

August 28, 2013

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

The invocation was given by Rev. Kay.

The Attendance Roll Call disclosed two Legislators absent – Mr. Aiello and Mr. Padlo.

MS. EDSTROM moved, seconded by Mr. Boser that the minutes of the July 24, 2013 session be approved. Carried.

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COMMUNICATIONS:

New York State Department of State: Acknowledging receipt of Local Law No. 4-2013 and the filing of the same.

New York State Member of Senate Catharine M. Young: Acknowledging receipt of Act No. 267-2013.

Sullivan County Legislature: Resolution No. 277-13: "Resolution Supporting Assembly Bill A07588 Known as the Rural Broadband Deployment Act Which Promotes Rural Broadband Deployment by Providing Residents and Small Businesses with Tax Credits for Broadband Deployment".

Tioga County Legislature: Resolution No. 202-13: "Resolution Supporting Assembly Bill A07588 Known as the Rural Broadband Deployment Act Which Promotes Rural Broadband Deployment by Providing Residents and Small Businesses with Tax Credits for Broadband Deployment".

Town of Rushford: Notice of Public Hearing regarding establishing zoning regulations for sexually-oriented businesses.

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CHAIRMAN MARSH granted Privilege of the Floor to Gerald Zimmerman, Probation Director, who introduced Tonya R. Kilby, Probation Officer, as the recipient of the New York State Probation Officers Association 2013 Jeannie C. Farrell Award of Achievement. This Award is presented annually to a single Probation Officer in New York State who goes above and beyond required duties and achieves results which deserve special recognition. Chairman Marsh also presented Officer Kilby with a certificate of recognition from the Legislature.

CHAIRMAN MARSH granted Privilege of the Floor to Tom Halter, Customer Relations Manager of the New York State Office of Real Property. Mr. Halter explained the new STAR Exemption Registration Program. He further explained that this new program does not affect senior citizens or the Enhanced STAR Exemption program.

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ACT NO. 341-2013 by Mr. Marsh

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 hereby appointed a Coroner's Physician for Cattaraugus County effective immediately with a term to expire on December 31, 2013, at the salary which has heretofore, or may hereafter be established:

Katherine F. Maloney, M.D.
Erie County Medical Examiner's Office
462 Grider Street
Buffalo, New York 14215,
to fill the unexpired term of Jonrika M. Malone.

Approved by members of the 9 Finance Committee and 7 members of the Human Services Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 342-2013 by Mr. Marsh

**AMENDING ACT 570-1985 REGARDING IMPOSITION OF SALES
AND USE TAXES, AS AMENDED, TO EXTEND THE ADDITIONAL
1% RATE OF TAXES ON SALES AND USES OF TANGIBLE
PERSONAL PROPERTY AND OF CERTAIN SERVICES, AND ON
OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES**

Pursuant to Article 29 of the Tax Law and Chapter 208 of
the Laws of 2013 of the State of New York.

BE IT ENACTED by the Cattaraugus County Legislature, New York, as follows:

SECTION 1. The first sentence of Section 2 of Act 570-1985, which was adopted December 30, 1985, as amended, is amended to read as follows:

"SECTION 2. Imposition of Sales Tax.

On and after March 1, 1986, and through November 30, 2015, there is hereby imposed and there shall be paid a tax of 4 percent upon, and on and after December 1, 2015, there is hereby imposed and there shall be paid a tax of 3 percent upon:".

SECTION 2. Subdivisions (a), (b) and (c) of Section 2-A of Act 570-1985, as added by Act 174-1986 as amended, are amended to read as follows:

(a) Notwithstanding the rate of tax set forth in Section 2 of this resolution, on and after March 1, 1986, and through November 30, 2015, the taxes imposed on the receipts from the retail sale of fuel oil and coal used for residential purposes; the receipts from the retail sale of wood used for residential heating purposes; and the receipts from every sale, other than for resale, of propane (except when sold in containers of less than one hundred pounds) natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be paid at the rate of 3 percent. The provisions of this subdivision shall not apply to a sale of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a sale of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel, provided that each delivery of such fuel of over four thousand five hundred gallons shall be evidenced by a certificate signed by the purchaser stating that the product will be used exclusively for residential purposes.

(b) Notwithstanding the rate of tax set forth in Section 4 of this resolution for the purposes of clause (A) of subdivision (a)¹ thereof, on and after March 1, 1986, and through November 30, 2015, the compensating use tax imposed by such section on the use of fuel oil and coal used for residential purposes and wood used for residential heating purposes shall be at the rate of 3 percent of the consideration given or contracted to be given for such property or for use of such property, plus the cost of transportation except where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser. The provisions of this subdivision shall not apply to a use of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a use of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel.

(c) The rate set forth in this section shall apply to receipts from all retail sales and uses described in this section made, rendered or arising therefrom on or after March 1, 1986, and through November 30, 2015, although made or rendered under a prior contract, if a delivery or transfer of possession of such property or services is made after said date. Where such property or service is sold on a monthly, quarterly or other term basis and the bills for such property or service are based on meter readings, the amount received on each bill for such property or service for a month or quarter or other term shall be a receipt subject to the rate of tax set forth in this section, but such rate shall be applicable to all bills based on meters read on or after March 1, 1986, and through November 30, 2015, only where more than one-half of the number of days included in the month or other periods billed are days subsequent to February 28, 1986.

SECTION 3. Subdivision (g) of Section 3 of Act 570-1985, which was adopted December 30, 1985, as amended, is amended to read as follows:

"(g) The taxes imposed under subdivisions (a), (c) and of (d) of Section 2 shall be paid at the rate of 3 percent upon all sales made and services rendered on or after December 1, 2015. With

respect to the tax rate of 3 percent effective December 1, 2015, the provisions of subdivisions (b), (c), (d) and (e) of this section apply, except that for purposes of this subdivision, all references in said subdivisions (b), (c) and (d) to an effective date shall be read as referring to December 1, 2015, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to November 30, 2015. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December 1, 2015, any transaction which may not be subject to the lowered tax in effect on that date."

SECTION 4. Section 4 of Act 570-1985, which was adopted December 30, 1985, as amended, is amended to read as follows:

"SECTION 4. Imposition of Compensating Use Tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after March 1, 1991, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if user offers software of a similar kind for sale as the such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person."

SECTION 5. This resolution shall take effect December 1, 2013¹.

Approved by 9 members of the Finance Committee.

¹MR. SNYDER, SR., moved, seconded by Mr. Teachman, to amend as follows: In Section 2, subparagraph (b), after (A), add: "of subdivision (a)"; and in Section 5, delete: "2015", and replace with: "2013". Carried.

Adopted, as amended, August 28, 2013 by voice vote.

ACT NO. 343-2013 by Mr. Aiello, Mr. Felton, Ms. Vickman and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NYSDOT AND
AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE IN
ASHFORD BRIDGE NO. 37 FEDERAL-AID REHABILITATION PROJECT
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works)**

Pursuant to Title 23 U.S. Code and
Sections 363, 366 and 450 of the County Law.

WHEREAS, the project entitled "Rehabilitation of the County Road No. 12, Edies Road and County Road No. 82, Buffalo Street Bridge over Cattaraugus Creek, BIN 3-32837-0, in the Town of Ashford, Cattaraugus County, and the Town of Concord, Erie County, PIN 5757.31" (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at a ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS, the County desires to advance the above Project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases of the Project, PIN 5757.31, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby approves the above-described Project, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to pay in the first instance 100% of the federal and non-federal shares of the cost of the Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$210,000.00 is hereby appropriated and made available to cover the cost of the above phases of the Project, and be it further

RESOLVED, that in the event the amount required to pay the full federal and non-federal shares of the cost of the Project's Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases exceeds the amount appropriated above, the County of Cattaraugus shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute all necessary documents, on behalf of Cattaraugus County, with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and be it further

RESOLVED, that this Resolution shall take effect immediately, and be it further

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

Increase Estimated Revenue Account:

H.504.5197.5195.4597.02

MAP-21 Program

\$168,000.00

Increase Appropriation Account:
H.504.5197.5195.25020.41603 Ashford Bridge No. 37 \$168,000.00.

Approved by 9 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 344-2013 by Mr. Aiello and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NYSDOT AND
AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE IN
BRIDGE OPEN STEEL DECK FEDERAL-AID REPLACEMENT PROJECT
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works)**

Pursuant to Title 23 U.S. Code and
Sections 363, 366 and 450 of the County Law.

WHEREAS, the Cattaraugus County Bridge Open Steel Deck Replacement Project, including seven (7) bridges, in various towns in Cattaraugus County, PIN 5760.78 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at a ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS, the County desires to advance the above Project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Engineering (Design I-VI) phase of the Project, PIN 5760.78, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby approves the above-described Project, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to pay in the first instance 100% of the federal and non-federal shares of the cost of the Preliminary Engineering (Design I-VI) phase of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$100,000.00 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project, and be it further

RESOLVED, that in the event the amount required to pay the full federal and non-federal shares of the cost of the Project's Preliminary Engineering (Design I-VI) phase exceeds the amount appropriated above, the County of Cattaraugus shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute all necessary documents, on behalf of Cattaraugus County, with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and be it further

RESOLVED, that this Resolution shall take effect immediately, and be it further

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

Increase Estimated Revenue Account:

H.504.5197.5195.4597.02	MAP-21 Program	\$80,000.00
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Increase Appropriation Accounts:

H.504.5197.5195.25071.41603	Conewango Bridge No. 33	\$ 9,656.04
H.504.5197.5195.25072.41603	Farmersville Bridge No. 25	\$ 9,799.54
H.504.5197.5198.25073.41603	Franklinville Bridge No. 35	\$ 9,723.57
H.504.5197.5195.25074.41603	Freedom Bridge No. 25	\$17,311.67
H.504.5197.5195.25075.41603	Freedom Bridge No. 29	\$13,631.57
H.504.5197.5195.25076.41603	Portville Bridge No. 28	\$ 7,174.51
H.504.5197.5195.25077.41603	Salamanca Bridge No. 6	\$12,703.10.

Approved by 9 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 345-2013 by Mr. Aiello and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 1
TO FEDERAL-AID AGREEMENT NO. D033925 FOR
BRIDGE DECK SEALING FEDERAL-AID PROJECT**

Pursuant to Title 23 U.S. Code and
Section 450 of the County Law.

WHEREAS, the Cattaraugus County Bridge Deck Sealing Project, including twenty-two (22) bridges, in various towns and villages in Cattaraugus County, PIN 5760.36 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at a ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS, the County desires to advance the above Project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases of the Project, PIN 5760.36, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby approves the above-described Project, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to pay in the first instance 100% of the federal and non-federal shares of the cost of the Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$86,000.00 is hereby appropriated in addition to \$20,000.00 previously appropriated for the Project's Preliminary Engineering (Design I-VI) phase via County Resolution No. 396-2012 adopted on September 11, 2012, and made available to cover the cost of participation in the above phases of the Project, and be it further

RESOLVED, that in the event the amount required to pay the full federal and non-federal shares of the cost of the Project's Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases exceeds the amount appropriated, \$106,000.00, the County of Cattaraugus shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute all necessary documents, on behalf of Cattaraugus County, with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and be it further

RESOLVED, that this Resolution shall take effect immediately.

Approved by 9 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 346-2013 by Mr. Aiello and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 1 TO
FEDERAL-AID AGREEMENT NO. D033913 FOR PAINTING VARIOUS BRIDGES**

Pursuant to Title 23 U.S. Code and
Section 450 of the County Law.

WHEREAS, a project for the Cattaraugus County Bridge Painting Project, including five (5) bridges, BINS 2-21202-0, 3-32270-0, 3-32229-0 and 3-32045-0, in the Towns of Humphrey, Napoli, Leon and Allegany, and BIN 3-32071-0 in the Village of Limestone, Cattaraugus County, PIN 5760.34 (the "Project"), is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS, the County desires to advance the above Project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases of the Project, PIN 5760.34, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby approves the above-described Project, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to pay in the first instance 100% of the federal and non-federal shares of the cost of the Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases of the Project, or portions thereof, and be it further

RESOLVED, that the sum of \$90,000.00 is hereby appropriated in addition to \$40,000.00 previously appropriated for the Project's Preliminary Engineering (Design I-VI) phase via County

Resolution No. 366-2012 adopted on August 22, 2012, and made available to cover the cost of participation in the above phases of the Project, and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the federal and non-federal shares of the cost of the Project's Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases exceeds the amount appropriated, \$130,000.00 and/or 100% of the full federal and non-federal shares of the cost of the Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases exceeds \$488,000.00, the Project's current Total Cost, the County of Cattaraugus shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute all necessary documents, on behalf of Cattaraugus County, with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and be it further

RESOLVED, that this Resolution shall take effect immediately.

Approved by 9 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 347-2013 by Mr. Aiello, Mr. Klancer, Mr. Murphy and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 1 TO
FEDERAL-AID AGREEMENT NO. D031710 FOR LEON BRIDGE NO. 18 REPLACEMENT PROJECT
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works)**

Pursuant to Title 23 U.S. Code and
Sections 363, 366 and 450 of the County Law.

WHEREAS, a project for the replacement of the County Road No. 5 bridge over Conewango Creek, BIN 3-32217-0, in the Town of Leon, Cattaraugus County, (Leon Bridge No. 18) PIN 5758.46 (the "Project"), is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS, the County desires to advance the above Project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Engineering, Right-of-Way (Incidentals & Acquisition) and Construction & Construction Inspection phases of the Project, PIN 5758.46, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby approves the above-described Project, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to pay in the first instance 100% of the federal and non-federal shares of the cost of the Preliminary Engineering, Right-of-Way (Incidentals & Acquisition) and Construction & Construction Inspection phases of the Project, or portions thereof, and be it further

RESOLVED, that the sum of \$131,000.00 is hereby appropriated in addition to \$215,000.00 previously appropriated for the Project's Preliminary Engineering and Right-of-Way (Incidentals) phases via County Resolution No. 420-2008 adopted on August 28, 2008, and made available to cover the cost of participation in the above phases of the Project, and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the federal and non-federal shares of the cost of the Project's Preliminary Engineering, Right-of-Way (Incidentals & Acquisition) and Construction & Construction Inspection phases exceeds the amount appropriated, \$346,000.00 and/or 100% of the full federal and non-federal shares of the cost of the Preliminary Engineering, Right-of-Way (Incidentals & Acquisition) and Construction & Construction Inspection phases exceeds \$903,700.00, the County of Cattaraugus shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute all necessary documents, on behalf of Cattaraugus County, with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and be it further

RESOLVED, that this Resolution shall take effect immediately, and be it further

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

Increase Estimated Revenue Accounts:

H.504.5197.5195.4597.02	MAP-21 Program	\$550,960.00
H.504.5197.5195.3591.01	Marchiselli	\$135,555.00

Increase Appropriation Account:

H.504.5197.5195.25025.41603	Leon Bridge No. 18	\$686,515.00.
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Approved by 9 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 348-2013 by Mr. Aiello, Mr. Klancer, Mr. Murphy and Mr. Weller

**BID ACCEPTANCE FOR REPLACEMENT OF LEON BRIDGE NO. 18
(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 Leon Bridge No. 18, according to specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications for the replacement of Leon Bridge No. 18 is the bid of H & K Services, Inc., 12025 Leon Road, Leon, New York 14751, in the amount of \$565,733.00, 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 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the aforementioned bid of H & K Services, Inc., be, and the same hereby is, accepted, for a term commencing May 1, 2014 and terminating August 30, 2014, 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.

15 sets of specifications were sent out.

Four bids were received.

Approved by 9 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 349-2013 by Mr. Aiello and Mr. Weller

**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 Energymark, LLC, 6653 Main Street, Williamsville, New York 14221, for Method #1 – Firm Index Based Pricing with 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. $\$0.27/Dth^1$

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 Energymark, LLC, be, and the same hereby is, accepted for a term commencing September 1, 2013 and terminating August 31, 2014, 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.

Eleven sets of specifications were sent out.

Four bids were received meeting specifications.

Approved by 9 members of the Finance Committee and 9 members of the Public Works Committee.

¹MR. WELLER moved, seconded by Mr. Murphy, to amend as follows: In the second Whereas, delete: "\$0.17/Dth", and replace with: "\$0.27/Dth". Carried.

Adopted, as amended, August 28, 2013 by voice vote.

ACT NO. 350-2013 by Mr. Aiello and Mr. Weller

**BID ACCEPTANCE FOR HOT DIP STEEL GALVANIZATION
(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 hot dip steel galvanization, according to specifications and general information provided by the Public Works Committee, and

WHEREAS, the only bid received meeting specifications for hot dip steel galvanization is the bid of Frontier Hot Dip Galvanizing, Inc., 1740 Elmwood Avenue, P.O. Box 199, Buffalo, New York 14207-0199, in an amount as follows:

<u>Job Size</u>	<u>2012 Amount</u>	<u>2013 Amount</u>
Less than 1,000 lbs	\$0.45/lb	\$0.45/lb
1,000 – 2,000 lbs	\$0.40/lb	\$0.40/lb

2,000 – 5,000 lbs	\$0.35/lb	\$0.35/lb
5,000 – 10,000 lbs	\$0.30/lb	\$0.30/lb
10,000 lbs & greater	\$0.23/lb	\$0.23/lb
<u>Additional Charges:</u>		
1. If material to be galvanized is longer than tank length and material must be dipped – first one end and then the other, "double dip", the additional charge will be	50% surcharge of pound rate listed	50% surcharge of pound rate listed
2. Handrails	\$ 0.75/lb	\$ 0.75/lb
3. Tanks	\$ 1.00/lb	\$ 1.00/lb
4. Additional Venting/Holes	\$50.00/hr	\$50.00/hr
5. Excess Paint Removal		50% surcharge

In determining the award, the specifications require that mileage at the rate of \$1.50 per mile will be used. Each job (materials to be galvanized) requires two (2) round trips.

and

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

RESOLVED, that the aforementioned bid of Frontier Hot Dip Galvanizing, Inc., be, and the same hereby is, accepted, for a term commencing October 1, 2013 and terminating September 30, 2014, 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.

Five sets of specifications were sent out.

One bid was received.

Approved by 9 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 351-2013 by Mr. Aiello and Mr. Weller

**BID ACCEPTANCE FOR SALT AND SAND PREMIX
(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 salt and sand premix for the 2013-2014 season requirements, according to specifications provided by the Public Works Committee, and

WHEREAS, the only bid received meeting specifications for salt and sand premix was the bid of Gernatt Asphalt Products, Inc., P.O. Box 400, Taylor Hollow Road, Collins, New York 14034, (Benz Drive, Springville, New York, Plant) as follows:

<u>Ratio of Sand to Salt Per Ton</u>	2012 Price Per Ton Premixed Material <u>F.O.B. Plant</u>	2013 Price Per Ton Premixed Material <u>F.O.B. Plant</u>
4-1	\$17.70	\$17.70
5-1	\$16.50	\$16.50
6-1	\$15.70	\$15.70
7-1	\$15.10	\$15.10
8-1	\$14.60	\$14.60
9-1	\$14.20	\$14.20
10-1	\$13.90	\$13.90

now, therefore, be it

RESOLVED, that the bid of Gernatt Asphalt Products, Inc., be, and the same hereby is, accepted, for a term commencing September 1, 2013 and terminating April 30, 2014, 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.

Three sets of specifications were sent out.

Only one bid was received.

Approved by 9 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 352-2013 by Mr. Aiello and Mr. Weller

**BID ACCEPTANCE FOR CUTTING EDGES AND
SHOES FOR GRADERS, PLOWS AND WINGS
(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 cutting edges and shoes for graders, plows and wings for the Department of Public Works, according to specifications provided by the Public Works Committee, and

WHEREAS, the bids meeting specifications for the aforementioned items are as follows:

CHEMUNG SUPPLY CORP.

P.O. Box 527

Elmira, New York 14902

Carbon Plow & Wing Blades- Hole type, drilled for 5/8" cap screw, 12" centers

Carbon Plow and Wing Blades, Item - Price/Foot

<u>Index #</u>	<u>Size</u>	<u>Quantity</u>	<u>2012 Rate</u>	<u>2013 Rate</u>
C-C6L	3/4" x 6"	Less than 50 Blades	\$ 9.53/foot	\$11.24/foot
C-C6G	3/4" x 6"	50 Blades or Greater	\$ 8.73/foot	\$10.89/foot
C-D6L	1"x 6"	Less than 50 Blades	\$13.65/foot	\$16.18/foot
C-D6G	1"x 6"	50 Blades or Greater	\$12.99/foot	\$15.24/foot

Cast Alloy Abrasive – Mushroom Shoes - 12" Wing Shoes, 3/4" bolt holes on 12" centers, with no brake away ears, min. weight 46 lbs

<u>Index #</u>	<u>Description</u>	<u>2012 Rate</u>	<u>2013 Rate</u>
M-AL	Less than 50 Shoes		\$82.94
M-AG	50 Shoes or Greater		\$81.24

Nose Piece – for Viking Plows

<u>Index #</u>	<u>Description</u>	<u>2012 Rate</u>	<u>2013 Rate</u>
V-NL	Less Than 50 Pieces	\$25.00	\$24.74
V-NG	50 Pieces or Greater	\$21.99	\$23.24

MONROE TRACTOR

5035 Genesee Street

Buffalo, New York 14225

Carbon Grader – Double bevel curved item Price/Foot

<u>Index #</u>	<u>Size</u>	<u>Quantity</u>	<u>2012 Rate</u>	<u>2013 Rate</u>
B-8L	5/8" x 8"	Less than 10 Sets	\$13.11	\$12.45

Tungsten Carbide Blades for Plow & Graders

<u>Index #</u>	<u>Description</u>	<u>2012 Rate</u>	<u>2013 Rate</u>
E-2	Item II – 3 piece set, No. DB48-36-48 Carbide Plow Blade – Price Per Set	\$462.00	\$446.19

WINTER EQUIPMENT COMPANY, INC.

1900 Joseph Lloyd Parkway

Willoughby, Ohio 44095

Carbon Grader – Double bevel curved item Price/Foot

<u>Index #</u>	<u>Size</u>	<u>Quantity</u>	<u>2012 Rate</u>	<u>2013 Rate</u>
B-8G	5/8" x 8"	10 Sets or Greater	\$12.75	\$12.18

SNOWFIGHTING EQUIPMENT OF BUFFALO, INC.

P.O. Box 126 Southside Station

Buffalo, New York 14220

Cast Alloy Abrasive

<u>Index #</u>	<u>Description</u>	<u>2012 Rate</u>	<u>2013 Rate</u>
G-AL	Less Than 50 Shoes	\$59.80	\$76.50
G-AG	50 Shoes or Greater	\$57.20	\$74.50

RUSERT EQUIPMENT, LLC
P.O. Box 1131
Orchard Park, New York 14127

Cast Alloy Abrasive – Rubber Blades- 12" Wing Shoes, ¾" bolt holes on 12" centers, with no brake away ears, min. weight 46 lbs

<u>Index #</u>	<u>Description</u>	<u>2012 Rate</u>	<u>2013 Rate</u>
R-RL	Less Than 50 Blades	\$259.50/shoe	\$259.38/shoe
R-RG	50 Blades or Greater	\$259.50/shoe	\$257.40/shoe

MORRISON SUPPLY CO., INC.
121 Mill Street
Springville, New York 14141

Cast Alloy Abrasive

Wing Shoe Type 12" – min. weight 46 lbs.- size ¾"bolt holes on 12" centers

<u>Index #</u>	<u>Description</u>	<u>2012 Rate</u>	<u>2013 Rate</u>
O-AL	Less Than 50 Shoes	\$38.00/shoe	\$38.75/shoe
O-AG	50 Shoes or Greater	\$37.00/shoe	\$33.75/shoe

VIKING CIVES
RR#2 Box 362
Harrisville, New York 13648

Cast Alloy Abrasive

Wing Shoe Type 12" – min. weight 37 lbs.- size ¾"bolt holes

<u>Index #</u>	<u>Description</u>	<u>2012 Rate</u>	<u>2013 Rate</u>
K-AL	Less Than 50 Shoes	\$62.10/shoe	\$59.00/shoe
K-AG	50 Shoes or Greater	\$59.40/shoe	\$59.00/shoe

now, therefore, be it

RESOLVED, that the aforementioned bids be, and hereby are, accepted, for a term commencing October 1, 2013 and terminating September 30, 2014, 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.

Eight bids were received.

Approved by 9 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 353-2013 by Public Works Committee:
Mr. Aiello, Mr. Weller, Ms. Edstrom, Mr. Klancer, Mr. Snyder, Jr.,
Mr. Teachman, Mr. Koch, Mr. Lamberson and Mr. Sprague

**AUTHORIZING THE CHAIR TO EXECUTE GRANT APPLICATION WITH
NEW YORK STATE EMERGENCY MANAGEMENT OFFICE FOR
HAZARD MITIGATION GRANT FUNDS**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Hazard Mitigation grant funds are available from the New York State Emergency Management Office (SEMO) for certain projects, and

WHEREAS, the County Department of Public Works has 13 projects that meet the qualification criteria for the aforementioned Hazard Mitigation grant funding, and

WHEREAS, the Department of Public Works is desirous of applying for the aforementioned Hazard Mitigation grant funds, and

WHEREAS, the deadline for filing the application to apply for the Hazard Mitigation grant funds was August 1, 2013, and

WHEREAS, this grant is 75% federally funded and 25% county 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 Emergency Management Office, in order to apply for Hazard Mitigation Grant funds, according to the above-described terms.

Approved by 9 members of the Finance Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 354-2013 by Mr. Aiello and Mr. Weller

AUTHORIZING STANDARDIZATION OF CATTARAUGUS COUNTY VINYL ROLL GOODS

Pursuant to Section 103 of the General Municipal Law.

WHEREAS, standardization of vinyl roll goods in the County would provide uniform quality, compatibility and material warranty, and liability guarantees, and

WHEREAS, standardization would increase efficiency and reduce expenses by ensuring that the vinyl goods are an exact match of the County's existing sign inventory, and

WHEREAS, the County has historically used 3M vinyl roll goods, which are purchased through the 3M Corporation, and

WHEREAS, vinyl roll goods should be standardized to insure full integration and warranty guarantees, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby authorizes standardization of the vinyl roll goods so that effective on and after the date hereof, all such purchases shall be of 3M vinyl roll goods.

Approved by 9 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 355-2013 by Mr. Aiello and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH LIBERTY TIRE SERVICES OF OHIO D/B/A
LIBERTY TIRE RECYCLING
FOR WASTE TIRE RECYCLING PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Department of Public Works is desirous of contracting for the recycling of waste tires disposed of at County Transfer Stations, and

WHEREAS, the Department of Public Works solicited proposals from six (6) companies for the provision of the aforementioned services, and

WHEREAS, Liberty Tire Services of Ohio, 1251 Waterfront Place, Pittsburgh, Pennsylvania 14222, d/b/a Liberty Tire Recycling, 490 Ohio Street, Lockport, New York 14094, can provide an enclosed van trailer to the Salamanca Transfer Station located at 289 Center Street in the City of Salamanca, will remove the full trailer and replace with an empty trailer, upon request by the County, for an amount of \$88.00 per ton, with a ten (10) ton minimum, 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 Liberty Tire Services of Ohio d/b/a Liberty Tire Recycling, for the provision of the above-described services, for a term commencing September 1, 2013 and terminating May 31, 2015, with the option to extend for two (2) one-year terms, upon mutual agreement of the parties, according to the above-described terms.

Approved by 9 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 356-2013 by Mr. Aiello, Mr. Hale, Mr. Snyder, Jr. and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HUNT ENGINEERS ARCHITECTS & LAND SURVEYORS, P.C. FOR
PHASE IV ENGINEERING SERVICES FOR COUNTY ROAD NO. 27
RECONSTRUCTION/REHABILITATION PROJECT AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Public Works)**

Pursuant to Section 117 of the Highway Law and
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 642-2001, as amended by Acts 162-2003, 506-2004, 655-2004, 492-2006, 612-2009 and 504-2011, authorized contracts with TVGA Engineering, Surveying, P.C., 1000 Maple Road, P.O. Box H, Elma, New York 14059, for the provision of engineering services for Phases I, II and III of the reconstruction and rehabilitation of County Road No. 27 (Haskell Road) in the Towns of Hinsdale and Portville, the term of which expires December 31, 2013, and

WHEREAS, the County Department of Public Works is desirous of completing Phase IV of the County Road No. 27 (Haskell Road) Reconstruction/Rehabilitation Project, which includes the realignment and replacement of Portville Bridge No. 20, and

WHEREAS, Hunt Engineers Architects & Land Surveyors, P.C., Airport Corporate Park, 100 Hunt Center, Horseheads, New York 14845, shall provide the Phase IV engineering services for an amount not to exceed \$116,440.00, to be paid on a percent-of-completion basis, as invoiced and approved by the Department of Public Works, and

WHEREAS, various appropriation accounts must be adjusted 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 Hunt Engineers Architects & Land Surveyors, P.C., for the provision of the above-described services, for a term commencing August 28, 2013 and terminating December 31, 2015, according to the above-described terms, and be it further

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

Decrease Appropriation Account:

H.504.5197.5198.27014.41603 County Road No. 27	\$18,665.00
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Increase Appropriation Account:

H.504.5197.5198.27049.41603 County Road No. 27 Phase IV	\$18,665.00.
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Approved by 9 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 357-2013 by Mr. Aiello and Mr. Weller

**REJECTING CERTAIN DEPARTMENT OF PUBLIC WORKS BIDS FOR
SECOND FLOOR COURT RENOVATIONS PROJECT
(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 Second Floor Court Renovations Project in the Little Valley County Center, 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 August 2, 2013, should be rejected and the project re-advertised and rebid, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby rejects the bids received for the Second Floor Court Renovations Project in the Little Valley County Center, which were opened on August 2, 2013, and hereby authorizes the project to be re-advertised and rebid.

Approved by 9 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 358-2013 by Mr. Felton and Ms. Vickman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
SWBR ARCHITECTS FOR PROFESSIONAL SERVICES
TO UPDATE LIFE SAFETY PLAN FOR
PINES HEALTHCARE AND REHABILITATION CENTER – MACHIAS CAMPUS**

Pursuant to Section 450 of the County Law.

WHEREAS, the as-built drawings showing the Life Safety Plan for the Pines Healthcare and Rehabilitation Center – Machias Campus, do not accurately reflect the actual Life Safety Code as it applies to the facility, and

WHEREAS, the current Life Safety Plan should be updated, and

WHEREAS, SWBR Architects, 387 Main St. E #500, Rochester, New York 14604, can complete the analysis for the entire facility and update the Life Safety Plan based on the 2000 NFPA 101, Life Safety Code, Chapter 19, Existing Healthcare Occupancies, for an amount not to exceed \$5,500.00, to be paid 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 SWBR Architects for the provision of the above-described services, for a term commencing September 1, 2013 and terminating December 31, 2013, according to the above-described terms.

Approved by 9 members of the Finance Committee, 9 members of the Public Works Committee and 7 members of the Senior Services Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 359-2013 by Mr. Felton and Ms. Vickman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
SWBR ARCHITECTS FOR PROFESSIONAL DESIGN SERVICES
FOR MODIFICATIONS TO RESIDENTIAL EXHAUST RANGE HOODS FOR
PINES HEALTHCARE AND REHABILITATION CENTER – MACHIAS CAMPUS**

Pursuant to Section 450 of the County Law.

WHEREAS, the existing range hoods at the Pines Healthcare and Rehabilitation Center – Machias Campus kitchen are not in compliance with the Life Safety Code and need to be replaced, and

WHEREAS, SWBR Architects, 387 Main Street East #500, Rochester, New York 14604, can provide professional design services for modifications to the residential household kitchen hoods at the Pines Healthcare and Rehabilitation Center – Machias Campus, for an amount not to exceed \$7,500.00, to be paid 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 SWBR Architects for the provision of the above-described services, for a term commencing September 1, 2013 and terminating May 31, 2014, according to the above-described terms.

Approved by 9 members of the Finance Committee, 9 members of the Public Works Committee and 7 members of the Senior Services Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 360-2013 by Mr. Felton and Ms. Vickman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
TOTAL SENIOR CARE, INC. FOR
SKILLED NURSING FACILITY SERVICES
(PACE Program)**

Pursuant to Section 95-a of the General Municipal Law and
Section 450 of the County Law.

WHEREAS, Act 250-2010, as amended by Act 289-2010, authorized a contract with Total Senior Care, Inc., 519 North Union Street, Olean, New York 14760, for the provision of skilled nursing facility services under the PACE Program, the term of which expired, and

WHEREAS, Total Senior Care, Inc., is desirous of obtaining skilled nursing facility services from the County Department of Nursing Homes for PACE Program participants, and

WHEREAS, the Department of Nursing Homes has agreed to provide skilled nursing facility services to PACE Program participants in accordance with NYS Medicaid approved rates, 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 Total Senior Care, Inc., for the provision of the above-described skilled nursing facility services, for a term commencing April 1, 2013 to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

Approved by 9 members of the Finance Committee and 7 members of the Senior Services Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 361-2013 by Mr. Murphy

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CHAUTAUQUA COUNTY HUMANE SOCIETY FOR
SHERIFF'S OFFICE CRUELTY INVESTIGATION SUPPORT SERVICES
AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Sheriff's Office)**

Pursuant to Sections 363, 365 and 450 of the County Law.

WHEREAS, the Sheriff's Office is responsible for responding to and investigating various animal cruelty reports, and

WHEREAS, the Sheriff's Office does not have the proper training or facilities to appropriately address the issues, and

WHEREAS, the Sheriff's Office is desirous of contracting for the provision of cruelty to animals investigation support services, and

WHEREAS, the Chautauqua County Humane Society, 2825 Strunk Road, Jamestown, New York 14701, pursuant to the provisions of Articles 7, 26 and 26A of the NYS Agriculture and Markets Law, can provide the services necessary to assist the Sheriff's Office with animal cruelty situations, the licensing and control of dogs, the impoundment of animals and the coordination of animal care, and

WHEREAS, the Chautauqua County Humane Society can provide the aforementioned services for a monthly flat fee of \$1,500.00, which includes the following:

- up to ten (10) hours of non-billable humane investigation,
- development and instruction of a five (5) hour training curriculum based on the needs of the department,
- access to its animal facilities located on Strunk Road and Fluvanna Avenue in Jamestown, New York,
- oversight by its Administrator and Board of Directors,
- experienced animal caregiving staff and adoption counseling staff, and
- volunteer program services,

and

WHEREAS, the Sheriff's Office will be responsible for the following various fees, in addition to the monthly flat fee of \$1,500.00:

Animal Surrender Fees

- Cat \$20.00
- Kitten \$10.00
- Dog \$25.00
- Puppy \$15.00

Animal Boarding Per Cage Per Diem/Kennel Fee

- | | (First 30 days) | (After 30 days) |
|---------|-----------------|-----------------|
| • Cat | \$ 6.00 | \$3.00 |
| • Dog | \$15.00 | \$7.50 |
| • Other | \$ 5.00 | \$2.50 |

Euthanasia

- \$50.00 for each dog euthanized and cremated
- \$25.00 for each cat euthanized and cremated

Legal Fees

- It is the responsibility of Cattaraugus County for legal costs incurred by the Chautauqua County Humane Society, as the impounding agency, to file a petition with the Court for the owner to post a security.

Miscellaneous

- Cattaraugus County will be responsible for all medical costs associated with animal cruelty
- Cattaraugus County will be responsible for all farm animal transport fees
- Cattaraugus County will be responsible for all nutritional needs of farm animals (large animals) in foster care,

and

WHEREAS, various appropriation accounts must be adjusted 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 the Chautauqua County Humane Society, for the provision of the above-described services, for a term commencing September 1, 2013 to continue in full force and effect until terminated by either party hereto, according to the above-described terms, and be it further

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

Decrease Appropriation Account:

A.901.1990.0000.40601	Contingent Fund	\$9,000.00
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Increase Appropriation Account:

A.901.3510.0000.41637 Chautauqua County Humane Society \$9,000.00.

Approved by 9 members of the Finance Committee and 7 members of the Public Safety Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 362-2013 by Ms. Edstrom and Mrs. Stockman

**AMENDING ACT 322-2013 REGARDING LEASE AGREEMENT AND FINANCING DOCUMENTS
WITH THERMO FISHER FINANCIAL SERVICES AND FISHER HEALTHCARE
FOR HEALTH DEPARTMENT LABORATORY EQUIPMENT**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 322-2013 authorized a lease agreement with Thermo Fisher Financial Services, in partnership with Fisher HealthCare, 81 Wyman Street, Waltham, Massachusetts 02451, for the provision of equipment for the Health Department laboratory, the term of which expires July 31, 2018, for an amount as follows:

Horiba/ABX Micros 16 LiteDM CT Equipment	\$13,125.00
4 Years Pass Through Service	\$11,244.00
Reagents	<u>\$252.52/month</u>
Total	\$680.02/month,

and

WHEREAS, the County Health Department is also responsible for paying a documentation fee of \$150.00 and the amount of \$280.00 for shipping, and

WHEREAS, Act 322-2013 should be amended to include the documentation fee and the shipping costs, now, therefore, be it

RESOLVED, that Act 322-2013 be, and hereby is, amended as follows: In the Fourth Whereas, after "\$680.02/month", on the next line down, add the following:

"Shipping	\$280.00
Documentation Fee	\$150.00".

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 363-2013 by Ms. Edstrom and Mrs. Stockman

**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 447-2012 authorized the Chair to execute a 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, 2013, and

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

WHEREAS, the County Health Department shall receive funding in the amount of \$46,976.00 for the period October 1, 2013 to September 30, 2014, 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 provision of funding for the Childhood Lead Poisoning Prevention Program, for a term commencing October 1, 2013 and terminating September 30, 2014, 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 9 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 364-2013 by Ms. Edstrom and Mrs. Stockman
and Ms. Vickman¹

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

Pursuant to Section 450 of the County Law.

WHEREAS, Act 56-2013 authorized a contract with the New York State Department of Health for the rabies program reimbursement, the term of which expires March 31, 2017, and

WHEREAS, the New York State Department of Health budget for the aforementioned program has been reduced by the amount of \$1,896.67 for each year remaining on the five-year contract, and

WHEREAS, the New York State Department of Health has authorized reimbursement to the County in the amount of \$32,110.88 per year for the period April 1, 2013 through March 31, 2014, and each remaining year thereafter, and

WHEREAS, a contract amendment is necessary due to the aforementioned reduction, 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, in order to receive the aforementioned rabies reimbursement, for a term commencing April 1, 2012 and terminating March 31, 2017, according to the above-described terms.

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

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

Adopted August 28, 2013 by voice vote.

ACT NO. 365-2013 by Ms. Edstrom and Mrs. Stockman
and Ms. Vickman¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
CORNELL COOPERATIVE EXTENSION-CATTARAUGUS COUNTY FOR
VARIOUS HEALTH DEPARTMENT WIC PROGRAMS**

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

WHEREAS, Act 372-2012 authorized contracts with Cornell Cooperative Extension-Cattaraugus County, 28 Parkside Drive, Ellicottville, New York 14731, for the provision of the following components for the Health Department WIC program, the terms of which expire September 30, 2013:

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

and

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

WHEREAS, Cornell Cooperative Extension-Cattaraugus County has agreed to provide the aforementioned WIC program components, in accordance with the following:

<u>Breastfeeding Peer Counselor (two part-time)</u>	Total not to	\$15,057.00
*to be paid on a monthly basis, as invoiced	exceed	
*Approved work-related expenses will be reimbursed at cost, including approved work-related cell phone usage		

*Mileage will be reimbursed at the Cornell established rate of
\$.485/mile

Nutrition Program Aide (two full-time)

*to be paid on a monthly basis, as invoiced	Total not to exceed	\$68,527.00
*Approved work-related expenses will be reimbursed at cost, including approved work-related cell phone usage		
*Mileage will be reimbursed at the Cornell established rate of \$.485/mile		

Breast Feeding Peer Counselor Coordinator

*to be paid on a monthly basis, as invoiced	Total not to exceed	\$44,797.00
*Approved work-related expenses will be reimbursed at cost, including approved work-related cell phone usage		
*Mileage will be reimbursed at the Cornell established rate of \$.485/mile,		

and

WHEREAS, these programs are 100% funded through the WIC Program, now, therefore,
be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Cornell Cooperative Extension-Cattaraugus County, for the provision of the above-described services, for a term commencing October 1, 2013 and terminating September 30, 2014, 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 9 members of the Finance Committee and 7 members of the Human Services Committee.

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

Adopted August 28, 2013 by voice vote.

ACT NO. 366-2013 by Ms. Edstrom and Mrs. Stockman
and Mrs. Labuhn¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR PROVISION OF SERVICES
FUNDED THROUGH THE COMMUNITY TRANSFORMATION GRANT**

Pursuant to Section 450 of the County Law.

WHEREAS, Cattaraugus County is one of three (3) counties in New York State to be awarded the Community Transformation Grant–Small Communities funding by the Centers for Disease Control and Prevention, and

WHEREAS, Act 479-2012 authorized contracts with the New York State Department of Health and Health Research, Inc., in order to accept the aforementioned grant, and

WHEREAS, Act 99-2013, as amended by Act 165-2013, authorized contracts with various entities for the provision of services funded through the Community Transformation Grant for the period September 30, 2012 through September 29, 2013, and

WHEREAS, contracts are needed for the provision of services funded through the Community Transformation Grant for the period September 30, 2013 through September 29, 2014, and

WHEREAS, the County Health Department will work with a multi-sector leadership team and coalition to implement a multi-sector implementation plan in the early child care, school and community settings within the Gowanda Central, Olean City and Salamanca City School Districts' geographic areas, and

WHEREAS, the County Health Department shall act as lead agency in administering the aforementioned grant for Cattaraugus County, and

WHEREAS, contracts with the following various entities are necessary in order to cover certain components of the grant program:

<u>Name & Address of Entity</u>	<u>Description of Services</u>	<u>Amount</u>
Southern Tier West Regional Planning & Development Board 4039 Route 219, Suite 200 Salamanca, New York 14779	Prepare a regional food procurement initiative within Cattaraugus County that consolidates food procurement and standardizes menu planning for participating school districts to leverage buying power, secure more competitive pricing, and improve the nutritional quality of the school lunch program	\$17,550.00
Healthy Community Alliance, Inc. 26 Jamestown Street P.O. Box 27 Gowanda, New York 14070	For identified 3 target areas: Implement classroom-based physical program/activities into elementary grade classrooms; create access to Safe Routes to School and within those communities, i.e. walking/ biking; availability of sugary beverages will decrease while healthy beverage availability will increase	\$37,200.00
Cornell Cooperative Extension-Allegany & Cattaraugus Counties 28 Parkside Drive Ellicottville, New York 14731	In 3 target areas: implement Local Wellness Policies prohibiting tobacco use at off-campus school sponsored events; adults and children living in low-income multi-unit structures will have access to smoke-free properties	\$12,000.00
ACCORD Corporation 84 Schuyler Street P.O. Box 573 Belmont, New York 14813	In 3 target areas: implement optional program standard in the County Child and Family Services Plan, requiring CACFP (Child and Adult Care Food Program) participation by legally exempt care providers who care for subsidized	\$42,832.00, which includes related mileage reimbursement

children 30 or more hours per week; increase participation by child care centers and homes serving low-income children that will participate in CACFP

Train physical activity specialists to implement the provider curriculum and to coach and support child care providers to increase the quantity and quality of developmentally appropriate physical activity in child care settings,

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 contracts, on behalf of Cattaraugus County, with the above-listed various entities, for the provision of the above-described services, for a term commencing September 30, 2013 and terminating September 29, 2014, 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 9 members of the Finance Committee and 7 members of the Human Services Committee.

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

Adopted August 28, 2013 by voice vote.

ACT NO. 367-2013 by Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
MCCARTHY & CONLON, LLP FOR AUDITING SERVICES FOR
DEPARTMENTS OF AGING, HEALTH, COMMUNITY SERVICES AND NURSING HOMES**

Pursuant to Sections 210 and 450 of the County Law.

WHEREAS, Act 398-2010 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, the term of which expires December 31, 2013, and

WHEREAS, the County is desirous of obtaining auditing, accounting and reimbursement consultant services for the years ending December 31, 2013, 2014 and 2015, and

WHEREAS, McCarthy & Conlon, LLP, 150 Warren Street, Glens Falls, New York 12801, has agreed to provide the aforementioned auditing services for an amount of \$62,000, in accordance with the following schedule:

Department of Nursing Homes	\$31,000.00 per year
Department of Health	\$22,500.00 per year
Department of Community Services	\$ 5,500.00 per year
Department of Aging	\$ 3,000.00 per year,

and

WHEREAS, the aforementioned audits must be conducted in order for the County to receive any State reimbursement, 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, 2014 and terminating December 31, 2016, according to the above-described terms, and be it further

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

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

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

Approved by 9 members of the Finance Committee, 7 members of the Human Services Committee and 7 members of the Senior Services Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 368-2013 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH LEVANT WESLEYAN CHURCH
FOR FATHERS SUPPORT/PARENTING GROUP AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Social Services)**

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

WHEREAS, the Department of Social Services is desirous of providing a weekly support/parenting group for fathers who are currently working with or under the supervision of the Department of Social Services to focus on family, child and service engagement, and

WHEREAS, the purpose of the aforementioned program is to reduce re-involvement with Child Protective Services, the Support Collection Unit and Family Court, and

WHEREAS, the Levant Wesleyan Church, 1670 Lundquist Drive, Falconer, New York 14733, can provide a weekly two-hour support/parenting group for male residents of Cattaraugus County who are involved with the Department of Social Services through Child Protective Services, the

Child Welfare Unit, Adult Protection Unit, Support Collection Unit and as parents to youth involved in the juvenile justice/probation system by providing education, parenting services and support, and

WHEREAS, the Levant Wesleyan Church can provide the aforementioned services for a total amount not to exceed \$18,000.00, to be paid on a monthly basis, as invoiced, and

WHEREAS, this program is 100% federally funded, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Levant Wesleyan Church, for the provision of the above-described services, for a term commencing September 1, 2013 and terminating August 31, 2014, according to the above-described terms, and be it further

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

Increase Estimated Revenue Account:

A.601.6151.0000.4615	Federal-Aid Flexible Fund for Family Services	\$18,000.00
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Increase Appropriation Account:

A.601.6151.0000.41607.28	The Father's Group	\$18,000.00.
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Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 369-2013 by Ms. Edstrom and Mrs. Stockman
and Mr. Lamberson¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE COMMISSION ON NATIONAL AND
COMMUNITY SERVICE FOR AMERICORPS START PROGRAM**

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

WHEREAS, Act 437-2012 authorized a contract with the New York State Commission on National and Community Service for funding for the AmeriCorps START Program for the period October 1, 2012 through December 31, 2013, and

WHEREAS, the County Youth Bureau has been notified that it has been awarded an amount of \$198,405.00 for the AmeriCorps START Program, for the period October 1, 2013 through December 31, 2014, and

WHEREAS, it is necessary to execute a contract with the New York State Commission on National and Community Service in order to receive the aforementioned funding, and

WHEREAS, this program is 65% federally funded and 35% grantee funded through agency match, in-kind services, donations, and tax levy, 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 Commission on

National and Community Service, for a term commencing October 1, 2013 and terminating December 31, 2014, in order to receive the funding for the AmeriCorps START Program, 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 9 members of the Finance Committee and 7 members of the Human Services Committee.

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

Adopted August 28, 2013 by voice vote.

ACT NO. 370-2013 by Ms. Edstrom and Mrs. Stockman

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

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

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

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the County of Allegany, for the provision of funding for the AmeriCorps START Program, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms.

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 371-2013 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE LEASE DOCUMENTS WITH
BI INCORPORATED FOR YOUTH BUREAU YOUTH PLACEMENT
PREVENTION ELECTRONIC MONITORING PROGRAM**

Pursuant to Section 65.10 of the Penal Law and
Section 450 of the County Law.

WHEREAS, Act 379-2012 authorized the Chair to execute lease documents for the provision of electronic monitoring devices for the Youth Bureau Youth Placement Prevention Electronic Monitoring Program, the term of which expires August 31, 2013, and

WHEREAS, the Youth Bureau is desirous of continuing the aforementioned electronic monitoring services, and

WHEREAS, BI Incorporated, 6400 Lookout Road, Boulder, Colorado 80301, has agreed to provide the following monitoring equipment and services for a total amount not to exceed \$25,000.00 per year, as follows:

<u>Equipment & Monitoring</u>	<u>Quantity</u>	<u>Monthly Price</u>	<u>Annual Cost</u>
HomeGuard 200 Units	5	\$258.54	\$3,102.50
Monitoring Cost		\$334.58	\$4,015.00
HomeGuard 206 Units	4	\$438.00	\$5,256.00
Monitoring Cost		\$231.17	\$2,774.00
ExacuTrack One Units	3	\$410.63	\$4,927.50
Monitoring Cost		\$136.88	\$1,642.50

Replacement Cost:

HomeGuard 200 Equipment: \$575.00-transmitter, \$1,320.00-receiver

HomeGuard 206 Equipment: \$575.00-transmitter, \$1,620.00-receiver

ExacuTrack One Equipment: \$60.00-fiberoptic strap & wallcharger,
\$250.00-beacon, \$1,740 tracking unit,

and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute lease documents, on behalf of Cattaraugus County, with BI Incorporated, for the provision of the above-described services, for a term commencing September 1, 2013 and terminating August 31, 2014, with automatic one-year renewals, at the sole option of the County, at the same rates as listed above, according to the above-described terms.

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 372-2013 by Mr. Marsh

**ESTABLISHING STANDARD WORK DAY FOR CERTAIN
APPOINTED OFFICIALS FOR REPORTING PURPOSES TO
NEW YORK STATE RETIREMENT SYSTEM**

Pursuant to 2 NYCRR Section 315.4.

WHEREAS, 2 NYCRR Section 315.4, effective August 12, 2009, requires that all newly appointed officials participating in the New York State Retirement System maintain a record of activities for a period of three months within 150 days of appointment or the start of a term of office, for purposes of establishing a standard work day, and

WHEREAS, 2 NYCRR Section 315.4 requires that the governing board shall establish, by resolution, a standard work day for each appointed position, and

WHEREAS, certain newly appointed officials have submitted their three-month record of activities, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby establishes the following as standard work days for appointed officials and will report the following days worked to the New York State and Local Employees Retirement System, based on the record of activities maintained and submitted by these officials to the Clerk of the Legislature:

<u>Title</u>	<u>Name</u>	<u>Ret. Reg.</u>	<u>Authority</u>	<u>Term</u>	<u>Standard Work Hrs/Day</u>	<u>Days/ Month</u>
Director, Dept. of Nursing Homes	Maureen Mooney-Myers	39316476	Appointed	3/13/2013- 3/12/2017	7	21.67

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to post conspicuously, on the bulletin board in the front lobby of the Little Valley County Center, for a period of thirty days, a copy of this adopted resolution and thereafter forward a certified copy of this resolution, along with a certification of such public posting, to the New York State and Local Employees Retirement System in accordance with 2 NYCRR Section 315.4.

Approved by 9 members of the Finance Committee, 7 members of the Senior Services Committee and 5 members of the Labor Relations Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 373-2013 by Ms. Edstrom and Mrs. Stockman
and Mrs. Labuhn¹

**APPROVING CONTRACT BETWEEN
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND
SALAMANCA CITY CENTRAL SCHOOL DISTRICT FOR
MENTAL HEALTH SOCIAL WORKER SERVICES**

Pursuant to Section 41.07 of the Mental Hygiene Law and
Section 450 of the County Law.

WHEREAS, Act 407-2012 authorized a contract with the Salamanca City Central School District for the provision of a social worker in the Salamanca City Central School District for the provision of mental health services, the term of which expires August 31, 2013, and

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

WHEREAS, a contract with Salamanca City Central School District outlining the mental health services to be provided by the County's Department of Community Services staff social worker is necessary, and

WHEREAS, the Salamanca City Central School District shall provide an office, a phone line and furniture, at no cost to the County, and

WHEREAS, the Salamanca City Central School District shall pay to the Department of Community Services an amount of \$5,000.00 to cover the cost of the aforementioned social worker, 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 the Salamanca City Central School District, to signify the County's approval, for the provision of the above-described services, for a term commencing September 1, 2013 and terminating August 31, 2014, according to the above-described terms.

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

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

Adopted August 28, 2013 by voice vote.

ACT NO. 374-2013 by Ms. Edstrom and Mrs. Stockman

**APPROVING CONTRACT BETWEEN
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND
UNIVERSITY OF PITTSBURGH AT BRADFORD FOR DEPARTMENT OF
COMMUNITY SERVICES WORK STUDY INTERNSHIP PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 459-2010 authorized a contract with the University of Pittsburgh at Bradford, 300 Campus Drive, Bradford, Pennsylvania 16701, for participation in a work study internship program, the term of which expired, and

WHEREAS, the County Department of Community Services is desirous of participating in the aforementioned work study internship program with the University of Pittsburgh at Bradford to assist with workload and with screening of potential hires in the future, and

WHEREAS, the University of Pittsburgh at Bradford has agreed to provide interns to the Department of Community Services at no cost to the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, between the Cattaraugus County Community Services Board and the University of Pittsburgh at Bradford, to signify the County's approval, for a term commencing September 1, 2013 to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 375-2013 by Mr. Aiello, Mr. Klancer, Mr. Murphy and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
ERDMAN ANTHONY AND ASSOCIATES, INC. FOR
ENGINEERING DESIGN SERVICES FOR
LEON BRIDGE NO. 18 FEDERAL-AID REPLACEMENT PROJECT**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 568-2009, as amended by Acts 622-2010 and 491-2012, authorized a contract with Erdman Anthony and Associates, Inc., 145 Culver Road, Suite 200, Rochester, New York 14620, for the provision of engineering design services for the Leon Bridge No. 18 federal-aid replacement project, the term of which expires December 31, 2013, and

WHEREAS, construction support services are necessary which were not included in the original agreement, and

WHEREAS, Erdman Anthony and Associates, Inc., can provide the necessary construction support services for an amount not to exceed \$25,000.00, on a cost plus basis, to be paid 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 an amended contract, on behalf of Cattaraugus County, with Erdman Anthony and Associates, Inc., for the provision of the above-described services and extending the term of the contract which commenced January 1, 2011, to terminate December 31, 2014, according to the above-described terms.

Approved by 9 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 376-2013 by Mr. VanRensselaer
and Mr. Klancer, Mr. Murphy, Mr. Teachman, Mr. Weller and Mr. Sprague¹

**AUTHORIZING THE CHAIR TO EXECUTE GRANT APPLICATION WITH
NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION
FOR SNOWMOBILE TRAIL MAINTENANCE PROGRAM FUNDING**

Pursuant to Article 27 of the Parks, Recreation and
Historic Preservation Law and Section 450 of the County Law.

WHEREAS, Act 374-2012 authorized the Chair to execute a grant application with the New York State Office of Parks, Recreation and Historic Preservation for snowmobile trail maintenance program funding for the 2012-2013 program year, and

WHEREAS, funding is again available through the New York State Office of Parks, Recreation and Historic Preservation for maintenance of snowmobile trails for the 2013-2014 program year, and

WHEREAS, Cattaraugus County has been requested by the Cattaraugus County Snowmobile Federation to act as a local sponsor for the grant application, and

WHEREAS, if the grant application is successful, then the Legislature would consider legislation entering into contracts with either the Cattaraugus County Federation of Snowmobile Clubs, Inc. or the snowmobile clubs for the snowmobile trail maintenance, 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 Office of Parks, Recreation and Historic Preservation, for the 2013-2014 program year, 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 9 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. Klancer, Mr. Murphy, Mr. Teachman, Mr. Weller and Mr. Sprague".

Adopted August 28, 2013 by voice vote.

ACT NO. 377-2013 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
UNITED WAY OF CATTARAUGUS COUNTY FOR
EARNED INCOME TAX CREDIT PROGRAM COORDINATOR**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 410-2012 authorized a contract with the United Way of Cattaraugus County, for the provision of a volunteer coordinator for the Earned Income Tax Credit program, the term of which expires September 30, 2013, and

WHEREAS, the County Department of Social Services is desirous of providing services of a volunteer coordinator for the Earned Income Tax Credit program, and

WHEREAS, the United Way of Cattaraugus County, 816 West State Street, Olean, New York 14760, can provide a volunteer coordinator for the Earned Income Tax Credit program for an amount not to exceed \$14,000.00, to be paid on a monthly basis, as invoiced, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the United Way of Cattaraugus County, for the provision of the above-described services, for a term commencing October 1, 2013 and terminating September 30, 2014, 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 9 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 378-2013 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATHOLIC CHARITIES OF WESTERN NEW YORK, INC., FOR
DEPARTMENT OF SOCIAL SERVICES KINSHIP PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 337-2012 authorized a contract with Catholic Charities of Western New York, Inc., 520 West State Street, Olean, New York 14760, for the provision of a Kinship Program for grandparents or other relatives who obtain custody of children, the term of which expires August 31, 2013, and

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

WHEREAS, the Kinship Program will serve approximately 55 participants and is for those children who are placed with relatives in lieu of foster care, and

WHEREAS, Catholic Charities of Western New York, Inc., can provide the aforementioned Kinship Program for a total amount not to exceed \$65,000.00, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Catholic Charities of Western New York, Inc., for the provision of the above-described services, for a term commencing September 1, 2013 and terminating September 30, 2014, 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 9 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 379-2013 by Mr. Murphy

**AUTHORIZING THE CHAIR TO EXECUTE LICENSE AGREEMENT
WITH NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION
FOR RED HOUSE "SUMMIT" TOWER AT ALLEGANY STATE PARK**

Pursuant to Section 450 of the County Law.

WHEREAS, the County previously entered into an agreement, with the New York State Office of Parks, Recreation and Historic Preservation, whereby a communications tower known as the "Red House" or "Summit Tower" was constructed for the benefit of both parties for the purpose of facilitating the public safety communications networks of the State Park Police and the County, and

WHEREAS, the County requires new communications equipment to facilitate upgrades to its public safety communications system that will require the construction of a new tower in place of the aforementioned tower, and

WHEREAS, the parties hereto have agreed that the County may remove the current tower and construct, at its own cost, a new tower in place of the aforementioned tower for the mutually beneficial purpose of housing aspects of its public safety communications system, together with the public safety communications equipment of the State Park Police, and

WHEREAS, a License Agreement should be executed with the New York State Office of Parks, Recreation and Historic Preservation 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 License Agreement, on behalf of Cattaraugus County, with the New York State Office of Parks, Recreation and Historic Preservation, for the provision of the above-described services, for a term commencing September 1, 2013 to continue for a period of ten (10) years with three (3) options to renew for a period of five (5) years which shall be deemed to be exercised by the County unless it provides notice otherwise within six (6) months of the expiration of the then existing term, according to the above-described terms.

Approved by 9 members of the Finance Committee and 7 members of the Public Safety Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 380-2013 by Ms. Edstrom and Mrs. Stockman
and Ms. Vickman¹

**APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY
SERVICES BOARD AND CHAUTAUQUA OPPORTUNITIES, INC. FOR
MOBILE CRISIS TEAM AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

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

WHEREAS, since the deinstitutionalization of individuals from long-term psychiatric hospitals into the community, the criminal justice system has been heavily relied upon to manage high risk individuals with a mental illness, and

WHEREAS, in 2012, local police officers responded on their own, without mental health professionals, to the majority of mental health crisis situations in Cattaraugus County and generated 80% of involuntary orders sending mental health patients to the emergency room, and

WHEREAS, Chautauqua Opportunities, Inc., 17 West Courtney Street, Dunkirk, New York 14048, manages a Mobile Crisis Team in Chautauqua County and is willing to contract with Cattaraugus County for the establishment of another Mobile Crisis Team to serve the individuals of Cattaraugus County, and

WHEREAS, the Sheriff's Office and the Department of Community Services are desirous of the Department of Community Services contracting with Chautauqua Opportunities, Inc. for assistance with mobile crisis counseling in an effort to avoid involuntary hospital emergency room admissions, for persons suffering a mental health crisis, on nights, weekends and holidays, and

WHEREAS, Chautauqua Opportunities, Inc. can provide this service beginning November 1, 2013, with start-up activities beginning September 1, 2013, to include advertising, hiring and training, for an amount of \$34,477.00 in 2013 and \$103,412.00 in 2014, to be paid as invoiced, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order 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 Chautauqua Opportunities, Inc. to signify the County's approval, for the provision of the above-described services,

for a term commencing September 1, 2013 and terminating December 31, 2014, according to the above-described terms, and be it further

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

Decrease Appropriation Accounts:

A.432.4322.1770.42018.200	Mental Health Association: Reinvestment	\$ 8,399.00
A.438.4322.1770.42024.200	Directions In Independent Living: Reinvestment	\$ 4,785.00
A.431.4332.2680.85000	Crisis Intervention: Worker's Compensation	\$ 484.00
A.431.4335.2100.41244	Mental Health Clinics: Clinical Director	\$ 484.00
A.431-4360.0000.40205	<i>Commitment for Mentally Ill</i>	\$10,371.00 ²

Increase Estimated Revenue Accounts:

A.431.4332.2680.1620.02	Crisis Intervention: Medicaid Revenue	\$ 7,347.00 ²
A.431.4332.2680.3490.200	Crisis Intervention: OMH, Reinvestment	\$13,184.00

Increase Appropriation Accounts:

A.431.4332.2680.41603	Crisis Intervention: Contracted Services	\$31,386.00
A.431.4335.2100.85000	Mental Health Clinics: Worker's Compensation	\$ 484.00

Decrease Estimated Revenue Accounts:

A.432.4322.1770.3490.200	MHA: State Aid, OMH, Reinvestment	\$ 8,399.00
A.438.4322.1770.3490.200	Dir. Ind. Living: State Aid, OMH, Reinvestment	\$ 4,785.00

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

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

²MS. EDSTROM moved, seconded by Mr. Murphy, to amend as follows: In the second Resolved, under Decrease Appropriation Accounts, add: "A.431.4360.0000.40205 Commitment for Mentally Ill \$10,371.00"; under Increase Estimated Revenue Accounts, delete: "\$932.00", and replace with: "\$7,347.00" and delete: "A.901.0000.0000.2725.1 Tribal Compact Monies Tax Immune Proceeds \$16,786.00". Carried.

Adopted, as amended, August 28, 2013 by voice vote.

ACT NO. 381-2013 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
JEANNINE BROWN MILLER D/B/A JBM CONSULTING FOR
STAFF DEVELOPMENT ASSESSMENT AND CONSULTING SERVICES**

Pursuant to Section 112 of the Social Services Law and
Section 450 of the County Law.

WHEREAS, Act 290-2012 authorized a contract with Jeannine Brown Miller d/b/a JBM Consulting, 744 Curtis Street, Lewiston, New York 14092, for the provision of staff development assessment and consulting services, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned staff development assessment and consulting services, and

WHEREAS, Jeannine Brown Miller d/b/a JBM Consulting can provide staff development assessment and consulting services for an amount of \$20,000.00 to be paid on a monthly basis, as invoiced, and

WHEREAS, this program is 70% federal and 30% 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 Jeannine Brown Miller d/b/a JBM Consulting for the provision of the above-described services, for a term commencing July 1, 2013 and terminating June 30, 2014, 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 9 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 382-2013 by Mr. Hale and Mr. Murphy

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING WITH
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES FOR
ALTERNATIVE TO INCARCERATION PROGRAMS FOR JAIL DIVERSION
AND/OR RE-ENTRY IN NEW YORK STATE**

Pursuant to Section 450 of the County Law.

WHEREAS, funding is available for Alternative to Incarceration (ATI) Programs and Adult Re-Entry Employment Programs currently supported under the Byrne Jag American Recovery and Reinvestment Act, and

WHEREAS, it is necessary to apply to the New York State Division of Criminal Justice Services Grants Management System for the aforementioned ATI Program for Jail Diversion and/or Re-Entry funding, 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 Office of Probation and Correctional Alternatives, in order to apply for the aforementioned grant funding, according to the above-described terms.

Approved by 9 members of the Finance Committee and 7 members of the Public Safety Committee.

Adopted August 28, 2013 by voice vote.

ACT NO. 383-2013 by Mr. Murphy
*and Mrs. Labuhn*¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
COMMUNICATION SERVICES OF WNY & PA, INC. D/B/A EAGLE RADIO TECHNOLOGIES
FOR RED HOUSE "SUMMIT" TOWER AT ALLEGANY STATE PARK**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the County requires new communications equipment to facilitate upgrades to its public safety communications system that will require the construction of a new tower in place of the current tower located at Allegany State Park, known as the "Red House" or "Summit Tower", and

WHEREAS, Communication Services of WNY & PA, Inc., d/b/a Eagle Radio Technologies, 1367 East Second Street, Jamestown, New York 14701, can provide the services necessary to replace the 125 foot tower at Allegany State Park for an amount of \$34,092.00, which includes all foundation work and tower erection, 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 Communication Services of WNY & PA, Inc., d/b/a Eagle Radio Technologies, for the provision of the above-described services, for a term commencing August 29, 2013 and terminating October 31, 2013, according to the above-described terms.

Approved by 9 members of the Finance Committee and 7 members of the Public Safety Committee.

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

Adopted August 28, 2013 by voice vote.

ACT NO. 384-2013 by Mr. Snyder, Sr.

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH WYLIER AND ASSOCIATES FOR
ARCHITECTURAL SERVICES FOR MULTI-USE AGRICULTURAL BUILDING
AND TRANSFER OF FUNDS
(Contingent Fund)**

Pursuant to Sections 363, 365 and 450 of the County Law.

WHEREAS, the County is desirous of obtaining architectural drawings for a multi-use agricultural building to be located in Olean, and

WHEREAS, Wylier and Associates, 3072 Upper Mountain Road, Sanborn, New York 14132, can provide the aforementioned architectural drawings for an amount of \$7,000.00, to be paid as invoiced, and

WHEREAS, the County should designate \$2,280.00 of the appropriated fund balance to cover the cost of the aforementioned services, and

WHEREAS, a transfer of funds is necessary 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 Wylier and Associates, for the provision of the above-described services, for a term commencing August 29, 2013 and terminating September 30, 2013, according to the above-described terms, and be it further

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

Decrease Appropriation Account:

A.901.1990.0000.40601	Contingent Fund	\$4,720.00
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Increase Appropriation Account:

A.901.8750.0000.41213	Engineering Services	\$7,000.00.
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Approved by 9 members of the Finance Committee, 9 members of the Public Works Committee and 7 members of the Development and Agriculture Committee.

MR. SPRAGUE moved, seconded by Mr. Edwards to refer Act No. 384-2013 to the Finance Committee, the Public Works Committee and the Development and Agriculture Committee.

MR. SPRAGUE requested a Roll Call vote on the Motion which disclosed as follows:

Ayes: Boser 1.0267, Edwards 0.9684, Koch 0.8685, Labuhn 0.8685, Lamberson 1.0267, Sprague 1.0230, Stockman 1.0003, Vickman 1.0972, Weller 1.0972, Marsh 1.1278 – 10.1043.

Nays: Edstrom 0.8673, Felton 1.0972, Hale 1.0655, Klancer 1.1005, Murphy 1.1005, Snyder, Sr. 0.8673, Snyder, Jr. 1.0655, Teachman 0.8673, VanRensselaer 1.1278 - 9.1589.

The Motion, having failed to receive a majority vote of the Legislature, was declared Lost.

MR. SPRAGUE requested a Roll Call vote on Act No. 384-2013 which disclosed as follows:

Ayes: Edstrom 0.8673, Felton 1.0972, Hale 1.0655, Klancer 1.1005, Murphy 1.1005, Snyder, Sr. 0.8673, Snyder, Jr. 1.0655, Teachman 0.8673, Marsh 1.1278 - 9.1589.

Nays: Boser 1.0267, Edwards 0.9684, Koch 0.8685, Labuhn 0.8685, Lamberson 1.0267, Sprague 1.0230, Stockman 1.0003, VanRensselaer 1.1278, Vickman 1.0972, Weller 1.0972 – 10.1043.

Act No. 384-2013, having failed to receive the majority vote of the Legislature, was declared Lost.

ACT NO. 385-2013 by Mr. Aiello and Mr. Weller
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH UNION CONCRETE AND CONSTRUCTION CORPORATION
FOR ASHFORD BRIDGE NO. 27 EMERGENCY CONSTRUCTION SERVICES AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works)**

Pursuant to Sections 215, 363, 366 and 450 of the County Law.

WHEREAS, Ashford Bridge No. 27 is in need of emergency repair, and

WHEREAS, Union Concrete and Construction Corporation, P.O. Box 410, 105 Center Road, West Seneca, New York 14224, can provide the necessary emergency construction services for an amount not to exceed \$30,000.00, to be paid as invoiced and approved by the Department of Public Works, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order 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 Union Concrete and Construction Corporation, for the provision of the above-described services, for a term commencing September 2, 2013 and terminating December 31, 2013, according to the above-described terms, and be it further

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

Decrease Appropriation Account:		
H.504.5197.5198.25044.41603	Portville Bridge No. 20	\$30,000.00
Increase Appropriation Account:		
H.504.5197.5198.25078.41603	Ashford Bridge No. 27	\$30,000.00.

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

Adopted August 28, 2013 by voice vote.

ACT NO. 386-2013 by Mr. Aiello, Mr. Felton, Mr. Hale, Mr. Klancer, Mr. Murphy, Mr. Snyder, Sr., Mr. Van Rensselear, Mr. Weller, Mr. Boser and Mr. Koch who ask immediate consideration

CREATING FIVE POSITIONS OF CORRECTION OFFICER IN THE SHERIFF'S DEPARTMENT TO BE FILLED ON A PART-TIME BASIS AND ESTABLISHING COMPENSATION FOR SAME

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

WHEREAS, the Sheriff's Department is in need of expanding its pool of part-time correction officers to reduce the overtime mandate on full-time employees, and

WHEREAS, many of the current part-time correction officers are restricted by local Civil Service rules in the number of hours they can work on an annual basis, and

WHEREAS, the increase in the number and availability of part-time correction officers will help ensure the availability of part-time help at the end of the year, thereby reducing the need of full-time correction officers to work on an overtime basis, and

WHEREAS, the New Position Duties Statement has been submitted to the Cattaraugus County Civil Service Commission, which has approved and certified the title as Correction Officer in accordance with Section 22 of the Civil Service Law, now, therefore, be it

RESOLVED, that effective immediately, there is hereby created five positions of Correction Officer to be filled on a part-time basis and to be compensated at Pay Grade 23 (\$13.03 per hour), Sheriff's Department Employees Unit.

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

Adopted August 28, 2013 by voice vote.

ACT NO. 387-2013 by Mr. Murphy who asks immediate consideration

AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES OFFICE OF PROGRAM DEVELOPMENT & FUNDING FOR 2013 VIDEO RECORDING OF STATEMENTS EQUIPMENT GRANT (District Attorney)

Pursuant to Section 450 of the County Law.

WHEREAS, a one-time grant is available through the New York State Division of Criminal Justice Services, Office of Program Development & Funding for the purchase of video recording equipment for capturing statements to police and/or prosecutors, and

WHEREAS, this program requires the District Attorney to work with all local law enforcement agencies, including the Sheriff's Office, to select the agencies that will receive the video recording equipment and to submit the application on their behalf, and

WHEREAS, this funding can only be used for the purchase and installation of video recording of statements equipment, including upgrades to existing equipment to ensure proper functioning, and cannot be used for construction or renovation of an interview room, and

WHEREAS, this program is 100% state funded, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a grant application, on behalf of Cattaraugus County, with the New York State Division of Criminal Justice Services, Office of Program Development & Funding, in order to apply for the aforementioned funding, for a twelve-month period to start between October 1, 2013 and January 1, 2014, according to the above-described terms.

MR. MURPHY moved, seconded by Mrs. Labuhn to waive Rule 12. Carried.

Adopted August 28, 2013 by voice vote.

ACT NO. 388-2013 by Mr. Aiello and Mr. Weller
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
COMMUNICATION SERVICES OF WNY & PA, INC. D/B/A
EAGLE RADIO TECHNOLOGIES FOR RADIO MAINTENANCE**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 207-2010, as amended, authorized a contract with Communication Services of WNY & PA, Inc., d/b/a Eagle Radio Technologies, for the provision of maintenance of two-way radio communications equipment for the Department of Public Works, Health Department, Office of Emergency Services and Fire Advisory Board systems, the term of which expired June 30, 2013, and

WHEREAS, a contract extension is necessary in order to allow for time to rebid the aforementioned services, which will be done upon completion of system upgrades, and

WHEREAS, Communication Services of WNY & PA, Inc., d/b/a Eagle Radio Technologies, has agreed to extend the term of the aforementioned contract to December 31, 2013, under the same rates, term and conditions, 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 Communication Services of WNY & PA, Inc., d/b/a Eagle Radio Technologies, for the provision of the above-described services, for a term commencing July 1, 2013 and terminating December 31, 2013, according to the above-described terms.

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

Adopted August 28, 2013 by voice vote.

**MOTION TO ADJOURN IN MEMORY OF
THOMAS R. THRASHER**

WHEREAS, Thomas R. Thrasher, 88, of Gowanda, passed away on August 1, 2013 at his home, and

WHEREAS, Mr. Thrasher served on the Cattaraugus County Board of Health from February 1994 until October 2010, and

WHEREAS, Mr. Thrasher also served as supervisor for the Town of Persia for 30 years and was a member of the Gowanda Village Board for 5 years, and

WHEREAS, Mr. Thrasher served his country during World War II as a member of the U.S. Navy, and

WHEREAS, he worked for National Fuel Gas as an administrator retiring after 39 years with the company, and

WHEREAS, Mr. Thrasher was a member of the Gowanda Masonic Lodge, the First Presbyterian Church of Gowanda and was a founding member of Maple Lodge of New Albion, and

WHEREAS, Mr. Thrasher is survived by Mary, his wife of 62 years; one daughter, Mary Jo Sprague of Pittsburgh, Pennsylvania; one son, Dr. James T. Thrasher of Grove City, Pennsylvania; and six grandchildren, and

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

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

RESOLVED, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, until its next meeting, unless specially convened, in memory of Thomas R. Thrasher, and be it further

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

**MOTION TO ADJOURN IN MEMORY OF
THEODORE A. SEARLE, SR.**

WHEREAS, Theodore A. "Ted" Searle, Sr., Esq., 91, of Randolph, passed away on August 11, 2013 at the home of his daughter, and

WHEREAS, Mr. Searle served as a member of the Conewango Watershed Commission and was a past president, and

WHEREAS, Mr. Searle served his country during World War II as a member of the U.S. Army as a communications specialist in the European Theatre, and

WHEREAS, he retired from a successful banking career in 1975 and continued working well into his 80s in his private law practice, and

WHEREAS, Mr. Searle was a member and past president of the New York State Bar Association, a member of Grace Episcopal Church in Randolph serving as Vestry and Senior Warden, a member and past president of the International Brick Collector's Association, a member of Randolph Children's Home (New Directions Youth and Family Services), and was a special friend to the Old Order Amish Sect in Conewango Valley, and

WHEREAS, Mr. Searle is survived by three sons: Theodore A. "Todd" Searle, Jr. of Andover; Tyler D. and John J., both of Randolph; two daughters: Julia S. LeGrant of Marlborough, Connecticut, and Jane S. Cain of Randolph; and 13 grandchildren, and

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

MOVES, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of Theodore A. Searle, Sr., and this Motion be seconded by the rest of the Legislature, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, until its next meeting, unless specially convened, in memory of Theodore A. Searle, Sr., and be it further

RESOLVED, that the Clerk of the Legislature be, and hereby is, directed to forward a certified copy of this Motion to his daughter and caregiver, Jane S. Cain.

MR. TEACHMAN moved, seconded by Mr. Koch to adjourn until September 11, 2013 at 3:00 p.m. Carried.

Meeting adjourned at 4:13 p.m.

Ann M. Giglio
Journal Clerk