

February 27, 2013

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

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed one Legislator absent – Mr. Weller.

MS. EDSTROM moved, seconded by Mr. Sprague that the minutes of the February 13, 2013 session be approved. Carried.

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COMMUNICATIONS:

Assembly Member Giglio: Letter acknowledging receipt of Act Nos. 91-2013 and 95-2013.

APPOINTMENTS:

MEMORIAL MUSEUM BOARD

Term to expire December 31, 2016

Patrick Cullen, President/CEO
Bank of Cattaraugus
24 Main Street
Cattaraugus, New York 14719

AD HOC BUDGET REVIEW COMMITTEE

James Snyder, Jr., Chairman
Dan Hale
Carl Edwards

Susan Labuhn, Vice-chair
Richard Lamberson

The purpose of this committee is to assist in the budget officer's development of a budget for the succeeding fiscal year; make recommendations to the budget officer regarding possible savings and cost reductions; and report periodically to the Finance Committee for review and approval.

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CHAIRMAN MARSH granted privilege of the floor to Margorie Andrews from the Cattaraugus County Farm Bureau. She announced that today is Food Check-Out Day. This is the 100th anniversary of the Cattaraugus County Farm Bureau which was established on June 10, 1913 and was the 15th Farm Bureau formed in New York State. She and her son, Joe, created the video "I Believe – A Tribute to Farmers", which they showed the Legislature. It has been posted on YouTube.

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ACT NO. 97-2013 by Mr. Aiello, Mr. Felton, Ms. Vickman and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE ACCESS AGREEMENT WITH
BUFFALO & PITTSBURGH RAILROAD, INC. FOR
ASHFORD BRIDGE NO. 53 CROSSING**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Department of Public Works is desirous of replacing the existing temporary Ashford Bridge No. 53 with a "long-term" temporary culvert in an effort to open County Road No. 12 to two-way traffic, and

WHEREAS, the Buffalo & Pittsburgh Railroad, Inc., 400 Meridian Centre, Suite 330, Rochester, New York 14618, has agreed to allow access to the aforementioned project site at no cost to the County, and

WHEREAS, the County Department of Public Works shall remove the existing temporary bridge structure and replace it with a long-term temporary large culvert centered along the existing railroad bed, at no cost to the Buffalo & Pittsburgh Railroad, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an access agreement, on behalf of Cattaraugus County, with the Buffalo & Pittsburgh Railroad, Inc., for access to the Ashford Bridge No. 53 project site, for a term commencing February 27, 2013 continuing in full force and effect until no longer needed by the County, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Public Works Committee.

Adopted February 27, 2013 by voice vote.

ACT NO. 98-2013 by Mr. Aiello and Mr. Weller
and Mr. Murphy¹

**AUTHORIZING THE CHAIR TO EXECUTE UTILITY EASEMENT WITH
NIAGARA MOHAWK POWER CORPORATION FOR
OVERHEAD ELECTRIC FACILITIES ALONG COUNTY ROAD NO. 14 (TOAD HOLLOW ROAD)**

Pursuant to Sections 219 and 450 of the County Law.

WHEREAS, Niagara Mohawk Power Corporation, National Grid, PLC, 1411 West Henley Street, Olean, New York 14760, has requested permission to relocate overhead electric facilities on property located on County Road No. 14 (Toad Hollow Road) in the Town of Mansfield, and

WHEREAS, a right-of-way easement is necessary to allow Niagara Mohawk Power Corporation, to extend, install and maintain overhead electrical facilities across County-owned property, and

WHEREAS, Niagara Mohawk Power Corporation has requested an easement agreement describing the rights and responsibilities of the County and Niagara Mohawk Power Corporation with regard to the aforementioned property access, and

WHEREAS, Niagara Mohawk Power Corporation has requested permission to cut and trim certain trees along the easement area, and

WHEREAS, the County has agreed to allow the above-described easement 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 utility easement, on behalf of Cattaraugus County, with Niagara Mohawk Power Corporation, for the relocation of overhead electric facilities along County Road No. 14 (Toad Hollow Road) in the Town of Mansfield, for a term commencing February 13, 2013 to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Public Works Committee.

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

Adopted February 27, 2013 by voice vote.

ACT NO. 99-2013 by Ms. Edstrom and Mrs. Stockman
and Mr. Padlo¹

AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH VARIOUS ENTITIES FOR PROVISION OF SERVICES FUNDED THROUGH THE COMMUNITY TRANSFORMATION GRANT

Pursuant to Section 450 of the County Law.

WHEREAS, Cattaraugus County is one of three (3) counties in New York State to be awarded the Community Transformation Grant–Small Communities funding by the Centers for Disease Control and Prevention, and

WHEREAS, Act 479-2012 authorized contracts with the New York State Department of Health and Health Research, Inc., in order to accept the aforementioned grant, and

WHEREAS, the County Health Department will work with a multi-sector leadership team and coalition to implement a multi-sector implementation plan in the early child care, school and community settings within the Gowanda Central, Olean City and Salamanca City School Districts’ geographic areas, and

WHEREAS, the County Health Department shall act as lead agency in administering the aforementioned grant for Cattaraugus County, and

WHEREAS, contracts with the following various entities are necessary in order to cover certain components of the grant program:

<u>Name & Address of Entity</u>	<u>Description of Services</u>	<u>Amount</u>
Southern Tier West Regional Planning & Development Board 4039 Route 219, Suite 200 Salamanca, New York 14779	Prepare a regional food procurement initiative within Cattaraugus County that consolidates food procurement and standardizes menu planning for participating school districts to leverage buying power, secure more competitive pricing, and improve the nutritional quality of the school lunch program	\$17,550.00

Healthy Community Alliance, Inc. 26 Jamestown Street P.O. Box 27 Gowanda, New York 14070	For identified 3 target areas: Implement classroom-based physical program/activities into elementary grade classrooms; create access to Safe Routes to School and within those communities, i.e. walking/ biking; availability of sugary beverages will decrease while healthy beverage availability will increase	\$37,200.00
Cornell Cooperative Extension- Allegany & Cattaraugus Counties 28 Parkside Drive Ellicottville, New York 14731	In 3 target areas: implement Local Wellness Policies prohibiting tobacco use at off-campus school sponsored events; adults and children living in low-income multi-unit structures will have access to smoke-free properties	\$12,000.00
ACCORD Corporation 84 Schuyler Street P.O. Box 573 Belmont, New York 14813	In 3 target areas: implement optional program standard in the County Child and Family Services Plan, requiring CACFP (Child and Adult Care Food Program) participation by legally exempt care providers who care for subsidized children 30 or more hours per week; increase participation by child care centers and homes serving low-income children that will participate in CACFP	\$12,000.00

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 contracts, on behalf of Cattaraugus County, with the above-listed various entities, for the provision of the above-described services, for a term commencing September 30, 2012 and terminating September 29, 2013, according to the above-described terms, and be it further

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

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

Approved by 8 members of the Finance Committee and 6 members of the Human Services Committee.

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

Adopted February 27, 2013 by voice vote.

ACT NO. 100-2013 by Mr. Felton and Ms. Vickman
and Mr. Aiello, Mr. Koch and Mrs. Labuhn¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS-ALLEGANY BOCES FOR DEPARTMENT OF NURSING HOMES
FIELDWORK EXPERIENCE FOR HEALTH CARE STUDENTS**

Pursuant to Section 450 of the County Law.

WHEREAS, Cattaraugus-Allegany BOCES, 1825 Windfall Road, Olean, New York 14760, is desirous of operating an educational fieldwork experience program at The Pines Healthcare and Rehabilitation Center for health care students, and

WHEREAS, the Department of Nursing Homes shall allow the educational fieldwork experience program to be conducted at the Machias and Olean Campuses of The Pines Healthcare and Rehabilitation Center, and

WHEREAS, there is no cost to the County for participation in the aforementioned program, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Cattaraugus-Allegany BOCES for the participation in the above-described fieldwork experience program, for a term commencing February 1, 2013 to continue in full force and effect until terminated by either party, according to the above-described terms.

Approved by 8 members of the Finance Committee and 5 members of the Senior Services Committee.

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

Adopted February 27, 2013 by voice vote.

ACT NO. 101-2013 by Mr. Marsh
and Mr. Aiello and Mr. Lamberson¹

AMENDING CATTARAUGUS COUNTY TRAVEL POLICY

Pursuant to Section 215 of the County Law and
Internal Revenue Code Section 119.

WHEREAS, the Cattaraugus County Legislature adopted the County's travel policy by Act No. 396-99 adopted on June 23, 1999, as amended by Act No. 431-2002, adopted on July 24, 2002 and Act No. 362-2009, adopted on June 24, 2009, and

WHEREAS, in accordance with Internal Revenue Code Section 119, the Internal Revenue Service in its audits of other counties in New York State has restated its long-held determination that reimbursement for meal expense is a taxable fringe benefit to the employee receiving it unless the employee is away from home overnight on business, and

WHEREAS, federal law takes precedence over state statutes and collective bargaining agreements in determining federal tax liability for furnished meals (IRC Section 119-(b)(1)), and

WHEREAS, it is necessary that the County revise its travel policy to comply with IRS regulations, now, therefore, be it

RESOLVED, that effective April 1, 2013, the Cattaraugus County Travel Policy is revised and amended as follows:

a. by adding the following to Section 1.1 thereof: “however, reimbursement for meals or meal expenses incurred during travel that does not require an overnight stay are taxable income to the employee and shall be reported to taxing authorities as may, from time-to-time, be determined by the County Treasurer”, and

b. In Section 1.14.2 thereof, following “Fair Labor Standards Act (FLSA)” add “and the Internal Revenue Code (IRC)”.

Approved by 8 members of the Finance Committee, 6 members of the County Operations Committee and 5 members of the Labor Relations Committee.

¹ The following Legislators requested their names be listed as additional sponsors: “Mr. Aiello and Mr. Lamberson”.

Adopted February 27, 2013 by voice vote.

ACT NO. 102-2013 by Public Safety Committee:
Mr. Murphy, Mr. Hale, Mr. Felton, Mr. Snyder, Sr.,
Mr. VanRensselaer, Mr. Weller and Mr. Koch
and Mr. Aiello and Mr. Klancer
who ask immediate consideration

**CREATING ONE POSITION OF PISTOL PERMIT CLERK, TO BE FILLED ON
A PART TIME BASIS, IN THE SHERIFF’S OFFICE AND
ESTABLISHING COMPENSATION FOR SAME**

Pursuant to Sections 204 and 205 of the County Law and
Section 22 of the Civil Service Law.

WHEREAS, the Sheriff’s Office is desirous of creating one additional position of Pistol Permit Clerk to be filled on a part time basis, and

WHEREAS, the addition of this position will assist in controlling costs by relieving overtime and provide for assistance in alleviating recent increases in workload, and

WHEREAS, there will be no increase in budget predictions for 2013 by the addition of this position, and

WHEREAS, the New Position Duties Statement has been submitted to the Cattaraugus County Civil Service Commission, which has approved and certified the title as Pistol Permit Clerk in accordance with Section 22 of the Civil Service Law, and

WHEREAS, sufficient funds are included in the budget in Account No. A.311.3110.0000.12000 (Part Time Wages) to cover the cost of the aforementioned position, now, therefore, be it

RESOLVED, that effective immediately, there is hereby created one position of Pistol Permit Clerk to be compensated at Grade 14 (\$12.13 per hour), Part Time Non-Bargaining Unit.

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

Adopted February 27, 2013 by voice vote.

ACT NO. 103-2013 by Mr. Klancer, Mr. Murphy and Mr. Sprague
who ask immediate consideration

**SALE OF TAX TITLE PROPERTY TO FORMER OWNERS
(Towns of New Albion and Yorkshire)**

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 Towns of New Albion and Yorkshire, and

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

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

RESOLVED, that the County Treasurer be, and hereby is, authorized and directed, on behalf of Cattaraugus County, to execute County Treasurer's Deeds conveying these properties to the following individuals:

TOWN OF NEW ALBION

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
242	54.029-1-11	Vanessa Kelly-Kifner	111 Linlyco Lake Rd. Cattaraugus, NY 14719	\$4,649.90

TOWN OF YORKSHIRE

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
404	13.001-1-2.3	David Sink Catherine Sink	11321 Weaver Rd. Delevan NY 14042	\$16,322.95
407	5.009-2-31	P. Marc Sampson Jane Relyea	12258 Old Olean Rd. Yorkshire, NY 14173	\$14,325.40

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

Adopted February 27, 2013 by voice vote.

ACT NO. 104-2013 by Mr. VanRensselaer and Mrs. Labuhn
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
H. SICHERMAN & COMPANY FOR ADMINISTRATION OF
COMMUNITY DEVELOPMENT BLOCK GRANT**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 376-2012 authorized the Chair to execute a contract with the New York State Office of Community Renewal for the Microenterprise Program Small Cities Funding, the term of which expired December 31, 2012, and

WHEREAS, the Department of Economic Development, Planning and Tourism is desirous of extending the term of the aforementioned contract to December 31, 2013, at no additional cost to the County, and

WHEREAS, sufficient funds are included in the budget in Account No. A.642.6422.6426.40815 (NYS CDBG Assistance Program) to cover the cost of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with H. Sicherman & Company, for the provision of the above-described services, to extend the term of the aforementioned contract to December 31, 2013, according to the above-described terms.

MR. SNYDER, JR. moved, seconded by Mrs. Labuhn to waive Rule 12. Carried.

Adopted February 27, 2013 by voice vote.

ACT NO. 105-2013 by Mr. Murphy
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CHAUTAUQUA COUNTY FOR
SOUTHERN TIER TASK FORCE DRUG ENFORCEMENT PROGRAM AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Sheriff's Office)**

Pursuant to Section 119-o of the General Municipal Law and
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 754-2009 authorized contracts with Chautauqua County and the New York State Division of Criminal Justice Services for a grant award for the Southern Tier Task Force Drug Enforcement Program, the term of which expired December 31, 2009, and

WHEREAS, a contract is necessary with Chautauqua County, whereby Cattaraugus County will be reimbursed for expenses related to this program in an estimated amount of \$37,500.00 for the period July 1, 2012 through June 30, 2013, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned funding, 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 Chautauqua County and the New York State Division of Criminal Justice Services for the provision of the Southern Tier Task Force Drug Enforcement Program, for a term commencing July 1, 2012 and terminating June 30, 2013, according to the above-described terms, and be it further

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

Increase Estimated Revenue Account:

A.311.3115.0000.3389.13	Public Safety Member Item	\$37,500.00
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Increase Appropriation Accounts:

A.311.3115.0000.13000	Overtime	\$14,500.00
A.311.3115.0000.81000	FICA	\$ 1,110.00
A.311.3115.0000.82000	Retirement	\$ 4,389.00
A.311.3115.0000.45401	Small Tools & Equipment	\$ 2,300.00
A.311.3115.0000.48206	Emergency Expenses	\$12,000.00
A.311.3115.0000.20008	Tools & Equipment	\$ 3,201.00.

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

Adopted February 27, 2013 by voice vote.

ACT NO. 106-2013 by Mr. Aiello, Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. Murphy, Mr. Snyder, Jr., Mr. Snyder, Sr., Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Ms. Vickman, Mr. Weller, Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson, Mr. Padlo and Mr. Sprague who ask immediate consideration

APPOINTMENT OF COMMISSIONER OF SOCIAL SERVICES

Pursuant to Sections 204 and 205 of the County Law.

RESOLVED, that Daniel P. Piccioli, 10 Solterra Circle, Allegany, New York 14706 be, and hereby is, appointed Commissioner of Social Services, for a term commencing February 28, 2013 and terminating February 27, 2018 at a bi-weekly salary of \$3,366.00 (\$87,516.00 annually) for 2013, and at any salary as may hereinafter be established, and be it further

RESOLVED, that Daniel P. Piccioli be afforded all benefits in such compensation and benefit package as established for Managerial and Confidential Officers and Employees, and be it further

RESOLVED, that sufficient funds are included in the budget in Account No. A.601.6010.0020.11000 (Full Time Wages) to cover the cost of the aforementioned position.

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

Adopted February 27, 2013 by voice vote.

**MOTION TO ADJOURN IN MEMORY OF
JAMES M. RICH**

WHEREAS, James M. Rich, 70, of Hutchinson Island, Florida, and Ellicottville, passed away on February 2, 2013 at St. Lucie Hospice House in Fort Pierce, Florida, and

WHEREAS, Mr. Rich served as a County Planning Board member from August 1993 to October 2005, and

WHEREAS, Mr. Rich received, along with other members of the County Planning Board, the Cattaraugus County Legislature's Total Quality Management Award in 1994, and

WHEREAS, Mr. Rich also served on the Route 219 Corridor Development Committee from April 1990 to November 1998, and

WHEREAS, he worked at the New York State Office of Parks, Recreation & Historic Preservation, Allegheny Region for 37 years retiring in 1998 as the Regional Director, a position he held for five years, and

WHEREAS, Mr. Rich served his country during the Vietnam War in Thailand, and

WHEREAS, he graduated from the New York State Ranger School and Syracuse University, and

WHEREAS, he was active in his community as a member of the Seascape II Board, the Ocean Village Architectural Board of Review, the Selective Service Board, the American Legion, the Elks and the Elkdale Country Club, and

WHEREAS, Mr. Rich is survived by Mary, his wife of 48 years; one niece, four nephews and several cousins, and

WHEREAS, the loss of his presence will be sadly felt by his many friends and colleagues in Cattaraugus County, now, therefore, Legislator Sprague hereby

MOVES, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of James M. Rich, and this Motion be seconded by the rest of the Legislature, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, until its next meeting, unless specially convened, in memory of James M. Rich, and be it further

RESOLVED, that the Clerk of the Legislature be, and hereby is, directed to forward a certified copy of this Motion to Mary Rich.

MR. LAMBERSON moved, seconded by Mr. Hale to adjourn until March 13, 2013 at 3:00 p.m. Carried.

Meeting adjourned at 4:11 p.m.

Ann M. Giglio
Journal Clerk