

August 27, 2014

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

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed four Legislators absent – Klancer, Labuhn, Padlo and Teachman.

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MS. EDSTROM moved, seconded by Mr. Boser that the minutes of the July 23, 2014 session be approved. Carried.

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COMMUNICATIONS:

New York State Department of State: Filing of Local Law No. 5-2014 (Local Law No. 5-2014) on August 6, 2014.

New York State Association of Counties: Acknowledging receipt of Act No. 338-2014.

Challenger Learning Center of the Twin Tier Region, Inc.: Thank you letter for additional funding for maintenance costs.

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APPOINTMENTS:

CATTARAUGUS COUNTY LONG TERM CARE ADVISORY COUNCIL

Term to expire December 31, 2015

Rachel Rotach, Program Director
Alzheimer's Association, WNY Chapter
2805 Wehrle Drive, Suite 6
Williamsville, New York 14221,
to fill the unexpired term of Beth DiNicolantonio.

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CHAIRMAN MARSH announced this is the time and place called for a public hearing on **Act No. 352-2014**, Local Law Number 6-2014, entitled, "A Local Law Amending Local Law Number 3-1989 Entitled 'A Local Law to Establish the Cattaraugus County Self-Insurance Plan and to Provide for the Administration Thereof'", and that anyone wishing to speak for or against this local law may now do so.

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

CHAIRMAN MARSH called up **Act No. 352-2014** and asked that it be read.

CHAIRMAN MARSH requested a Roll Call vote on Act No. 352-2014, Local Law Number 6-2014, which disclosed as follows:

Ayes: Boser 1.0267, Edstrom 0.8673, Edwards 0.9684, Felton 1.0972, Hale 1.0655, Klancer 1.1005, Koch 0.8685, Lamberson 1.0267, Marsh 1.1278, McElfresh 0.8673, Murphy 1.1005, Snyder, Sr. 0.8673, Snyder, Jr. 1.0655, Sprague 1.0230, Stockman 1.0003, VanRensselaer 1.1278, Vickman 1.0972, Weller 1.0972 – 17.2942.

Nays: none.

Act No. 352-2014, Local Law Number 6-2014, having received the majority vote of the Legislature was declared Adopted.

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CHAIRMAN MARSH granted Privilege of the Floor to Michael Sharbaugh, Vice President of the New York State Probation Officers Association, who introduced Probation Supervisor Gordon Diffenderfer and Probation Officers Scott Crowell and Christopher Woodring. Officers Crowell and Woodring are recipients of the Presidential Distinguished Service Award. This award is given to a probation officer who has displayed to any outstanding degree the kind of efficient or distinguished service which represents the highest standards and ideals of devoted public service. Officers Crowell and Woodring were nominated for and received this award for going above and beyond the duties of their position to locate a probationer and prevent the probationer from self-inflicted physical harm.

CHAIRMAN MARSH granted Privilege of the Floor to Legislator Boser who recognized former County Legislator Anne Marie Costello.

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ACT NO. 391-2014 by Mr. Weller and Mr. Koch

**BID ACCEPTANCE FOR PRECAST CONCRETE BOX CULVERT
FOR LEON CULVERT NO. 4
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and
Section 215 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for a precast concrete box culvert for Leon Culvert No. 4, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications for the aforementioned precast concrete box culvert was the bid of Lakelands Concrete Products, Inc., 7520 East Main Street, Lima, New York 14485, for an amount of \$73,735.00, to be paid as invoiced and as determined by the Department of Public Works, and

WHEREAS, sufficient funds are included in the 2014 budget to cover the costs of the aforementioned culvert, now, therefore, be it

RESOLVED, that the bid of Lakelands Concrete Products, Inc., be, and the same hereby is, accepted, for a term commencing upon Notice of Award and terminating October 31, 2014, with delivery to be made between October 1, 2014 and October 15, 2014, and be it further

RESOLVED, that vouchers submitted in accordance with the provisions of General Municipal Law §106-b and certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Six sets of specifications were sent out.

Two bids were received.

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

Adopted August 27, 2014 by voice vote.

ACT NO. 392-2014 by Mr. Weller and Mr. Koch

**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 Energymark, LLC, 6653 Main Street, Williamsville, New York 14221, for Method #1 – Firm Index Based Pricing with Trigger Option (One Year Commitment), 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 to the LDC. Each month this non-changing basis will be added to the appropriate monthly NYMEX settlement figure or the fixed NYMEX upon fixing.

Basis including shrinkage, upstream transportation, margin, etc. \$-0.27/Dth

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 Energymark, LLC, be, and the same hereby is, accepted for a term commencing September 1, 2014 and terminating August 31, 2015, 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.

Twelve sets of specifications were sent out.

Four bids were received meeting specifications.

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

Adopted August 27, 2014 by voice vote.

ACT NO. 393-2014 by Mr. Weller and Mr. Koch

**BID ACCEPTANCE FOR HOT DIP STEEL GALVANIZATION
(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 hot dip steel galvanization, according to specifications and general information provided by the Public Works Committee, and

WHEREAS, the only bid received meeting specifications for hot dip steel galvanization is the bid of Frontier Hot Dip Galvanizing, Inc., 1740 Elmwood Avenue, P.O. Box 199, Buffalo, New York 14207-0199, in an amount as follows:

<u>Job Size</u>	<u>2013 Amount</u>	<u>2014 Amount</u>
Less than 1,000 lbs	\$0.45/lb	\$0.45/lb
1,000 – 2,000 lbs	\$0.40/lb	\$0.40/lb
2,000 – 5,000 lbs	\$0.35/lb	\$0.35/lb
5,000 – 10,000 lbs	\$0.30/lb	\$0.30/lb
10,000 lbs & greater	\$0.23/lb	\$0.23/lb
<u>Additional Charges:</u>		
1. If material to be galvanized is longer than tank length and material must be dipped – first one end and then the other, "double dip", the additional charge will be	50% surcharge of pound rate listed	50% surcharge of pound rate listed
2. Handrails	\$ 0.75/lb	\$ 0.75/lb
3. Tanks	\$ 1.00/lb	\$ 1.00/lb
4. Additional Venting/Holes	\$50.00/hr	\$50.00/hr
5. Excess Paint Removal	50% surcharge	50% surcharge

In determining the award, the specifications require that mileage at the rate of \$1.50 per mile will be used. Each job (materials to be galvanized) requires two (2) round trips.

and

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

RESOLVED, that the aforementioned bid of Frontier Hot Dip Galvanizing, Inc., be, and the same hereby is, accepted, for a term commencing October 1, 2014 and terminating September 30, 2015, 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.

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

Adopted August 27, 2014 by voice vote.

ACT NO. 394-2014 by Mr. Weller and Mr. Koch

**BID ACCEPTANCE FOR SALT AND SAND PREMIX
(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 salt and sand premix for the 2014-2015 season requirements, according to specifications provided by the Public Works Committee, and

WHEREAS, the only bid received meeting specifications for salt and sand premix was the bid of Gernatt Asphalt Products, Inc., 13870 Taylor Hollow Road, Collins, New York 14034, (Benz Drive, Springville, New York, Plant) as follows:

Ratio of Sand to Salt <u>Per Ton</u>	2013 Price Per Ton Premixed Material <u>F.O.B. Plant</u>	2014 Price Per Ton Premixed Material <u>F.O.B. Plant</u>
4-1	\$17.70	\$20.00
5-1	\$16.50	\$18.50
6-1	\$15.70	\$17.40
7-1	\$15.10	\$16.60
8-1	\$14.60	\$15.90
9-1	\$14.20	\$15.40
10-1	\$13.90	\$15.00

now, therefore, be it

RESOLVED, that the bid of Gernatt Asphalt Products, Inc., be, and the same hereby is, accepted, for a term commencing September 1, 2014 and terminating April 30, 2015, 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.

Three sets of specifications were sent out.

Only one bid was received.

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

Adopted August 27, 2014 by voice vote.

ACT NO. 395-2014 by Mr. Weller and Mr. Koch

**BID ACCEPTANCE FOR CUTTING EDGES AND
SHOES FOR GRADERS, PLOWS AND WINGS
(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 cutting edges and shoes for graders, plows and wings for the Department of Public Works, according to specifications provided by the Public Works Committee, and

WHEREAS, the bids meeting specifications for the aforementioned items are as follows:

CHEMUNG SUPPLY CORP.

P.O. Box 527

Elmira, New York 14902

Carbon Plow & Wing Blades- Hole type, drilled for 5/8" cap screw, 12" centers

Carbon Plow and Wing Blades, Item - Price/Foot

<u>Index #</u>	<u>Size</u>	<u>Quantity</u>	<u>2013 Rate</u>	<u>2014 Rate</u>
C-C6L	3/4" x 6"	Less than 50 Blades	\$11.24/foot	\$10.76/foot
C-C6G	3/4" x 6"	50 Blades or Greater	\$10.89/foot	\$10.01/foot

Tungsten Carbide Blades for Plow & Graders

<u>Index #</u>	<u>Description</u>	<u>2013 Rate</u>	<u>2014 Rate</u>
E-2	Item II – 3 piece set, No. DB48-36-48 Carbide Plow Blade – Price Per Set	\$446.19	\$484.00

NORTHERN SUPPLY, INC.

P.O. Box 69

Bloomfield, New York 14450

Carbon Grader – Double Bevel Curved Item - Price/Foot

<u>Index #</u>	<u>Size</u>	<u>Quantity</u>	<u>2013 Rate</u>	<u>2014 Rate</u>
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B-8L	5/8" x 8"	Less than 10 Sets	\$12.45	\$14.00
B-8G	5/8" x 8"	10 Sets or Greater	\$12.18	\$13.20

Cast Alloy Abrasive

<u>Index #</u>	<u>Description</u>	<u>2013 Rate</u>	<u>2014 Rate</u>
G-AL	Less Than 50 Shoes	\$76.50	\$60.00
G-AG	50 Shoes or Greater	\$74.50	\$48.00

Cast Alloy Abrasive - Mushroom Shoes

M-AL	Less Than 50 Shoes	\$82.94	\$90.00
M-AG	50 Shoes or Greater	\$81.24	\$84.00

SNOWFIGHTING EQUIPMENT OF BUFFALO, INC.**P.O. Box 126, Southside Station****Buffalo, New York 14220**Cast Alloy Abrasive - Nose Piece for Viking Plows

<u>Index #</u>	<u>Description</u>	<u>2013 Rate</u>	<u>2014 Rate</u>
V-NL	Less Than 50 Pieces	\$24.74	\$24.00
V-NG	50 Pieces or Greater	\$23.24	\$24.00

RUSERT EQUIPMENT, LLC**P.O. Box 1131****Orchard Park, New York 14127**Cast Alloy Abrasive – Rubber Blades- 12" Wing Shoes, 3/4" bolt holes on 12" centers, with no brake away ears, min. weight 46 lbs

<u>Index #</u>	<u>Description</u>	<u>2013 Rate</u>	<u>2014 Rate</u>
R-RL	Less Than 50 Blades	\$259.38/shoe	\$256.30/shoe
R-RG	50 Blades or Greater	\$257.40/shoe	\$253.80/shoe

VIKING CIVES**14331 Mill Street****Harrisville, New York 13648**Cast Alloy AbrasiveWing Shoe Type 12" – min. 10° - weight 37 lbs.- size 3/4" bolt holes

<u>Index #</u>	<u>Description</u>	<u>2013 Rate</u>	<u>2014 Rate</u>
K-AL	Less Than 50 Shoes	\$59.00/shoe	\$63.00/shoe
K-AG	50 Shoes or Greater	\$59.00/shoe	\$54.28/shoe

now, therefore, be it

RESOLVED, that the aforementioned bids be, and hereby are, accepted, for a term commencing October 1, 2014 and terminating September 30, 2015, 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.

The cutting edges and shoes that the County uses are not offered on State Bid.

17 sets of specifications were sent out.

Seven bids were received.

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

Adopted August 27, 2014 by voice vote.

ACT NO. 396-2014 by Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE SUPPLEMENTAL CONTRACT NO. 1 WITH
NYS DOT FOR CONSTRUCTION AND CONSTRUCTION INSPECTION SERVICES FOR
BRIDGE OPEN STEEL DECK FEDERAL-AID REPLACEMENT PROJECT
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, Act 344-2013 authorized a contract with NYSDOT for participation in the Cattaraugus County Bridge Open Steel Deck Replacement Project, including seven (7) bridges, in various towns in Cattaraugus County, PIN 5760.78 (the "Project") , and

WHEREAS, 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 a ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS, the County desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases of the Project, PIN 5760.78, and

WHEREAS, budgetary adjustments must be made to appropriate this funding, 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) and Construction & Construction Inspection phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$220,000.00 is hereby appropriated, in addition to \$100,000.00 previously appropriated for the project's Preliminary Engineering (Design I-VI) phase via County Resolution No. 344-2013 adopted on August 28, 2013, 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 the full federal and non-federal shares of the cost of the Project's Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases exceeds the amount appropriated, \$320,000.00, and/or 100% of the full federal and non-federal shares of the cost of the Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases exceeds \$1,200,000, 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, 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 Project costs and all Project costs within appropriations therefor that are not so eligible, 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, 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:

Decrease Appropriation Account:

H.504.5197.5195.25077.41603	Salamanca No. 6	\$ 35,806.98
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Increase Estimated Revenue Accounts:

H.504.5197.5195.3591.01	State Aid, Highway Marchiselli	\$180,000.00
H.504.5197.5195.4597.02	Federal Aid Transportation MAP-21	\$880,000.00

Increase Appropriation Accounts:

H.504.5197.5195.25071.41603	Conewango Bridge No. 33	\$125,861.28
H.504.5197.5195.25072.41603	Farmersville Bridge No. 25	\$130,390.62
H.504.5197.5195.25073.41603	Franklinville Bridge No. 35	\$130,740.45
H.504.5197.5195.25074.41603	Freedom Bridge No. 25	\$200,539.44
H.504.5197.5195.25075.41603	Freedom Bridge No. 29	\$164,156.95
H.504.5197.5195.25076.41603	Portville Bridge No. 28	\$184,118.24
H.504.5197.5198.25077.41603	Salamanca Bridge No. 6	\$160,000.00.

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

Adopted August 27, 2014 by voice vote.

ACT NO. 397-2014 by Mr. Weller and Mr. Koch
and Mr. Lamberson¹

**BID ACCEPTANCE FOR 2014 BRIDGE DECK REPLACEMENT PROGRAM
(Department of Public Works)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the 2014 bridge deck replacement program, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications for the replacement of six (6) bridge decks throughout the County, was the bid of H & K Services, Inc., 12025 Leon Road, Leon, New York 14751, in the amount of \$798,495.40, to be paid on a percent-of-completion basis as invoiced and approved by the County Department of Public Works, and

WHEREAS, the term of the contract for the aforementioned bridge deck replacement program shall commence upon Notice to Award and shall be completed by October 15, 2014, and

WHEREAS, this contract is contingent upon the receipt of NYS Department of Transportation (NYSDOT) and Disadvantaged Business Enterprise (DBE) approval, and

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

RESOLVED, that the bid of H & K Services, 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.

Eleven sets of specifications were sent out.

Three bids were received that met specifications.

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

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

Adopted August 27, 2014 by voice vote.

ACT NO. 398-2014 by Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE SUPPLEMENTAL CONTRACT WITH
HUNT ENGINEERS ARCHITECTS & LAND SURVEYORS, P.C. FOR
FEDERAL-AID 2014 BRIDGE MAINTENANCE PROGRAM
OPEN STEEL GRATE DECK REPLACEMENTS
(Construction Support and Construction Inspection)**

Pursuant to Section 117 of the Highway Law and
Section 450 of the County Law.

WHEREAS, Act 391-2013 authorized a contract with Hunt Engineers Architects & Land Surveyors, P.C., Airport Corporate Park, 100 Hunt Center, Horseheads, New York 14845, for the provision of engineering design services for the 2014 bridge open steel grate deck replacement program, the term of which expires December 31, 2014, and

WHEREAS, construction support and construction inspection services are needed for the aforementioned project, and

WHEREAS, the term of the aforementioned contract should be extended to March 31, 2015 in order to allow time for completion of the aforementioned project, and

WHEREAS, Hunt Engineers Architects & Land Surveyors, P.C., can provide the necessary construction support and inspection services for an amount not to exceed \$104,200.00, to be paid on a percent of completion basis as invoiced and approved by the Department of Public Works, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a supplemental contract, on behalf of Cattaraugus County, with Hunt Engineers Architects & Land Surveyors, P.C., for the provision of the above-described engineering design services, for a term commencing August 27, 2014 and terminating March 31, 2015, 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 8 members of the Public Works Committee.

Adopted August 27, 2014 by voice vote.

ACT NO. 399-2014 by Mrs. Stockman, Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT AMENDMENT WITH
GREENMAN-PEDERSEN, INC. FOR ENGINEERING SERVICES FOR RECONSTRUCTION
OF COUNTY ROAD NO. 57 INTERSECTION WITH BENTLEY ROAD**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 315-2010, as amended by Acts 624-2010, 287-2011, 493-2012 and 551-2013, authorized a contract with Abate Associates Engineers & Surveyors, P.C., now known as Greenman-Pederson, Inc., 4950 Genesee Street, Suite 100, Buffalo, New York 14225, for the provision of engineering services for the reconstruction of County Road No. 57 intersection with Bentley Road in the Town of Dayton, the term of which expires December 31, 2014, and

WHEREAS, an amendment to the aforementioned contract is necessary for additional right-of-way acquisitions and to further extend the term of the contract to December 31, 2015, and

WHEREAS, Greenman-Pederson, Inc., shall provide the necessary additional appraisals, right-of-way negotiation fees, as well as fees required for hiring an attorney to represent the County in federal bankruptcy hearings necessitated by a Chapter 13 bankruptcy filing by one of the property owners, and

WHEREAS, Greenman-Pederson, Inc., shall provide the above-described services for an additional amount not to exceed \$25,541.00, for a total new contract amount not to exceed \$184,894.00, as follows:

<u>Lump Sum Task</u>	<u>Costs</u>
ROW Incidentals & Acquisition	\$ 8,491.00
Reimbursable & Subcontractor Costs	<u>\$ 17,050.00</u>
Supplemental No. 2 Total	\$ 25,541.00
Existing Contract Amount	<u>\$159,353.00</u>
New Contract Total	\$184,894.00,

and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with Greenman-Pederson, Inc. (formerly Abate Associates Engineers & Surveyors, P.C.) for the provision of the above-described additional services, amending and extending the term of the contract which commenced March 1, 2010 to terminate December 31, 2015, according to the above-described terms.

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

Adopted August 27, 2014 by voice vote.

ACT NO. 400-2014 by Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE ASSIGNMENT FOR
ABBOTT WELDING SUPPLY CO., INC. D/B/A
ABBOTT GAS PRODUCTS CONTRACTS**

Pursuant to Section 450 of the County Law.

WHEREAS, Abbott Welding Supply Co., Inc., d/b/a Abbott Gas Products, has been acquired by Airgas USA, LLC, effective June 23, 2014, and

WHEREAS, it is necessary to execute an assignment with Airgas USA, LLC, for the contracts between the County and Abbott Welding Supply Co., Inc., d/b/a Abbott Gas Products, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an assignment of contracts, on behalf of Cattaraugus County, with Airgas USA, LLC, for Abbott Welding Supply Co., Inc., d/b/a Abbott Gas Products contracts.

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

Adopted August 27, 2014 by voice vote.

ACT NO. 401-2014 by Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH TWIN TIERS OVERHEAD DOORS, INC. FOR
OVERHEAD DOOR REPAIR, REPLACEMENT,
INSTALLATION AND PREVENTIVE MAINTENANCE**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the County Department of Public Works has solicited proposals for the provision of contracted services for on-call repair, replacement/installation, and preventive maintenance of overhead door systems at various facilities throughout Cattaraugus County, and

WHEREAS, Twin Tiers Overhead Doors, Inc., 1997 Four Mile Road, Allegany, New York 14706, can provide the aforementioned services for an amount in accordance with the following rate schedule:

	<u>Labor Charges</u>	<u>Rates</u>
Monday – Friday Business Hours		
Regular Hourly Rate		
1 Overhead Door Mechanic		\$ 70.00/hour/man
1 Overhead Door Mechanic Plus 1 Apprentice		\$ 70.00/hour/man
Emergency		
1 Overhead Door Mechanic		\$105.00/hour/man
1 Overhead Door Mechanic Plus 1 Apprentice		\$105.00/hour/man
Evening, Saturday and Sunday Work		
Regular Hourly Rate		
1 Overhead Door Mechanic		\$105.00/hour/man

1 Overhead Door Mechanic Plus 1 Apprentice		\$105.00/hour/man
Emergency		
1 Overhead Door Mechanic		\$105.00/hour/man
1 Overhead Door Mechanic Plus 1 Apprentice		\$105.00/hour/man
Holiday Work		
Regular Hourly Rate		
1 Overhead Door Mechanic		\$105.00/hour/man
1 Overhead Door Mechanic Plus 1 Apprentice		\$105.00/hour/man
Emergency		
1 Overhead Door Mechanic		\$125.00/hour/man
1 Overhead Door Mechanic Plus 1 Apprentice		\$125.00/hour/man
Minimum Response Time required to arrive on-site after receiving service call:		8 hours
Materials and Parts (not included in Preventive Maintenance)	% Markup	35%
Rental Equipment	% Markup	35%
	Mileage	\$0.56 per mile

and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Twin Tiers Overhead Doors, Inc., for the provision of the above-described services, for a term commencing September 1, 2014 and terminating August 30, 2015, according to the above-described terms.

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

Adopted August 27, 2014 by voice vote.

ACT NO. 402-2014 by Mr. Weller and Mr. Koch
and Mrs. Labuhn¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OCCUPATIONAL HEALTH SERVICES, PLLC FOR
DRUG AND ALCOHOL TESTING FOR
COMMERCIAL MOTOR VEHICLE DRIVERS**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 327-2011 authorized a contract with Gwen E. Bruno d/b/a Occupational Health Services, PLLC, 167 Front Avenue, Salamanca, New York 14779, for the provision of drug and alcohol testing services, the term of which expires August 31, 2014, and

WHEREAS, the County Department of Public Works has solicited proposals from eighteen (18) companies for the provision of drug and alcohol testing for commercial motor vehicle drivers, and

WHEREAS, the lowest proposal was received by Gwen E. Bruno d/b/a Occupational Health Services, PLLC, for amount as follows:

Setup Fee:	\$100.00 per year
Random Drug Testing:	Per Test \$ 52.00
Random Alcohol Testing:	Per Test \$ 26.00
Mileage (on-site testing)	\$ 0.50/mile/site visit,

and

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 Gwen E. Bruno d/b/a Occupational Health Services, PLLC, for the provision of the above-described services, for a term commencing September 1, 2014 and terminating August 31, 2017, according to the above-described terms.

State contract has not been settled at this time.

Eighteen sets of specifications were sent out.

Five proposals were received.

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

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

Adopted August 27, 2014 by voice vote.

ACT NO. 403-2014 by Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE RIGHT-OF-WAY AGREEMENT WITH
NATIONAL FUEL GAS DISTRIBUTION CORPORATION FOR
RELOCATION OF GAS PIPELINE IN VILLAGE OF CATTARAUGUS
(33 Leavenworth Street)**

Pursuant to Sections 219 and 450 of the County Law.

WHEREAS, National Fuel Gas Distribution Corporation, 6363 Main Street, Williamsville, New York 14221, has requested permission to relocate a gas pipeline on property located at 33 Leavenworth Street in the Village of Cattaraugus, and

WHEREAS, a right-of-way easement agreement is necessary to allow National Fuel Gas Distribution Corporation, to repair, replace and maintain the gas pipeline across County-owned property, and

WHEREAS, National Fuel Gas Distribution Corporation has requested an easement agreement describing the rights and responsibilities of the County and National Fuel Gas Distribution Corporation with regard to the aforementioned property access, and

WHEREAS, National Fuel Gas Distribution Corporation has agreed to repair any damage which may result from its acts in laying, maintaining, altering, operating, relocating, changing, extending, re-laying and removing the aforementioned pipeline 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 right-of-way easement agreement, on behalf of Cattaraugus County, with National Fuel Gas Distribution Corporation, for the repair and/or replacement of a gas pipeline at 33 Leavenworth Street in the Village of Cattaraugus, for a term commencing August 28, 2014 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 8 members of the Public Works Committee.

Adopted August 27, 2014 by voice vote.

ACT NO. 404-2014 by Mr. Marsh and Mr. VanRensselaer

**SALE OF TAX TITLE PROPERTIES
(Town of Napoli)**

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 situated in Cattaraugus County, as described below, and

WHEREAS, the property has been exposed to bid at public auctions in 2010 and 2011 as required by Rule 40 of the Rules of Order of the Cattaraugus County Legislature, and

WHEREAS, neither of the highest bidders nor the second highest bidders completed the purchase within thirty (30) days, and

WHEREAS, pursuant to Rule 40.15 of the Rules of Order, the County Treasurer has accepted sealed bids for the purchase of the property described below and determined the highest bid received for the property as listed below, now, therefore, be it

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

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

TOWN OF NAPOLI

PARCEL NO.	TAX MAP NO.	HIGH BIDDER	ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
208	62.038-2-8	Hugh B. Duckwall Kathleen J. Duckwall	55 Heather Lane Randolph, NY 14772.	\$729.20	\$125.00

Approved by 8 members of the Finance Committee and 6 members of the County Operations Committee.

Adopted August 27, 2014 by voice vote.

ACT NO. 405-2014 by Mr. Felton and Ms. Vickman

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

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

WHEREAS, Act 319-2013 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, 2014, 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:	\$6.50 per delivery
Hot Noon Meal only:	\$5.00 per meal
Congregate Meal:	\$5.00 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, 2014 and terminating August 31, 2015, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Senior Services Committee.

Adopted August 27, 2014 by voice vote.

ACT NO. 406-2014 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR
HEALTH DEPARTMENT CHILDHOOD LEAD POISONING PREVENTION PROGRAM**

Pursuant to 10 NYCRR Parts 22 and 67, Sections 1370-1376 of the
Public Health Law and Section 450 of the County Law.

WHEREAS, Act 363-2013 authorized the Chair to execute a contract with the New York State Department of Health for the County Health Department's Childhood Lead Poisoning Prevention Program, the term of which expires September 30, 2014, and

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

WHEREAS, the County Health Department shall receive funding in the amount of \$46,976.00 for the period October 1, 2014 to September 30, 2015, 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 provision of funding for the Childhood Lead Poisoning Prevention Program, for a term commencing October 1, 2014 and terminating September 30, 2015, 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 7 members of the Human Services Committee.

Adopted August 27, 2014 by voice vote.

ACT NO. 407-2014 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE MEMORANDUM OF AGREEMENT WITH
LIVANTA, LLC FOR PARTICIPATION IN MEDICARE PROGRAM**

Pursuant to Sections 1154(a) and 1866(a) of the Social Security Act and
Section 450 of the County Law.

WHEREAS, in 1982, Congress established Utilization and Quality Control Peer Review Organizations to perform two broad functions: (a) promote quality health care services for Medicare beneficiaries, and (b) determine whether services rendered are medically necessary and appropriate and meet professionally recognized standards of care, and

WHEREAS, effective August 1, 2014, the Centers for Medicare and Medicaid Services has restructured Quality Control Peer Review Organizations, which are now known as Quality Improvement Organizations (QIO), to a regional structure for case review and an industry-determined service structure for quality improvement initiatives, and

WHEREAS, the County Health Department is desirous of participating in such Medicare Program, and

WHEREAS, Livanta, LLC, 10810 Guilford Road, Suite 111, Annapolis Junction, Maryland 20701, is the Beneficiary and Family Centered Care Quality Improvement Organization (BFCC-QIO) authorized by the Medicare program to review medical services provided to Medicare beneficiaries in New York State, and

WHEREAS, under federal mandate, in order to participate in the Medicare program, skilled nursing facilities and home health agencies are required to have a Memorandum of Agreement (MOA) with their QIO, and

WHEREAS, it is necessary to enter into a MOA with Livanta, LLC, in order to participate in the Medicare program, 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 MOA, on behalf of Cattaraugus County, with Livanta, LLC, in order to participate in the Medicare Program, for a term commencing August 1, 2014 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 Human Services Committee.

Adopted August 27, 2014 by voice vote.

ACT NO. 408-2014 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ALLEGANY COUNTY FOR HEALTH DEPARTMENT
CANCER SERVICES PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 337-2013 authorized a contract with the Allegany County Health Department for the provision of medical services, including cancer screening services, by the Cattaraugus County Health Department, the term of which expired March 31, 2014, and

WHEREAS, the parties are desirous of continuing the aforementioned program through March 31, 2018, and

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

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Allegany County for the provision of the above-described services, for a four-year term commencing July 1, 2014 and terminating March 31, 2018, 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 7 members of the Human Services Committee.

Adopted August 27, 2014 by voice vote.

ACT NO. 409-2014 by Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Snyder, Jr.,
Ms. Vickman and Mrs. Labuhn

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH TERRY COTTON, CPA FOR
CONSULTANT SERVICES FOR DEPARTMENT OF NURSING HOMES AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Nursing Homes)**

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

WHEREAS, the Department of Nursing Homes is desirous of obtaining consultant services regarding reimbursement and operations issues, and

WHEREAS, Terry Cotton, CPA, 1235 Hunters Run, Victor, New York 14564, can serve as technical advisor regarding such issues, which include, but are not limited to the following services:

- Consultant regarding reimbursement and operation issues,
- provide staff training on various issues and procedures,
- assist with the preparation for an audit, review and analyze reimbursement methodology, and
- assist with the preparation and review of cost,

and

WHEREAS, Terry Cotton, CPA, shall provide the aforementioned services for an amount of \$110.00 per hour, plus actual out-of-pocket expenses, for a total contract amount not to exceed \$15,000.00, and

WHEREAS, various appropriation and revenue accounts must be adjusted, 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 Terry Cotton, CPA, for the provision of the above-described services, for a term commencing August 28, 2014 and terminating December 31, 2014, according to the above-described terms, and be it further

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

Decrease Appropriation Accounts:

EF.453.4530.1211.20002	Roof	\$7,500.00
EI.453.4530.1160.20002	Building Improvements	\$7,500.00

Increase Appropriation Accounts:

EF.453.4530.8350.41611	Consultant Services	\$7,500.00
EI.453.4530.8350.41611	Consultant Services	\$7,500.00.

Approved by 8 members of the Finance Committee and 7 members of the Senior Services Committee.

Adopted August 27, 2014 by voice vote.

ACT NO. 410-2014 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
UNITED WAY OF CATTARAUGUS COUNTY FOR
EARNED INCOME TAX CREDIT PROGRAM COORDINATOR**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 377-2013 authorized a contract with the United Way of Cattaraugus County for the provision of a volunteer coordinator for the Earned Income Tax Credit program, the term of which expires September 30, 2014, and

WHEREAS, the County Department of Social Services is desirous of providing services of a volunteer coordinator for the Earned Income Tax Credit program, and

WHEREAS, the United Way of Cattaraugus County, 816 West State Street, Olean, New York 14760, can provide a volunteer coordinator for the Earned Income Tax Credit program for an amount not to exceed \$14,000.00, to be paid as invoiced, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the United Way of Cattaraugus County, for the provision of the above-described services, for a term commencing October 1, 2014 and terminating September 30, 2015, 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 7 members of the Human Services Committee.

Adopted August 27, 2014 by voice vote.

ACT NO. 411-2014 by Mr. VanRensselaer and Mrs. Labuhn
and Mr. Murphy, Mr. Teachman and Mr. Padlo¹

**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 376-2013 authorized the Chair to execute a grant application with the New York State Office of Parks, Recreation and Historic Preservation for snowmobile trail maintenance program funding for the 2013-2014 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 for the 2014-2015 program year, 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 2014-2015 program year, 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 7 members of the Development and Agriculture Committee.

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

Adopted August 27, 2014 by voice vote.

ACT NO. 412-2014 by Mr. Murphy
and Mr. VanRensselaer¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
MOTOROLA SOLUTIONS, INC. FOR
E911 TECHNICAL SUPPORT AND MONITORING SERVICES**

Pursuant to Sections 308 and 450 of the County Law.

WHEREAS, Act 26-2013 authorized a contract with Motorola Solutions, Inc., 1301 East Algonquin Road, Schaumburg, Illinois 60196, for the provision of on-site and remote technical support, service and monitoring services for the E911 telephone system, the term of which expired December 31, 2013, and

WHEREAS, the Sheriff's Office is desirous of continuing the aforementioned support, and

WHEREAS, Motorola Solutions, Inc., can provide the aforementioned on-site and remote technical support, service and monitoring services for an amount of \$53,310.24 per year, to be paid as invoiced, and

WHEREAS, sufficient funds are included in the 2014 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 Motorola Solutions, Inc., for the provision of the above-described services, for a term commencing December 1, 2014 and terminating November 30, 2015, according to the above-described terms.

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

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

Adopted August 27, 2014 by voice vote.

ACT NO. 413-2014 by Mr. Teachman and Mr. Padlo

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH FINGER LAKES TECHNOLOGIES GROUP, INC.
FOR MPLS Ethernet WAN**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Information Services is desirous of continuing Ethernet services at various County facilities and sites, and

WHEREAS, Finger Lakes Technologies Group, Inc., 7890 Lehigh Crossing, Victor, New York 14564, can provide Ethernet services for the County as follows:

<u>Cattaraugus County MPLS Ethernet WAN – 5 year term</u>					
<u>Part Number</u>	<u>Description</u>	<u>Qty.</u>	<u>Unit Price</u>	<u>Ext. Price</u>	<u>Billing Cycle</u>
Hub Sites Ethernet Service – 100mb					
100mb Ethernet Service	303 Court Street, Little Valley	1	\$2,516.50	\$2,516.50	Monthly
100mb Ethernet Service	1 Leo Moss Drive, Olean	1	\$1,650.00	\$1,650.00	Monthly
Remote Site Ethernet Services – 20mb					
20mb Ethernet Service	203 Laurens Street, Olean	1	\$1,227.75	\$1,227.75	Monthly
20mb Ethernet Service	2822 Rt. 16, Machias	1	\$1,449.25	\$1,449.25	Monthly
20mb Ethernet Service	175 N. Union Street, Olean	1	\$1,227.75	\$1,227.75	Monthly
20mb Ethernet Service	2245 W. State Street, Olean	1	\$1,227.75	\$1,227.75	Monthly
SIP Trunking – 50 CCPs per location					
50 Concurrent Call Paths	303 Court Street, Little Valley	1	\$ 750.00	\$ 750.00	Monthly
50 Concurrent Call Paths	1 Leo Moss Drive, Olean	1	\$ 750.00	\$ 750.00	Monthly

	eFax Solution – OPTIONAL				
eFax Service	Per Account – Fax number to replace copper fax lines (optional) This is an inbound fax solution only	1	\$ 1.99	\$ 1.99	
	Internet Connectivity - 50mb per location				
50mb DIA Service	303 Court Street, Little Valley	1	\$1,500.00	\$1,500.00	Monthly
50mb DIA Service	1 Leo Moss Drive, Olean	1	\$1,500.00	\$1,500.00	Monthly
	Installation Charges*				
Installation Charge	Internet Service	1	\$1,000.00	\$1,000.00	
Installation Charge	SIP Trunks	1	\$1,000.00	\$1,000.00	
Installation Charge	Remote Sites	4	\$1,125.00	\$4,500.00	
Installation Charge	Main Hub Sites	1	\$9,000.00	\$9,000.00	
	*Will be paid in equal payments over a 4 month period of \$3,900.00/month				

and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Finger Lakes Technologies Group, Inc., for the provision of the above-described services, for a five (5) year term commencing January 1, 2015 and terminating December 31, 2019, according to the above-described terms.

Approved by 8 members of the Finance Committee and 6 members of the County Operations Committee.

Adopted August 27, 2014 by voice vote.

ACT NO. 414-2014 by Ms. Edstrom and Mrs. Stockman

AUTHORIZING CHARGE-OFFS OF CERTAIN ACCOUNTS RECEIVABLE IN THE DEPARTMENT OF HEALTH

Pursuant to Section 153 of the County Law.

WHEREAS, the Department of Health has accounts receivable related to various programs for dates of service ranging from 2010 through 2013 in which there has been no recent action and the accounts are deemed to be uncollectible after numerous attempts to collect the amounts owed, and

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

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the removal of the debts from the accounts receivable records of the Department of Health in the total amount of \$245,936.73, as follows:

<u>Program</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
Charity Care	\$54,545.73	\$28,980.43	\$12,629.03	\$ 7,673.80
Commercial	\$24,815.00	\$22,204.09	\$24,003.96	\$21,471.69
2% Sequestration on Managed Plans				\$ 2,970.14
Patient Pay	\$ 5,187.38	\$ 8,998.79	\$12,059.90	\$20,396.79
TOTAL	\$84,548.11	\$60,183.31	\$48,692.89	\$52,512.42

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted August 27, 2014 by voice vote.

ACT NO. 415-2014 by Ms. Edstrom and Mrs. Stockman

SUPPORTING THE PROHIBITION OF TOBACCO SALES AT PHARMACIES

Pursuant to Section 153 of the County Law.

WHEREAS, a facility registered in the State of New York as a pharmacy is defined as a facility which primarily prepares and dispenses drugs and counsels patients in the proper use of these drugs, and

WHEREAS, it is a conflict of interest for pharmacies, providers of health care, to also profit from the sale of harmful products such as tobacco, known to cause cancer, heart and pulmonary diseases, and

WHEREAS, tobacco sales in pharmacies raise ethical questions since tobacco is the only consumer product that, when used as intended, will kill at least one half of its long term users, and

WHEREAS, tobacco products are highly addictive and responsible for the preventable death of more than 25,000 people in New York each year, and

WHEREAS, tobacco companies use health oriented stores such as pharmacies and drug stores to help legitimize their products and increase exposure to tobacco marketing and advertising, and

WHEREAS, a large number of residents in Cattaraugus County support ending the sale of tobacco in pharmacies, and

WHEREAS, the majority of pharmacists are opposed to pharmacies selling tobacco, and

WHEREAS, the findings of the 2012 Surgeon General's Report indicates that tobacco marketing increases youth tobacco use, and

WHEREAS, the Attorney General of New York and of 27 other states and territories have stated, "There is a contradiction in having these dangerous and devastating tobacco products on the shelves of a retail chain that services health care needs," and that removing tobacco products from stores that contain a pharmacy would be a "step forward in keeping tobacco products away from youth", and

WHEREAS, pharmacists are also the most accessible of all health care providers and increasingly represent "the face of neighborhood healthcare", and

WHEREAS, the Cattaraugus County Board of Health has adopted a resolution similar to this enactment, now, therefore, be it

RESOLVED that the Cattaraugus County Legislature supports ending the sale of tobacco products in pharmacies, and be it further

RESOLVED, that the Clerk of the Legislature shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, Senator Catharine M. Young, Assembly Member Joseph M. Giglio and all others deemed necessary and proper.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted August 27, 2014 by voice vote. Mr. Edwards and Mr. McElfresh voting No.

ACT NO. 416-2014 by Public Works Committee:
Mr. Weller, Mr. Koch, Ms. Edstrom, Mr. Klancer, Mr. Snyder, Jr.,
Mrs. Stockman, Mr. Teachman, Mr. Lamberson and Mr. Sprague

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH UNITED STATES DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE
FOR SUPPLEMENTAL WATERSHED WORK PLAN FUNDING AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works)**

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

WHEREAS, federal funding is available through the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), for a Supplemental Watershed Work Plan and Environmental Assessment for dams originally constructed with assistance from USDA Watershed programs, and

WHEREAS, the Cattaraugus County Soil and Water Conservation District must prepare and publish Supplemental Watershed Work Plans and Environmental Assessments for the Ischua Creek Watershed Dam Site #2 (NID NY00560) and Conewango Creek Watershed Dam Site #13 (NID NY00609), and

WHEREAS, the NRCS shall make payment to the County covering eligible costs in the total amount not to exceed \$275,000.00, as follows:

Ischua Creek Watershed Dam Site #2	\$175,000.00
Conewango Creek Watershed Dam Site #13	\$100,000.00,

and

WHEREAS, it is necessary to execute agreements with the USDA and the NRCS in order to accept the aforementioned federal funds, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the \$275,000.00 in federal 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 the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), in order to accept the aforementioned federal funding, for a term commencing July 23, 2014 and terminating December 31, 2016, 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, and be it further

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

Increase Estimated Revenue Accounts:

H.504.8735.0000.21040.4991	Federal Aid, Watershed Capital Project	\$100,000.00
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H.504.8740.0000.21040.4991	Federal Aid, Watershed Capital Project	\$175,000.00
Increase Appropriation Accounts:		
H.504.8735.0000.21040.41603	Joint Watershed, Contracted Services	\$100,000.00
H.504.8740.0000.21040.41603	Small Watershed, Contracted Services	\$175,000.00.

Approved by 8 members of the Finance Committee.

Adopted August 27, 2014 by voice vote.

ACT NO. 417-2014 by Mr. Marsh

**AMENDING ACT 63-2014 WHICH RECREATED THE CATTARAUGUS COUNTY
EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL**

Pursuant to Section 235 of the County Law.

WHEREAS, Act 63-2014 recreated the Cattaraugus County Emergency Medical Services (EMS) Advisory Council to consist of 18 members, and

WHEREAS, Act 63-2014 should be amended to change the number of members, now, therefore, be it

RESOLVED, that Act 63-2014 be, and hereby is, amended as follows: In the Third Resolved, delete: "eighteen (18)" and replace with: "nineteen (19)", and after "members", add: "plus four (4) ex-officio members, to include a recording secretary, a representative of the Southwestern Regional Emergency Medical Services Council Program Agency, and two (2) representatives of the Cattaraugus County Legislature, to be appointed by the Chairman of the Cattaraugus County Legislature".

Approved by 8 members of the Finance Committee and 6 members of the Public Safety Committee.

Adopted August 27, 2014 by voice vote.

ACT NO. 418-2014 by Mr. Padlo
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR ELECTION POLLING PLACES**

Pursuant to Section 4-104 of the Election Law and
Section 450 of the County Law.

WHEREAS, the Board of Elections, in consultation with each city, town and village in Cattaraugus County, has designated various polling places in each election district in which the meetings for the registration for voters and for any election may be held, and

WHEREAS, those polling places are needed each year for special elections, primary elections and general elections, and

WHEREAS, those entities shall not charge Cattaraugus County for allowing the elections to be held at those polling places, 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 various entities providing polling places designated by the Cattaraugus County Board of Elections for the above-described elections.

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

Adopted August 27, 2014 by voice vote.

ACT NO. 419-2014 by Mr. Murphy
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH CHAUTAUQUA COUNTY
FOR HOUSING OF INMATES AT COUNTY JAIL**

Pursuant to Section 450 of the County Law.

WHEREAS, Chautauqua County is desirous of housing some of its inmates at the Cattaraugus County Jail, and

WHEREAS, the County, contingent upon available space, shall accept inmates from Chautauqua County, for an amount of \$50.00 per day per inmate, and

WHEREAS, medical services for such inmates will be paid for by the Chautauqua County Sheriff's Office, 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, for the housing of inmates at the Cattaraugus County Jail, for a five (5) year term commencing June 1, 2014 and terminating May 31, 2019, according to the above-described terms.

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

Adopted August 27, 2014 by voice vote.

ACT NO. 420-2014 by Mr. Edwards
who asks immediate consideration

AMENDING WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT

Pursuant to Article 2, Section 27-b of
the New York State Labor Law.

WHEREAS, Act 177-2011 established the Workplace Violence Prevention Policy, and

WHEREAS, an amendment is necessary due to a change of the contact person, now, therefore, be it

RESOLVED, effective immediately, the following Workplace Violence Prevention Policy be amended to read as follows and posted as required:

**Cattaraugus County
Workplace Violence Prevention
Policy Statement**

Cattaraugus County is committed to providing its employees with a work environment that is safe, secure, and free from violence. The County also considers the safety of its residents, vendors, contractors, and the general public to be of paramount importance and strives to provide them the same type of protections while on County property.

The County will not tolerate ANY acts of violence in the workplace, including but not limited to, physical assault (e.g. hitting, pushing), threatening or intimidating behavior, or verbal abuse or harassment. Employees are prohibited from possessing firearms or weapons (e.g. guns, knives, (except pocket knives used in the normal course of the employee's job), explosives, and other items with the potential to inflict harm) in the workplace, even if the employee is licensed to carry the weapon. The only exceptions are law enforcement and security personnel. An employee who has knowledge that a coworker or visitor possesses a weapon on County property must report this to a Department Head or supervisor immediately.

The workplace is defined as any location away from an employee's home, either permanent or temporary, where the employee performs any work-related duty in the course of employment. This includes, but is not limited to, County-owned buildings and surrounding perimeters, parking lots, worksites, client's homes and traveling to and from work assignments.

Any and all incidents of workplace violence or imminent danger must be promptly reported in accordance with the reporting procedures outlined in the Workplace Violence Policy, a copy of which will be provided to all employees.

Enforcement of this policy will be accomplished through the implementation of a Workplace Violence Prevention Policy, and by complying with the requirements of the NYS Workplace Violence Prevention Act as set forth in NYS Labor Law Section 270-b and the accompanying regulations set forth in 12NYCRR Section 800.16.

Violations of this policy will result in appropriate remedial, disciplinary, and/or legal action, according to the circumstances. An employee will not be subject to criticism, reprisal, retaliation, demotion, discrimination, disciplinary action, or other adverse employment action for making a good faith report of acts pursuant to this program.

If there is a threat of imminent danger, an employee should immediately notify the Sheriff's Department by calling 911.

Cattaraugus County personnel are responsible for notifying the Human Resources Department of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

Designated Contact Person:
Human Resources Director
 Department: Human Resources
 Phone: (716) 938-2241

WVPP 1 (9-10)

Post Conspicuously

PSHRC 2014

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

August 27, 2014 by voice vote.

ACT NO. 421-2014 by Ms. Edstrom
 who asks immediate consideration

**ABOLISHING ONE FULL-TIME POSITION OF REGISTERED NURSE
 AND CREATING ONE FULL-TIME POSITION OF REGISTERED DIETICIAN
 AND ESTABLISHING COMPENSATION FOR SAME
 (Health Department)**

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

WHEREAS, the Health Department is in need of a qualified individual to perform the duties of a Registered Dietician for the WIC Program, and

WHEREAS, the Health Department has not been successful in securing the services of a Registered Nurse with sufficient nutrition education credits to provide dietician services for the WIC Program, and

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

WHEREAS, sufficient funds are available in the 2014 budget to cover the cost of this position, now, therefore, be it

RESOLVED, that effective immediately, there is hereby abolished one (1) full-time position of Registered Nurse, Position No. 401-280-012, and be it further

RESOLVED, that effective immediately, there is hereby created one (1) full-time position of Registered Dietician in the Health Department, General Bargaining Unit Salary Schedule, Pay Grade 24 (\$23.19 - \$25.92 per hour), 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 in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

MR. SNYDER, SR. moved, seconded by Mr. Koch to waive Rule 12. Carried.

Adopted August 27, 2014 by voice vote.

ACT NO. 422-2014 by Labor Relations Committee:
Mr. Edwards, Mr. Lamberson, Ms. Edstrom,
Ms. Vickman and Mr. Boser
who ask immediate consideration

**AUTHORIZING THE CHAIR TO ENTER INTO AN AGREEMENT
REGARDING TERMS AND CONDITIONS OF PUBLIC EMPLOYMENT
BETWEEN THE COUNTY OF CATTARAUGUS AND THE
SHERIFF'S DEPARTMENT CORRECTIONS SUPERVISORY UNION
FOR THE PERIOD JANUARY 1, 2013 TO DECEMBER 31, 2017
AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS**

Pursuant to Article 14 of the Civil Service Law and
Sections 201, 205, 363 and 366 of the County Law.

WHEREAS, the Cattaraugus County Law Enforcement Officers Union, Council 82, AFSCME, AFL-CIO, Corrections Supervisory Union is the bargaining agent for Corrections supervisors of Cattaraugus County, and

WHEREAS, an agreement has been reached on terms and conditions of employment which include a 1% wage increase for full-time employees for the year 2013, and a 2% wage increase for full-time employees for each of the years 2014, 2015, 2016 and 2017, and

WHEREAS, this settlement also provides for the implementation of an Employee Wellness program as well as an increase in Healthcare Insurance contributions in 2014 and 2016, and

WHEREAS, the items agreed upon for the Articles of Agreement have heretofore been disclosed to the County Legislature for information, and

WHEREAS, the Corrections Supervisory Union has heretofore ratified such agreement, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed, on behalf of Cattaraugus County, to execute the Articles of Agreement with the Cattaraugus County Law Enforcement Officers Union, Council 82, AFSCME, AFL-CIO, Corrections Supervisory Union, and be it further

RESOLVED, that the County Administrator is hereby directed to appropriate from Fund Balance Account A.909.0000, and make the following budgetary changes:

Increase Appropriation Account:

A.901.9010.0000.40602.4	Provision for Wage Adjustments	\$31,580.00.
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MR. VANRENSELAER moved, seconded by Mr. Hale to waive Rule 12. Carried.

Adopted August 27, 2014 by voice vote.

MR. MURPHY moved, seconded by Mr. Sprague to adjourn until September 10, 2014 at 3:00 p.m. Carried.

Meeting adjourned at 3:49 p.m.

Ann M. Giglio
Journal Clerk