

September 10, 2014

The meeting was called to order by Vice-Chairman James J. Snyder, Sr.

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed one Legislator absent – Marsh.

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MR. LAMBERSON moved, seconded by Ms. Edstrom that the minutes of the August 27, 2014 session be approved. Carried.

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COMMUNICATIONS:

Delaware County Board of Supervisors: Resolution No. 152 entitled “Opposition to Proposed US/EPA and Army Corps of Engineering (ACOE) Rulemaking to Change the Definition of Navigable Waters of the United States to Expand Their Jurisdiction Over Waters of the United States: Docket ID No. EPA-HQ-OW-2011-0880 Departments of Watershed Affairs, Economic Development and Public Works.

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VICE-CHAIRMAN SNYDER, SR. acting as Chairman for the meeting, granted Privilege of the Floor to Crystal Abers, Director of the Department of Economic Development, Planning and Tourism, who distributed the Cattaraugus County Heritage brochure to the Legislators. Mrs. Abers introduced Jacquie Gardner who described the newly revised and expanded brochure. Ms. Gardner then introduced Della Moore of Olean who portrayed Sara Johnson, a runaway slave who came to Olean via the Underground Railroad in 1833. Ms. Moore spoke about Sara Johnson’s contribution to Olean’s history as well as another brochure currently being assembled which will focus on Cattaraugus County’s role with the Underground Railroad.

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ACT NO. 423-2014 by Mr. VanRensselaer and Mrs. Labuhn

AUTHORIZING APPLICATION FOR TOURISM PROMOTION AND DESIGNATING GRANT ADMINISTRATOR

Pursuant to Section 164 of the Economic Development Law.

WHEREAS, Act 315-2013 authorized an application for tourism promotion and designated the grant administrator, and

WHEREAS, the New York State Tourist Promotion Act provides that the Commissioner of Economic Development may, upon application, match the funds expended by tourist promotion

agencies and provide other assistance to local organizations for the promotion of tourist travel, resorts, and vacation businesses of the State of New York, and

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

WHEREAS, Cattaraugus County should contribute a local share of \$70,000.00 in Fiscal Year 2015 to leverage additional funds from the New York State I Love New York Matching Funds Program, and

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

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

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

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

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism is authorized to apply for state matching funds up to \$500,000.00 for the program year October 1, 2014 through September 30, 2015, and be it further

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

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

Adopted September 10, 2014 by voice vote.

ACT NO. 424-2014 by Mr. VanRensselaer and Mrs. Labuhn

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

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

WHEREAS, Act 421-2013 authorized the Chair to execute a grant application and contract with the Defense Logistics Agency, 8725 John J. Kingman Road, Ft. Belvoir, Virginia 22060-6221, in order to secure funding for the continuation of the Procurement Technical Assistance Program and such funding was received, and

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

WHEREAS, it is estimated that the project cost will not exceed \$161,367.00, of which Cattaraugus County's cash contribution and in-kind contribution will not exceed \$41,000.00, and

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

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

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

RESOLVED, that the Procurement Technical Assistance Program will commence January 16, 2015 and terminate January 15, 2016, 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 Development and Agriculture Committee.

Adopted September 10, 2014 by voice vote.

ACT NO. 425-2014 by Ms. Edstrom and Mrs. Stockman
and Mr. Padlo¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN YMCA, INC. FOR REPRODUCTIVE HEALTH PROGRAM LOCK-IN**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 435-2013 authorized a contract with the Olean YMCA, Inc., 1101 Wayne Street, Olean, New York 14760, for the provision of a Reproductive Health Program Lock-In Event, the term of which expired November 30, 2013, and

WHEREAS, the County Health Department is again desirous of providing a reproductive health program to approximately 200 Cattaraugus County youth in 6th to 8th grades, and

WHEREAS, the "Lock-In" event will consist of fun activities and workshops run by local agencies and will focus on factors such as teen pregnancy, high STD rates, poverty, bullying, and drug and alcohol use, and will also teach positive protective factors, such as leadership, communication and refusal skills, and

WHEREAS, the Olean YMCA, Inc., Council on Addiction Services, Cattaraugus Community Action, Inc., Catholic Charities, the Seneca Nation of Indians, the Cattaraugus County Youth Bureau, Americorps members and the Sheriff's Office have committed to provide the aforementioned workshops free of charge, and

WHEREAS, the Olean YMCA, Inc., shall provide use of Family Prime Time, Nursery School, Break Room, Activity Center and all three (3) of its gymnasiums including staff to run the rock wall and sport wall, and cleanup upon completion of the Lock-In for an amount of \$875.00, to be paid as follows: \$437.50 upon signing of contract and \$437.50 on or before October 12, 2014, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Olean YMCA, Inc., for the provision of the above-described services, for a term commencing August 26, 2014 and terminating October 31, 2014, according to the above-described terms.

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

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

Adopted September 10, 2014 by voice vote.

ACT NO. 426-2014 by Mr. Murphy

**AUTHORIZING THE CHAIR TO EXECUTE AGREEMENT WITH
JAMESTOWN COMMUNITY COLLEGE FOR PROBATION DEPARTMENT
WORK-STUDY INTERNSHIP PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Jamestown Community College (JCC), 260 North Union Street, P.O. Box 5901, Olean, New York 14760, is desirous of providing eligible criminal justice students with a six (6) month internship opportunity in order to receive work experience, and

WHEREAS, the County Probation Department has agreed to provide such internship opportunity, and

WHEREAS, the Probation Department and JCC should enter into an agreement for the above-described Work-Study Internship Program, and

WHEREAS, there is no cost to the County for participation in the above-described internship program, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an agreement, on behalf of Cattaraugus County, with Jamestown Community College, for the provision of the above-described Work-Study Internship Program, for a term commencing September 10, 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 Public Safety Committee.

Adopted September 10, 2014 by voice vote.

ACT NO. 427-2014 by Mr. Felton and Ms. Vickman

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Nursing Homes)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, due to a greater need for contracted nursing services in the Department of Nursing Homes, various appropriation accounts must be adjusted, now, therefore, be it

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

Increase Appropriation Account:

| | | |
|------------------------|-----------------------------|-------------|
| EF.453.4530.6020.41220 | Nursing Services Contracted | \$55,000.00 |
|------------------------|-----------------------------|-------------|

Decrease Appropriation Accounts:

| | | |
|------------------------------|---------------------------------|--------------|
| EF.453.4530.6010.00001.11000 | Full Time Wages-Supervisor | \$10,000.00 |
| EF.453.4530.6010.00001.12000 | Part Time Wages-Supervisor | \$ 5,000.00 |
| EF.453.4530.6020.00002.11000 | Full Time Wages-Head Nurse | \$10,000.00 |
| EF.453.4530.6020.00003.11000 | Full Time Wages-MDS Coordinator | \$15,000.00 |
| EF.453.4530.6020.00004.11000 | Full Time Wages-LPN | \$10,000.00 |
| EF.453.4530.6020.00004.13000 | Overtime Wages-LPN | \$ 5,000.00. |

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

Adopted September 10, 2014 by voice vote.

ACT NO. 428-2014 by Ms. Edstrom and Mrs. Stockman
and Mr. Padlo¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
COUNTY OF ALLEGANY FOR
AMERICORPS START PROGRAM**

Pursuant to 42 USCS Section 12501 and
Section 450 of the County Law.

WHEREAS, Act 370-2013 authorized a contract with the Allegany County Youth Bureau for the provision of services through the AmeriCorps START Program, the term of which expired December 31, 2013, and

WHEREAS, the Youth Bureau is desirous of contracting with the County of Allegany for the provision of services through the AmeriCorps START Program for the 2014 program year, and

WHEREAS, the County of Allegany, 7 Court Street, Belmont, New York 14813, has agreed to contribute an amount of \$500.00 for three (3) AmeriCorps members in the Belfast Central School and one (1) AmeriCorps member in the Fillmore Central School, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the County of Allegany, for the provision of funding for the AmeriCorps START Program, for a term commencing January 1, 2014 and terminating December 31, 2014, according to the above-described terms.

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

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

Adopted September 10, 2014 by voice vote.

ACT NO. 429-2014 by Mr. Snyder, Sr.
and Ms. Edstrom, Mr. Edwards, Mr. Hale, Mr. Klancer, Mr. Murphy,
Mr. Snyder, Jr., Mr. Teachman, Mr. Weller, Mr. Boser,
Mr. Lamberson, Mr. Padlo and Mr. Sprague¹

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT
WITH CATTARAUGUS COUNTY SPCA AND
TRANSFER OF FUNDS
(Contingent Fund to SPCA)**

Pursuant to Sections 224 (4), 363, 365 and 450 of the County Law and
Section 120 of the Agriculture and Markets Law.

WHEREAS, Act 18-2014 authorized a contract with the Cattaraugus County SPCA for the provision of humanitarian assistance to animals in Cattaraugus County, the term of which expires December 31, 2014, and

WHEREAS, it is important that the County assist the Cattaraugus County SPCA with the provision of humanitarian assistance to animals in Cattaraugus County, and

WHEREAS, pursuant to the aforementioned contract, the County has paid to the SPCA an amount of \$20,000.00, and

WHEREAS, the SPCA presently houses over 300 animals and is in desperate need of additional funding so that it can continue to provide services in the County, and

WHEREAS, the County should provide an additional amount of \$25,000.00 for the continued operation of the SPCA, and

WHEREAS, a transfer of funds is necessary to cover this additional funding, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract for the year 2014 with the Cattaraugus County SPCA, for a term commencing January 1, 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 Account:

| | | |
|-----------------------|-----------------|-------------|
| A.901.1990.0000.40601 | Contingent Fund | \$25,000.00 |
|-----------------------|-----------------|-------------|

Increase Appropriation Account:

| | | |
|-----------------------|----------------------------|--------------|
| A.298.3510.0000.42007 | SPCA in Cattaraugus County | \$25,000.00. |
|-----------------------|----------------------------|--------------|

Approved by 8 members of the Finance Committee and 5 members of the Public Safety Committee.

¹The following Legislators requested their names be listed as additional sponsors: “Ms. Edstrom, Mr. Edwards, Mr. Hale, Mr. Klancer, Mr. Murphy, Mr. Snyder, Jr., Mr. Teachman, Mr. Weller, Mr. Boser, Mr. Lamberson, Mr. Padlo and Mr. Sprague”.

Adopted September 10, 2014 by voice vote.

ACT NO. 430-2014 by Mr. Murphy
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR
SHERIFF'S OFFICE VIOLENCE AGAINST WOMEN GRANT PROGRAM**

Pursuant to 28 CFR Part 66 and Section 450 of the County Law.

WHEREAS, Act 266-2013 authorized the Chair to execute grant documents to accept funding through the Violence Against Women Grant Program for the 2013 program year, and

WHEREAS, \$25,000.00 in federal funding is available for the 2014 program year through the New York State Division of Criminal Justice Services for the continuation of the Violence Against Women Grant Program, and

WHEREAS, the purpose of the aforementioned grant funding is to assist the Criminal Bureau with domestic violence investigation issues, and

WHEREAS, it is necessary to apply for the aforementioned funding, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the New York State Division of Criminal Justice Services, in order to apply for the above-described funding, for a term commencing January 1, 2015 and terminating December 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.

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

Adopted September 10, 2014 by voice vote.

ACT NO. 431-2014 by Mr. Murphy
who asks immediate consideration

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH
NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES
FOR PUBLIC SAFETY ANSWERING POINTS OPERATIONS GRANT**

Pursuant to Section 450 of the County Law.

WHEREAS, the Sheriff's Office has been informed that it is eligible to receive an award, in the tentative amount of \$160,680.00, from the 2014-2015 Public Safety Answering Points Operations Grant Program (2014-2015 PSAP Operations Grant), and

WHEREAS, the purpose of the aforementioned program is to facilitate the development, consolidation and/or improved operation of public safety communications to support and enhance statewide interoperable communications for first responders, and

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

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

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

MR. McELFRESH moved, seconded by Mr. VanRensselaer to waive Rule 12. Carried.

Adopted September 10, 2014 by voice vote.

MR. LAMBERSON moved, seconded by Mr. Hale to adjourn until September 24, 2014 at 3:00 p.m. Carried.

Meeting adjourned at 3:32 p.m.

Ann M. Giglio
Journal Clerk