

July 22, 2015

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

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed three Legislators absent – Murphy, Padlo and Teachman.

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MR. VANRENSELAER moved, seconded by Mr. Koch that the minutes of the June 24, 2015 session be approved. Carried.

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COMMUNICATIONS:

New York State Department of State: Acknowledging receipt of Local Law 4-2015 and the filing of the same on June 30, 2015.

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CHAIRMAN MARSH announced that it is the time and place for a public hearing on **Act No. 272-2015, Local Law Number 5-2015**, entitled, "A Local Law Amending Local Law Number 10-2012 (Intro No. 12-2012) Regarding Uniform Guidelines for Determining the Responsibility of Bidders", 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.

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CHAIRMAN MARSH called up **Act No. 272-2015, Local Law Number 5-2015**, A Local Law Amending Local Law Number 10-2012 (Intro No. 12-2012) Regarding Uniform Guidelines for Determining the Responsibility of Bidders, and asked that it be read.

CHAIRMAN MARSH requested a Roll Call vote on Act No. 272-2015, Local Law Number 5-2015, as amended, which disclosed as follows:

Ayes: Boser 1.0267, Edstrom 0.8673, Edwards 0.9684, Felton 1.0972, Hale 1.0655, Keller, 0.8673, Klancer 1.1005, Koch 0.8685, Labuhn 0.8685, Lamberson 1.0267, Marsh 1.1278, Snyder, Sr. 0.8673, Snyder, Jr. 1.0655, Sprague 1.0230, Stockman 1.0003, VanRensselaer 1.1278, Vickman 1.0972, Weller 1.0972 – 18.1627.

Nays: none.

Act No. 272-2015, Local Law Number 5-2015, as amended, having received the majority vote of the Legislature was declared Adopted.

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CHAIRMAN MARSH granted Privilege of the Floor to Mike McCarthy of McCarthy & Conlon who presented the 2014 Audit of the Department of Nursing Homes.

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ACT NO. 346-2015 by Mr. Marsh

**APPOINTMENT TO COMMUNITY SERVICES BOARD
MENTAL HEALTH SUBCOMMITTEE**

Pursuant to Section 41.11 of the Mental Hygiene Law.

RESOLVED, that the following individual is appointed to the Community Services Board Mental Health Subcommittee effective June 5, 2015 with a term to expire December 31, 2016:

Amy E. George
503 East Connell Street
Olean, New York 14760,
to fill the unexpired term of Theresa Wells, who resigned.

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

Adopted July 22, 2015 by voice vote.

ACT NO. 347-2015 by Mr. Weller and Mr. Koch

**BID ACCEPTANCE FOR REPLACEMENT OF ASHFORD BRIDGE NO. 3
(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 replacement of Ashford Bridge No. 3, located on County Road No. 53 over Buttermilk Creek in the Town of Ashford, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was the bid of H & K Services, Inc., 12025 Leon Road, Leon, New York 14751, in the amount of \$684,685.00, to be paid periodically based on a percentage of completion, 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 replacement project, now, therefore, be it

RESOLVED, that the bid of H & K Services, Inc., be, and the same hereby is, accepted, for a term commencing upon notice to proceed, with completion on or before October 31, 2015, with a contract termination date of December 31, 2015, and be it further

RESOLVED, that vouchers submitted in accordance with the provisions of the 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 meeting specifications.

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

Adopted July 22, 2015 by voice vote.

ACT NO. 348-2015 by Mr. Weller and Mr. Koch

**BID ACCEPTANCE FOR DEPOT STREET STORM SEWER AND WATERLINE IMPROVEMENTS
(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 Depot Street Storm Sewer and Waterline Improvement Project, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was the bid of D & H Excavating, Inc., 11939 Route 98 South, Arcade, New York 14009, in the amount of \$355,610.00 for Part A-Base and Part C, to be paid periodically based on a percentage of completion, 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 reconstruction project, now, therefore, be it

RESOLVED, that the bid of D & H Excavating, Inc., be, and the same hereby is, accepted, for a term commencing upon notice to proceed, with completion on or before September 20, 2015, and be it further

RESOLVED, that vouchers submitted in accordance with the provisions of the 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.
Seven sets of specifications were sent out.
Five bids were received meeting specifications.

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

Adopted July 22, 2015 by voice vote.

ACT NO. 349-2015 by Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
TOWN OF ASHFORD FOR WATERLINE IMPROVEMENTS FOR THE
DEPOT STREET STORM SEWER IMPROVEMENT PROJECT**

Pursuant to Section 199-o of the General Municipal Law and
Section 450 of the County Law.

WHEREAS, the County Department of Public Works is replacing a portion of a storm sewer located on Depot Street, which is a county road located in the Hamlet of West Valley, Town of Ashford, and

WHEREAS, the project location on Depot Street lies near the intersection of School Street, proceeding approximately 600 feet west, and

WHEREAS, the storm sewer replacement will require the relocation of a portion of the existing 4 inch waterline, and

WHEREAS, the Town of Ashford is desirous of upgrading the relocated waterline to 8 inches, and

WHEREAS, the cost for the waterline betterment is estimated at \$76,800.00, and

WHEREAS, the Town of Ashford has requested that waterline improvements be included with the aforementioned storm sewer reconstruction project, and

WHEREAS, the Town of Ashford shall be responsible for the costs and expenses related to its portion of the aforementioned waterline improvements, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Town of Ashford, for the provision of the above-described services, for a term commencing August 1, 2015 and terminating August 1, 2016, according to the above-described terms.

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

Adopted July 22, 2015 by voice vote.

ACT NO. 350-2015 by Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ENERGY CURTAILMENT SPECIALISTS, INC. FOR
PARTICIPATION IN DEMAND RESPONSE PROGRAM**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the County Department of Public Works is desirous of participating in Energy Curtailment Specialists, Inc. (ECS) PowerPay! NY Demand Response Program, and

WHEREAS, the purpose of the PowerPay! NY Demand Response Program is to reduce electrical demand during emergency events when instructed by New York Independent System Operators (NYISO), and

WHEREAS, the County shall reduce its electricity use in the two County nursing homes, the DPW facility and the Olean Office Building, when notified by ECS that NYISO has called an emergency event for our zone, and in turn be paid for the amount of electricity saved, and

WHEREAS, Energy Curtailment Specialists, Inc., 4455 Genesee Street, Buffalo, New York 14225, shall reimburse the County as follows:

Capacity Payment - 75% of the NYISO's monthly auction clearing price with payments to be made twice a year, on or about November 30th (summer capability period) and June 30th (winter capability period), and

Energy Payment - \$0.50 per kWh (for actual emergency events only) as an energy payment associated with our reduction, as submitted by ECS and received from NYISO, with payments being capped at 80% of revenues received from NYISO,

and

WHEREAS, there is no cost to the County for participating in the aforementioned PowerPay! NY Demand Response 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 Energy Curtailment Specialists, Inc., for the provision of the above-described services, for a term commencing August 1, 2015 and terminating July 31, 2018, according to the above-described terms.

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

Adopted July 22, 2015 by voice vote.

ACT NO. 351-2015 by Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE UTILITY EASEMENT WITH
NATIONAL GRID, PLC, FOR OVERHEAD ELECTRIC FACILITIES ALONG
TOWN LINE ROAD IN THE TOWN OF YORKSHIRE**

Pursuant to Sections 219 and 450 of the County Law.

WHEREAS, National Grid, PLC, 401 Water Street, Fredonia, New York 14063, has requested permission to install overhead electric facilities on the Yorkshire Tower site property located on Town Line Road in the Town of Yorkshire, to accommodate an adjoining electric service need, and

WHEREAS, a right-of-way easement is necessary to allow National Grid, to extend, install and maintain overhead electrical facilities across County-owned property, and

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

WHEREAS, the County has agreed to allow the above-described easement at no cost to the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a utility easement, on behalf of Cattaraugus County, with National Grid, PLC, for the installation of overhead electric facilities along Town Line Road in the Town of Yorkshire, for a term

commencing May 19, 2015 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 July 22, 2015 by voice vote.

ACT NO. 352-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE PURCHASE OF AN INFLATABLE SHELTER FOR PUBLIC HEALTH
EMERGENCY PREPAREDNESS THROUGH FAST SHELTER AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Health Department)**

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

WHEREAS, the Health Department is desirous of purchasing an inflatable shelter for emergency situations, and

WHEREAS, Fast Shelter, 659 South Second Avenue, Phoenixville, Pennsylvania 19460, can provide such a shelter for an amount of \$17,325.00, with a 50% deposit required when the order is placed, and

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

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the purchase of the above-described emergency inflatable shelter through Fast Shelter and the 50% deposit when the order is placed, and be it further

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

Decrease Appropriation Account:

| | | |
|-----------------------|----------|-------------|
| A.401.4095.0000.46106 | Training | \$17,325.00 |
|-----------------------|----------|-------------|

Increase Appropriation Account:

| | | |
|-----------------------|---------------------|--------------|
| A.401.4095.0000.20008 | Tools and Equipment | \$17,325.00. |
|-----------------------|---------------------|--------------|

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

Adopted July 22, 2015 by voice vote.

ACT NO. 353-2015 by Ms. Edstrom and Mrs. Stockman
and Mr. Lamberson¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR
HEALTH DEPARTMENT WIC PROGRAM**

Pursuant to 42 USCS Section 1786 and
Section 450 of the County Law.

WHEREAS, Act 317-2014 authorized a contract with the New York State Department of Health for WIC Program funding in the amount of \$485,902.00 for the period October 1, 2014 through September 30, 2015, and

WHEREAS, the County Health Department has been selected for a five (5) year award in the estimated amount of \$2,771,725.00 for the contract period October 1, 2015 through September 30, 2020, and

WHEREAS, the County Health Department has been awarded the first year funding for the period October 1, 2015 through September 30, 2016 in the amount of \$554,345.00, and

WHEREAS, a contract is necessary in order to receive this funding from the New York State Department of Health, and

WHEREAS, this program is 23.996% state and 76.004% 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 New York State Department of Health for WIC Program funding for a term commencing October 1, 2015 and terminating September 30, 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.

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. Lamberson".

Adopted July 22, 2015 by voice vote.

ACT NO. 354-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CIPA WESTERN NEW YORK IPA, INC. D/B/A CATHOLIC MEDICAL PARTNERS
FOR COMMUNITY PARTNERS OF WESTERN NEW YORK
DELIVERY SYSTEM REFORM INCENTIVE PAYMENT**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Health Department is desirous of participating in the New York State Delivery System Reform Incentive Payment (DSRIP) program as an institutional participating provider at no cost to the County, and

WHEREAS, the DSRIP program supports community level collaborations aimed at reforming the healthcare delivery system and improving care for the Medicaid population, and

WHEREAS, Sisters of Charity Hospital will be the lead provider for the DSRIP program and has contracted with Catholic Medical Partners to provide overall project management for this important effort, and

WHEREAS, a contract is necessary in order to participate in the aforementioned DSRIP 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 CIPA Western New York IPA, Inc. d/b/a Catholic Medical Partners, for participation in the DSRIP program, for a term commencing August 1, 2015 and terminating March 31, 2016, with automatic renewals for one-year periods thereafter, according to the above-described terms.

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

Adopted July 22, 2015 by voice vote.

ACT NO. 355-2015 by Mr. VanRensselaer, Mr. Boser and Mrs. Labuhn
and Mr. Koch¹

**AUTHORIZING THE CHAIR TO EXECUTE LOAN DOCUMENTS
WITH ROSEMARIE WICK D/B/A THE CORNER DELI FOR
EXPANSION PROJECT**

Pursuant to Section 99-h of the State Finance Law and
Section 450 of the County Law.

WHEREAS, Cattaraugus County has designated casino funds for economic development in the approved spending plan to address projects such as business retention and expansion by providing incentives to companies that retain and expand employment within Cattaraugus County, and

WHEREAS, the County is desirous of retaining and expanding employment in Cattaraugus County, and

WHEREAS, Rosemarie Wick d/b/a The Corner Deli, located at 53 Linden Street, Salamanca, New York 14779, is a deli/restaurant which has been in operation since 2013, and

WHEREAS, Rosemarie Wick d/b/a The Corner Deli proposes an expansion project which will renovate the property by expanding the kitchen, creating a need for equipment acquisition and working capital, thereby allowing Wick to increase hours of operation and expand the menu, and

WHEREAS, Rosemarie Wick d/b/a The Corner Deli proposes equity and private investment in this project of \$20,000.00 and the creation of one (1) full-time position and one (1) part-time position, as well as the retention of two (2) full time positions, and

WHEREAS, Rosemarie Wick d/b/a The Corner Deli is in need of \$50,000.00 to help defray costs of the aforementioned project, and

WHEREAS, the County has \$50,000.00 in its economic development loan program, using casino funds for economic development projects in the County, and

WHEREAS, it is proposed that the County loan to Rosemarie Wick d/b/a The Corner Deli the sum of \$50,000.00, at a 5% fixed interest rate per annum, to be repaid in monthly installments over a seven (7) year period, with the following conditions:

- Payments for months 1 (one) through 84 (eight-four) shall be principal and interest,
- Upon the County's receipt of acceptable documentation verifying the creation of full-time equivalent positions (FTE), Rosemarie Wick d/b/a The Corner Deli, is eligible for loan principal forgiveness of up to \$15,000.00 (calculated at \$3,000.00 per one (1) FTE),
- Rosemarie Wick d/b/a The Corner Deli, shall provide job creation documentation once per year, and such loan principal forgiveness will be pro-rated for the preceding 12 month period, and
- To maintain eligibility for loan principal forgiveness, loan repayments must be made on time,

and

WHEREAS, sufficient funds are included in the economic development fund from casino proceeds for this project, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute loan documents, on behalf of Cattaraugus County, with Rosemarie Wick d/b/a The Corner Deli for a term commencing upon signing of the loan documents and terminating seven (7) years thereafter, according to the above-described terms.

Approved by 8 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

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

Adopted July 22, 2015 by voice vote.

ACT NO. 356-2015 by Mr. Murphy

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

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

WHEREAS, Act 659-2014 authorized a contract with the New York State Division of Criminal Justice Services for funding for the Aid to Prosecution Program, for the period April 1, 2014 to March 31, 2015, and

WHEREAS, the District Attorney has been notified by the New York State Division of Criminal Justice Services that the District Attorney's Office is eligible for a grant in the amount of \$43,800.00 under the Aid to Prosecution Program for the period April 1, 2015 to September 30, 2016 (Project # AP15-1004-D00), and

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

WHEREAS, a contract is necessary with the New York State Division of Criminal Justice Services in order to accept the aforementioned funding, 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 the aforementioned contract, on behalf of Cattaraugus County, with the New York State Division of Criminal Justice Services, for the provision of the above-described program, for a term commencing April 1, 2015 and terminating September 30, 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.

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

Adopted July 22, 2015 by voice vote.

ACT NO. 357-2015 by Mr. Murphy

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES LIVESCAN PROGRAM FOR
UPGRADE OF FINGERPRINT PROCESSING EQUIPMENT IN SHERIFF'S OFFICE**

Pursuant to Section 450 of the County Law.

WHEREAS, up to \$20,000.00 is available through the New York State Division of Criminal Justice Services Livescan program to fund the upgrade or replacement of existing Livescan fingerprint processing equipment, and

WHEREAS, the Sheriff's Office is desirous of applying for the aforementioned funding in order to replace a Livescan fingerprinting unit in the Sheriff's substation in the Olean Office Facility, and

WHEREAS, the terms of the grant also allow the Sheriff's Office to apply for funding on behalf of local police agencies located within Cattaraugus County, and

WHEREAS, several of the local police agencies have units that were acquired through grant funding approximately ten (10) years ago and are beyond the useful life for such units, and

WHEREAS, there is a 50% match required if awarded this 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 New York State Division of Criminal Justice Services, in order to apply for the aforementioned funding, for a term commencing September 1, 2015 and terminating August 30, 2016, according to the above-described terms.

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

Adopted July 22, 2015 by voice vote.

ACT NO. 358-2015 by Mr. Snyder, Sr.

**GRANTING APPROVAL TO COMBINE THE TOWN OF LITTLE VALLEY AND
VILLAGE OF LITTLE VALLEY VITAL STATISTIC REGISTRATION DISTRICTS**

Pursuant to Section 4120.2(a) of the Public Health Law.

WHEREAS, the Registrars of Vital Statistics of the Town of Little Valley and the Village of Little Valley have entered into an agreement to consolidate the Village of Little Valley with the Town of Little Valley into one primary registration district of the Town of Little Valley, and

WHEREAS, in accordance with Section 4120.2(a) of the Public Health Law, such action is subject to the approval of the Cattaraugus County Legislature, and

WHEREAS, based upon approval by the Cattaraugus County Legislature, the New York Commissioner of Health will issue an order combining the two districts, now, therefore, be it

RESOLVED, that upon the request of the Town of Little Valley and the Village of Little Valley, the Cattaraugus County Legislature does hereby approve the consolidation and combination of the Town of Little Valley and the Village of Little Valley into one Town of Little Valley Primary Registration District, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to send a certified copy of this resolution to the New York State Commissioner of Health, the Clerk of the Town of Little Valley, the Supervisor of the Town of Little Valley, the Clerk of the Village of Little Valley, and the Mayor of the Village of Little Valley.

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

Adopted July 22, 2015 by voice vote. Mr. Marsh abstained from vote.

ACT NO. 359-2015 by Mr. Hale, Mr. Marsh, Mr. Murphy, Mr. Snyder, Sr.,
Mr. Teachman, Ms. Vickman, Mrs. Labuhn and Mr. Sprague

**AUTHORIZING COUNTY ADMINISTRATOR TO ADVERTISE FOR SEALED BIDS
FOR SALE OF PROPERTY IN TOWN OF OLEAN**

Pursuant to Section 215 of the County Law.

WHEREAS, the County has title to approximately 51.20 acres of tillable farmland located within the Town of Olean, designated as Tax Map No. 103.002-2-20, and

WHEREAS, the County is desirous of selling the aforementioned property with a minimum bid set at \$51,000.00, and

WHEREAS, the County has determined that the property is not needed for County purposes, now, therefore, be it

RESOLVED, that the County Administrator is hereby authorized to advertise for bids for the sale of approximately 51.20 acres of tillable farmland located within the Town of Olean for a minimum of \$51,000.00, and be it further

RESOLVED, that the County Administrator reserves the right to reject all bids received.

Approved by 8 members of the Finance Committee and 7 members of the County Operations Committee.

Adopted July 22, 2015 by voice vote.

ACT NO. 360-2015 by Mr. Marsh, Mr. VanRensselaer and Mrs. Stockman

**CANCELLING UNENFORCEABLE LIEN
(¹Village of South Dayton)**

Pursuant to Section 558 of the Real Property Tax Law.

WHEREAS, there are certain parcels of property on the assessment roll for which there is no practical method to enforce the collection of delinquent tax liens arising hereafter against these parcels, and

WHEREAS, Act 194-2015 directed the County Treasurer to issue a certificate of Prospective Cancellation on each parcel, and

WHEREAS, it is necessary for the County Legislature to cancel the unpaid taxes where the lien of such taxes is unenforceable, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby cancels the liens of taxes set forth below, as being unenforceable:

| <u>TOWN/VILLAGE</u> | <u>OWNER</u> | <u>TAX MAP NO.</u> | <u>AMOUNT</u> |
|---------------------------|-----------------|--------------------|---------------|
| ¹ South Dayton | Robert Giannini | 33.033-5-26 | \$15,076.17. |

Approved by 8 members of the Finance Committee and 7 members of the County Operations Committee.

¹MR. VANRENSELAER moved, seconded by Mrs. Stockman, to amend as follows: In the title, delete: "Town of Randolph and"; in the Resolved, delete: "Randolph, Richard Maynard, 70.064-35, \$6,229.57". Carried.

Adopted, as amended, July 22, 2015 by voice vote.

ACT NO. 361-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS-ALLEGANY WORKFORCE DEVELOPMENT BOARD, INC. FOR
YEAR-ROUND YOUTH PROGRAMS (2015-2016)**

Pursuant to Workforce Innovation and Opportunity Act (Public Law 113-128)
and Section 450 of the County Law.

WHEREAS, Act 466-2014 authorized a contract with the Cattaraugus-Allegany Workforce Investment Board, Inc. (WIB), for the provision of services necessary to operate year-round youth programs, the term of which expired June 30, 2015, and

WHEREAS, effective July 1, 2015, the Workforce Innovation and Opportunity Act (WIOA) supersedes the Workforce Investment Act (WIA), and

WHEREAS, Act 343-2015 reconstituted the WIB to the new Cattaraugus-Allegany Workforce Development Board (WDB), and

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

WHEREAS, the WDB will pay to the County an amount not to exceed \$193,196.00 for the provision of the above-described youth services for the period July 1, 2015 through June 30, 2016, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Cattaraugus-Allegany Workforce Development Board, Inc., for the provision of the above-described services, for a term commencing July 1, 2015 and terminating June 30, 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.

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

Adopted July 22, 2015 by voice vote.

ACT NO. 362-2015 by Ms. Edstrom and Mrs. Stockman

**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 428-2014 authorized a contract with the County of Allegany for the provision of services through the AmeriCorps START Program, the term of which expired December 31, 2014, 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 2015 program year, and

WHEREAS, the County of Allegany, 7 Court Street, Belmont, New York 14813, has agreed to contribute an amount of \$574.00 for three (3) AmeriCorps members in the Belfast 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, 2015 and terminating December 31, 2015, according to the above-described terms.

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

Adopted July 22, 2015 by voice vote.

ACT NO. 363-2015 by Ms. Edstrom and Mrs. Stockman

**APPROVING AMENDED CONTRACT BETWEEN
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND
COUNCIL ON ADDICTION RECOVERY SERVICES, INC. FOR
SUBSTANCE ABUSE PROGRAM FUNDS AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

Pursuant to Articles 1, 19, 23 and 25 of the Mental Hygiene Law
and Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 55-2015 authorized approval of a contract with Council on Addiction Recovery Services, Inc. (CAREs) for the provision of a substance abuse program in the County, the term of which expires December 31, 2015, and

WHEREAS, NYS Office of Alcoholism & Substance Abuse Services (NYSOASAS) has awarded a 2% funding increase for salary and salary-related fringe benefit costs of certain staff at not-for-profit providers and an increase in state aid to offset a decrease in Federal SNAP funds for CAREs residential program participants, totaling \$30,108.00 for the period January 1, 2015 through December 31, 2015, and

WHEREAS, an amended contract with CARES is necessary in order to pass the additional funding on to CARES, and

WHEREAS, this program is 61% federally, 36% state and 3% county funded, and

WHEREAS, the net County cost for the provision of this program shall not exceed \$26,900.00 in County funds, 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 an amended contract for the year 2015 between the Cattaraugus County Community Services Board and the Council on Addiction Recovery Services, Inc., to signify the County's approval for the provision of the above-described services, 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, and be it further

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

Increase Estimated Revenue Accounts:

| | | |
|---------------------------|---|-------------|
| A.433.4322.3570.4492.013F | Federal Aid, OASAS Continual 100% Federal Aid | \$14,433.00 |
| A.433.4322.2780.3492.013M | State Aid, OASAS MH Local Assistance | \$15,675.00 |

Increase Appropriation Accounts:

| | | |
|----------------------------|--|--------------|
| A.433.4322.3570.42019.013F | CARES, Inc. OASAS Federal Local Assistance | \$14,433.00 |
| A.433.4322.2780.42019.013M | CARES, Inc. OASAS MH Local Assistance | \$15,675.00. |

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

Adopted July 22, 2015 by voice vote.

ACT NO. 364-2015 by Ms. Edstrom and Mrs. Stockman

**APPROVING AMENDED CONTRACT BETWEEN
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND
DIRECTIONS IN INDEPENDENT LIVING, INC. FOR
MENTAL HEALTH CONSUMER ADVOCACY AND TRAINING PROGRAM AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

Pursuant to Section 75.13 of the Mental Hygiene Law and
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 45-2015 authorized approval of a contract with Directions in Independent Living, Inc., 514 West State Street, Olean, New York 14760, for the provision of advocacy and training programs for consumers of mental health services and case management, the term of which expires December 31, 2015, and

WHEREAS, NYS Office of Mental Health has awarded a 2% funding increase for salary and salary-related fringe benefit costs of certain staff at not-for-profit providers in the amount of \$846.00 for the period January 1, 2015 through December 31, 2015, and

WHEREAS, an amended contract is necessary in order to pass the additional funding on to Directions in Independent Living, Inc., and

WHEREAS, this program is 100% state funded, 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 an amended contract for the year 2015, between the Cattaraugus County Community Services Board and Directions in Independent Living, Inc., to signify the County's approval, for the provision of the above-described services, 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, and be it further

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

Increase Estimated Revenue Accounts:

| | | |
|---------------------------|--|----------|
| A.438.4322.1760.3490.046L | State Aid-OMH C&F Community Support Programs | \$224.00 |
| A.438.4322.1760.3490.200 | State Aid-OMH Reinvestment | \$622.00 |

Increase Appropriation Accounts:

| | | |
|----------------------------|--|-----------|
| A.438.4322.1760.42024.046L | Directions in Ind. Living, C&F Community Support | \$224.00 |
| A.438.4322.1760.42024.200 | Directions in Ind. Living, Reinvestment | \$622.00. |

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

Adopted July 22, 2015 by voice vote.

ACT NO. 365-2015 by Ms. Edstrom and Mrs. Stockman

**APPROVING AMENDED CONTRACT BETWEEN
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND
CATTARAUGUS COUNTY CHAPTER NYSARC, INC. AND
THE CATTARAUGUS REHABILITATION CENTER, INC. FOR PROVISION OF SERVICES
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

Pursuant to Sections 41.07 and 75.13 of the Mental Hygiene Law and
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 44-2015 authorized approval of a contract with the Cattaraugus Rehabilitation Center, Inc., for the provision of family support services at the Pioneer Central School, the term of which expires December 31, 2015, and

WHEREAS, Act 54-2015 authorized approval of a contract with the Cattaraugus County Chapter NYSARC, Inc., and The Cattaraugus Rehabilitation Center, Inc., 1439 Buffalo Street, Olean, New York 14760, for the provision of adult day care services and comprehensive programs and service facilities for the mentally ill, developmentally disabled, and physically handicapped residents of Cattaraugus County, the term of which expires December 31, 2015, and

WHEREAS, the NYS Office of Mental Health and the NYS Office for People with Developmental Disabilities (OPWDD) has awarded a 2% funding increase for salary and salary-related fringe benefit costs of certain staff at not-for-profit providers and OPWDD has decreased OT 620 funding resulting in a net decrease in the amount of \$27,956.00 for the period January 1, 2015 through December 31, 2015, and

WHEREAS, an amended contract is necessary in order to modify the amount paid to The Cattaraugus Rehabilitation Center, Inc., and

WHEREAS, this program is 100% state funded, 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 an amended contract, between the Cattaraugus County Community Services Board with Cattaraugus County Chapter NYSARC, Inc., and The Cattaraugus Rehabilitation Center, Inc., to signify the County's approval, for the provision of the above-described services, 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, and be it further

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

Decrease Appropriation Account:

A.434.4322.0340.42021.OT620 NYSARC Other Than 620

\$29,735.00

Increase Estimated Revenue Accounts:

| | | |
|----------------------------|--------------------------------------|-----------|
| A.434.4322.1650.3490.046L | State Aid, OMH C&F Community Support | \$ 818.00 |
| A.434.4322.0330.3491.620 | State Aid, OMRDD Chapter 620 | \$ 458.00 |
| A.434.4322.0330.3491.OT620 | State Aid, OMRDD Other than 620 | \$ 503.00 |

Increase Appropriation Accounts:

| | | |
|-----------------------------|------------------------------------|-----------|
| A.434.4322.1650.42020.046L | Rehab Center-Community Support C&F | \$ 818.00 |
| A.434.4322.0330.42020.620 | Rehab Center-OMRDD Chapter 620 | \$ 458.00 |
| A.434.4322.0330.42020.OT620 | Rehab Center-OMRDD Other than 620 | \$ 503.00 |

Decrease Estimated Revenue Account:

| | | |
|----------------------------|---------------------------------|--------------|
| A.434.4322.0340.3491.OT620 | State Aid, OMRDD Other than 620 | \$29,735.00. |
|----------------------------|---------------------------------|--------------|

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

Adopted July 22, 2015 by voice vote. Mrs. Labuhn abstained from vote.

ACT NO. 366-2015 by Ms. Edstrom and Mrs. Stockman
and Mr. Padlo¹

**APPROVING AMENDED CONTRACT BETWEEN
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND
OLEAN GENERAL HOSPITAL FOR OPERATION OF A 24-HOUR TELEPHONE CRISIS HOTLINE
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

Pursuant to Chapter 119 of the Laws of 1997,
Section 41.13(6) of the Mental Hygiene Law and
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 53-2015 authorized approval for a contract between the Cattaraugus County Community Services Board and the Olean General Hospital for the operation of a 24-hour telephone crisis hotline to service the residents of Cattaraugus County provided pursuant to Article 41 of the Mental Hygiene Law in these hospitals, the term of which expires December 31, 2015, and

WHEREAS, NYS Office of Mental Health has awarded a 2% funding increase for salary and salary-related fringe benefit costs of certain staff at not-for-profit providers in the amount of \$3,762.00 for the period January 1, 2015 through December 31, 2015, and

WHEREAS, an amended contract is necessary in order to pass the additional funding on to the Olean General Hospital, and

WHEREAS, this program is 100% state funded, 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 an amended contract for the year 2015, between the Cattaraugus County Community Services Board and Olean General Hospital, to signify the County's approval, for the provision of the

above-described services, 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, and be it further

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

Increase Estimated Revenue Account:

| | | |
|--------------------------|----------------------------|------------|
| A.435.4322.1760.3490.200 | State Aid-OMH Reinvestment | \$3,762.00 |
|--------------------------|----------------------------|------------|

Increase Appropriation Account:

| | | |
|---------------------------|-------------------------------------|-------------|
| A.435.4322.1760.42038.200 | Olean General Hospital Reinvestment | \$3,762.00. |
|---------------------------|-------------------------------------|-------------|

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 July 22, 2015 by voice vote.

ACT NO. 367-2015 by Ms. Edstrom and Mrs. Stockman
and Mr. Padlo¹

**APPROVING CONTRACT BETWEEN
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND
ST. BONAVENTURE UNIVERSITY FOR
COMMUNITY MENTAL HEALTH COUNSELING AND
BACHELOR LEVEL PSYCHOLOGY FIELD INSTRUCTION PROGRAMS**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 184-2013 authorized a contract with St. Bonaventure University, 3261 West State Road, St. Bonaventure, New York 14778, for participation in a work study internship program, and

WHEREAS, the Department of Community Services is desirous of contracting with St. Bonaventure University to work collaboratively with the Community Mental Health Counseling and the Bachelor Level Psychology Programs for implementation of field instruction programs, at no cost to the County, and

WHEREAS, St. Bonaventure University has agreed to provide interns to the County Department of Community Services for participation in the Community Mental Health Counseling and Bachelor Level Psychology Programs, at no cost to the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract between the Cattaraugus County Community Services Board and St. Bonaventure University, to signify the County's approval, for the provision of the above-described work study internship program, for a term commencing August 1, 2015 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.

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

Adopted July 22, 2015 by voice vote.

ACT NO. 368-2015 by Mr. Murphy

**OPPOSING NEW YORK STATE S.983 AND A.6430 REGARDING
AMENDMENT OF CORRECTION LAW §611 REGARDING THE
RESTRAINT OF PREGNANT FEMALE PRISONERS DURING CHILDBIRTH
AS AN UNFUNDED MANDATE**

Pursuant to Section 153 of the County Law.

WHEREAS, Senate Bill S.983 and Assembly Bill A.6430 propose amendments to Correction Law §611 relating to security restraints for female pregnant prisoners regarding how and when they may be used, as well as "no restraint" provisions, and

WHEREAS, Senate Bill S.983 and Assembly Bill A.6430 were discharged expeditiously through committees of both houses and various entities were never given an opportunity to make comments, and

WHEREAS, the amendment requires the County and its Sheriff's Office to take extraordinary measures while supervising pregnant women, including, but not limited to the following:

- seeking medical consultation,
- justifying the use of such restraint in writing,
- not having correction staff present during birth yet be responsible for security,
- giving written notice to any female incarcerated,
- providing annual training for all correctional transport staff, and
- reporting in writing annually to the Governor, the Temporary President of the Senate, the Minority Leader of the Senate, the Speaker of the Assembly, the Minority Leader of the Assembly, the chairperson of the Senate Crime Victims, Crime and Correction Committee, and the chairperson of the Assembly Correction Committee every time the use of restraints on a woman under this bill,

and

WHEREAS, the Bills provide that everyone involved in the custody of a pregnant female needs to understand the different medical issues involved and acknowledge that she be dealt with accordingly and safely, and

WHEREAS, the Bills are excessive, overstated, and create an extraordinary burden on Cattaraugus County resulting in an unfunded mandate and an increase in the overtime of corrections costs to the County, and

WHEREAS, the costs associated with imposing the unfunded mandated regulations will be an undue burden on the taxpayers of Cattaraugus County, and

WHEREAS, the amendment will jeopardize the safety of the inmate, create escape possibilities, and security concerns of all involved, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby opposes the passage of Senate Bill S.983 and Assembly Bill A.6430 in their present form and urges the New York State Legislature to further amend the unreasonable provisions in the proposed Bills, and avoid unfunded mandates to counties, that would result from their passage, while maintaining the safety of the female and the security for everyone, and be it further

RESOLVED, that a copy of this resolution be sent to Governor Cuomo, Senate Majority Leader Flanagan, Senator Young, Assembly Speaker Heastie, Assemblyman Giglio, Assembly Committee on Correction Chair O'Donnell, the NYS Association of Counties, the NYS Sheriffs' Association, and Sheriff Whitcomb.

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

Adopted July 22, 2015 by voice vote.

ACT NO. 369-2015 by Mr. Weller and Mr. Koch
who ask immediate consideration

**BID ACCEPTANCE FOR DEMOLITION AND REMOVAL OF MULTIPLE STRUCTURES
THROUGHOUT CATTARAUGUS COUNTY
(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 the demolition and removal of multiple structures located throughout Cattaraugus County, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications for the demolition and removal of the following multiple structures was the bid of Empire Building Diagnostics, Inc., P.O. Box 412, Two Main Street, Depew, New York 14043, in the total amount of \$89,350.00, to be paid as invoiced:

| | |
|---|--------------|
| Project 1 – 1722 Butler Avenue, Town of Olean | \$13,500.00 |
| Project 2 – 9408 Van Etten Road, Town of Dayton | \$14,650.00 |
| Project 3 – 19 Fifth Avenue, Town of Randolph | \$17,300.00 |
| Project 4 – 33 Leavenworth Street, Village of Cattaraugus | \$29,100.00 |
| Project 5 – 6466 NYS Route 353, Town of New Albion | \$14,800.00, |

and

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

RESOLVED, that the bid of Empire Building Diagnostics, Inc., be, and the same hereby is, accepted, for a term commencing upon the Notice to Proceed and terminating 45 days thereafter, and be it further

RESOLVED, that vouchers submitted in accordance with the provisions of the 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.

Seven sets of specifications were sent out.

One bid was received that meets specifications.

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

Adopted July 22, 2015 by voice vote.

ACT NO. 370-2015 by Mr. Felton, Ms. Vickman, Mr. Weller and Mr. Koch
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
GREENMAN-PEDERSEN, INC. FOR CONSTRUCTION INSPECTION SERVICES
FOR ASHFORD BRIDGE NO. 3 RECONSTRUCTION PROJECT**

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

WHEREAS, on-site construction inspection services are necessary for the Ashford Bridge No. 3 Reconstruction Project, and

WHEREAS, Greenman-Pedersen, Inc. (GPI), 4950 Genesee Street, Suite 100, Buffalo, New York 14225, can provide the necessary on-site construction inspection services for the aforementioned bridge reconstruction project for an amount not to exceed \$71,248.00, to be paid on a percent-of-completion basis, as determined and approved by the Department of Public Works, and

WHEREAS, sufficient funds are included in the budget to cover 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 Greenman-Pedersen, Inc., for the provision of the above-described engineering services, for a term commencing July 23, 2015 and terminating June 30, 2016, according to the above-described terms.

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

Adopted July 22, 2015 by voice vote.

ACT NO. 371-2015 by Mr. Hale, Mr. Murphy, Mr. Weller and Mr. Koch
who ask immediate consideration

**CREATING ONE TEMPORARY POSITION OF
CLERK OF THE WORKS IN DEPARTMENT OF PUBLIC WORKS FOR
SHERIFF'S OFFICE PUBLIC SAFETY COMMUNICATIONS SYSTEM,
ESTABLISHING COMPENSATION FOR SAME AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Public Works)**

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

WHEREAS, Act 589-2014 authorized a contract with Motorola Solutions, Inc., for the provision of a 5 Channel VHF Digital Simulcast P25 Phase I Trunked Radio System to combine police, fire and EMS radio communications on a single system, and

WHEREAS, oversight of the Public Safety Communications System can be accomplished in an efficient and economical manner by using a "Clerk of the Works", and

WHEREAS, the New Position Duties Statement has been submitted to the Cattaraugus County Personnel Officer who has approved the title in accordance with Section 22 of the Civil Service Law, and

WHEREAS, various appropriation accounts must be adjusted, now, therefore, be it

RESOLVED, that effective July 22, 2015, there is hereby created one (1) temporary position of Clerk of the Works in the Department of Public Works for the Sheriff's Office Public Safety Communications System, to be compensated at a rate of \$27.57 per hour, and be it further

RESOLVED, that upon completion of the project, but not later than April 30, 2016, the position created herein shall be automatically abolished, and be it further

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

Decrease Appropriation Account:

| | | |
|-----------------------------|---------------------|-------------|
| H.311.3197.0000.21049.41603 | Contracted Services | \$20,656.66 |
|-----------------------------|---------------------|-------------|

Increase Appropriation Accounts:

| | | |
|-----------------------------|-----------------|--------------|
| H.311.3197.0000.21049.12000 | Part-Time Wages | \$19,188.72 |
| H.311.3197.0000.21049.81000 | FICA | \$ 1,467.94. |

MRS. STOCKMAN moved, seconded by Mrs. Labuhn to waive Rule 12. Carried.

Adopted July 22, 2015 by voice vote.

ACT NO. 372-2015 by Public Works Committee:
 Mr. Weller, Mr. Koch, Ms. Edstrom, Mr. Klancer, Mr. Snyder, Jr.,
 Mrs. Stockman, Mr. Teachman, Mr. Lamberson and Mr. Sprague
 who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE TRANSFER DOCUMENTS WITH
 TOWN OF ASHFORD FOR TRANSFER OF COUNTY ROAD NO. 85 AND
 THE ACQUISITION OF PARTS OF ROUTE 219 OWNED BY THE TOWN OF ASHFORD
 AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
 (Department of Public Works)**

Pursuant to Sections 115-b and 231 of the Highway Law and
 Sections 363, 366 and 450 of the County Law.

WHEREAS, the County Department of Public Works is desirous of transferring ownership
 of County Road No. 85 (Gulf Road) to the Town of Ashford, and

WHEREAS, the Department of Public Works is also desirous of acquiring ownership of
 certain parts of Route 219 which are owned by the Town of Ashford, and

WHEREAS, as a condition of the aforementioned transfer, the County will pay to the
 Town of Ashford an amount not to exceed \$85,745.00, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to
 cover the costs associated with the above-described road transfer, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed
 to execute transfer documents, on behalf of Cattaraugus County, with the Town of Ashford, for the
 transfer of the above-described roads, according to the above-described terms, and be it further

RESOLVED, that the Clerk of the Legislature be, and hereby is, authorized and directed
 to forward a certified copy of this resolution to the Ashford Town Supervisor, and be it further

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

Decrease Appropriation Accounts:

| | | |
|-----------------------------|------------------------------------|-------------|
| D.502.5110.0000.47061 | Road Materials | \$19,746.87 |
| H.504.5197.5198.27009.41603 | Contracted Services (CR#40) | \$65,998.13 |
| A.990.9950.0000.90504 | Transfer to Capital Projects Funds | \$65,998.13 |

Increase Estimated Revenue Accounts:

| | | |
|----------------------|---|-------------|
| H.504.5197.5197.3501 | State Aid, Consolidated Highway Aid (CHIPS) | \$65,998.13 |
| D.990.9901.0000.5031 | Interfund Transfers | \$65,998.13 |

Increase Appropriation Accounts:

| | | |
|-----------------------------|------------------------------|-------------|
| H.504.5197.5197.27009.41603 | Contracted Services (CR#40) | \$65,998.13 |
| A.990.9901.0000.90502 | Transfer to County Road Fund | \$65,998.13 |
| D.502.5110.0000.40610 | Transfer of Infrastructure | \$85,745.00 |

Decrease Estimated Revenue Account:

| | | |
|----------------------|---------------------|--------------|
| H.990.9950.0000.5031 | Interfund Transfers | \$65,998.13. |
|----------------------|---------------------|--------------|

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

Adopted July 22, 2015 by voice vote.

ACT NO. 373-2015 by Mr. Weller and Mr. Koch
*and Mr. Felton and Ms. Vickman*¹
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE MEMORANDUM OF UNDERSTANDING
WITH LIME LAKE COTTAGE OWNERS ASSOCIATION, INC.
FOR RECLASSIFICATION ASSESSMENT OF LIME LAKE DAM**

Pursuant to Section 450 of the County Law.

WHEREAS, an engineering assessment of the dam at Lime Lake is required by the New York State Department of Environmental Conservation (DEC), and

WHEREAS, the County wishes to engage the services of T.Y. Lin International Group, 100 South Elmwood Avenue, Suite 100, Buffalo, New York 14202, to perform the engineering assessment of the Lime Lake dam and seek reclassification of the dam from a Category B to a Category A, and

WHEREAS, the Lime Lake Cottage Owners Association, Inc., P.O. Box 481, Machias, New York 14101, has agreed to pay an amount not to exceed \$16,500.00 towards the total cost of the engineering assessment of the Lime Lake dam, including all efforts to seek reclassification of the dam from a Category B to a Category A, and payment of all outstanding engineer's invoices and related costs, including that of David Pratt, as set forth in the Memorandum of Understanding, and

WHEREAS, a Memorandum of Understanding is needed to outline the payment arrangements of the Lime Lake Cottage Owners Association, Inc., toward the engineering assessment of the dam and other costs as stated above, and

WHEREAS, sufficient funds are included in the budget to cover the aforementioned engineering assessment and related costs incurred seeking reclassification of the dam, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a Memorandum of Understanding, on behalf of Cattaraugus County, with the Lime Lake Cottage Owners Association, Inc., accepting its contribution of \$16,500.00 towards the cost of the engineering assessment of the Lime Lake dam, all efforts to seek reclassification of the dam from a Category B to a Category A, and payment of all outstanding engineer's invoices and related costs as set forth in the Memorandum of Understanding.

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

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

Adopted July 22, 2015 by voice vote.

ACT NO. 374-2015 by Mr. Weller and Mr. Koch
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH T.Y. LIN INTERNATIONAL GROUP FOR
ENGINEERING ASSESSMENT FOR RECLASSIFICATION OF LIME LAKE DAM**

Pursuant to Section 450 of the County Law.

WHEREAS, an Engineering Assessment Report of the dam at Lime Lake is required by the New York State Department of Environmental Conservation (DEC), and

WHEREAS, in order to determine the level of work necessary for the Engineering Assessment Report, a determination of the dam classification is required, and

WHEREAS, the current Lime Lake dam classification is a Category B hazard, and

WHEREAS, the County fully concurs with the potential reclassification of the dam from a Category B to a Category A hazard, and

WHEREAS, an engineering assessment is required by the DEC pursuant to 6 NYCRR Part 673.13 and is due August 19, 2015, and

WHEREAS, T.Y. Lin International Group, 100 South Elmwood Avenue, Suite 100, Buffalo, New York 14202, has agreed to conduct the necessary engineering assessment for the Lime Lake dam for an amount not to exceed \$15,900.00, and

WHEREAS, the County will apply \$16,500 contributed from the Lime Lake Cottage Owners Association, Inc., (LLCOA) towards the cost of the engineering assessment, as well as the cost of all efforts to seek reclassification of the dam from a Category B to a Category A, and payment of all outstanding engineer's invoices and related costs as set forth in the Memorandum of Understanding between the County and LLCOA, 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 T.Y. Lin International Group, for the provision of the above-described engineering services, for a term commencing July 23, 2015 and terminating December 31, 2016, according to the above-described terms.

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

Adopted July 22, 2015 by voice vote.

ACT NO. 375-2015 by Mr. Edwards and Ms. Vickman
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
AON RISK SOLUTIONS FOR SAPPHIRE BLUE INSURANCE COVERAGES
FOR THE PINES HEALTHCARE AND REHABILITATION CENTERS AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Human Resources)**

Pursuant to Sections 52 and 78 of the General Municipal Law and
Sections 215, 363, 366 and 450 of the County Law.

WHEREAS, the County is desirous of obtaining general and professional liability insurance coverage and excess liability coverage for The Pines Healthcare and Rehabilitation Centers, and

WHEREAS, AON Risk Solutions, One Liberty Place, Suite 100, 1650 Market Street, Philadelphia, Pennsylvania 19103, is a broker which can provide insurance coverage through Sapphire Blue for The Pines Healthcare and Rehabilitation Centers, for an amount of \$330,337.00, to be paid as invoiced, as follows:

| | |
|--|--------------|
| General & Professional Liability Insurance | \$207,600.00 |
| Excess Liability Insurance | \$115,737.00 |
| Mandatory Risk Management Visit/Review provided by Pendulum, LLC | \$ 7,000.00, |

and

WHEREAS, Sapphire Blue is comprised of a series of RSG Underwriting Managers, LLC, on behalf of Underwriters at Lloyds London, and

WHEREAS, various appropriation and revenue accounts must be adjusted to cover the cost of the aforementioned insurance coverages, 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 AON Risk Solutions, for the provision of general and professional liability insurance coverage and excess liability coverage for The Pines Healthcare and Rehabilitation Centers, for a term commencing July 23, 2015 and terminating July 23, 2016, 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:

| | | |
|------------------------|-----------------------|--------------|
| A.901.1990.0000.40601 | Contingent Fund | \$165,168.50 |
| EF.453.4530.1160.20002 | Building Improvements | \$165,168.50 |

Increase Estimated Revenue Account:

| | | |
|-----------------------|---------------------|--------------|
| EI.990.9901.0000.5031 | Interfund Transfers | \$165,168.50 |
|-----------------------|---------------------|--------------|

Increase Appropriation Accounts:

| | | |
|------------------------|---------------------------------|---------------|
| A.990.9901.0000.90300 | Transfer to The Pines - Machias | \$165,168.50 |
| EF.453.4530.8430.40609 | Insurance Premiums | \$165,168.50 |
| EI.453.4530.8430.40609 | Insurance Premiums | \$165,168.50. |

MR. KELLER moved, seconded by Mr. Felton to waive Rule 12. Carried.

Adopted July 22, 2015 by voice vote.

ACT NO. 376-2015 by Ms. Edstrom, Mr. Snyder, Sr., Mr. Teachman,
Mr. Padlo and Mr. Keller
who ask immediate consideration

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

Pursuant to Section 215 of the County Law and
Rule 40 of the Rules of Order of the
Cattaraugus County Legislature.

WHEREAS, Cattaraugus County has tax title to certain property situate in the Town of Olean, and

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

WHEREAS, the costs involved for this premises has been tendered to the County Treasurer’s Office, now, therefore, be it

RESOLVED, that the County Treasurer be, and hereby is, authorized and directed, on behalf of Cattaraugus County, to execute a County Treasurer’s Deed conveying this property to the following individual:

TOWN OF OLEAN

| PARCEL | TAX MAP NO. | FORMER OWNER(S) | ADDRESS | COUNTY INVOLVEMENT |
|--------|--------------|----------------------|------------------------------------|--------------------|
| 337 | 94.016-1-6.5 | Harry E. Button, Jr. | 1678 Park Ave. Olean, NY 14760. | \$3,418.55 |

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

Adopted July 22, 2015 by voice vote.

ACT NO. 377-2015 by Mr. Felton, Mr. Klancer, Mr. Marsh, Mr. Murphy,
Mr. VanRensselaer, Ms. Vickman and Mr. Weller
who ask immediate consideration

**SALE OF TAX TITLE PROPERTIES
(Second Highest Bidders)**

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 properties situate in Cattaraugus County, as described below, and

WHEREAS, the properties were exposed to bid at public auction as required by Rule 40 of the Rules of Order of the Cattaraugus County Legislature, and

WHEREAS, Act 296-2015 authorized the sale of the following described properties to the highest bidders, and

WHEREAS, the highest bidders did not complete the purchase within thirty (30) days, and

WHEREAS, the properties have been offered to the second highest bidder at the highest bid price, and

WHEREAS, the highest bids received for the properties were the bids 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 County Treasurer's Deeds conveying the properties to the following individuals at the bid prices listed:

TOWN OF FRANKLINVILLE

| PARCEL NO. | TAX MAP NO. | HIGH BIDDER | ADDRESS | COUNTY INVOLVEMENT | BID AMOUNT |
|------------|--------------|-------------|---------------------------------------|--------------------|------------|
| 216 | 49.001-1-1.8 | Paul Harris | 5804 North St. Limestone, NY 14753 | \$1,914.94 | \$5,500.00 |

TOWN OF NAPOLI

| PARCEL NO. | TAX MAP NO. | HIGH BIDDER | ADDRESS | COUNTY INVOLVEMENT | BID AMOUNT |
|------------|-------------|---------------|--|--------------------|------------|
| 323a | 62.038-3-40 | Bryce Webster | 215 E. Falconer St. Falconer, NY 14733 | \$566.18 | \$300.00 |
| 323b | 62.038-3-22 | Andre Galenda | 1689 Sturgeon Point Rd. Derby, NY 14047 | \$566.18 | \$325.00 |

TOWN OF PERSIA

| PARCEL NO. | TAX MAP NO. | HIGH BIDDER | ADDRESS | COUNTY INVOLVEMENT | BID AMOUNT |
|------------|-------------|-------------------|--------------------------------------|--------------------|------------|
| 371 | 16.027-3-16 | Kimberly R. Flagg | 10396 Route 62 Gowanda, NY 14070. | \$229.69 | \$100.00 |

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

Adopted July 22, 2015 by voice vote.

ACT NO. 378-2015 by Ms. Edstrom and Mrs. Stockman
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COMMUNITY ACTION, INC. FOR
WIC LICENSED PRACTICAL NURSING SERVICES**

Pursuant to Section 3602 of the Public Health Law and
Section 450 of the County Law.

WHEREAS, Act 483-2014 authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, P.O. Box 308, Salamanca, New York 14779, for the provision of licensed practical nursing (LPN) services for the Health Department WIC Program, the term of which expires September 30, 2015, and

WHEREAS, the County Health Department is desirous of continuing the aforementioned services, and

WHEREAS, Cattaraugus Community Action, Inc., has agreed to provide the aforementioned LPN services to Cattaraugus County for an amount not to exceed \$35,565.00, to be paid on a monthly basis as invoiced, 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 Cattaraugus Community Action, Inc., for the provision of the above-described services, for a term commencing October 1, 2015 and terminating September 30, 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.

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

Adopted July 22, 2015 by voice vote.

ACT NO. 379-2015 by Mrs. Stockman and Ms. Vickman
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HEALTHY COMMUNITY ALLIANCE, INC. FOR
HEALTH DEPARTMENT WOMEN INFANT AND CHILDREN (WIC) PROGRAMS**

Pursuant to 10 NYCRR Part 40-1 and
Section 450 of the County Law.

WHEREAS, Act 81-2015 authorized a contract with Healthy Community Alliance, Inc., 26 Jamestown Street, P.O. Box 27, Gowanda, New York 14070, for the provision of the following components of the Health Department WIC program, the term of which expires September 30, 2015:

- Two (2) Breastfeeding Peer Counselors (part-time),
- Two (2) Nutrition Program Aides, and
- Breastfeeding Coordinator,

and

WHEREAS, the County Health Department is desirous of continuing the services of part-time breastfeeding peer counselors and full-time nutrition program aides, and

WHEREAS, Healthy Community Alliance, Inc., has agreed to provide the aforementioned WIC program components, in accordance with the following:

| | | |
|--|---------------------|-------------|
| <u>Breastfeeding Peer Counselor (two part-time)</u> | Total not to exceed | \$27,778.00 |
| *to be paid on a monthly basis, as invoiced | | |
| *Approved work-related expenses will be reimbursed, including approved work-related cell phone usage | | |
| *Mileage will be reimbursed at the established rate of \$0.485/mile | | |

| | | |
|--|---------------------|-------------|
| <u>Nutrition Program Aide (two full-time)</u> | Total not to exceed | \$89,360.00 |
| *to be paid on a monthly basis, as invoiced | | |
| *Approved work-related expenses will be reimbursed, including approved work-related cell phone usage | | |
| *Mileage will be reimbursed at the established rate of \$0.485/mile | | |

and

WHEREAS, these programs are 100% funded through the WIC 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 Healthy Community Alliance, Inc., for the provision of the above-described services, for a term commencing October 1, 2015 and terminating September 30, 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.

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

Adopted July 22, 2015 by voice vote.

ACT NO. 380-2015 by Human Services Committee:
Ms. Edstrom, Mrs. Stockman, Mr. Edwards,
Ms. Vickman, Mr. Lamberson, Mr. Padlo and Mr. Keller
who ask immediate consideration

**LOCAL LAW NUMBER 7-2015
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law and
Section 385 of the Highway Law.

**A LOCAL LAW AMENDING LOCAL LAW NO. 21-2002 REGARDING
COMPENSATION FOR CORONER'S PHYSICIANS**

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

Section 1. Legislative Intent. The purpose of this local law is to amend Local Law No. 21-2002 (Intro No. 23-2002) entitled "A Local Law Fixing Compensation for Coroner's Physicians and Repealing Local Law Number 7-1988 (Intro Number 7-1988)" to establish fees for coroner physicians/pathologists signing death certificates in cases where no autopsy has been performed.

Section 2. Amendment. Local Law No. 21-2002 (Intro No. 23-2002) shall be amended as follows:
2.1 Under Section 2. Compensation, delete: "\$150.00 per day" and replace with: "\$200.00 per death certificate".

Section 3. Severability. If any provision of this local law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication, shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

Section 4. Effective Date. This local law shall take effect immediately.

No action taken at this time.

ACT NO. 381-2015 by Human Services Committee:
Ms. Edstrom, Mrs. Stockman, Mr. Edwards,
Ms. Vickman, Mr. Lamberson, Mr. Padlo and Mr. Keller
who ask immediate consideration

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 7-2015

Pursuant to Section 10 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on July 22, 2015, a proposed Local Law entitled, "A Local Law Amending Local Law No. 21-2002 Regarding Compensation for Coroner's Physicians", and

WHEREAS, no local law shall be adopted until a public hearing thereon has been had by the Cattaraugus County Legislature upon at least five (5) days' notice, now, therefore, be it

RESOLVED, that a public hearing shall be held on the proposed local law by this County Legislature on the 26th day of August, 2015, at 3:01 p.m. at the Legislature's Chambers, County Center, 303 Court Street, Little Valley, New York, and that at least five (5) days' notice of such hearing shall be given by the Clerk by the due posting thereof upon the bulletin board of each County Court House within the County and by publishing such notice at least once in the official newspapers of the County.

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

Adopted July 22, 2015 by voice vote.

ACT NO. 382-2015 by Mr. Klancer, Mr. Murphy and Mrs. Stockman
and Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Marsh,
Mr. Snyder, Jr., Mr. Snyder, Sr., Mr. VanRensselaer, Ms. Vickman,
Mr. Weller, Mr. Boser, Mr. Koch, Mrs. Labuhn,
Mr. Lamberson, Mr. Sprague and Mr. Keller¹
who ask immediate consideration

**SUPPORTING TOWN OF PERSIA IN ITS OPPOSITION TO TLC HEALTH NETWORK'S TRANSFER
OF FORMER TRI-COUNTY HOSPITAL SITE TO PRIVATE PARTY**

Pursuant to Section 153 of the County Law.

WHEREAS, TLC Health Network ("TLC") owns certain vacant real estate located at 20 and 100 Memorial Drive in the Towns of Persia (Village of Gowanda) and Perrysburg ("the Property"), the former site of Tri-County Memorial Hospital, and

WHEREAS, TLC Health Network, pursuant to Bankruptcy Code Sections 105(a), 363(f)(2), and 554 and Bankruptcy Rule 6007, has moved the Court to allow TLC to abandon and transfer the Property, which consists of six parcels, to a private party, and

WHEREAS, the Property was destroyed by flooding in 2009 and 2014, and

WHEREAS, local political subdivisions along with the United States Army Corps of Engineers, the State of New York Emergency Management Agency (SEMA), and the Federal Emergency Management Agency (FEMA) are in the process of formulating a long-term flood mitigation plan which encompasses the Property, and

WHEREAS, the Town of Persia opposes this transfer as it greatly values the Property for the health and welfare of its residents, and

WHEREAS, access to the Property is necessary by village, town, county, state and federal agencies to prevent loss of life and significant property destruction from occurring again due to flooding, and

WHEREAS, the Town of Persia is concerned if the Property is abandoned by TLC and transferred to a private party, there is potential risk that the new owner will not cooperate with the Town of Persia regarding easements that may be necessary for flood mitigation, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby supports the Town of Persia in its opposition to the abandonment and transfer by TLC Health Network of certain vacant real estate located at 20 and 100 Memorial Drive in the Towns of Persia (Village of Gowanda) and Perrysburg to a

private party or to anyone who would not put the public benefit of the residents and taxpayers of the Village of Gowanda and the Towns of Persia and Perrysburg first and foremost, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution prior to July 27, 2015 to the Office of the United States Trustee for the Western District of New York, Olympic Towers, 300 Pearl Street, Buffalo, New York 14202, Attention: Joseph W. Allen, Esq., and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to United States Senator Charles Schumer, Congressman Tom Reed, Governor Andrew Cuomo, Senator Catharine Young, Member of the Assembly Joseph Giglio, Village of Gowanda Mayor Heather McKeever, Persia Town Supervisor Paula Schueler, Perrysburg Town Supervisor Dennis Stopen, Collins Town Supervisor David Tessmer, and Dayton Town Supervisor Mark Smith.

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

¹The following Legislators requested their names be listed as additional sponsors: “Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Marsh, Mr. Snyder, Jr., Mr. Snyder, Sr., Mr. VanRensselaer, Ms. Vickman, Mr. Weller, Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson, Mr. Sprague and Mr. Keller”.

Adopted July 22, 2015 by voice vote.

ACT NO. 383-2015 by Mr. VanRensselaer and Mr. Boser
*and Mrs. Labuhn*¹
 who ask immediate consideration

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH
 NEW YORK STATE EMPIRE STATE DEVELOPMENT
 FOR STRATEGIC PLANNING AND FEASIBILITY STUDY FUNDS**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 275-2015 authorized the Chairman to apply for funding through the Western New York Regional Economic Development Council Consolidated Funding Application for various eligible projects, and

WHEREAS, the County Department of Economic Development, Planning and Tourism is desirous of applying for funding through the New York Empire State Development for Strategic Planning and Feasibility Study funds, and

WHEREAS, the feasibility study will assess the practicality of returning four (4) targeted manufacturing facilities in Little Valley, Olean, Franklinville and Ashford to a condition that will create jobs and support economic development within Cattaraugus County, and

WHEREAS, it is necessary to apply to the NYS Empire State Development for the aforementioned funding, and

WHEREAS, the program is 50% state and 50% locally funded, as follows:

| | |
|----------------------|---------------------|
| State Funds | \$ 50,000.00 |
| County Cash Match | \$ 12,500.00 |
| County In-Kind Match | <u>\$ 37,500.00</u> |
| Total Project Costs | \$100,000.00, |

and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned expenses, 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 NYS Empire State Development, in order to apply for the above-described funding, 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.

MS. VICKMAN moved, seconded by Mrs. Labuhn to waive Rule 12. Carried.

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

Adopted July 22, 2015 by voice vote.

ACT NO. 384-2015 by Mr. VanRensselaer and Mr. Boser
and Ms. Edstrom, Mrs. Stockman and Mrs. Labuhn¹
who ask immediate consideration

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH
NEW YORK STATE COUNCIL ON THE ARTS FOR
ARTS, CULTURE AND HERITAGE NEW INITIATIVES – PLANNING ROUND 5 FUNDS**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 275-2015 authorized the Chairman to apply for funding through the Western New York Regional Economic Development Council Consolidated Funding Application for various eligible projects, and

WHEREAS, the County Department of Economic Development, Planning and Tourism is desirous of applying for funding through the New York Empire State Council on the Arts for Arts, Culture and Heritage New Initiatives – Planning Round 5 funds, and

WHEREAS, this funding will be used for new initiatives developed through partnerships between non-profit, for-profit and government entities, and

WHEREAS, it is necessary to apply to the NYS Council on the Arts for the aforementioned funding, and

WHEREAS, the program is 100% state funded with 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 grant application, on behalf of Cattaraugus County, with NYS Council on the Arts, in order to apply for the above-described funding, 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. WELLER moved, seconded by Mr. VanRensselaer to waive Rule 12. Carried.

¹The following Legislators requested their names be listed as additional sponsors: "Ms. Edstrom, Mrs. Stockman and Mrs. Labuhn".

Adopted July 22, 2015 by voice vote.

ACT NO. 385-2015 by Mr. Murphy
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENT WITH
DAVID NICHOLAS FOR COMMUNICATIONS TOWER SITE**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Cattaraugus County is desirous of leasing property in the Town of Olean for the development of a new 180' self-support communications tower, and

WHEREAS, David Nicholas, 9454 Route 98, Franklinville, New York 14737, has agreed to lease certain property located on Indiana Avenue in the Town of Olean for the development of a new 180' self-support communications tower and the use of a 12' x 26' shelter that has two (2) separate equipment rooms and an exterior generator for an amount of \$500.00 per month for the initial five-year term, with an amount not to exceed \$150.00 per month increase for the additional five-year period, and

WHEREAS, the tower site compound is approximately 55' x 55' within a 100' x 100' lease area with an access road to Indiana Avenue, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a lease agreement, on behalf of Cattaraugus County, with David Nicholas, for the leasing of property for a communications tower, for a five (5) year term commencing August 1, 2015 and terminating July 31, 2020, according to the above-described terms, with the County's option to renew for an additional five (5) year period.

MR. HALE moved, seconded by Mr. Klancer to waive Rule 12. Carried.

MR. SPRAUGE moved, seconded by Mr. Edwards to refer Act No. 385-2015 to the Public Safety Committee, Public Works Committee and Finance Committee. After discussion of the Motion, Mr. Sprague and Mr. Edwards withdrew the Motion.

Adopted July 22, 2015 by voice vote.

MRS. LABUHN moved, seconded by Ms. Edstrom to adjourn until August 26, 2015 at 3:00 p.m.
Carried.

Meeting adjourned at 4:08 p.m.

Ann M. Giglio
Journal Clerk