

April 27, 2016

The meeting was called to order by Chairman Paula J. Stockman.

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed one Legislator absent - Neal.

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MR. SNYDER, SR. moved, seconded by Mr. Weller, that the minutes of the April 13, 2016 session be approved. Carried.

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COMMUNICATIONS:

Joseph M. Giglio, NYS Member of Assembly: Correspondence regarding CHIPS and AIM aid relative to 2016-2017 State budget.

Scholarie County Board of Supervisors: Resolution No. 41 entitled, "Resolution Calling for an Increase in the Share of Revenue Counties Retain for Providing State DMV Services", and Resolution No. 42 entitled, "A Resolution Calling on the State of New York to Fully Reimburse Counties for District Attorney Salary Increases Set by the State".

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PROCLAMATIONS:

CHAIRMAN STOCKMAN read a proclamation that she signed along with officials representing the eight Western New York counties designating the week of May 1, 2016 through May 7, 2016 as Western New York Armed Forces Week in celebration of its 56th anniversary.

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PRIVILEGE OF THE FLOOR:

CHAIRMAN STOCKMAN granted Privilege of the Floor to Mrs. Labuhn who introduced Suzann Tighe-Cushman, Executive Director of Cornell Cooperative Extension Association of Cattaraugus County, and Diane Clayson, President of Cornell Cooperative Extension Association of Cattaraugus County. Ms. Tighe-Cushman presented an overview of CCE's programs and mission.

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ACT NO. 195-2016 by Mr. Weller and Mr. Koch
and Mr. Helmich, Ms. Vickman and Mr. Padlo¹

**BID ACCEPTANCE FOR GENERAL CONSTRUCTION SERVICES FOR
THE PINES HEALTHCARE AND REHABILITATION CENTER-OLEAN CAMPUS
2016 SITE IMPROVEMENTS PROJECT**

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 provision of general construction services for The Pines Healthcare and Rehabilitation Center-Olean Campus capital improvement project, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was the bid of Duggan & Duggan General Contractors, Inc., 85 West Main Street, P.O. Box 5, Allegany, New York 14706, for an amount of \$349,500.00, to be paid on a percent-of-completion basis, as invoiced and approved by the Department of Public Works, and

WHEREAS, sufficient funds are included in the 2016 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the bid of Duggan & Duggan General Contractors, Inc., be, and the same hereby is, accepted, for a term commencing within ten (10) days of the effective date of the contract, and terminating October 31, 2016, and be it further

RESOLVED, that the vouchers accordingly certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Eight sets of specifications were sent out.

Three bids were received.

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

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

Adopted April 27, 2016 by voice vote.

ACT NO. 196-2016 by Mr. Weller and Mr. Koch
and Mr. Helmich, Ms. Vickman and Mr. Padlo¹

**BID ACCEPTANCE FOR ELECTRICAL PORTION FOR
THE PINES HEALTHCARE AND REHABILITATION CENTER-OLEAN CAMPUS
2016 SITE IMPROVEMENTS PROJECT**

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 electrical portion of The Pines Healthcare and Rehabilitation Center-Olean Campus capital improvement project, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was the bid of Ahlstrom Schaeffer Electric Corp., 46 Hopkins Avenue, Jamestown, New York 14701, for an amount of \$129,975.00, to be paid on a percent-of-completion basis, as invoiced and approved by the Department of Public Works, and

WHEREAS, sufficient funds are included in the 2016 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the bid of Ahlstrom Schaeffer Electric Corp. be, and the same hereby is, accepted, for a term commencing within ten (10) days of the effective date of the contract, and terminating October 31, 2016, and be it further

RESOLVED, that the vouchers accordingly certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Eight sets of specifications were sent out.

One bid was received for the Electrical Portion.

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

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

Adopted April 27, 2016 by voice vote.

ACT NO. 197-2016 by Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE UTILITY EASEMENT WITH
VERIZON NEW YORK, INC., FOR RELOCATION OF UTILITY FACILITIES IN
CONNECTION WITH COUNTY ROAD NO. 57 AND BENTLEY ROAD INTERSECTION
RECONSTRUCTION PROJECT**

Pursuant to Sections 219 and 450 of the County Law.

WHEREAS, Verizon New York, Inc., 500 Summit Lake Drive, Valhalla, New York 10595, has requested permission to relocate some of its utility facilities along the County Road No. 57 and Bentley Road intersection reconstruction project, and

WHEREAS, a right-of-way easement is necessary to allow Verizon to remove, relocate, replace or reconstruct utility facilities across County-owned property, and

WHEREAS, Verizon has requested an easement agreement describing the rights and responsibilities of the County and Verizon 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 Verizon New York, Inc., for the removal, relocation, replacement or reconstruction of utility facilities along the County Road No. 57 and

Bentley Road intersection reconstruction project, for a term commencing May 1, 2016 to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

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

Adopted April 27, 2016 by voice vote.

ACT NO. 198-2016 by Mr. VanRensselaer

**AUTHORIZING PUBLIC HEARING ON
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

Pursuant to Section 10 of the Municipal Home Rule Law.

WHEREAS, the County wishes to assess the advisability of submitting a Community Development Block Grant ("CDBG") application to the New York State Office of Community Renewal for funding to support the construction of a new manufacturing facility to be located on New York State Route 353 in the Town of Little Valley, New York (the "Project"), and

WHEREAS, the County is required to hold a public hearing to provide information to the public and to consider citizen comments regarding the CDBG program and the Project prior to submitting an application for CDBG funding, now, therefore, be it

RESOLVED, that a public hearing shall be held by this County Legislature on the potential submission of an application to the New York State Office of Community Renewal for Community Development Block Grant funding to support the construction of a manufacturing facility in the Town of Little Valley on the 11th day of May, 2016, at 4:01 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.

Approved by 7 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

Adopted April 27, 2016 by voice vote.

ACT NO. 199-2016 by Ms. Vickman and Mrs. Labuhn

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH CATTARAUGUS COMMUNITY ACTION, INC.
FOR THIRD PARTY REVIEWER SERVICES FOR
DEPARTMENT OF SOCIAL SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 202-2015 authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, for the provision of Third Party Reviewer services, the term of which expires April 30, 2016, and

WHEREAS, the Third Party Reviewer facilitates meetings between birth parents of children in foster care, the department caseworker, attorneys, foster parents, and service providers to assess the efforts and progress made by the Department and the birth parents to achieve the goal of safely returning the child to the birth parents' care, and

WHEREAS, the Department of Social Services is desirous of renewing the aforementioned contract, and

WHEREAS, Cattaraugus Community Action, Inc., can provide the aforementioned Third Party Reviewer services for an amount not to exceed \$31,893.00 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 May 1, 2016 and terminating April 30, 2017, according to the above-described terms.

Approved by 7 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted April 27, 2016 by voice vote.

ACT NO. 200-2016 by Ms. Vickman and Mrs. Labuhn

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HEALTHY COMMUNITY ALLIANCE, INC. FOR
COORDINATOR OF PUBLIC HEALTH EMERGENCY PREPAREDNESS &
RESPONSE TO BIOTERRORISM**

Pursuant to Sections 224(8) and 450 of the County Law.

WHEREAS, Act 227-2015 authorized the Chair to execute a contract with Healthy Community Alliance, Inc., One School Street, Suite 100, Gowanda, New York 14070, for the services of a Coordinator of Public Health Emergency Preparedness & Response to Bioterrorism (PHEP Coordinator), the term of which expires June 30, 2016, and

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

WHEREAS, the Coordinator of Public Health Emergency Preparedness & Response to Bioterrorism shall be responsible for ensuring that the County Health Department is prepared to respond and react to environmental and/or health-related disasters which may affect Cattaraugus County, and

WHEREAS, Healthy Community Alliance, Inc., can provide personnel to perform the tasks of PHEP Coordinator, which shall include the investigation and implementation of possible educational services to the County in connection with applicable educational programs associated with the County Health Department, for a total amount of \$59,291.00, to be paid as invoiced, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Healthy Community Alliance, Inc., for the provision of the above-described services, for a term commencing July 1, 2016 and terminating June 30, 2017, 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 7 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted April 27, 2016 by voice vote. Mrs. Hastings abstained from vote.

ACT NO. 201-2016 by Mr. Snyder, Sr. and Mrs. Stockman

**AUTHORIZING SALE OF THE SHELDON HOUSE PROPERTY AT
JAMESTOWN COMMUNITY COLLEGE**

Pursuant to 8 NYCRR §603.5(d) and Section 450 of the County Law.

WHEREAS, pursuant to Article 126 of New York State Education Law, the County of Cattaraugus is one of three municipal sponsors, along with the City of Jamestown and County of Chautauqua, that constitute a "community college region" which acts as the local sponsor of Jamestown Community College (JCC), and

WHEREAS, Jamestown Community College (JCC) currently owns property located at 7 Falconer Street in the City of Jamestown known as the "Sheldon House," which was donated to JCC in 1977 and was utilized for programs and events of both the College and the community, and

WHEREAS, the Sheldon House property consists of a house, detached garage, and carriage house containing a total of approximately 9,461 square feet of space on 1.05 acres of land designated on the Chautauqua County Tax Map as Tax Parcel Numbers 370.19-8-37, 38 & 39, and

WHEREAS, due to the Sheldon House's isolated location a distance of 1.4 miles from the rest of the Jamestown campus of JCC, and due to the magnitude of the financial commitment for maintaining the Sheldon House, including imminent significant maintenance issues, the Sheldon House property is no longer useful or required for community college purposes by JCC, and no longer fits the mission of JCC, and

WHEREAS, the sale of the property provides the opportunity to reduce operating costs of the College, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby finds that the Sheldon House property is no longer useful or required for community college purposes by JCC, and be it further

RESOLVED, that pursuant to 8 NYCRR §603.5(d), the Cattaraugus County Legislature authorizes JCC to effectuate the sale of the Sheldon House property and a portion of its contents to Lynn

Development, Inc., at a sales price of \$250,000.00, not including closing and other related costs, with the foregoing dependent on SUNY Board of Trustee approval.

Approved by 7 members of the Finance Committee.

Adopted April 27, 2016 by voice vote. Mrs. Hastings and Mr. Snyder, Jr. abstained from vote.

ACT NO. 202-2016 by Mr. Klancer and Mrs. Stockman

**SALE OF TAX TITLE PROPERTY TO FORMER OWNERS
(Town of Persia)**

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 Persia, and

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

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

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

TOWN OF PERSIA

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
372 (2015)	8.084-3-2	Bambino Holdings, LLC Bankruptcy Exchange II, Inc.	2952 Seneca St. West Seneca, NY 14224.	\$30,592.19

Approved by 7 members of the Finance Committee and 6 members of the County Operations/
Public Safety Committee.

Adopted April 27, 2016 by voice vote.

ACT NO. 203-2016 by Mr. Hale and Mr. Snyder, Jr.
and Mrs. Hastings, Mr. Lamberson, Mr. Padlo and Mr. Keller¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH THE TOWN OF HINSDALE FOR THE DEVELOPMENT OF
BOAT LAUNCHES ALONG CREEKS AND TRIBUTARIES OF THE ALLEGANY RIVER AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS**

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

WHEREAS, the development of boat launch areas along the Oil Creek and/or the Ischua Creek and/or the Olean Creek in the Towns of Hinsdale and Olean and the City of Olean, would enable area residents to make greater recreational use of the Allegany River trail system waterway, and

WHEREAS, the creation of such boat launches would enhance the Allegany River trail system by giving access for recreational boating traversing the Olean Creek tributary through the Towns of Hinsdale and Olean, and the City of Olean to a point behind the Bradner's Stadium where it would join the Allegany River positively impacting recreational and economic development along the river and thereby benefiting the County and its residents, and

WHEREAS, it is proposed that the County grant the sum of \$25,000.00 to the Town of Hinsdale for the development of the aforementioned boat launch areas, and

WHEREAS, the Town of Hinsdale has agreed to develop and maintain boat launches along the creeks and tributaries of the Allegany River for recreational use by the public, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Town of Hinsdale for the development of boat launches along the Allegany River, and be it further

RESOLVED, that the County shall pay the sum of \$25,000.00 on a percent-of-completion basis, upon receipt of invoices showing what work has been completed, and be it further

RESOLVED, that the payment of \$25,000.00 to the Town of Hinsdale is contingent upon the above-described projects being completed by September 30, 2017, and be it further

RESOLVED, that in the event the above-described projects are not completed by September 30, 2017, then the County shall withdraw the funding, and be it further

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

Increase Estimated Revenue Account:

ED.642.6989.0000.2725.3	Tribal Compact Moneys-Economic Development	\$25,000.00
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Increase Appropriation Account:

ED.642.6989.0000.48524	Boat Launches	\$25,000.00.
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Approved by 7 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

¹The following Legislators requested their names be listed as additional sponsors: "Mrs. Hastings, Mr. Lamberson, Mr. Padlo and Mr. Keller".

Adopted April 27, 2016 by voice vote.

ACT NO. 204-2016 by Mrs. Stockman
and Mr. Boberg and Mr. Helmich¹

**SALE OF TAX TITLE PROPERTY TO VILLAGE OF DELEVAN AND
WAIVING RULE 40 OF THE RULES OF ORDER
(Village of Delevan)**

Pursuant to Section 215 of the County Law, Rule 33 of the Rules of Order of the Cattaraugus County Legislature, and Section 72-h of the General Municipal Law.

WHEREAS, the property located in the Village of Delevan, known as Tax Map Number 12.052-2-9, formerly owned by Brandon Tatko and Patricia Tatko (“Property”), appears on the County's 2015 in rem tax foreclosure list, and

WHEREAS, the Property is subject to foreclosure by the County Treasurer, and

WHEREAS, the building on the subject Property is in deplorable condition and the Village of Delevan has agreed to demolish the building and return said parcel to the tax rolls, and

WHEREAS, conveyance of the Property to the Village of Delevan and the waiver of delinquent taxes is in the best interests of the County, and

WHEREAS, such conveyance would enable the County Legislature to restore the Property to the tax roll, now, therefore, be it

RESOLVED, that upon obtaining title to the Property through the in rem tax foreclosure process, or if the Court so orders, the County Treasurer shall be, and hereby is, authorized and directed to execute a deed conveying the Property to the Village of Delevan, for an amount of \$1.00, and be it further

RESOLVED, that Rule 40 of the Rules of Order of the Cattaraugus County Legislature is hereby waived for this sale.

Approved by 7 members of the Finance Committee and 6 members of the County Operations/Public Safety Committee.

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

Adopted April 27, 2016 by voice vote.

ACT NO. 205-2016 by Mr. Weller and Mr. Koch
who ask immediate consideration

**BID ACCEPTANCE FOR PRECAST CONCRETE DECK PANELS FOR
HUMPHREY BRIDGE NO. 2
(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 precast concrete deck panels for Humphrey Bridge No. 2, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was the bid of Binghamton Precast & Supply Corp., 18 Phelps Street, Binghamton, New York 13901, in the amount of \$49,720.00, to be paid as invoiced and approved by the Department of Public Works, and

WHEREAS, sufficient funds are included in the 2016 budget to cover the costs of the aforementioned precast concrete deck panels, now, therefore, be it

RESOLVED, that the bid of Binghamton Precast & Supply Corp., be, and the same hereby is, accepted, for a term commencing upon Notice of Award with delivery to be made within thirty (30) days after approval of drawings, and be it further

RESOLVED, that the vouchers accordingly certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Six sets of specifications were sent out.

Three bids were received.

MR. SNYDER, JR. moved, seconded by Mr. Hale to waive Rule 12, pursuant to Rule 33.1. Carried.

Adopted April 27, 2016 by voice vote.

ACT NO. 206-2016 by Mr. Weller and Mr. Koch
who ask immediate consideration

**BID ACCEPTANCE FOR PURCHASE OF THREE TANDEM AXLE TRUCKS WITH
DUMP BODIES AND SNOWFIGHTING EQUIPMENT
(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 purchase of three (3) 2017 or newer tandem axle trucks with dump bodies and snowfighting equipment, according to specifications provided by the Public Works Committee, and

WHEREAS, Fleet Maintenance, Inc., 67 Ransier Drive, Buffalo, New York 14224, submitted the lowest acceptable bid for the purchase of three (3) 2017 or newer tandem axle trucks with dump bodies and snowfighting equipment, for an amount of \$217,035.00 per truck, plus the cost of delivery in the amount of \$585 for three (3) trucks, for a total amount of \$651,690.00 for three (3) trucks with dump bodies, and snowfighting equipment (delivered), and

WHEREAS, sufficient funds are included in the 2016 budget to cover the cost of the aforementioned purchase, now, therefore, be it

RESOLVED, that the bid of Fleet Maintenance, Inc., be, and the same hereby is, accepted, for a term commencing upon Notice of Award and terminating December 31, 2016, with delivery to be made within 180 days after placement of the order, and be it further

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

No State Bid.

Two bids were received which met specifications.

MR. SNYDER, JR. moved, seconded by Mr. Hale to waive Rule 12, pursuant to Rule 33.1. Carried.

MR. SNYDER, JR. moved, seconded by Mr. Klancer to refer Act No. 206-2016 to the Finance Committee and the Public Works Committee. Carried. Mr. Koch voted No.

ACT NO. 207-2016 by Mr. Weller and Mr. Koch
who ask immediate consideration

**REJECTING CERTAIN BIDS FOR DPW MAKE-UP AIR UNIT REPLACEMENT
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law.

WHEREAS, the Department of Public Works advertised for sealed bids for the Make-Up Air Unit Replacement Project for the Cattaraugus County Department of Public Works, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the bids received for the aforementioned project, which were opened on April 8, 2016, should be rejected due to budgetary constraints, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby rejects the bids received for the Make-Up Air Unit Replacement Project, which were opened on April 8, 2016, for the Cattaraugus County Department of Public Works.

MR. SNYDER, JR. moved, seconded by Mr. Hale to waive Rule 12, pursuant to Rule 33.1. Carried.

Adopted April 27, 2016 by voice vote.

ACT NO. 208-2016 by Mr. Weller and Mr. Koch
who ask immediate consideration

**AMENDING ACT 172-2016 REGARDING CONTRACT
WITH YOUNG GALVANIZING, INC.
FOR HOT-DIP GALVANIZING OF STEEL BRIDGE BEAMS**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 172-2016 authorized a contract with Young Galvanizing, Inc., P.O. Box 334, Route 551, 8281 Mercer Street, Pulaski, Pennsylvania 16143, for the provision of hot-dip galvanizing of steel beams required for Humphrey Bridge No. 2 and Freedom Bridge No. 8, and

WHEREAS, Act 172-2016 should be amended to clarify the rate structure for the galvanizing services, now, therefore, be it

RESOLVED, that Act 172-2016 be, and hereby is, amended as follows: In the 2nd Whereas, delete: "of \$19,876.00", and replace with the following: "based on a cost-per-pound of \$0.28 for beams over 48' and a cost-per-pound of \$0.23 for beams 48' and under, for a total contract price not to exceed \$25,000.00".

MR. SNYDER, JR. moved, seconded by Mr. Hale to waive Rule 12, pursuant to Rule 33.1. Carried.

Adopted April 27, 2016 by voice vote.

ACT NO. 209-2016 by Public Works Committee:
 Mr. Weller, Mr. Koch, Mr. Hale, Mr. Helmich,
 Mr. Klancer, Mr. Snyder, Jr. and Mr. Lamberson
*and Mr. Boberg*¹
 who ask immediate consideration

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
 (Department of Public Works- Mill & Pave Program)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, the Department of Public Works is desirous of conducting a mill & pave program on various County roads, and

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

RESOLVED, that the County Administrator is hereby directed to appropriate \$3,795,000.00 from Undesignated Fund Balance Account A.909.0000 and make the following budgetary changes:

Increase Estimated Revenue Account:

H.990.9950.0000.5031	Interfund Transfers	\$ 3,795,000.00
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Increase Appropriation Accounts:

A.990.9950.0000.90504	Transfer to Capital Projects Fund	\$ 3,795,000.00
H.504.5197.5198.27002.41603	Milling and Paving Program	\$ 250,000.00
H.504.5197.5198.27043.41603	County Road No. 73	\$ 240,000.00
H.504.5197.5198.27071.41603	County Road No. 25	\$ 600,000.00
H.504.5197.5198.27014.41603	County Road No. 27	\$ 200,000.00
H.504.5197.5198.27072.41603	County Road No. 101	\$ 145,000.00
H.504.5197.5198.27004.41603	County Road No. 4	\$ 525,000.00
H.504.5197.5198.27039.41603	County Road No. 12	\$ 150,000.00
H.504.5197.5198.27051.41603	County Road No. 18	\$ 375,000.00
H.504.5197.5198.27039.41603	County Road No. 12	\$ 300,000.00
H.504.5197.5198.27024.41603	County Road No. 20	\$ 675,000.00
H.504.5197.5198.27065.41603	County Road No. 55	\$ 725,000.00
H.504.5197.5198.27052.41603	County Road No. 7	\$ 25,000.00
H.504.5197.5198.27070.41603	County Road No. 2	\$ 20,000.00

Decrease Appropriation Accounts:

H.504.5197.5198.27051.41603	County Road No. 18	\$ 410,000.00
H.504.5197.5198.27067.41603	County Road No. 35	\$ 25,000.00

MR. SNYDER, JR. moved, seconded by Mr. Hale to waive Rule 12, pursuant to Rule 33.1. Carried.

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

Adopted April 27, 2016 by voice vote.

ACT NO. 210-2016 by Mr. Boberg, Ms. Vickman and Mr. Lamberson
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE RUNOUT ADDENDUM TO
CONTRACT WITH RMSCO, INC., N/K/A LIFETIME BENEFIT SOLUTIONS, INC.
FOR THIRD-PARTY ADMINISTRATION OF
CATTARAUGUS COUNTY HEALTH PLAN**

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

WHEREAS, the County entered into a contract with RMSCO, Inc. for the third-party administration of the Cattaraugus County Health Plan, and

WHEREAS, the most recent fully signed and executed contract to provide services commenced on January 1, 2008 and continues to be in full force and effect until June 1, 2016, and

WHEREAS, RMSCO, Inc., merged with EBS Benefit Solutions, Inc., Fringe Benefit Analysts, Inc., and Medical Claims Service, Inc. by Certificate of Merger on September 29, 2008 and subsequently changed its name to EBS-RMSCO, Inc., and

WHEREAS, RMSCO, Inc., filed a name change to Lifetime Benefit Solutions, Inc., with the Division of Corporations for the State of New York effective January 27, 2014, and

WHEREAS, the County is desirous of terminating its contract with Lifetime Benefit Solutions, Inc., effective June 1, 2016, and

WHEREAS, an addendum to the aforementioned contract is necessary to ensure that Lifetime Benefit Solutions, Inc., will process the remaining claims for dates of service prior to the termination date of June 1, 2016, for a period of seven (7) months, or June 1, 2016 through December 31, 2016, and

WHEREAS, Lifetime Benefit Solutions, Inc., has agreed to process the above-described remaining claims in accordance with the per employee per month administrative fee that is currently in effect on a monthly basis for a period of three (3) months following the date of termination, or June 1, 2016 through August 31, 2016, and

WHEREAS, the aforementioned administrative fee shall be based on the number of enrolled employees on May 31, 2016, and

WHEREAS, Lifetime Benefit Solutions, Inc., shall not charge a fee for the processing of claims for the months of September 2016 through December 2016, inclusive, and

WHEREAS, the fee for claims processed in the months of July 2016 and August 2016 shall be paid after December 31, 2016, upon the successful completion of this addendum, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a runout addendum, on behalf of Cattaraugus County, with RMSCO, Inc., n/k/a Lifetime Benefit Solutions, Inc., for the provision of the above-described services, for a term commencing June 1, 2016 and terminating December 31, 2016, according to the above-described terms.

MR. SNYDER, JR. moved, seconded by Mr. Hale to waive Rule 12, pursuant to Rule 33.1. Carried.

Adopted April 27, 2016 by voice vote.

ACT NO. 211-2016 by Mr. Keller and Mrs. Labuhn
*and Mr. Padlo*¹
who ask immediate consideration

ADOPTION OF CATTARAUGUS COUNTY FUND BALANCE POLICY

Pursuant to Section 153 of the County Law.

RESOLVED, that the following policy hereby replaces the policy adopted by Act 246-2014 of the Cattaraugus County Legislature:

CATTARAUGUS COUNTY FUND BALANCE POLICY

Section 1. PURPOSE.

1.1 The purpose of a fund balance policy is to insure against unanticipated events that could have an adverse impact on the financial condition of Cattaraugus County and the public services which it provides.

1.2 The Governmental Accounting Standards Board (GASB) has issued Statement 54, Fund Balance and Governmental Fund Type Definitions, which is required to be incorporated into the County's financial statements.

Section 2. DEFINITIONS.

2.1 Non-Spendable Fund Balance:

The portion of the net position of a governmental fund that cannot be spent either because the underlying resources are not in spendable form or because the government is legally or contractually required to maintain the resources intact.

2.2 Restricted Fund Balance:

The portion of the net position of a governmental fund that represents resources subject to externally enforceable constraints.

2.3 Committed Fund Balance:

The portion of the net position of a governmental fund that represents resources whose use is subject to a legally binding constraint that is imposed by the government itself at its highest level of decision making authority and that remains legally binding unless removed in the same manner.

2.4 Assigned Fund Balance:

The portion of the net position of a governmental fund that represents resources set aside ("earmarked") by the government for a specific purpose.

2.5 Unassigned Fund Balance:

The difference between total fund balance in the general fund and its non-spendable, restricted, committed, and assigned components. Unassigned amounts are technically available for any purpose.

Section 3. POLICY STATEMENT.

3.1 The finances of Cattaraugus County will be managed so as to maintain balances of various funds at levels sufficient to provide for the following:

3.1.1 Cash flow for daily financial needs;

3.1.2 Offset revenue shortfalls and unanticipated expenditures;

3.1.3 Unforeseen expenditures as a result of emergencies or natural disasters; and

3.1.4 Maintain the creditworthiness of the County (Bond Rating).

3.2 To ensure the appropriate level, within the County's General Fund, the County will maintain a minimum unassigned fund balance of 15% of the total General Fund appropriations.

Section 4. RESTORATION OF MINIMUM FUND BALANCE.

Should the General Fund balance fall below the minimum level as set forth in this policy, the County Administrator, as budget officer, shall prepare and submit a proposed plan for the restoration of the fund balance to the target level within the following fiscal year. This plan will be presented to the Legislature of Cattaraugus County for review and approval, prior to implementation.

Section 5. EXCESS FUND BALANCE.

Should the General Fund balance exceed 20% of the total General Fund appropriations in any given fiscal year, at the close of that fiscal year, the amount exceeding 20% is to be placed into a dedicated reserve for roads and/or bridge replacement/refurbishment. The projects funded from this reserve are subject to review and approval from the County Legislature.

Section 6. ANNUAL REVIEW.

Compliance with the provisions of this policy shall be reviewed as part of the annual budget adoption process.

MR. SNYDER, JR. moved, seconded by Mr. Hale to waive Rule 12, pursuant to Rule 33.1. Carried.

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

MR. SNYDER, JR. moved, seconded by Mr. Klancer to refer Act No. 211-2016 to the Finance Committee. Carried. Mr. VanRensselaer voted No.

ACT NO. 212-2016 by Mr. Weller and Mr. Koch
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE AGREEMENT WITH
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR
MCCARTY COMMUNICATIONS TOWER SITE**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the County currently operates and maintains a communications radio tower site on land owned by the New York State Department of Environmental Conservation (NYSDEC) located in the McCarty Hill State Forest, and

WHEREAS, the County has received a grant to upgrade various radio tower sites in the County, including the McCarty Hill tower site, and

WHEREAS, it is necessary to enter into an agreement with the NYSDEC in order to proceed with the McCarty Hill tower site upgrade project, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an agreement, on behalf of Cattaraugus County, with the New York State Department of Environmental Conservation, for the McCarty Hill tower site, for a term commencing upon execution of

the agreement, to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

MR. SNYDER, JR. moved, seconded by Mr. Hale to waive Rule 12, pursuant to Rule 33.1. Carried.

Adopted April 27, 2016 by voice vote.

MR. KLANCER moved, seconded by Mrs. Hastings to adjourn until May 11, 2016 at 4:00 p.m. Carried.

Meeting adjourned at 4:43 p.m.

Ann M. Giglio
Journal Clerk