief Investigator with the Cattaraugus County Department of Social Services, effective July 1, 2010, and

WHEREAS, upon graduating from Salamanca Central School and from St. Bonaventure University with a history education degree, Mr. Opferbeck first worked at Allegany State Park and substitute taught at area schools, and

WHEREAS, Randy then began employment with Cattaraugus County DSS as a Caseworker in June, 1971, and was promoted to a Chief Investigator in May, 1982, the job he held until his retirement on July 1, 2010, and

WHEREAS, Randy is a founding member of the National Wild Turkey Federation, a member of the state and local chapters of the Wild Turkey Federation, a member of the Cattaraugus County Federated Sportsmen's Association and attends the Five-Mile Baptist church in Allegany, and

WHEREAS, Randy enjoys hunting, fishing, bowling and golfing, and

WHEREAS, for the past 39 years, Randy has been an extremely conscientious, dedicated employee and has provided invaluable service to the taxpayers of Cattaraugus County, having served with loyalty, integrity and perseverance in his job duties, and

WHEREAS, Randy has proven himself to be a great asset to the County, and is missed by his many friends and co-workers, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby expresses its deepest gratitude to Randy Opferbeck for his years of service to Cattaraugus County and its citizens, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby congratulates Randy Opferbeck upon the occasion of his retirement, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Randy Opferbeck.

Approved by 9 members of the Finance Committee.

Adopted August 25, 2010 by voice vote.

by Ms. Vickman and Mr. McClune

**RESOLUTION TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE OFFICE FOR THE AGING FOR HEALTH
INSURANCE INFORMATION COUNSELING AND ASSISTANCE PROGRAM (HIICAP)
MEDICARE IMPROVEMENTS FOR PATIENTS & PROVIDERS ACT (MIPPA) FUNDING**

Pursuant to Medicare Improvements for Patients & Providers
Act (MIPPA) of 2008, Section 541 of the Executive Law,
Section 95-a of the General Municipal Law and
Section 450 of the County Law.

WHEREAS, Act 455-2009 authorized the Chair to execute grant
documents with the New York State Office for the Aging for the Health
Insurance Information Counseling and Assistance Program (HIICAP) for the
Medicare Improvements for Patients & Providers Act (MIPPA) component, and

WHEREAS, funding is again available through the New York State
Office for the Aging for the aforementioned program, and

WHEREAS, the aforementioned program strengthens the capability of
area agencies on aging to provide Medicare beneficiaries information,
counseling and assistance to purchase, file claims, and appeal health
insurance coverage decisions, and

WHEREAS, the MIPPA component funding will allow for more public
outreach, and

WHEREAS, the County should execute grant documents in order to
apply for and receive the aforementioned funding, 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 grant documents, on behalf of Cattaraugus
County, with the New York State Office for the Aging, in order to apply for
and receive the above-described funding, for a term commencing June 1, 2010
and terminating May 31, 2011, according to the above-described terms, and be
it further

RESOLVED, that upon reduction or termination of either state or
federal funding for this program, then this program shall be automatically
abolished.

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

Adopted August 25, 2010 by voice vote.

ACT NO. 444-2010 by Ms. Vickman
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HEALTHPRO MANAGEMENT SERVICES, LLC FOR
DEPARTMENT OF NURSING HOMES PROFESSIONAL THERAPY SERVICES**

Pursuant to 10 NYCRR Part 415.16 and
Section 450 of the County Law.

WHEREAS, Act 596-2006 authorized a contract with Olean General
Hospital for the provision of professional occupational therapy, physical
therapy and speech/language pathology services for The Pines Healthcare &



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campus, the term of which expires December 31, 2003-2006, 594-2006 and 595-2006 authorized contracts with various therapists for the provision of professional occupational therapy, physical therapy and speech/language pathology services for The Pines Healthcare & Rehabilitation Center- Machias Campus, the term of which expires December 31, 2010, and

WHEREAS, the County Department of Nursing Homes is desirous of continuing the therapy services at The Pines Healthcare and Rehabilitation Center - Olean and Machias Campuses, and

WHEREAS, HealthPRO Management Services, LLC, 10600 York Road, Suite 105, Cockeysville, Maryland 21030, has agreed to provide the aforementioned professional therapy services at The Pines Healthcare and Rehabilitation Center - Olean and Machias Campuses, in accordance with the following fee schedule, which includes travel:

Schedule A - Medicare Part A

<u>Resource Utilization Group (RUG)</u>	<u>Service Fee</u>
RU	\$115.20/day
RV	\$ 80.00/day
RH	\$ 52.00/day
RM	\$ 24.00/day
RL	\$ 7.20/day
Non-R Class	\$ 1.12/minute

Schedule B - Medicare Part B

Service Fee calculated on the basis of 75% of the non-facility Medicare [physician] fee schedule

Schedule C - Managed Care, Other Payors,
Private Pay & Medicaid Residents

Service Fee calculated on the basis of 75% of the non-facility Medicare [physician] fee schedule

WHEREAS, sufficient funds are included in the budget to cover the costs 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 HealthPRO Management Services, LLC, for the provision of the above-described professional therapy services, for a term commencing November 1, 2010 and terminating October 31, 2012, with the County's sole option to renew for two (2) additional two-year periods at the same rates, according to the above-described terms.

MR. McCLUNE moved, seconded by Mr. Vecchiarella to waive Rule 12. Carried.

Adopted August 25, 2010 by voice vote.

by Mr. McLarney and Mr. Boser
immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT APPLICATION WITH NEW YORK
STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION FOR
SNOWMOBILE TRAIL MAINTENANCE PROGRAM FUNDING**

Pursuant to Article 27 of the Parks, Recreation and
Historic Preservation Law and Section 450 of the County Law.

WHEREAS, Act 404-2009 authorized the Chair to apply for funding
with the New York State Office of Parks, Recreation and Historic Preservation
for snowmobile trail maintenance program funding for the 2009-2010 program
year, and

WHEREAS, funding is again available through the New York State
Office of Parks, Recreation and Historic Preservation for maintenance of
snowmobile trails, and

WHEREAS, Cattaraugus County has been requested by the Cattaraugus
County Snowmobile Federation to act as a local sponsor for the grant
application, and

WHEREAS, if the grant application is successful, then the
legislature would consider legislation entering into contracts with either
the Cattaraugus County Federation of Snowmobile Clubs, Inc. or the snowmobile
clubs for the snowmobile trail maintenance, now, therefore, be it

RESOLVED, that the Chair of the Legislature, be, and hereby is,
authorized and directed to execute a grant application, on behalf of
Cattaraugus County, with the New York State Office of Parks, Recreation and
Historic Preservation, for the 2010-2011 program year, according to the
above-described terms, and be it further

RESOLVED, that upon reduction or termination of either state or
federal funding for this program, then this program shall be automatically
abolished.

MR. GIARDINI moved, seconded by Mr. Ward to waive Rule 12. Carried.

Adopted August 25, 2010 by voice vote.

MR. MARSH moved, seconded by Mr. Giardini to adjourn until September 8,
2010 at 3:00 p.m. Carried.

Meeting adjourned at 3:56 p.m.

Ann M. Giglio
Journal Clerk