



October 28, 2015

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

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed one Legislator absent - Sprague.

\* \* \* \* \*

MRS. STOCKMAN moved, seconded by Mr. Lamberson that the minutes of the October 14, 2015 session be approved. Carried.

\* \* \* \* \*

#### COMMUNICATIONS:

New York State Senator Catharine M. Young: Acknowledging receipt of Act No. 382-2015.

\* \* \* \* \*

CHAIRMAN MARSH announced that it is the time and place for a public hearing on **Act No. 495-2015, Local Law Number 10-2015**, entitled, "A Local Law Continuing the Cattaraugus County Hotel and Motel Tax", 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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#### PRIVILEGE OF THE FLOOR:

Chairman Marsh granted Privilege of the Floor to Legislator Padlo who recognized the students present at the meeting from the BOCES Student Government Intern Program. This year the following schools are participating: Allegany-Limestone, Cattaraugus-Little Valley, Franklinville and Randolph. Five students from Randolph Central were present and introduced themselves.

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CHAIRMAN MARSH called up **Act No. 495-2015, Local Law Number 10-2015**, A Local Law Continuing the Cattaraugus County Hotel and Motel Tax, and asked that it be read.

CHAIRMAN MARSH requested a Roll Call vote on Act No. 495-2015, Local Law Number 10-2015, which disclosed as follows:

Ayes: Boser 1.0267, Edstrom 0.8673, Felton 1.0972, Hale 1.0655, Keller, 0.8673, Klancer 1.1005, Koch 0.8685, Labuhn 0.8685, Lamberson 1.0267, Murphy 1.1005, Marsh 1.1278, Padlo 0.8673,

Snyder, Sr. 0.8673, Snyder, Jr. 1.0655, Stockman 1.0003, Teachman 0.8673, VanRensselaer 1.1278, Vickman 1.0972, Weller 1.0972 – 19.0064.

Nays: Edwards 0.9684 – 0.9684.

Act No. 495-2015, Local Law Number 10-2015, having received the majority vote of the Legislature was declared Adopted.

\* \* \* \* \*

**ACT NO. 502-2015** by Mr. Marsh

**RECREATING ARSON TASK FORCE**

Pursuant to Section 235 of the County Law.

WHEREAS, Act 6-1981 created the Cattaraugus County Arson Task Force to combat arson in Cattaraugus County by providing recommendations for combating arson and to serve in an advisory capacity to study arson in Cattaraugus County, and

WHEREAS, the Cattaraugus County Arson Task Force has been recreated over the years since the original enactment with the current term to expire December 31, 2015, and

WHEREAS, the Task Force should be recreated to continue the aforementioned purpose, now, therefore, be it

RESOLVED, that the Cattaraugus County Arson Task Force is hereby recreated, and be it further

RESOLVED, that the purpose of the Task Force shall be as described above, and be it further

RESOLVED, that the Task Force shall consist of nine (9) members to be appointed by the Chair of the Cattaraugus County Legislature, and be it further

RESOLVED, that the Cattaraugus County Arson Task Force shall continue for a four-year term commencing January 1, 2016 and terminating December 31, 2019.

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

Adopted October 28, 2015 by voice vote.

**ACT NO. 503-2015** by Mr. Marsh

**RECREATING CRIMINAL JUSTICE COORDINATING ADVISORY COUNCIL**

Pursuant to Section 235 of the County Law.

WHEREAS, Act 418-1998 created the Criminal Justice Coordinating Advisory Council to examine the criminal justice system in Cattaraugus County and the existing jail facility, and make recommendations for improvements to the criminal justice system, as well as the future of the existing jail facility, and

WHEREAS, the Criminal Justice Coordinating Advisory Council has been recreated over the years since the original enactment with the current term to expire December 31, 2015, and

WHEREAS, the Council should be recreated to continue making recommendations for improvements to the criminal justice system, and

WHEREAS, the Council will also act in the capacity of an advisory board for the Alternatives to Incarceration program, now, therefore, be it

RESOLVED, that there is hereby recreated the Criminal Justice Coordinating Advisory Council, and be it further

RESOLVED, that the Council shall consist of 23 members to be appointed by the Chair of the Legislature, and be it further

RESOLVED, that the purpose of the Council shall be as described above, and be it further

RESOLVED, that the Criminal Justice Coordinating Advisory Council shall continue for a four-year term commencing January 1, 2016 and terminating December 31, 2019.

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

Adopted October 28, 2015 by voice vote.

**ACT NO. 504-2015** by Mr. Marsh

**RECREATING RECORDS MANAGEMENT ADVISORY BOARD**

Pursuant to Section 235 of the County Law.

WHEREAS, Act 134-1997 created the Records Management Advisory Board to organize and effectively operate the County's Records Management Program, and

WHEREAS, the Records Management Advisory Board has been recreated over the years since the original enactment with the current term to expire December 31, 2015, and

WHEREAS, the Board should be re-established to continue its purpose, and

WHEREAS, the Board shall be committed to efficient and cost-effective records management, shall communicate what they learn to their respective program staffs, and shall ensure compliance with records management and archival practices throughout all the departments of the County, now, therefore, be it

RESOLVED, that there is hereby recreated the Records Management Advisory Board, and be it further

RESOLVED, that the Board shall consist of the Records Management Officer, the County Attorney, the County Treasurer, the County Administrator or his designee, the County Historian, and a private citizen to be appointed by the Chair of the County Legislature, and be it further

RESOLVED, that the purpose of the Board shall be as described above, and be it further

RESOLVED, that the Records Management Advisory Board shall continue for a four-year term commencing January 1, 2016 and terminating December 31, 2019.

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

Adopted October 28, 2015 by voice vote.

**ACT NO. 505-2015** by Mr. Marsh**RECREATING ROUTE 219 CORRIDOR DEVELOPMENT COMMITTEE**

Pursuant to Section 235 of the County Law.

WHEREAS, Act 457-1993 created the Route 219 Corridor Development Committee to make recommendations concerning the local land use and infrastructure study currently being performed by The Saratoga Associates, and

WHEREAS, the Route 219 Corridor Development Committee has been recreated over the years since the original enactment with the current term to expire December 31, 2015, and

WHEREAS, the Committee should be recreated to continue the aforementioned purpose, now, therefore, be it

RESOLVED, that there is hereby recreated the Route 219 Corridor Development Committee, and be it further

RESOLVED, that the Committee should consist of 23 members to be appointed by the Chair of the Legislature, and be it further

RESOLVED, that the purpose of the Committee shall be as described above, and be it further

RESOLVED, that the Route 219 Corridor Development Committee shall continue for a four-year term commencing January 1, 2016 and terminating December 31, 2019.

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

Adopted October 28, 2015 by voice vote.

**ACT NO. 506-2015** by Mr. Marsh**RECREATING THATCHER BROOK WATERSHED TASK FORCE**

Pursuant to Section 235 of the County Law.

WHEREAS, Act 435-1998 created the Thatcher Brook Watershed Task Force to recommend solutions and mitigation measures to the federal government, state government and local municipalities for flooding in the northwestern portion of Cattaraugus County, and

WHEREAS, the Thatcher Brook Watershed Task Force has been recreated over the years since the original enactment with the current term to expire December 31, 2015, and

WHEREAS, the Task Force should be recreated to continue its purpose, now, therefore, be it

RESOLVED, that there is hereby recreated the Thatcher Brook Watershed Task Force, and be it further

RESOLVED, that the Task Force shall consist of 13 members to be appointed by the Chair of the County Legislature from the following entities:

Village of Gowanda recommendation 3 Members

(1 member from the Village of Gowanda shall be a member of the general public)

Persia Town Board recommendation	2 Members
Dayton Town Board recommendation	2 Members
Perrysburg Town Board recommendation	2 Members
County Legislative District No. 1	2 Representatives
Gowanda School District recommendation	1 Representative
Commissioner of Public Works	1,

and be it further

RESOLVED, that the purpose of the Task Force shall be as described above, and be it further

RESOLVED, that the Task Force shall continue for a four-year term commencing January 1, 2016 and terminating December 31, 2019.

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

Adopted October 28, 2015 by voice vote.

**ACT NO. 507-2015** by Mr. Weller, Mr. Koch and Mr. Lamberson

**DECLARING COUNTY-OWNED PROPERTY IN THE  
TOWN OF ALLEGANY NO LONGER NECESSARY FOR  
PUBLIC USE AND AUTHORIZING SALE TO TOWN OF ALLEGANY**

Pursuant to Section 72-h of the General Municipal Law.

WHEREAS, the County owns certain property in the Town of Allegany, Tax Map No. 103.001-1-3.3, which was acquired for the replacement of Allegany Culvert #50, realignment of a portion of County Road 60, and realignment of a portion of Two Mile Creek, and

WHEREAS, the County no longer needs a portion of this parcel containing approximately 6.79 acres, and

WHEREAS, the Town of Allegany wishes to acquire the aforementioned 6.79 acre parcel for part of their boat launch project, and

WHEREAS, the County should sell the above-described acreage to the Town of Allegany for \$1.00, now, therefore, be it

RESOLVED, that the above-described 6.79 acre portion of Tax Map No. 103.001-1-3.3 situated in the Town of Allegany is no longer necessary for public use by the County, and be it further

RESOLVED, that the Chairman of the Legislature is hereby authorized to convey the following parcel to the Town of Allegany for \$1.00:

PARCEL HAL 60-2

ALL THAT PARCEL OF LAND situate in the Town of Allegany, County of Cattaraugus, State of New York, being part of Lot 5, Town 1, Range 5 of the Holland Land Company's survey bounded and described as follows:

BEGINNING AT A POINT lying at the intersection of the northerly bounds of Parcel HAL 60-1 and the easterly bounds of lands of Kendall T. & Susan M. Crane as described in a deed recorded in the Cattaraugus County Clerk's Office in Liber 995 at Page 736. Said point of intersection also lying at a distance of 40.00± feet, measured radially, from station 21+68.60± of the proposed centerline of County Road 60 as established by the Cattaraugus County Department of Public Works in April 1997 for the purpose of replacement of Allegany Culvert #50, realignment of a portion of County Road 60, and realignment of a portion of Two Mile Creek;

THENCE southeasterly through the lands of Cattaraugus County, 346.45± feet to a point located 40.00± feet, measured radially, from station 25+25.00± of said centerline;

THENCE northeasterly through the lands of Cattaraugus County, 83.17± feet to a point located 123.17± feet, measured radially, from station 25+25.00± of said centerline;

THENCE southeasterly through the lands of Cattaraugus County, 91.51± feet to a point located 120.57± feet, measured radially, from station 26+25.00± of said centerline;

THENCE southwesterly through the lands of Cattaraugus County, 80.57± feet to a point located 40.00± feet, measured radially, from station 26+25.00± of said centerline;

THENCE southeasterly through the lands of Cattaraugus County, 269.63± feet to a point located 40.00± feet, measured radially, from station 29+02.37± of said centerline;

THENCE continuing southeasterly through the lands of Cattaraugus County, 54.38± feet to the easterly bounds of Lot 5 said easterly bounds also being the westerly bounds of Leonard L. & Lois M. Burlingame as described in a deed recorded in the Cattaraugus County Clerk's Office in Liber 728 at Page 243. Said point is also located 40.00± feet, measured at right angles, from station 29+56.75± of said centerline;

THENCE northerly along the easterly bounds of Lot 5 a distance of 212± feet, more or less, to the thread of the Allegany River, said point lying 252.00± feet, measured at right angles, from station 29+41.45± of the aforementioned proposed centerline;

THENCE northwesterly along the thread of the river a distance of 1080± feet, more or less, to the easterly bounds Crane. Said point also lying at a distance of 615.58± feet, measured at right angles, from station 17+35.27± of the aforementioned proposed centerline;

THENCE southerly along the easterly bounds of Crane, a distance of 720± feet, more or less, to the POINT OF BEGINNING, containing 295978.75± square feet (6.79± acres) of land, more or less.

Approved by 8 members of the Finance Committee, 8 members of the Public Works Committee, 7 members of the County Operations Committee and 6 members of the Development and Agriculture Committee.

Adopted October 28, 2015 by voice vote.

**ACT NO. 508-2015** by Mr. Weller and Mr. Koch

**BID ACCEPTANCE FOR DEMOLITION AND REMOVAL OF STRUCTURE  
(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 a structure located at 9622 Route 62, Dayton, New York, 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 structure was the bid of Pierce Services, Inc., 4930 Webster Road, Fredonia, New York 14063, in the total amount of \$24,210.00, 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 Pierce Services, 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.

Four sets of specifications were sent out.

Two bids were received that met specifications.

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

Adopted October 28, 2015 by voice vote.

**ACT NO. 509-2015** by Public Works Committee:

Mr. Weller, Mr. Koch, Ms. Edstrom, Mr. Klancer, Mr. Snyder, Jr.,  
Mrs. Stockman, Mr. Teachman, Mr. Lamberson and Mr. Sprague

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
TESTAMERICA LABORATORIES, INC. FOR GROUNDWATER MONITORING  
SERVICES AT FARWELL AND FIVE POINTS LANDFILLS AND THE  
ANALYSIS OF ALLEGANY HIGHWAY FACILITY STORMWATER DISCHARGE**

Pursuant to Sections 226-b and 450 of the County Law.

WHEREAS, Act 136-2012 authorized a contract with TestAmerica Laboratories, Inc., for the provision of leachate, surface and groundwater monitoring services at both the Farwell (Town of Ischua) and Five Points (Town of Mansfield) Landfills, the term of which expires December 31, 2015, and

WHEREAS, the consent order agreements between the County and the New York State Department of Environmental Conservation (NYSDEC) require leachate, surface and groundwater monitoring at both the Farwell and Five Points Landfills, and

WHEREAS, the County Department of Public Works is desirous of obtaining the aforementioned leachate, surface and groundwater monitoring services until the New York State Department of Environmental Conservation has formulated a new sampling schedule, and

WHEREAS, an analysis of stormwater discharge at the Allegany Highway Facility is also needed, and

WHEREAS, TestAmerica Laboratories, Inc., 4101 Shuffel Street, NW, North Canton, Ohio 44720, with local offices at 10 Hazelwood Drive, Amherst, New York 14228-2223, can provide leachate, surface and groundwater sampling, analysis, reporting and analytical testing for the Farwell and Five Points Landfills, and an analysis of the stormwater discharge at the Allegany Highway Facility, for a total amount not to exceed \$44,409.00 over a two-year period, to be paid on a monthly basis as invoiced, as follows:

<u>Facility</u>	<u>2016</u>	<u>2017</u>	<u>Total</u>
Five Points Sampling & Analysis	\$ 6,906.00	\$ 6,906.00	\$13,812.00
Farwell Sampling & Analysis	\$15,375.50	\$13,425.50	\$28,801.00
Allegany Highway Stormwater Discharge	\$ 898.00	\$ 898.00	\$ 1,796.00,

now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, contingent upon and subject to the inclusion in the 2016 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with TestAmerica Laboratories, Inc., for the provision of the above-described services, for a term commencing January 1, 2016 and terminating December 31, 2017, with the County's sole option to renew for two one-year periods for a total amount not to exceed \$44,409.00 over a two-year period, as follows:

<u>Facility</u>	<u>2018</u>	<u>2019</u>	<u>Total</u>
Five Points Sampling & Analysis	\$ 6,906.00	\$ 6,906.00	\$13,812.00
Farwell Sampling & Analysis	\$13,425.50	\$15,375.50	\$28,801.00
Allegany Highway Stormwater Discharge	\$ 898.00	\$ 898.00	\$ 1,796.00

according to the above-described terms.

Approved by 8 members of the Finance Committee.

Adopted October 28, 2015 by voice vote.

**ACT NO. 510-2015** by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS-ALLEGANY WORKFORCE DEVELOPMENT BOARD FOR  
OPERATION OF WIOA ONE-STOP PROGRAM (2015-2016)**

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

WHEREAS, Act 441-2015 authorized a contract with the Cattaraugus-Allegany Workforce Investment Board, Inc., for the operation of the WIA One-Stop program, the term of which expired June 30, 2015, and

WHEREAS, the County Department of Social Services is desirous of continuing the One Stop Operator delivery system services, and

WHEREAS, the CAWDB will pay the County for the administration of the above-described program the sum of \$344,516.00 for the program year July 1, 2015 through June 30, 2016, to be paid on a monthly basis, as invoiced, and as follows:

Adult	\$147,952.00
Dislocated Worker	\$195,340.00
Administration	\$ 1,224.00,

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 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 October 28, 2015 by voice vote.

**ACT NO. 511-2015** by Mr. Hale and Mr. Murphy

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
LEGAL ASSISTANCE OF WESTERN NEW YORK, INC. FOR  
FAMILY COURT LEGAL REPRESENTATION OF INDIGENT PERSONS**

Pursuant to Sections 450 and 722 of the County Law.

WHEREAS, Act 474-2013 authorized a contract with Legal Assistance of Western New York, Inc., 104 East Steuben Street, Bath, New York 14810, for the provision of legal representation in Family Court to those who are financially unable to obtain counsel pursuant to New York State County Law Section 722, where there exists a conflict with the Public Defender's Office, the term of which expires December 31, 2015, and

WHEREAS, in 2014 and 2015, Legal Assistance of Western New York, Inc., accepted well over the number of referrals contracted for, and provided representation in several appeals, and

WHEREAS, the County Public Defender's Office is desirous of renewing the aforementioned contract, and

WHEREAS, Legal Assistance of Western New York, Inc., agrees to provide the aforementioned legal services for approximately 540 cases referred to Family Court for an amount of \$393,117.00 for the year 2016, with an increase for years 2017 and 2018 at the rate announced each year by the NYS Comptroller for county government increases in the tax levy, and

WHEREAS, it is understood that Legal Assistance of Western New York, Inc., shall continue to provide legal representation at the appellate level for its cases that are appealed, at no additional cost, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, contingent upon and subject to the inclusion in the 2016 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with Legal Assistance of Western New York, Inc., for the provision of the above-described services, for a term commencing January 1, 2016 and terminating December 31, 2018, according to the above-described terms.

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

Adopted October 28, 2015 by voice vote.

**ACT NO. 512-2015** by Mr. Teachman and Mr. Padlo

**AUTHORIZING THE CHAIR TO EXECUTE LICENSE AGREEMENT WITH  
PICTOMETRY INTERNATIONAL CORP. FOR  
AERIAL PHOTOGRAPHY SOFTWARE SUPPORT SERVICES AND LICENSES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 223-2012 authorized a License Agreement with Pictometry International Corp. for the provision of aerial photography services to the County Office of Real Property Tax Services, and

WHEREAS, Act 501-2014 authorized a License Agreement with Pictometry International Corp. for the provision of software support services for the aforementioned aerial photography software, the term of which expires December 31, 2015, and

WHEREAS, the Office of Real Property Tax Services is desirous of continuing the software support services and licenses, and

WHEREAS, Pictometry International Corp., 100 Town Centre Drive, Suite A, Rochester, New York 14623, can provide software support services and licenses to the County for an amount of \$2,500.00, to be paid as invoiced, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a License Agreement, on behalf of Cattaraugus County, contingent upon and subject to the inclusion in the 2016 budget of sufficient funds to cover the costs of the aforementioned services, with Pictometry International Corp., for the provision of the above-described software support services and licenses, for a term commencing January 1, 2016 and terminating December 31, 2016, according to the above-described terms.

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

Adopted October 28, 2015 by voice vote.

**ACT NO. 513-2015** by Mr. Teachman and Mr. Padlo

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
SYSTEMS DEVELOPMENT GROUP, INC. FOR  
REAL PROPERTY TAX SERVICES  
IMAGE MATE ONLINE SUPPORT AGREEMENT AND  
IMAGE MATE GIS SUPPORT AGREEMENT**

Pursuant to Section 1532 of the Real Property Tax Law and  
Section 450 of the County Law.

WHEREAS, Act 502-2014 authorized a contract with Systems Development Group, Inc., 441 Trenton Avenue, Utica, New York 13502, for the provision of imaging software and services for the County Real Property Tax Service Agency online support, the term of which expires December 31, 2015, and

WHEREAS, the County Real Property Tax Service Agency is desirous of continuing the aforementioned technical support for the Image Mate Online, and

WHEREAS, Systems Development Group, Inc., can provide the necessary online support of the Image Mate Online System for an amount as follows:

Annual Fee	\$10,000.00
Software Support	\$85.00/hr., including travel time
Custom Software Enhancement	\$100.00/hr.,

now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, contingent upon, and subject to, inclusion in the 2016 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with Systems Development Group, Inc., for the provision of the above-described services, for a term commencing January 1, 2016 and terminating December 31, 2016, according to the above-described terms.

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

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

Adopted October 28, 2015 by voice vote.

**ACT NO. 514-2015** by Development & Agriculture Committee:

Mr. VanRensselaer, Mr. Boser, Mr. Hale, Mr. Murphy,  
Mr. Snyder, Sr., Mrs. Labuhn and Mr. Padlo  
and Mr. Edwards and Mr. Lamberson

**ABOLISHING ONE (1) FULL-TIME POSITION OF INDUSTRIAL SPECIALIST AND CREATING  
ONE (1) FULL-TIME POSITION OF SENIOR BUSINESS DEVELOPMENT SPECIALIST  
AND ONE (1) PART-TIME POSITION OF KEYBOARD SPECIALIST  
AND ESTABLISHING COMPENSATION FOR THE SAME  
(Economic Development, Planning & Tourism)**

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

WHEREAS, the Department of Economic Development, Planning and Tourism is desirous of reorganizing the work structure to achieve specific future goals of business development, and

WHEREAS, the job duties of a Senior Business Development Specialist can best assist in these goals, and

WHEREAS, a part-time Keyboard Specialist is also needed, and

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

WHEREAS, sufficient funds are available in the budget to cover the cost of these positions, now, therefore, be it

RESOLVED, that effective immediately, there is hereby abolished one (1) full-time position of Industrial Specialist in the Department of Economic Development, Planning and Tourism, and be it further

RESOLVED, that effective immediately, there is hereby created one (1) full-time position of Senior Business Development Specialist in the Department of Economic Development, Planning and Tourism, General Bargaining Unit Salary Schedule, Pay Grade 24 (\$24.55 per hour), Position No. 642-373-001, and one (1) part-time position of Keyboard Specialist in the Department of Economic Development, Planning and Tourism, Part-Time Employee Unit Salary Schedule, Pay Grade 11 (\$11.30 per hour), Position No. 642-185-003.

Approved by 8 members of the Finance Committee and 5 members of the Labor Relations Committee.

Adopted October 28, 2015 by voice vote.

**ACT NO. 515-2015** by Mr. Snyder, Jr.  
*and Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Klancer,  
Mr. Marsh, Mr. Murphy, Mr. Snyder, Sr., Mrs. Stockman, Mr. Teachman,  
Mr. VanRensselaer, Ms. Vickman, Mr. Weller, Mr. Boser, Mr. Koch,  
Mrs. Labuhn, Mr. Lamberson, Mr. Padlo and Mr. Keller<sup>1</sup>*

**URGING GOVERNOR CUOMO TO PROVIDE FUNDING IN 2016-2017 BUDGET  
FOR STUDY AND CONSTRUCTION OF ROUTE 219 AND SECTION 12**

Pursuant to Section 153 of the County Law.

WHEREAS, funding for the study and construction of Route 219 and Section 12 is critical to the completion of Continental 1 as a transportation project with the potential to generate economic growth in Western New York by building upon the source-to-market connections, and

WHEREAS, manufacturers rely on Route 219 as the most direct access to Buffalo and Toronto as well as the Southeast U.S. to receive their raw materials and to distribute their finished products, and

WHEREAS, the project, once complete, will increase safety for motorists who are sharing an open-access highway with commercial vehicles, promote economic development, and provide a much needed north-south transportation route, making Western New York a destination location for businesses, and

WHEREAS, the estimated cost for the study and construction of Route 219 and Section 12 is \$95 million, \$20 million of which would be funded by New York State and should be included in the 2016-2017 State Budget, and

WHEREAS, completion of this portion of the Route 219 project is an important step toward the fulfillment of this mission to sustain the economic viability of Cattaraugus County, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby urges Governor Cuomo to support this critical project and provide the necessary funding for it in the 2016-17 State Budget, and be it further

RESOLVED, that the Clerk of the Legislature shall forward copies of this resolution to Governor Andrew M. Cuomo, the Temporary President of the NYS Senate John J. Flanagan, Senator

Catharine M. Young, the Speaker of the NYS Assembly Carl E. Heastie, Assemblyman Joseph M. Giglio, and the NYS Commissioner of Transportation Matthew J. Driscoll.

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

<sup>1</sup>The following Legislators requested their names be listed as additional sponsors: “Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. Murphy, Mr. Snyder, Sr., Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Ms. Vickman, Mr. Weller, Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson, Mr. Padlo and Mr. Keller”.

Adopted October 28, 2015 by voice vote.

**ACT NO. 516-2015** by Mr. Edwards and Mr. Lamberson  
and Mr. Felton, Ms. Vickman and Mr. Weller<sup>1</sup>  
who ask immediate consideration

**ABOLISHING TWO FULL-TIME POSITIONS OF MAINTENANCE SUPERVISOR AND  
CREATING ONE FULL-TIME POSITION OF SUPERINTENDENT OF BUILDINGS AND GROUNDS  
AND ONE FULL-TIME POSITION OF SENIOR MAINTENANCE MECHANIC  
AND ESTABLISHING COMPENSATION FOR THE SAME  
(Department of Public Works)**

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

WHEREAS, due to recommendations in the Center for Government Research Report, the County nursing home facilities need a coordination of maintenance procedures in order to meet standards set by New York State, and

WHEREAS, in order to achieve efficient, effective coordination of maintenance in the nursing home facilities, it is necessary to establish a position of Superintendent of Buildings and Grounds (Department of Nursing Homes) and a position of Senior Maintenance Mechanic (Department of Nursing Homes) within the Department of Public Works, and

WHEREAS, it is necessary to abolish two full-time positions of Maintenance Supervisor in the Department of Public Works to achieve the aforementioned coordination of maintenance for the nursing home facilities, and

WHEREAS, the New Position Duties Statement has been submitted to the Cattaraugus County Personnel Officer, who has approved the title as Superintendent of Buildings and Grounds (Department of Nursing Homes) in accordance with Civil Service Law Section 22, and

WHEREAS, sufficient funds are included in the budget for these positions, now, therefore, be it

RESOLVED, that effective immediately, there are hereby abolished two (2) full-time positions of Maintenance Supervisor in the Department of Public Works, Position No. 502-206-004 and Position No. 502-206-002, and be it further

RESOLVED, that effective immediately, there is hereby created one (1) position of Superintendent of Buildings and Grounds (Department of Nursing Homes) in the Department of Public

Works to be filled on a full-time basis, Supervisory Bargaining Unit Salary Schedule, Pay Grade 26 (\$23.53 - \$28.66 per hour), Position No. 502-307-001, and be it further

RESOLVED, that effective immediately, there is hereby created one (1) position of Senior Maintenance Mechanic in the Department of Public Works to be filled on a full-time basis, Supervisory Bargaining Unit Salary Schedule, Pay Grade 22, (\$20.24 - \$24.45 per hour), Position No. 502-324-003.

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

<sup>1</sup>The following Legislators requested their names be listed as additional sponsors: "Mr. Felton, Ms. Vickman and Mr. Weller".

Adopted October 28, 2015 by voice vote.

**ACT NO. 517-2015** by Mr. Marsh  
who asks immediate consideration

**AMENDING ACT 494-2015 REGARDING CONTRACT WITH  
HARBIDGE CONSULTING GROUP, LLC FOR  
GASB 45 ACTUARIAL, CONSULTING AND ADMINISTRATIVE SERVICES  
FOR POST-RETIREMENT HEALTH CARE BENEFITS**

Pursuant to Section 1860D-22 of the Social Security Act,  
42 CFR Section 423.880, 42 USC Section 1395w-101 and  
Section 450 of the County Law.

WHEREAS, Act 494-2015 authorized a contract with Harbridge Consulting Group, LLC, 1387 Fairport Road, Building 700-Suite 720, Fairport, New York 14450, for the provision of GASB 45 actuarial, consulting and administrative services for post-retirement medical benefits, and

WHEREAS, certain information was incorrectly stated in Act 494-2015, and

WHEREAS, Act 494-2015 should be amended to reflect corrected information, now, therefore, be it

RESOLVED, that Act 494-2015 be, and hereby is, amended as follows: In the 2<sup>nd</sup> Whereas and the 3<sup>rd</sup> Whereas, delete: "2014", and replace with: "2015", and In the 1<sup>st</sup> Resolved, delete: "2015", and replace with: "2016".

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

Adopted October 28, 2015 by voice vote.

**ACT NO. 518-2015** by Mr. Edwards  
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE A CONTRACT WITH  
AIG TO PROVIDE CYBER CRIME INSURANCE COVERAGE TO THE COUNTY**

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

WHEREAS, Act 489-2014 authorized a contract with American International Group, Inc. (AIG) for the provision of Cyber Crime insurance coverage through the Illinois National Insurance Company, the term of which expired October 21, 2015, and

WHEREAS, the County is desirous of renewing the aforementioned insurance coverage, and

WHEREAS, AIG can provide Cyber Crime Insurance coverage, through the Illinois National Insurance Company, for a premium amount of \$33,876.00, for a term commencing October 21, 2015 and terminating October 21, 2016, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, contingent upon and subject to the inclusion in the 2016 budget of sufficient funds to cover the costs of the aforementioned insurance, on behalf of Cattaraugus County, with AIG for the provision of the above-described Cyber Crime Insurance program, for a term commencing October 21, 2015 and terminating October 21, 2016, according to the above-described terms.

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

Adopted October 28, 2015 by voice vote.

**MOTION TO ADJOURN IN MEMORY OF  
WILLIAM M. NICHOLS**

WHEREAS, William M. Nichols, 66, of South Valley, passed away on October 13, 2015, following a lengthy battle with Leukemia, and

WHEREAS, Undersheriff Nichols was a 30-year law enforcement professional, and

WHEREAS, after serving in the U.S. Army as an infantryman from 1971 to 1974, Undersheriff Nichols began his career in law enforcement with the Arcade Police Department, where he rose to the rank of acting chief, and

WHEREAS, Undersheriff Nichols joined the Cattaraugus County Sheriff's Office in 1986 and by the early 1990s, he was working with the U.S. Drug Enforcement Agency (DEA) investigating numerous major cases ranging from large scale drug trafficking to multiple homicides, and

WHEREAS, in 2010, Sheriff Whitcomb appointed him Undersheriff of Cattaraugus County, and

WHEREAS, Undersheriff Nichols received a meritorious service award in 2011 for his work on an 18-year old cold case which led to the arrest and conviction of a murderer, and

WHEREAS, in his spare time, Undersheriff Nichols collected classic cars and restored them, including an old police cruiser, and

WHEREAS, Undersheriff Nichols is survived by his wife Carin; three sons, Joseph and William, Jr., Toby Smith; four daughters, Lisa and Nancy, Macy Smith, Darcy Smith; five brothers, Jack, Dennis, Jim, Ron, Dale; and two grandchildren, and

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

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

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

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

MR. KLANCER moved, seconded by Mr. Boser to adjourn until November 10, 2015 at 3:00 p.m.  
Carried.

Meeting adjourned at 3:28 p.m.

Ann M. Giglio  
Journal Clerk