

July 26, 2017

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

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed all Legislators present.

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CHAIRMAN STOCKMAN noted that the minutes of the June 28, 2017 session stand approved as presented.

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COMMUNICATIONS:

Fulton County Board of Supervisors: Resolution No. 253, Opposing Senate Bill S3327 and Assembly Bill A6519 which would make Optional the Requirement that all Members of the Conservation Fund Advisory Board Possess a Valid Hunting, Trapping or Fishing License.

Schoharie County Board of Supervisors: Resolution No. 28, Encouraging Respect for All; Statement of Support from the Community.

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PUBLIC HEARING:

CHAIRMAN STOCKMAN announced this is the time and place called for a public hearing on **Act No. 269-2017, Local Law Number 3-2017**, entitled "A Local Law Imposing Wireless Communications Surcharges in Cattaraugus County and Repealing Local Law No. 24-2002 (Intro Number 29-2002)", and that anyone wishing to speak for or against this local law may now do so.

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

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PRIVILEGE OF THE FLOOR:

CHAIRMAN STOCKMAN granted Privilege of the Floor to Michael J. McCarthy of McCarthy & Conlon who presented a report on the 2016 Nursing Home Audit.

CHAIRMAN STOCKMAN granted Privilege of the Floor to Rachel Linderman of Healthy Cattaraugus County who spoke on Adolescent Substance Use Prevention and the programs the organization has in place to assist these measures.

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CHAIRMAN STOCKMAN called up **Act No. 269-2017, Local Law Number 3-2017**, A Local Law Imposing Wireless Communications Surcharges in Cattaraugus County and Repealing Local Law No. 24-2002 (Intro Number 29-2002), and asked that it be read.

CHAIRMAN STOCKMAN requested a Roll Call vote on Act No. 269-2017, which disclosed as follows:

Ayes: Boberg, Breton, Giardini, Hale, Hastings, Helmich, Higgins, Klancer, Koch, Labuhn, Neal, Padlo, Snyder, Sr., Snyder, Jr., Stockman, VanRensselaer, Vickman - 17.

Nays: none.

Act No. 269-2017, Local Law Number 3-2017, having received a majority vote of the Legislature, was declared Adopted.

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ACT NO. 287-2017 by Mr. Giardini and Mr. Helmich

**BID ACCEPTANCE FOR PURCHASE OF NATURAL GAS
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and Sections 408 and 408-a of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the purchase of natural gas for the County Center building, the DPW Facility in Little Valley, and The Pines Healthcare and Rehabilitation Center in Machias, according to specifications provided by the Public Works Committee, and

WHEREAS, Energy Enterprises, Inc., energy consultant for the County, has reviewed the bids submitted as well as the performance history of the bidders and has recommended that the County accept the bid of National Fuel Resources, Inc., P.O. Box 9072, Williamsville, New York 14231, for Method #1 – Firm Index Based Pricing with 1 year Trigger Option (One Year Commitment), as follows:

Basis Pricing shall be the difference between the monthly NYMEX, Henry Hub settlement price, as reported in the Wall Street Journal and the total price to the LDC. Each month this non-changing basis will be added to the appropriate monthly NYMEX settlement figure or the fixed NYMEX upon fixing.

Basis including shrinkage, upstream transportation, margin, etc. \$+0.0476/Dth

The price can be fixed anytime during the contract term at the current NYMEX + Basis.
Notice will be given to the marketer by noon of the day which the price shall be fixed.,

now, therefore, be it

RESOLVED, that the bid of National Fuel Resources, Inc., be, and the same hereby is, accepted for a term commencing September 1, 2017 and terminating August 31, 2018, 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.

18 sets of specifications were sent out.

2 bids were received meeting specifications.

Approved by 7 members of the Finance Committee and 6 members of the Public Works Committee.

Adopted July 26, 2017 by voice vote.

ACT NO. 288-2017 by Mr. Giardini and Mr. Helmich

**BID ACCEPTANCE FOR DEPARTMENT OF NURSING HOMES
CHILLER REPLACEMENT PROJECT
(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 the chiller in the D-Wing of The Pines Healthcare and Rehabilitation Center-Olean Campus, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was the bid of Mazza Mechanical Services, Inc., 430 North 7th Street, Olean, New York 14760, in the total amount of \$188,848.00 to be paid by the County as invoiced and determined by the Department of Public Works, and

WHEREAS, sufficient funds are included in the 2017 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the bid of Mazza Mechanical Services, Inc., be, and the same hereby is, accepted, for a term commencing within ten (10) days of the date of contract execution and terminating December 31, 2017, 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.

Six bids were received.

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

Adopted July 26, 2017 by voice vote.

ACT NO. 289-2017 by Mr. Giardini and Mr. Helmich

**DECLARING COUNTY-OWNED PROPERTY IN THE
VILLAGE OF LITTLE VALLEY NO LONGER NECESSARY FOR PUBLIC USE
(Board of Elections and Museum Building)**

Pursuant to Section 72-h of the General Municipal Law
and Section 215 of the County Law.

WHEREAS, the Board of Elections and Museum Building, owned by the County of Cattaraugus, and located in the Village of Little Valley, is no longer necessary for public use, and

WHEREAS, the County accepted sealed bids for the purchase of the aforementioned property, and

WHEREAS, the County should convey aforementioned parcel to the highest bidder, now, therefore, be it

RESOLVED, that the Board of Elections and Museum Building 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 by, Quit-Claim Deed, 100% of the County's interest in the aforementioned property to the highest bidder.

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

Adopted July 26, 2017 by voice vote.

ACT NO. 290-2017 by Mr. Giardini and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
SJB SERVICES, INC. FOR SOIL BORING SERVICES,
MATERIAL TESTING, DECK CORING AND GEOTECHNICAL SERVICES**

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

WHEREAS, Act 614-2016 authorized a contract with SJB Services, Inc., 5167 South Park Avenue, Hamburg, New York 14075, for the provision of soil boring, material testing, deck coring and geotechnical engineering services for various bridge projects, the term of which expires December 31, 2017, and

WHEREAS, additional soil boring, material testing, deck coring and geotechnical engineering services for various culvert and bridge projects are necessary, and

WHEREAS, SJB Services, Inc. can provide the necessary additional services, and

WHEREAS, the aforementioned contract should be amended to include an additional amount of \$48,000.00 to cover the additional services to be provided, for a total contract amount of \$78,000.00, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract on behalf of Cattaraugus County, with SJB Services, Inc., for the

provision of the above-described services, for a term commencing January 1, 2017 and terminating December 31, 2017, according to the above-described terms.

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

Adopted July 26, 2017 by voice vote.

ACT NO. 291-2017 by Mr. Giardini and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE LICENSE AGREEMENT WITH
ADMINISTRATIVE OFFICE OF THE UNITED STATES BANKRUPTCY COURT FOR
FEDERAL USE OF COUNTY PROPERTY**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 287-2016 authorized a license agreement with the Administrative Office of the United States Bankruptcy Court for the use of the County's court facility located in the Olean Office Building one day each month, the term of which expires September 30, 2017, and

WHEREAS, the United States Bankruptcy Court is desirous of continuing the aforementioned license agreement under the same terms, and

WHEREAS, the County has agreed to allow the United States Bankruptcy Court to utilize the County's court facility located in the Olean Office Building once per month for an amount of \$600.00 per month, 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, with the Administrative Office of the United States Bankruptcy Court to use the above-described space for a term commencing October 1, 2017, and terminating September 30, 2018, according to the above-described terms.

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

Adopted July 26, 2017 by voice vote.

ACT NO. 292-2017 by Ms. Vickman, Ms. Hastings and Mrs. Labuhn

**ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Nursing Homes-Olean)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, the Department of Public Works is desirous of replacing the chiller in the D-Wing of The Pines Healthcare and Rehabilitation Center-Olean Campus, and

WHEREAS, various appropriation accounts must be adjusted in order to cover the cost of the aforementioned chiller replacement project, now, therefore, be it

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

Decrease Appropriation Account:

EF.453.4530.1212.20002	Parking, Lighting, Exterior Improvements	\$200,000.00
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Increase Appropriation Account:

EF.453.4530.1214.20002	2017 Chiller Replacement Project	\$200,000.00.
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Approved by 7 members of the Finance Committee, 7 members of the Public Works Committee and 7 members of the Human Services Committee.

Adopted July 26, 2017 by voice vote.

ACT NO. 293-2017 by Ms. Vickman, Ms. Hastings and Mrs. Labuhn

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

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, an additional \$78,758.77 is needed from the fund balance in order to cover VOIP project expenses for The Pines Healthcare and Rehabilitation Centers, and

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

RESOLVED, that the County Administrator is hereby directed to appropriate \$41,145.00 from Fund Balance Account EF.909.0000¹ and to make the following budgetary changes:

Decrease Appropriation Account:

EI.453.4530.1160.20002	Building Improvements	\$37,615.00 ¹
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Increase Appropriation Accounts:

EF.453.4530.1190.20011	Communications Equipment	\$41,145.00
EI.453.4530.1190.20011	Communications Equipment	\$37,615.00.

Approved by 7 members of the Finance Committee, 7 members of the County Operations/Public Safety Committee and 7 members of the Human Services Committee.

¹MS. HASTINGS moved, seconded by Mrs. Labuhn, to amend as follows: In the Resolved, delete: "and \$37,615.00 from Fund Balance Account EI.909.000", and add: "Decrease Appropriation Account: EI.453.4530.1160.20002 Building Improvements \$37,615.00". Carried.

Adopted, as amended, July 26, 2017 by voice vote.

ACT NO. 294-2017 by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN GENERAL HOSPITAL FOR FAMILY PLANNING CLINIC LABORATORY SERVICES**

Pursuant to Section 2406 of the Public Health Law and
Section 450 of the County Law.

WHEREAS, Act 224-2015 authorized a contract with Olean General Hospital, 515 Main Street, Olean, New York 14760, for the provision of laboratory services for the family planning clinic,

which includes the provision of services such as collection, testing, and analyzing of specimens and reporting the results to various providers, the term of which expired June 30, 2017, and

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

WHEREAS, Olean General Hospital can provide laboratory services for the County Health Department's family planning clinic, in accordance with the following rate schedule:

88142	Thin Layer Pap Smear	\$18.00
87621	HPV DNA, High Risk	\$35.00
88175	Thin Layer Pap Smear with Imaging	\$28.00,

and

WHEREAS, this program is fee-based and funded through private insurances, Medicaid and State Family Planning Grant funds, 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 Olean General Hospital, for the provision of the above-described services, for a term commencing July 1, 2017 and terminating June 30, 2019, 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 7 members of the Human Services Committee.

Adopted July 26, 2017 by voice vote.

ACT NO. 295-2017 by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
FIELDS RESEARCH, INC. FOR
DEPARTMENT OF HEALTH HH-CAHPS SURVEY**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 332-2016 authorized a contract with Fields Research, Inc., 3814 West Street, Cincinnati, Ohio 45227, for the provision of mandated patient satisfaction surveys, the term of which expires July 31, 2017, and

WHEREAS, the Centers for Medicare & Medicaid Services require that all home health care agencies that receive Medicare/Medicaid conduct a HH-CAHPS survey on a monthly basis, and

WHEREAS, the Consumer Assessment of Healthcare Providers and Systems (CAHPS®) Home Health Care Survey, hereafter referred to as the "HH-CAHPS Survey", is designed to measure the experiences of people receiving home health care from Medicare-certified home health agencies, and

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

WHEREAS, Fields Research, Inc., can conduct 300 HH-CAHPS surveys for a flat fee of \$300.00 per month, to be paid as invoiced, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Fields Research, Inc., for the provision of the above-described services, for a term commencing August 1, 2017 and terminating July 31, 2018, according to the above-described terms.

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

Adopted July 26, 2017 by voice vote.

ACT NO. 296-2017 by Ms. Vickman and Ms. Hastings

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

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

WHEREAS, Act 93-2016, as amended by Act 329-2016, authorized the Chair to execute a five (5) year contract with the New York State Department of Health for the County Health Department's Childhood Lead Poisoning Prevention Program, the term of which expires September 30, 2020, and

WHEREAS, the New York State Department of Health has authorized a cost-of-living adjustment (COLA) in the amount of \$4,064.00 for the period April 1, 2017 through March 31, 2018, and

WHEREAS, a contract amendment is necessary in order to obtain the aforementioned COLA funding, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with the New York State Department of Health for the provision of funding for the Childhood Lead Poisoning Prevention Program, for the period commencing April 1, 2017 and terminating March 31, 2018, for a contract term commencing October 1, 2015 and terminating September 30, 2020, according to the above-described terms, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, further authorized and directed to execute contract amendments, upon notification of award, for the allocation of additional state aid funding or cost of living adjustments (COLAs) for this program, 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 7 members of the Human Services Committee.

Adopted July 26, 2017 by voice vote.

ACT NO. 297-2017 by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR ADOLESCENT TOBACCO
USE PREVENTION ACT ENFORCEMENT PROGRAM**

Pursuant to Article 13-F of the Public Health Law and
Section 450 of the County Law.

WHEREAS, Act 330-2016 authorized a contract with New York State Department of Health for a youth tobacco enforcement and preventive work plan to reduce the use and accessibility of tobacco to youths under 18 years of age, the term of which expired March 31, 2017, and

WHEREAS, the New York State Department of Health has authorized a cost-of-living adjustment (COLA) in the amount of \$2,518.00 for the period April 1, 2017 through March 31, 2018, and

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

WHEREAS, the 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 the New York State Department of Health for the aforementioned program funding, for a term commencing April 1, 2017 and terminating March 31, 2018, according to the above-described terms, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, further authorized and directed to execute contract amendments, upon notification of award, for the allocation of additional state aid funding or cost of living adjustments (COLAs) for this program, 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 7 members of the Human Services Committee.

Adopted July 26, 2017 by voice vote.

ACT NO. 298-2017 by Ms. Vickman and Ms. Hastings

**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 200-2016 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 expired June 30, 2017, 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 \$59,838.00, 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, 2017 and terminating June 30, 2018, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

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

Adopted July 26, 2017 by voice vote.

ACT NO. 299-2017 by Mr. Giardini and Mr. Helmich

**ACCEPTING CERTAIN BIDS FOR ROOF REPAIRS, SIDEWALK REPLACEMENT
AND PLUMBING REPAIRS AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(The Pines Healthcare and Rehabilitation Center-Machias Campus)**

Pursuant to Sections 363 and 366 of the County Law and
Section 103 of the General Municipal Law.

WHEREAS, the Department of Public Works advertised for sealed bids for roof repairs, sidewalk replacement and plumbing repairs at The Pines Healthcare and Rehabilitation Center-Machias Campus, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the only bid received meeting specifications was the bid of H & K Services, Inc., 12025 Leon Road, Leon, New York 14751, in the total amount of \$288,800.00 to be paid by the County as invoiced and determined by the Department of Public Works, which includes the following:

Alternate #1 – Concrete Sidewalks and Curb Replacement	\$43,400.00
Unit Price #1 – Replacement of Plywood	\$8.00/SE
Unit Price #2 – Replacement of Concrete Sidewalk	\$12.00/SE

and

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

RESOLVED, that the bid of H & K Services, Inc., be, and the same hereby is, accepted, for a term commencing within ten (10) days of the effective date of the contract, unless written consent is given by the County to begin at a later date, with all work being completed on or before September 30, 2017, 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, and be it further

RESOLVED, that the County Administrator is hereby directed to appropriate \$127,350.32 from Fund Balance Account EI.909.0000 and to make the following budgetary changes:

Increase Appropriation Account:

EI.453.4530.1160.20002	Building Improvements	\$127,350.32.
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No State Bid.

Three sets of specifications were sent out.

One bid was received.

Held in the Finance Committee, the Public Works Committee and the Human Services Committee.

ACT NO. 300-2017 by Mr. Snyder, Jr. and Ms. Hastings
and Mr. Breton, Mr. Higgins, Mr. Klancer, Mr. Neal, Mr. VanRensselaer,
Ms. Vickman, Mr. Giardini, Mrs. Labuhn and Mr. Padlo¹

**APPROVING JCC CAPITAL PROJECT AND AUTHORIZING
ASSISTANCE WITH COST OF REPAIR
AND UPGRADE OF OLEAN CAMPUS AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Economic Development, Planning and Tourism)**

Pursuant to Section 6310 of the Education Law and
Sections 153, 363 and 366 of the County Law.

WHEREAS, Section 6310(10) of the Education Law requires that all proposals for the improvement of college facilities adopted by a community college regional board of trustees be approved by the legislative body of all local governments appointing members to such board of trustees, and

WHEREAS, as a legal sponsor of Jamestown Community College (JCC), Cattaraugus County has contributed funds to build the Cattaraugus County Campus at Olean (JCC Olean Campus), and

WHEREAS, JCC Olean Campus is celebrating its 40th anniversary of providing academic and life transformational programs to the residents of Cattaraugus County, and

WHEREAS, the buildings on the Olean Campus are more than 16 years old and are showing major interior and exterior deterioration to its physical structures and the mechanical machinery and equipment, such as HVAC, Roofs, window cells and elevators, and

WHEREAS, major capital technology upgrades are also needed, which include distance learning and videoconferencing, and

WHEREAS, this capital project is necessary in order to expand various academic programs, and

WHEREAS, funding is needed from the County to match New York State's critical maintenance support, and

WHEREAS, JCC has already secured \$1.5 million, through the NYS Legislature, that can only be used if JCC matches those funds locally through a dollar-for-dollar match (\$1.5 million), and

WHEREAS, Cattaraugus County's share will be a total of \$750,000.00, which is 25% of the total capital project, with JCC raising the remaining 25% from local donors, and

WHEREAS, the County's \$750,000.00 share will be paid *in a lump sum payment to come in 2017²*, and

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

RESOLVED, that the Cattaraugus County Legislature hereby approves the aforementioned JCC capital project for the repair and upgrade of the JCC Olean Campus for a total project amount not to exceed \$1.5 million, with the County's total share not to exceed \$750,000.00, and be it further

RESOLVED, that the County Administrator is hereby directed to appropriate \$750,000.00² from the Fund Balance Account and make the following budgetary changes:

Increase Appropriation Account:

A.298.2495.0000.42039

Jamestown Community College

\$750,000.00².

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

¹The following Legislators requested their names be listed as additional sponsors: “Mr. Breton, Mr. Higgins, Mr. Klancer, Mr. Neal, Mr. VanRensselaer, Ms. Vickman, Mr. Giardini, Mrs. Labuhn and Mr. Padlo”.

²MR. SNYDER, JR. moved, seconded by Mrs. Labuhn, to amend as follows: In 5th Whereas, delete: “as follows: \$250,000.00 to come from the County Fund Balance Account, \$250,000.00 to be budgeted in 2018 and \$250,000.00 to be budgeted in 2019”, and replace with: “in a lump sum payment to come in 2017”; In the 2nd Resolved, delete both: “\$250,000.00”, and replace with: “\$750,000.00”. Carried.

Adopted, as amended, July 26, 2017 by voice vote.

ACT NO. 301-2017 by Mr. VanRensselaer and Mr. Padlo

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
APPALACHIAN REGIONAL COMMISSION FOR
DEPARTMENT OF ECONOMIC DEVELOPMENT, PLANNING AND TOURISM
COMMUNITY DEVELOPMENT INITIATIVE AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Economic Development, Planning & Tourism)**

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

WHEREAS, Act 241-2017 authorized the Chairman to apply for funding through the Appalachian Regional Commission for the implementation of a Community Development Initiative that will provide an opportunity for all municipalities in Cattaraugus County to develop a community vision, motivate community members and business owners to think about positive changes, and to develop a community improvement plan, and

WHEREAS, the County Department of Economic Development, Planning and Tourism has been awarded funding in the total amount of \$30,000.00 through the Appalachian Regional Commission to offset the cost of the aforementioned Community Development Initiative, and

WHEREAS, the County will host a two-day workshop that will (1) address the challenge of revitalization of the County's community centers, and (2) provide the opportunity to learn the skills and tools such as Placemaking, Community Beautification and Complete Streets to build stronger, more vibrant community centers, and

WHEREAS, it is anticipated that the total cost of the project will be approximately \$60,000.00, and

WHEREAS, a contract is necessary in order to accept the funding from the Appalachian Regional Commission for the aforementioned funding, 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 grant documents, on behalf of Cattaraugus County, in order to accept the above-described funding, with a cash match not to exceed \$20,000.00 and an in-kind match of \$10,000.00, to the Appalachian Regional Commission, according to the above-described terms, and be it further

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

Increase Estimated Revenue Account:

A.642.8020.8023.4989.04	Community Development Initiative ARC Grant	\$30,000.00
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Increase Appropriation Account:

A.642.8020.8023.41233	Professional Services	\$30,000.00.
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Approved by 7 members of the Finance Committee and 7 members of the Development and Agriculture Committee.

Adopted July 26, 2017 by voice vote.

ACT NO. 302-2017 by Ms. Vickman and Mrs. Labuhn

**APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY
COMMUNITY SERVICES BOARD AND HILLSIDE FAMILY OF AGENCIES
FOR DEPARTMENT OF COMMUNITY SERVICES RESPITE SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, the Cattaraugus County Community Services Board, through the Department of Community Services, is desirous of contracting for respite services for Cattaraugus County residents who receive mental health services, and

WHEREAS, Hillside Family of Agencies, 1183 Monroe Avenue, Rochester, New York 14620, can provide the aforementioned respite services for an amount not to exceed \$17,400.00, to be paid as invoiced, and

WHEREAS, this program is 62% state and 38% county funded, 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 between the Cattaraugus County Community Services Board and Hillside Family of Agencies, to signify the County's approval, for the provision of the above-described services, for a term commencing July 1, 2017 and terminating December 31, 2017, according to the above-described terms.

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

Adopted July 26, 2017 by voice vote.

ACT NO. 303-2017 by Mr. Klancer and Mr. Padlo

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
FOR ALTERNATIVE TO INCARCERATION SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, funding is available through the New York State Division of Criminal Justice Services for programs designed to reduce recidivism through the use of targeted interventions and evidence-based practices, and

WHEREAS, these programs will screen, assess and provide services to criminal justice involved individuals, which can include specialized and underserved populations, with the main goal being the reduction of recidivism through the use of targeted interventions and evidence-based programming, and

WHEREAS, the Department of Probation is desirous of applying for 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 a grant application, on behalf of Cattaraugus County, with the New York State Division of Criminal Justice Services, for the provision of the above-described services, for a term commencing January 1, 2018 and terminating December 31, 2018, with the option to renew for four (4) additional one-year periods under the same terms, according to the above-described terms.

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

Adopted July 26, 2017 by voice vote.

ACT NO. 304-2017 by Mrs. Stockman, Mr. Snyder, Sr., Ms. Vickman, Mr. VanRensselaer, Mr. Neal, Mrs. Labuhn, Mr. Koch and Mr. Padlo

ADOPTING CATTARAUGUS COUNTY ADA TRANSITION PLAN

Pursuant to 24 CFR Sections 8.53 and 8.54, 28 CFR Section 35.107(b), Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990.

WHEREAS, the Americans with Disabilities Act (ADA) of 1990 is a Federal Civil Rights Legislation which mandates non-discrimination to persons with disabilities, and

WHEREAS, the adoption and implementation of an ADA Transition Plan is required for the County to be eligible for reimbursement from and application to State and Federal transportation grants, and

WHEREAS, the County believes that implementing an ADA Transition Plan will improve the quality of life and enjoyment of our community by our citizens and visitors, and

WHEREAS, the County has developed a Transition Plan by conducting an evaluation of the accessibility by persons with disabilities, identified issues of accessibility that need to be addressed, and will create program, policy, and ordinance changes to make ADA improvements, and

WHEREAS, a County-wide ADA Transition Plan is required in order to be in compliance with the Americans with Disabilities Act, now, therefore, be it

RESOLVED, that the Cattaraugus County ADA Transition Plan be, and hereby is, adopted and shall be available on the County's website and in the Cattaraugus County Administrator's Office.

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

Adopted July 26, 2017 by voice vote.

ACT NO. 305-2017 by Mrs. Stockman, Mr. Snyder, Sr., Ms. Vickman, Mr. VanRensselaer, Mr. Neal, Mrs. Labuhn, Mr. Koch and Mr. Padlo

ADOPTION OF CATTARAUGUS COUNTY TITLE VI PLAN

Pursuant to Title VI of the 1964 Civil Rights Act, the Civil Rights Restoration Act of 1987, Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, Executive Order 11246 Affirmative Action in Employment, Executive Order 12898 Environmental Justice, and Executive Order 13166 Limited English Proficiency.

WHEREAS, Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, national origin, age, disability, gender, income or English proficiency be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance, and

WHEREAS, Cattaraugus County assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not, and

WHEREAS, a county-wide Title VI plan is required in order to be in compliance with Title VI regulations, now, therefore, be it

RESOLVED, that the Cattaraugus County Title VI Plan be, and hereby is, adopted and shall be available on the County's website and in the Cattaraugus County Administrator's Office, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute the Cattaraugus County Title VI Plan and the Title VI Assurances, and be it further

RESOLVED, that the provisions of the Title VI Plan shall be administered immediately upon adoption.

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

Adopted July 26, 2017 by voice vote.

ACT NO. 306-2017 by Mr. Breton and Ms. Vickman

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

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 Franklinville, known as Tax Map Number 40.070-3-10, formerly owned by Jerome Giles (“Property”), appears on the County's 2016 in rem tax foreclosure list, and

WHEREAS, the Property is subject to in rem foreclosure, and

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

WHEREAS, the County Treasurer proposes to designate the Village of Franklinville to take title to the Property, and

WHEREAS, the County Treasurer shall request that the County Court of Cattaraugus County enter judgment directing that the Property be conveyed to the Village, now, therefore, be it

RESOLVED, that upon the entry of judgment as aforesaid, the County Treasurer is hereby directed to waive all delinquent taxes, fees, penalties and interest due to the County upon conveyance of the Property to the Village of Franklinville for consideration in the 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 7 members of the County Operations/ Public Safety Committee.

Adopted July 26, 2017 by voice vote.

ACT NO. 307-2017 by Mr. Neal and Mr. VanRensselaer

**SALE OF TAX TITLE PROPERTY
(Second Highest Bidder)**

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

WHEREAS, Cattaraugus County has tax title to certain property situated in Cattaraugus County, as described below, and

WHEREAS, the 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 226-2017 authorized the sale of the following described property to the highest bidder, and

WHEREAS, the highest bidder did not complete the purchase within thirty (30) days, and WHEREAS, the property has been offered to the second highest bidder at the highest bid price, and

WHEREAS, the highest bid received for the property was the bid listed below, now, therefore, be it

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

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

TOWN OF NAPOLI

PARCEL NO.	TAX MAP NO.	2 nd HIGH BIDDER	ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
285	62.003-1-35.1	Travis Emke Jeannine Emke	10422 Route 242 Randolph, NY 14772	\$5,124.26	\$6,500.00

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

Adopted July 26, 2017 by voice vote.

ACT NO. 308-2017 by Mr. Breton, Mr. Higgins, Mr. Neal, Mr. VanRensselaer and Ms. Vickman

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT
WITH CATTARAUGUS COUNTY SPCA AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS**

Pursuant to Sections 224(4), 363, 366 and 450 of the County Law and
Section 120 of the Agriculture and Markets Law.

WHEREAS, Act 12-2017 authorized a contract with the Cattaraugus County SPCA for the
provision of dog control services and humanitarian assistance to animals in Cattaraugus County, the
term of which expires December 31, 2017, and

WHEREAS, it is important that the County assist the Cattaraugus County SPCA (“SPCA”)
with the provision of dog control services and humanitarian assistance to animals in Cattaraugus County,
and

WHEREAS, in order to better assist the SPCA, the County Legislature is desirous of
providing an additional amount of \$110,000.00 to the SPCA for these services, and

WHEREAS, various appropriation accounts must be adjusted to cover the cost of the
aforementioned assistance, 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 2017 with the Cattaraugus County SPCA, for a term
commencing January 1, 2017 and terminating December 31, 2017, according to the above-described
terms, and be it further

RESOLVED, that the County Administrator is hereby directed to appropriate \$110,000.00
from the Fund Balance Account A.909.0000 and make the following budgetary changes:

Increase Appropriation Account:

A.298.3510.0000.42007	SPCA in Cattaraugus County	\$110,000.00.
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Approved by 6 members of the Finance Committee and 5 members of the County Operations/
Public Safety Committee.

Adopted July 26, 2017 by voice vote.

ACT NO. 309-2017 by Mr. Giardini and Mr. Helmich
and Mr. Boberg, Mr. Higgins, Ms. Vickman, Ms. Hastings and Mr. Koch¹

**BID ACCEPTANCE FOR SALE OF BOARD OF ELECTIONS AND MUSEUM BUILDING
(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 sale of the Board of Elections and Museum Building, located in the Village of Little Valley, according to specifications provided by the Public Works Committee, and

WHEREAS, the only bid received was the bid of Citizens Advocating Memorial Preservation, Inc., (CAMP), 44 Harriet Street, Allegany, New York 14706, in the total amount of \$1,079.00 to be paid to the County at closing, now, therefore, be it

RESOLVED, that the bid of Citizens Advocating Memorial Preservation, Inc., (CAMP), be, and the same hereby is, accepted, with the closing and transfer of the property to be completed as soon as possible, 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.

Two sets of specifications were sent out.

One bid was received.

Approved by 7 members of the Finance Committee, 7 members of the Public Works Committee and 6 members of the Strategic Planning Committee.

¹The following Legislators requested their names be listed as additional sponsors: "Mr. Boberg, Mr. Higgins, Ms. Vickman, Ms. Hastings and Mr. Koch".

Adopted July 26, 2017 by voice vote.

ACT NO. 310-2017 by Mr. Breton, Mr. Higgins and Mr. VanRensselaer

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH CITY OF OLEAN FOR
DEVELOPMENT OF PUBLIC FARMERS' MARKET AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS**

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

WHEREAS, the City of Olean is desirous of revitalizing the downtown North Union Street area in the City, and

WHEREAS, the City of Olean has been awarded a grant in the amount of \$220,000.00 from the New York State Regional Economic Development Council for revitalization purposes, and

WHEREAS, the City of Olean has requested the County to contribute the amount of \$200,000.00 towards the aforementioned project, and

WHEREAS, various appropriation accounts must be adjusted to cover the cost of the aforementioned assistance, 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 City of Olean, for the provision of assistance with the development of a public Farmers' Market, for a term commencing August 1, 2017 and terminating December 31, 2018, according to the above-described terms, and be it further

RESOLVED, that the payment of \$200,000.00 to the City of Olean will be paid upon completion of the project, and be it further

RESOLVED, that the County Administrator is hereby directed to appropriate \$200,000.00 from the Fund Balance Account A.909.0000 and make the following budgetary changes:

Increase Appropriation Account:

A.298.6420.0000.42054	Farmers' Market- City of Olean	\$200,000.00.
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Approved by 6 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

MRS. LABUHN moved, seconded by Mr. Padlo, to refer Act No. 310-2017 to the Finance Committee and the Development and Agriculture Committee.

MR. SNYDER, SR. and MR. SNYDER, JR. requested a Roll Call vote on the Motion which disclosed as follows:

Ayes: Giardini, Hastings, Koch, Labuhn, Padlo - 5.

Nays: Boberg, Breton, Hale, Helmich, Higgins, Klancer, Neal, Snyder, Sr., Snyder, Jr., Stockman, VanRensselaer, Vickman - 12.

Motion failed to receive a majority vote of the Legislature.

MR. SNYDER, SR. and MR. SNYDER, JR. requested a Roll Call vote on Act No. 310-2017, which disclosed as follows:

Ayes: Boberg, Breton, Hale, Hastings, Higgins, Klancer, Neal, Padlo, Snyder, Sr., Snyder, Jr., Stockman, VanRensselaer, Vickman - 13.

Nays: Giardini, Helmich, Koch, Labuhn - 4.

Act No. 310-2017, having received a majority vote of the Legislature, was declared Adopted.

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MR. KLANCER moved, seconded by Mr. Breton, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 311-2017 through Act No. 322-2017, inclusive. Carried.

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ACT NO. 311-2017 by Ms. Vickman, Ms. Hastings and Mrs. Labuhn
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
MCCARTHY & CONLON, LLP FOR PREPARATION AND REVIEW OF COST REPORTS FOR
DEPARTMENTS OF HEALTH, COMMUNITY SERVICES AND NURSING HOMES**

Pursuant to Sections 210 and 450 of the County Law.

WHEREAS, Act 446-2016 authorized a contract with McCarthy & Conlon, LLP, for the provision of auditing, accounting and reimbursement consultant services for the County Departments of Aging, Health, Community Services and Nursing Homes for the years ending December 31, 2016, 2017 and 2018, the term of which expires December 31, 2019, and

WHEREAS, McCarthy & Conlon, LLP, will no longer provide the auditing, accounting and reimbursement consultant services for the years ending December 31, 2017 and 2018, as outlined in the aforementioned contract, and

WHEREAS, a new contract must be executed to replace the contract authorized by Act 446-2016, which will terminate upon execution of the new contract, and

WHEREAS, McCarthy & Conlon, LLP, 123 Quaker Road, Suite 103B, Queensbury, New York 12804, has agreed to provide the services necessary for the preparation and review of cost reports for the years ending December 31, 2017, 2018 and 2019, in accordance with the following schedule:

<u>Department</u>	<u>Cost Per Year</u>
Department of Nursing Homes	\$ 7,000.00
<ul style="list-style-type: none"> • Preparation of Skilled Nursing Facility Medicare Cost Reports • Review the Residential Health Care Facility Medicaid Cost Reports • Prepare the Skilled Nursing Facility Medicare Cost Reports for the Machias and Olean facilities in accordance with the requirements of the Centers for Medicare and Medicaid Services for each of the three years • Certify the Residential Health Care Facility Medicaid cost reports for the Machias and Olean facilities in conformity with the applicable instructions furnished by the New York State Department of Health relating to the preparation of the cost reports. 	
Health Department	\$22,500.00
<ul style="list-style-type: none"> • Preparation and Review of Certified Home Health Care Agency Medicare Cost Reports • Review Certified Home Health Agency, Long-Term Home Health Care Program and Ambulatory Health Care Facility Medicaid Cost Reports • Audit certain financial and statistical data of the Health Department for the years ending December 31, 2017, 2018 and 2019 for the purpose of expressing an opinion as to whether the applicable schedules included in the Certified Home Health Agency, Long-Term Home Health Care Program, and Ambulatory Health Care Facility Medicaid cost reports ("cost reports") fairly present, in all material respects, certain financial and statistical data of the Health Department in conformity with the applicable instructions furnished by the NYSDOH relating to the preparation of the cost reports. The audit will be conducted with the objective of expressing an opinion on the cost reports. • Prepare the Certified Home Health Care Agency (CHHA) Medicare Cost Report in accordance with the requirements of the Centers for Medicare and Medicaid Services for the years ending December 31, 2017, 2018 and 2019. These reports and all necessary attachments will be provided to the County in the proper format for filing with the Centers for Medicare and Medicaid Services. 	

Department of Community Services \$ 5,500.00

- Perform certain agreed upon procedures and services based upon the requirements of the NYS Office of Mental Health as outlined in a supplement to the CFR manual
- Perform certain agreed upon procedures on the Consolidated Fiscal Report of the County Department of Community Services for the years ending December 31, 2017, 2018 and 2019 in accordance with the requirements of the NYS Office of Mental Health. These agreed upon procedures engagements will be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

and

WHEREAS, the aforementioned services must be conducted in order for the County to receive any State reimbursement, 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 McCarthy & Conlon, LLP, for the provision of the above-described services, for a term commencing January 1, 2017 and terminating December 31, 2020, 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 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.

Adopted July 26, 2017 by voice vote.

ACT NO. 312-2017 by Mrs. Stockman
who asks immediate consideration

APPOINTMENT OF CORONER'S PHYSICIAN

Pursuant to Section 400 (4-b) of the County Law and Act 138-81.

RESOLVED, that the following individual is appointed Coroner's Physician for Cattaraugus County for a term to expire on December 31, 2018, at the salary which has heretofore, or may hereafter be established:

Donald Higgs, M.D.
3456 Five Mile Road
Allegany, New York 14706.

No action taken.

ACT NO. 313-2017 by Mr. Breton, Mr. Helmich, Mr. Klancer, Mr. Neal, Mr. VanRensselaer, Ms. Vickman, Mr. Giardini, Ms. Hastings, Mr. Koch and Mrs. Labuhn
*and Mr. Padlo*¹
 who ask immediate consideration

APPOINTMENT OF DIRECTOR OF ECONOMIC DEVELOPMENT, PLANNING AND TOURISM

Pursuant to Sections 204 and 205 of the County Law.

RESOLVED, that Crystal J. Abers, 9822 Mosher Road, South Dayton, New York 14138, be, and hereby is, appointed Director of Economic Development, Planning and Tourism for a four (4) year term commencing January 6, 2018 and terminating January 5, 2022, at a bi-weekly salary of \$3,177.78 or such other salary as may hereinafter be established.

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

Adopted July 26, 2017 by voice vote.

ACT NO. 314-2017 by Mr. Klancer
 who asks immediate consideration

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
 (Sheriff's Office – School Resource Officer Program)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, Act 242-2017 authorized a contract with Pioneer Central School District for the placement of one (1) full-time and one (1) part-time school resource officers (SRO) in its District, and

WHEREAS, the SRO vehicle currently being used by the Pioneer Central School District is in dire need of replacement, and

WHEREAS, the budget for the Pioneer Central School District should be increased to allow for the purchase of a new vehicle for the SRO program, and

WHEREAS, the aforementioned vehicle shall be purchased from Webster Ford, d/b/a Henderson Ford, 810 Ridge Road, Webster, New York, and

WHEREAS, various appropriation and estimated revenue accounts must be adjusted in order to purchase the aforementioned vehicle, now, therefore, be it

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

Increase Estimated Revenue Account:

A.311.3218.3218.2260.03	Pioneer Central School SRO Contract	\$20,501.50
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Increase Appropriation Account:

A.311.3218.3218.20101	Vehicle	\$20,501.50.
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Adopted July 26, 2017 by voice vote.

ACT NO. 315-2017 by Mr. Klancer, Mr. Neal and Mrs. Stockman
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES FOR
INDIGENT LEGAL SERVICES FUNDING
(2013 – 2016 Grant Round 3)**

Pursuant to Article 30 of the Executive Law, Article 18-B
and Section 450 of the County Law.

WHEREAS, Act 279-2013, as amended by Act 450-2014 and 413-2016, authorized a contract with the New York State Office of Indigent Legal Services to apply for, and accept, a three (3) year Indigent Legal Services Funding grant from the New York State Office of Indigent Legal Services for the purpose of improving the availability and quality of indigent legal services, the term of which originally commenced June 1, 2013 and terminated May 31, 2017, and

WHEREAS, it is necessary to extend the term of the aforementioned contract and plan for disbursement for one-year periods until the grant funds have been expended, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with the New York State Office of Indigent Legal Services, in order to allow for time to use the grant funds as prescribed by such office, extending the term of the original contract which commenced June 1, 2013 to terminate May 31, 2018, according to the above-described terms, and be it further

RESOLVED, that the plan for disbursement of Round 3 grant funds continue for one year periods until the grant funds have been expended.

Adopted July 26, 2017 by voice vote.

ACT NO. 316-2017 by Mr. Klancer, Mr. Neal and Mrs. Stockman
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES FOR
INDIGENT LEGAL SERVICES FUNDING
(June 1, 2014 – May 31, 2017 Grant Round 4)**

Pursuant to Article 30 of the Executive Law,
Article 18-B and Section 450 of the County Law.

WHEREAS, Act 473-2015 authorized the acceptance of a three (3) year Indigent Legal Services Funding grant from the New York State Office of Indigent Legal Services for the purpose of improving the availability and quality of indigent legal services, and

WHEREAS, upon receipt of the contract from New York State (Contract No. C000504), the term was set to commence January 1, 2014 and terminate December 31, 2016, and

WHEREAS, it is necessary to extend the term of the aforementioned contract and plan for disbursement for one-year periods until the grant funds have been expended, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with the New York State Office of

Indigent Legal Services, in order to allow for time to use the grant funds as prescribed by such office, extending the term of the original contract which commenced June 1, 2014 for one-year periods until the grant funds have been expended, according to the above-described terms, and be it further

RESOLVED, that the plan for disbursement of Round 4 grant funds continue for one year periods until the grant funds have been expended.

Adopted July 26, 2017 by voice vote.

ACT NO. 317-2017 by Mr. Klancer, Mr. Neal and Mrs. Stockman
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION
WITH NEW YORK STATE OFFICE OF INDIGENT SERVICES
FOR COUNSEL AT FIRST APPEARANCE GRANT**

Pursuant to Article 30 of the Executive Law and Article 18-B of the County Law.

WHEREAS, Act 430-2013, as amended by Act 224-2016, authorized a contract with the New York State Office of Indigent Legal Services for the Counsel at First Appearance Grant (Contract No. C000404) for the purpose of making demonstrable and measurable improvements in the delivery of indigent defense services to eligible persons at a defendant's first appearance before a judge, the term of which commenced June 1, 2013 and terminated November 30, 2016, and

WHEREAS, it is necessary to extend the term of the aforementioned contract for one-year periods until the grant funds have been expended, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with the New York State Office of Indigent Legal Services, in order to allow for time to use the grant funds as prescribed by such office, extending the term of the original contract which commenced June 1, 2013 for one-year periods until the grant funds have been expended, according to the above-described terms, and be it further

RESOLVED, that the plan for disbursement of the Counsel at First Appearance Grant funds continue for one-year periods until the grant funds have been expended.

Adopted July 26, 2017 by voice vote.

ACT NO. 318-2017 by Mr. Klancer, Mr. Neal and Mrs. Stockman
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT EXTENSION
WITH NEW YORK STATE OFFICE OF INDIGENT SERVICES FOR
UPSTATE QUALITY IMPROVEMENT AND CASELOAD REDUCTION GRANT
(Indigent Legal Services - Caseload Reduction)**

Pursuant to Article 30 of the Executive Law,
Article 18-B and Section 450 of the County Law.

WHEREAS, Act 177-2014 authorized the acceptance of a three (3) year grant from the New York State Office of Indigent Legal Services for the Upstate Quality Improvement and Caseload Reduction Grant (Contract No. C000604), which is aimed at alleviating excessive caseloads in upstate

public defender offices and the development of quality control measures in upstate assigned counsel programs, the term of which expired December 31, 2016, and

WHEREAS, it is necessary to extend the term of the aforementioned contract to December 31, 2017 in order to allow for filing of quarterly statements, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with the New York State Office of Indigent Legal Services, extending the term of the original contract which commenced January 1, 2014 to December 31, 2017, according to the above-described terms.

Adopted July 26, 2017 by voice vote.

ACT NO. 319-2017 by Mr. Snyder, Sr.
who asks immediate consideration

**RESCINDING ACT 285-2017 REGARDING
CATTARAUGUS COUNTY POLICY ON FILLING EMPLOYEE POSITION VACANCIES**

Pursuant to Section 153 of the County Law.

WHEREAS, Act 285-2017 amended the Cattaraugus County policy on filling employee position vacancies, and

WHEREAS, the County is desirous of rescinding Act 285-2017 effective July 26, 2017, now, therefore, be it

RESOLVED, that Act 285-2017 is hereby rescinded effective July 26, 2017.

MR. SNYDER, SR. moved, seconded by Mr. Hale, to refer Act No. 319-2017 to the Finance Committee and the Labor Relations Committee. Carried. Mr. VanRensselaer voting no.

ACT NO. 320-2017 by Mr. Neal
who asks immediate consideration

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING 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 643-2016 authorized a contract with the New York State Division of Criminal Justice Services for funding for the Aid to Prosecution Program, for the period October 1, 2016 to September 30, 2017, 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 up to the amount of \$40,228.00 through the Aid to Prosecution Program for the period October 1, 2017 to September 30, 2018, 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, it is necessary to apply through the New York State Division of Criminal Justice Services for 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 a grant application, on behalf of Cattaraugus County, with the New York State Division of Criminal Justice Services, in order to apply for the above-described funding, for a term commencing October 1, 2017 and terminating September 30, 2018, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

Adopted July 26, 2017 by voice vote.

ACT NO. 321-2017 by Mr. Giardini and Mr. Helmich
who ask immediate consideration

**ACCEPTING CERTAIN BIDS FOR ROOF REPAIRS, SIDEWALK REPLACEMENT
AND PLUMBING REPAIRS AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(The Pines Healthcare and Rehabilitation Center-Machias Campus)**

Pursuant to Sections 363 and 366 of the County Law and
Section 103 of the General Municipal Law.

WHEREAS, the Department of Public Works advertised for sealed bids for roof repairs, sidewalk replacement and plumbing repairs at The Pines Healthcare and Rehabilitation Center-Machias Campus, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the only bid received meeting specifications was the bid of H & K Services, Inc., 12025 Leon Road, Leon, New York 14751, in the total amount of \$288,800.00 to be paid by the County as invoiced and determined by the Department of Public Works, which includes the following:

Alternate #1 – Concrete Sidewalks and Curb Replacement	\$43,400.00
Unit Price #1 – Replacement of Plywood	\$8.00/SE
Unit Price #2 – Replacement of Concrete Sidewalk	\$12.00/SE

and

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

RESOLVED, that the bid of H & K Services, Inc., be, and the same hereby is, accepted, for a term commencing within ten (10) days of the effective date of the contract, unless written consent is

given by the County to begin at a later date, with all work being completed on or before September 30, 2017, 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, and be it further

RESOLVED, that The Pines Healthcare and Rehabilitation Center-Olean Campus shall loan to the Machias Campus the amount of \$175,000.00 to cover the cost of the aforementioned repairs, and be it further

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

Increase Appropriation Account:

El.453.4530.1160.20002	Building/Building Improvements	\$175,000.00
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Increase Estimated Revenue Account:

El.990.9795.0000.5051	Interfund Loan Proceeds	\$175,000.00.
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No State Bid.

Three sets of specifications were sent out.

One bid was received.

Adopted July 26, 2017 by voice vote. Mr. Helmich abstained from the vote.

ACT NO. 322-2017 by Mrs. Stockman
who asks immediate consideration

**RESOLUTION URGING GOVERNOR CUOMO AND THE NEW YORK STATE LEGISLATURE
TO ADVANCE FUNDING AND EXPEDITE COMPLETION OF THE "DANIEL PATRICK MOYNIHAN"
INTERSTATE 86 PROJECTS IN BROOME, DELAWARE, SULLIVAN, AND ORANGE COUNTIES**

Pursuant to Section 153 of the County Law.

WHEREAS, Governor Pataki committed to a construction program to complete the Route 17 conversion to Interstate 86 ("I-86") beginning with the first designation (177 miles Chemung County West to Pennsylvania) on December 3, 1999, and

WHEREAS, the designation of New York State Route 17 to I-86 provides a superhighway with connection to every Interstate Highway located within New York State and Interstate Highways leading into Pennsylvania, and

WHEREAS, the upgrade and designation of Route 17 as I-86 will make the region more competitive and able to attract substantial growth in business, industry, and tourism as well as improve the safety of the traveling public, and

WHEREAS, the New York I-86 Economic Development Benefit Study, issued in January 2000, which was widely accepted and quoted at all levels of government, called for an aggressive eight-year construction period that would result in a 3.2-billion-dollar direct economic benefit to communities along the I-86 Highway Corridor once the conversion has been completed, and

WHEREAS, with proper funding and resources (Fast Track/Design Build) for the remaining projects in Broome, Delaware, Sullivan, and Orange Counties, the conversion of Route 17 to I-86 could be completed many years sooner than on the present schedule providing vast economic benefits to the Hudson Valley, Southern Tier, and Western New York regions and would yield significant

economic benefits for the nation by facilitating national freight flows, reducing travel times, improving safety, enhancing access to markets, creating new jobs and greater value-added activity, and

WHEREAS, due to the lack of funding, the current Administration has been unable to commit to a timetable for completing the conversion of Route 17 to Interstate I-86, and

WHEREAS, additional funding for state infrastructure projects, specifically the modernization of roads and bridges, may be forthcoming from the Federal Government, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature does hereby request Governor Andrew Cuomo and the New York State Legislature advance funding (Fast Track/Design Build) expediting completion of the projects in Broome, Delaware, Sullivan, and Orange Counties on New York State Route 17 so that the same may be converted to I-86, and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized and directed to forward certified copies of this resolution to Governor Andrew Cuomo; NYS Senate Majority Leader Flanagan; NYS Assembly Speaker Carl Heastie; NYS Senators Catharine Young, Fred Ashkar, John Bonacic, David Carlucci, William Larkin, Thomas O'Mara; NYS Assemblymen Joseph Giglio, Karl Brabenec, Christopher Friend, Andy Goodell, Aileen Gunther, Donna Luparko, Philip Palmesano, Kenneth Zebrowski; Inter-County Association of Western New York; New York State Association of Counties; Schuyler County, and the I-86 Corridor Counties (Cattaraugus, Chautauqua, Allegany, Steuben, Tioga, Broome, Delaware, Sullivan, Orange).

Adopted July 26, 2017 by voice vote.

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MR. GIARDINI moved, seconded by Mr. Snyder, Jr., to adjourn until August 23, 2017 at 4:00 p.m. Carried.

Meeting adjourned at 5:03 p.m.

Ann M. Giglio
Journal Clerk