

September 8, 2010

The meeting was called to order by Chairman Michael T. O'Brien.

The invocation was given by Jack Searles.

The Attendance Roll Call disclosed all Legislators present.

MR. BOSER moved, seconded by Mrs. Stockman that the minutes of the August 25, 2010 session be approved. Carried.

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COMMUNICATIONS:

Senator Young: Letter acknowledging receipt of Act No. 416-2010.

Assembly Minority Leader Kolb: Letter acknowledging receipt of Act No. 416-2010.

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APPOINTMENTS:

**Conewango Watershed Commission
Three-year term to expire December 31, 2010**

James N. Dye
8568 South Dayton-Silver Creek Road
South Dayton, New York 14138-9604
(replacing Ronald Chase, who resigned)

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ACT NO. 446-2010 by Mr. Giardini
and Mr. Ellis and Mr. Murphy

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NYS DOT AND AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE
IN THE FEDERAL-AID PROJECT ADMINISTERED BY THE NYS DOT 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 project to Resurface (mill and overlay) County Road No. 12 (East Otto Road) from County Road No. 11, North Otto Road to County Road No. 13, Maples Road, in the Town of Otto, Cattaraugus County, PIN 5759.55 (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 80% Federal funds and 20% Non-Federal funds, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby approves the above-described project, 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 \$100,000 is hereby appropriated 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 Federal and Non-Federal shares of the cost of the project's Construction & Construction Inspection phase exceeds the amount appropriated above, \$100,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Construction & Construction Inspection phase exceeds \$500,000, 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.4597	TEA-21 Program (SAFETEA-LU)	\$400,000.00
H.3501	Consolidated Highway Aid	\$100,000.00

Increase Appropriation Accounts:		
H.5198.142	County Road No. 12 (SAFETEA-LU)	\$400,000.00
H.5197.218	County Road No. 12 (CHIPS)	\$100,000.00.

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

Adopted September 8, 2010 by voice vote.

ACT NO. 447-2010 by Mr. Giardini
 Mr. Ellis, Mr. Marsh and Mr. Neal
and Mr. Burrell¹

**AUTHORIZING THE CHAIR TO EXECUTE SUPPLEMENTAL AGREEMENT 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, a project for the replacement of the North 9th Street Bridge over Little Valley Creek, BIN 3-32234-0, in the Village of Little

Valley, Cattaraugus County, PIN 5757.36 (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 80% Federal funds and 20% Non-Federal funds, and

WHEREAS, the County desires to advance the above project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Engineering (Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition and Construction & Construction Inspection phases of the Project, PIN 5757.36, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby approves the above-described project, 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 Preliminary Engineering (Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition and Construction & Construction Inspection phases of the Project, or portions thereof, and be it further

RESOLVED, that the sum of \$162,000 is hereby appropriated in addition to \$165,000 previously appropriated for the project's Preliminary Engineering (Design I-VI) and right-of-Way Incidentals phases via County Resolution No. 258-2006 adopted May 24, 2006, and made available to cover the cost of participation in the above phases of the project, and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI), Right-of-Way Incidentals, right-of-Way Acquisition and Construction & Construction Inspection phases exceeds the amount appropriated, \$327,000, and/or 100% of the full Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition and Construction & Construction Inspection phases exceeds \$973,420, 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 Accounts:

H.4597	TEA-21 Program (SAFETEA-LU)	\$646,736.00
H.3592	Marchiselli Program	\$131,913.00

Increase Appropriation Account:

H.5198.132	Little Valley Bridge No. 15	\$778,649.00.
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Approved by 9 members of the Finance Committee and 9 members of the Public Works Committee.

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

Adopted September 8, 2010 by voice vote.

ACT NO. 448-2010 by Mr. Giardini
and Mr. Ellis

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ABATE ASSOCIATES ENGINEERS & SURVEYORS, P.C. FOR
CONSTRUCTION INSPECTION SERVICES FOR
COUNTY ROAD NO. 85 MILL AND FILL PROJECT**

Pursuant to Section 131-b of the Highway Law and
Section 450 of the County Law.

WHEREAS, construction inspection services are needed for the County Road No. 85 mill and fill project, and

WHEREAS, Abate Associates Engineers & Surveyors, P.C., 4455 Genesee Street, P.O. Box 218, Buffalo, New York 14225-0218, can provide a certified inspector for the provision of on-site construction inspection services for the County Road No. 85 mill and fill project, for an amount not to exceed \$15,084, 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 Abate Associates Engineers & Surveyors, P.C., for the provision of the above-described services, for a term commencing September 9, 2010 and terminating December 31, 2010, according to the above-described terms.

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

Adopted September 8, 2010 by voice vote.

ACT NO. 449-2010 by Mr. Giardini
and Mr. Ellis

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
MICHAEL JIMERSON, D/B/A TRIBAL PETROLEUM SUPPLIERS FOR PROPANE GAS**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 467-2009 authorized a contract with Michael A. Jimerson, d/b/a Tribal Petroleum Suppliers, for the provision of propane gas for heating at the Department of Public Works-Highway Division at Markhams, the term of which expires September 30, 2010, and

WHEREAS, the County Department of Public Works has solicited proposals from two (2) companies for the provision of propane gas, and

WHEREAS, the lowest proposal was received from Michael A. Jimerson, d/b/a Tribal Petroleum Suppliers, P.O. Box 287, 1828 Route 20,

Silver Creek, New York 14136, as follows: Method #2 - fixed price of \$1.239 per gallon, 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 Michael A. Jimerson, d/b/a Tribal Petroleum Suppliers, for the provision of propane gas, for a term commencing October 1, 2010 and terminating September 30, 2011, according to the above-described terms.

State bid for propane gas at this time is for pricing that varies according to the market. At this time the State price is \$1.396 per gallon. Two sets of specifications were sent out. Two proposals were received.

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

Adopted September 8, 2010 by voice vote.

ACT NO. 450-2010 by Mr. Neal and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD, INC. FOR
ACCEPTANCE OF ARRA FUNDING FOR
WIA ONE-STOP PROGRAM SERVICES**

Pursuant to P.L. 105-220, Workforce Investment Act of 1998,
20 USC 9201 and Section 450 of the County Law.

WHEREAS, Act 99-2010 authorized a contract with the Cattaraugus-Allegany Workforce Investment Board, Inc., for the acceptance of ARRA funding for the operation of the aforementioned WIA One-Stop program, the term of which expired June 30, 2010, and

WHEREAS, the WIB has additional ARRA funds available in the amount of \$100,818 for one-stop program services, and

WHEREAS, the County Department of Social Services is desirous of continuing the provision of WIA One-Stop program services and can make available all necessary qualified personnel, licenses, facilities and expertise to perform, or have performed, the services required, and

WHEREAS, the WIB will pay to the County an amount of \$100,818 in ARRA funds for the provision of the above-described program services, 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 Cattaraugus-Allegany Workforce Investment Board, Inc., for acceptance of ARRA funding, for a term commencing July 1, 2010 and terminating June 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 6 members of the Human Services Committee.

Adopted September 8, 2010 by voice vote.

ACT NO. 451-2010 by Mr. Neal and Mr. Snyder

**AMENDING ACT 394-2010 REGARDING CONTRACT WITH
CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD, INC. FOR
OPERATION OF WIA ONE-STOP PROGRAM**

Pursuant to P.L. 105-220, Workforce Investment Act of 1998,
20 USC 9201 and Section 450 of the County Law.

WHEREAS, Act 394-2010 authorized a contract with the Cattaraugus-Allegany Workforce Investment Board, Inc., for the operation of the aforementioned WIA One-Stop program, the term of which expires June 30, 2011, and

WHEREAS, the funds for the aforementioned program have been reduced, and

WHEREAS, the WIB will pay the County for the administration of the above-described program the sum of \$452,451 for the 2010-2011 program year, now, therefore, be it

RESOLVED, that Act 394-2010 be, and hereby is, amended as follows: In the Fourth Whereas, delete: "\$474,105" and replace with: "\$452,451".

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

Adopted September 8, 2010 by voice vote.

ACT NO. 452-2010 by Mr. Neal and Mr. Snyder

**AMENDING ACT 395-2010 REGARDING CONTRACT WITH
CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD, INC. FOR
YEAR-ROUND YOUTH PROGRAMS**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 395-2010 authorized a contract with the Cattaraugus-Allegany Workforce Investment Board, Inc. (WIB), for the provision of services necessary to operate year-round youth programs, the term of which expires June 30, 2011, and

WHEREAS, the funds for the aforementioned program have been reduced, and

WHEREAS, the WIB will pay the County an amount of \$85,089 for the provision of the above-described youth services for the 2010-2011 program year, now, therefore, be it

RESOLVED, that Act 395-2010 be, and hereby is, amended as follows: In the Third Whereas, delete: "\$87,973" and replace with: "85,089".

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

Adopted September 8, 2010 by voice vote.

ACT NO. 453-2010 by Mr. Neal and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH JAMESTOWN COMMUNITY COLLEGE FOR
BRIDGE PROGRAM FOR ADULTS TO ATTEND COLLEGE AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Social Services)**

Pursuant to Sections 363, 366 and 450 of the County Law.

WHEREAS, the County Department of Social Services is desirous of providing services to eligible adult recipients to assist them in attending college, and

WHEREAS, Jamestown Community College, 525 Falconer Street, Jamestown, New York 14701, can provide a bridge program for the aforementioned eligible adult recipients, which will prepare them for college, for an amount of \$6,771 per participant, for an amount not to exceed \$67,710, and

WHEREAS, the aforementioned program is 100% federally funded, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to cover the costs of the aforementioned bridge 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 Jamestown Community College, for the provision of the above-described services, for a term commencing September 15, 2010 and terminating September 30, 2011, according to the above-described terms, and be it further

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

Increase Estimated Revenue Account:

A.4618	TANF Employment Grant	\$19,750.00
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Increase Appropriation Account:

A.6018.526	JCC Bridge Program	\$19,750.00.
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Approved by 9 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted September 8, 2010 by voice vote.

ACT NO. 454-2010 by Ms. Vickman and Mr. McClune
and Mr. Padlo¹

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

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

WHEREAS, Act 454-2009 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, 2010, 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:	\$3.75 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, 2010 and terminating August 31, 2011, according to the above-described terms.

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

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

Adopted September 8, 2010 by voice vote.

ACT NO. 455-2010 by Mr. McLarney and Mr. Boser
and Mr. Burrell, Mr. Ellis, Mr. Marsh and Mr. Neal¹

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE OFFICE OF COMMUNITY RENEWAL FOR
MICROENTERPRISE PROGRAM FUNDING**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Department of Economic Development, Planning and Tourism currently participates in the Small Cities Microenterprise program, and

WHEREAS, the New York State Office of Community Renewal has a new funding source available for the Microenterprise Program, and

WHEREAS, the County should apply to the New York State Office of Community Renewal for the new Small Cities Microenterprise funding, and

WHEREAS, the aforementioned 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 Office of Community Renewal, in order to apply for the above-described funding, 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 7 members of the Development and Agriculture Committee.

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

Adopted September 8, 2010 by voice vote.

ACT NO. 456-2010 by Mr. Murphy
and Mr. Aiello, Mr. Ellis, Mr. McLarney, Mr. Neal,
Mr. Teachman, Mr. Vecchiarella, Ms. Vickman, Mr. Boser,
Mr. Giardini, Mr. Hebdon and Mr. Padlo¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ALLEGANY-LIMESTONE CENTRAL SCHOOL DISTRICT FOR
SCHOOL RESOURCE OFFICER PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 403-2007 authorized a contract with the Allegany-Limestone Central School District for a part-time school resource officer in an attempt to deter criminal behavior through positive interactions with students during school hours, the term of which expired June 30, 2010, and

WHEREAS, the School Resource Officer Program is designed to provide education, law enforcement and counseling to high school students, and

WHEREAS, the funding of the COPS in Schools Grant terminated on February 26, 2004, and

WHEREAS, the Allegany-Limestone Central School District has agreed to pay the annual actual cost of the aforementioned school resource officer, and

WHEREAS, the Cattaraugus County Sheriff's Office has agreed to assign a law enforcement officer to the Allegany-Limestone Central School, 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 Allegany-Limestone Central School District, for the provision of the School Resource Officer Program, for a term commencing July 1, 2010 and terminating June 30, 2011, with the option to renew for two (2) additional one-year periods, according to the above-described terms.

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

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Mr. Ellis, Mr. McLarney, Mr. Neal, Mr. Teachman, Mr. Vecchiarella, Ms. Vickman, Mr. Boser, Mr. Giardini, Mr. Hebdon and Mr. Padlo".

Adopted September 8, 2010 by voice vote.

ACT NO. 457-2010 by Mr. McLarney, Mr. Boser and Mr. Ward

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
EBS-RMSCO, INC. FOR THIRD-PARTY ADMINISTRATION OF
CATTARAUGUS COUNTY FLEXIBLE BENEFITS PLAN**

Pursuant to Section 92-a of the General Municipal Law and Section 450 of the County Law.

WHEREAS, Act 688-2009 authorized a contract with RMSCO, Inc., for the third-party administration of the Cattaraugus County Flexible Benefits Plan, the term of which expires December 31, 2010, and

WHEREAS, the County Human Resources Department is in need of assistance with the preparation of plan documents, the summary plan description and the Administrator's Guide, and

WHEREAS, EBS-RMSCO, Inc., FSA Customer Service Department, 30 Perinton Hills Mall, Fairport, New York 14450, can assist with the preparation of the plan documents, the summary plan description and the Administrator's Guide for a one-time fee of \$450, and

WHEREAS, a contract amendment is necessary to include the additional one-time document preparation fee of \$450, and

WHEREAS, sufficient funds are included in the 2010 budget to cover the costs of the aforementioned additional 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 EBS-RMSCO, Inc. for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 9 members of the Finance Committee and 3 members of the Labor Relations Committee.

Adopted September 8, 2010 by voice vote.

ACT NO. 458-2010 by Mr. Neal and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
IVANS, INC. FOR MEDICARE PART B ACCESS
COMMUNICATIONS SERVICE AGREEMENT**

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

WHEREAS, the County Department of Community Services is required to utilize an electronic broadband service to bill for Medicare Part B services, and

WHEREAS, IVANS, Inc., 100 First Stamford Place, Stamford, Connecticut 06902, can provide IVANS' LIME Single-User Broadband Solution with NetClient Software for access to Medicare applications, for an amount as follows:

<u>Year</u>	<u>Monthly</u>	<u>Annual Portal Access</u>	<u>One-Time Set-Up Fee</u>	<u>Total Annual</u>
2010	\$82.35	\$60.00	\$50.00	\$ 439.40
2011	\$82.35	\$60.00		\$1,048.20
2012	\$82.35	\$60.00		\$ 658.80

WHEREAS, the aforementioned services are 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 IVANS, Inc., for the provision of the above-described services, for a term commencing September 1, 2010 and terminating August 31, 2012, 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 Human Services Committee.

Adopted September 8, 2010 by voice vote.

ACT NO. 459-2010 by Mr. Neal and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
UNIVERSITY OF PITTSBURGH AT BRADFORD FOR DEPARTMENT OF
COMMUNITY SERVICES WORK STUDY INTERNSHIP PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Department of Community Services is desirous of participating in a work study internship program with the University of Pittsburgh at Bradford, and

WHEREAS, the University of Pittsburgh at Bradford, 300 Campus Drive, Bradford, Pennsylvania 16701, has agreed to provide interns to the Department of Community Services 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 a contract, on behalf of Cattaraugus County, with the University of Pittsburgh at Bradford, 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 Human Services Committee.

Adopted September 8, 2010 by voice vote.

ACT NO. 460-2010 by Mr. Murphy
*and Mr. Aiello, Mr. Ellis, Mr. McLarney, Mr. Neal, Mr. Vecchiarella,
 Ms. Vickman, Mr. Boser, Mr. Hebdon, Mr. Padlo and Mr. Sprague¹*

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH PIONEER CENTRAL
 SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICER PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 404-2007 authorized a contract with the Pioneer Central School District for a full-time school resource officer in an attempt to deter criminal behavior through positive interactions with students during school hours, the term of which expired June 30, 2010, and

WHEREAS, the School Resource Officer Program is designed to provide education, law enforcement and counseling to high school students, and

WHEREAS, the Pioneer Central School District has expressed a good faith intention to provide the total cost of the school resource officer at the conclusion of the COPS Universal Hiring Grant Program, and

WHEREAS, the funding for the COPS Universal Hiring Grant terminated on June 30, 2001, and

WHEREAS, the Pioneer Central School District has agreed to pay the annual actual cost of a full-time school resource officer, and

WHEREAS, the Cattaraugus County Sheriff's Department has agreed to assign the law enforcement officer to the Pioneer Central School District, 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 Pioneer Central School District, for the provision of the School Resource Officer Program, for a term commencing July 1, 2010 and terminating June 30, 2011, with the option to renew for two (2) additional one-year periods, according to the above-described terms.

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

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Mr. Ellis, Mr. McLarney, Mr. Neal, Mr. Vecchiarella, Ms. Vickman, Mr. Boser, Mr. Hebdon, Mr. Padlo and Mr. Sprague".

Adopted September 8, 2010 by voice vote.

ACT NO. 461-2010 by Mr. Neal
and Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Murphy, Mr. Vecchiarella¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
 NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR
 DISTRICT ATTORNEY AID TO PROSECUTION PROGRAM**

Pursuant to Section 450 of the County Law and
 Chapter 53 of the Laws of 1990.

WHEREAS, Act 533-2009 authorized a contract with the New York State Division of Criminal Justice Services for funding for the Aid to Prosecution Program, and

WHEREAS, the District Attorney has been notified by the New York State Division of Criminal Justice Services that the District Attorney's Office is eligible for a grant in the amount of \$35,300 under the Aid to Prosecution Program for the period April 1, 2010 to March 31, 2011, and

WHEREAS, the purpose of this program is to expedite the processing of repeat and serious felony offenders, to maintain increased levels of experienced prosecution personnel, to seek the imposition of maximum sentences and minimum plea bargaining options for defendants, to limit the caseloads of experienced attorneys in order to maintain a policy of vertical prosecution and to screen all potentially Aid to Prosecution eligible felony cases, and

WHEREAS, a contract is necessary with the New York State Division of Criminal Justice Services in order to accept the aforementioned funding, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute the aforementioned contract, on behalf of Cattaraugus County, with the New York State Division of Criminal Justice Services, for the provision of the above-described program, for a term commencing April 1, 2010 and terminating March 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 Public Safety Committee.

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Murphy, Mr. Vecchiarella".

Adopted September 8, 2010 by voice vote.

ACT NO. 462-2010 by Mr. Ellis and Mr. Neal
and Mr. Burrell, Mr. McLarney, Mr. Murphy, Mrs. Stockman and Mr. Padlo¹

**URGING THE COMMISSIONER OF AGRICULTURE AND GOVERNOR'S ADVISORY COUNCIL
ON AGRICULTURE TO DEVELOP A CONSOLIDATED AGRICULTURAL AND FARMLAND
PROTECTION PLAN TO GUIDE NEW YORK STATE'S EFFORTS IN SUPPORTING ITS
AGRICULTURAL INDUSTRY AND PROTECTING AGRICULTURAL LAND**

Pursuant to Section 153 of the County Law.

WHEREAS, New York farmers are stewards to approximately 7.5 million acres of land or approximately 25% of the land in New York State and play a key role in protecting New York's land, water and other natural resources, and

WHEREAS, New York farmers are significant partners in enhancing water quality, mitigating the impacts of climate change, providing wildlife habitat and improving the overall health of the state's environment, and

WHEREAS, farms and agribusinesses are significant elements of New York's economy, generating \$23 billion economic impact annually in New York and providing jobs for thousands of New Yorkers, and

WHEREAS, New York has nationally recognized programs to help farmers protect land and water including the Environmental Protection Fund,

Agricultural Nonpoint Source Program, the Agricultural Environmental Management Program, Soil and Water Conservation Districts and the Farmland Protection Program, and

WHEREAS, the 2010-2011 Executive Budget proposal contains a 35% reduction in funding for the Environmental Protection Fund and a more than 50% reduction for the Farmland Protection Program, and

WHEREAS, proposed cuts to the Farmland Protection Program hurt New York's ability to leverage federal conservation funds, and

WHEREAS, progress must be made in building state and local capacity to complete farmland protection projects more quickly, and

WHEREAS, the consolidation of a unified vision for the conservation of farmers and farmland and the establishment of a mutually agreed upon set of long-term goals in this area is essential to securing future funding, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature supports the continued implementation and funding of the Environmental Protection Fund, the Agricultural Nonpoint Source Program, the Agricultural Environmental Management Program, and the Farmland Protection Program, and be it further

RESOLVED, that the Cattaraugus County Legislature urges the Commissioner of Agriculture and Governor's Advisory Council on Agriculture to develop a consolidated state Agricultural and Farmland Protection Plan to be consistent with locally adopted plans to help guide the state's efforts in supporting its agricultural industry, soil and water conservation districts and protecting agricultural land including an emphasis on long-term goals, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a copy of this resolution to Governor Paterson, Senator Young, Senator Smith, Assembly Speaker Silver, Assembly Member Giglio, the New York State Association of Counties, and the Western New York Inter-County Association.

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

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Burrell, Mr. McLarney, Mr. Murphy, Mrs. Stockman and Mr. Padlo".

Adopted September 8, 2010 by voice vote.

ACT NO. 463-2010 by Mr. McClune and Mr. Nenno
 and Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Murphy,
 Mr. Neal, Mr. O'Brien, Mr. Snyder, Mrs. Stockman, Mr. Teachman,
 Mr. Vecchiarella, Ms. Vickman, Mr. Boser, Mr. Giardini, Mr. Hebdon,
 Mr. Padlo, Mr. Sprague and Mr. Ward¹

**SUPPORTING STATE LEGISLATION TO RETURN
 MEDICAID FRAUD RECOVERY MONEY TO COUNTIES**

Pursuant to Section 153 of the County Law.

WHEREAS, New York State has the nation's highest Medicaid costs at nearly \$55 billion per year, and

WHEREAS, counties in New York State are required by the State to pay a portion of the non-federal share of the Medicaid Program, and

WHEREAS, in 2009, the New York State Attorney General's Office recovered more than \$283 million in Medicaid fraud monies, and

WHEREAS, currently, when Medicaid fraud money is recovered, the state receives its portion, but counties do not receive their full share in return, and

WHEREAS, proposed legislation would change the redistribution calculation to include restoration of fraud monies to counties where the fraud was uncovered, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby supports legislation to return Medicaid fraud recovery money to counties, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a copy of this resolution to Governor Paterson, Senator Young, Senator Smith, Assembly Speaker Silver, Assembly Member Giglio, the New York State Association of Counties, and the Western New York Inter-County Association.

Approved by 9 members of the Finance Committee, 7 members of the Senior Services Committee and 6 members of the Human Services Committee.

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Murphy, Mr. Neal, Mr. O'Brien, Mr. Snyder, Mrs. Stockman, Mr. Teachman, Mr. Vecchiarella, Ms. Vickman, Mr. Boser, Mr. Giardini, Mr. Hebdon, Mr. Padlo, Mr. Sprague and Mr. Ward".

Adopted September 8, 2010 by voice vote.

ACT NO. 464-2010 by Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Teachman, Ms. Vickman, Mr. Boser, Mr. Giardini and Mr. McClune who ask immediate consideration

**BID ACCEPTANCE FOR REPLACEMENT OF MACHIAS BRIDGE NO. 28
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and Sections 363, 366 and 408 and 408-a of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the replacement of Machias Bridge No. 28, in the Town of Machias, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was the bid of H & K Services, Inc., 12025 Leon Road, Leon, New York 14751, in the amount of \$539,000, and

WHEREAS, various appropriation and estimated revenue accounts must be adjusted in order to cover the cost of the aforementioned bridge replacement project, now, therefore, be it

RESOLVED, that the aforementioned bid of H & K Services, Inc., be, and the same hereby is, accepted, for a term commencing upon Notice to Proceed and terminating June 30, 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, and be it further

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

Increase Estimated Revenue Account:
 H.2810 Transfer from General Fund \$ 44,629.00

Decrease Estimated Revenue Account:
 DM.2810 Transfer from General Fund \$ 44,629.00

Decrease Appropriation Accounts:
 H.5197.206 Napoli Bridge No. 8 \$ 42,820.00
 H.5198.122 Dayton Bridge No. 30 \$ 9,800.00
 H.5198.653 Allegany Bridge No. 20 \$ 8,034.00
 H.5198.681 South Valley Bridge No. 6 \$ 934.00
 H.5198.684 Ellicottville Bridge No. 49 \$ 11,743.00
 H.5198.696 Humphrey Bridge No. 15 \$ 38,000.00
 A.9522.952 Transfer to Road Machinery \$ 44,629.00
 DM.5130.290 Grader \$ 30,507.00
 DM.5130.294 Pressure Washers \$ 13,525.00
 DM.5130.295 Power Pallet Stacker \$ 597.00

Increase Appropriation Accounts:
 H.5198.602 Machias Bridge No. 28 \$155,960.00
 A.9522.954 Transfer to Capital Projects \$ 44,629.00.

No State Bid.
 Twelve sets of specifications were sent out.
 Six bids were received.

MR. VECCHIARELLA moved, seconded by Mr. Snyder to waive Rule 12.
 Carried.

Adopted September 8, 2010 by voice vote. Mr. Ward voting no.

ACT NO. 465-2010 by Mr. McLarney and Mr. O'Brien
 who ask immediate consideration

**SALE OF TAX TITLE PROPERTY TO FORMER OWNER
 (Town of Portville)**

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 Portville, as described below, and

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

WHEREAS, the cost involved for these premises has 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 individual:

TOWN OF PORTVILLE

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
316	104.065-2-18	Wilbur Ingram	c/o Mark Lent 75 South Main St. Portville, NY 14770	\$10,601.38

MR. SPRAGUE moved, seconded by Mr. Hebdon to waive Rule 12. Carried.

Adopted September 8, 2010 by voice vote.

MR. NEAL moved, seconded by Mr. Hebdon to adjourn until September 22, 2010 at 3:00 p.m. Carried.

Meeting adjourned at 3:41 p.m.

Ann M. Giglio
Journal Clerk