



# CATTARAUGUS COUNTY

John R. Searles, County Administrator

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Little Valley, New York 14755

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The Legislature of Cattaraugus County will meet in adjourned session at the County Center, Little Valley, New York, on **Wednesday, March 28, 2012**, for the transaction of such business as may properly come before the meeting.

Contingent Fund Balance: \$412,286

Tobacco Settlement Proceeds to Date: \$16,553,868

- 3:00 p.m.      CALL TO ORDER  
                    ROLL CALL  
                    INVOCATION  
                    MINUTES OF PREVIOUS MEETING  
                    COMMUNICATIONS  
                    PRIVILEGE OF THE FLOOR
- Public Hearing - Act No. 121-2012 entitled "Authorizing Public Hearing on Requests for Inclusion into a Certified Agricultural District of Agricultural Parcels Submitted During the 2012 Thirty-Day Inclusion Period" (*This resolution has been previously adopted and is attached for informational purposes only*)
  - Presentation - Update on 4-H Program
  - Presentation by Joseph Keller, Treasurer - 2011 Year-end Report
- RESOLUTIONS READY FOR ACTION  
UNFINISHED BUSINESS  
RESOLUTIONS - IMMEDIATE CONSIDERATION  
ADJOURNMENT

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**ACT NO.                                      RESOLUTIONS, MOTIONS AND NOTICES READY FOR ACTION**

- 145-12      Mr. Aiello and Mr. Weller  
                    ACCEPTING MATERIAL BIDS FOR ASPHALT CONCRETE, LIQUID BITUMINOUS MATERIALS, MICRO SURFACING, IN-PLACE RECYCLING OF BITUMINOUS PAVEMENT, SURFACE TREATING, PAVER PLACED CHIP SEAL, FIBER REINFORCED BITUMINOUS MEMBRANE SURFACE TREATMENT AND HOT MIX ASPHALT IN-PLACE PAVING PROJECTS (Department of Public Works)  
                    Approved by 8 Finance and 7 Public Works
- 146-12      Mr. Aiello and Mr. Weller  
                    BID ACCEPTANCE FOR CONCRETE PIPE (CLASS III & IV), PLASTIC CORRUGATED DRAINAGE PIPE AND STEEL CORRUGATED PIPE AND PIPE ARCHES (Department of Public Works)  
                    Approved by 8 Finance and 7 Public Works
- 147-12      Mr. Aiello and Mr. Weller  
                    BID ACCEPTANCE FOR ROAD STRIPING (Department of Public Works)  
                    Approved by 8 Finance and 7 Public Works

- 148-12 Mr. Aiello and Mr. Weller  
ACCEPTING MATERIAL BIDS FOR HIGHWAY SIGNS AND SANDBLASTING ABRASIVES  
(Department of Public Works)  
Approved by 8 Finance and 7 Public Works
- 149-12 Mr. Aiello and Mr. Weller  
ACCEPTING MATERIAL BIDS FOR GALVANIZED SQUARE STEEL TUBING FOR SIGN  
POSTS (Department of Public Works)  
Approved by 8 Finance and 7 Public Works
- 150-12 Mr. Aiello and Mr. Weller  
ACCEPTING MATERIAL BIDS FOR HYDRAULIC AND MOTOR OIL  
Approved by 8 Finance and 7 Public Works
- 151-12 Mr. Aiello and Mr. Weller  
REJECTING CERTAIN DEPARTMENT OF PUBLIC WORKS BIDS FOR RADIO  
MAINTENANCE (Department of Public Works)  
Approved by 8 Finance and 7 Public Works
- 152-12 Mr. Aiello and Mr. Weller  
AUTHORIZING THE IMPLEMENTATION AND FUNDING OF FEDERAL AID AND STATE  
MARCHISELLI PROGRAM AID FOR COUNTY ROAD NO. 12 MILL AND OVERLAY  
PROJECT AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Public Works)  
Approved by 8 Finance and 7 Public Works
- 153-12 Mr. Aiello and Mr. Weller  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NYSDOT AND  
AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE IN BRIDGE WASHING  
FEDERAL-AID PROJECT  
Approved by 8 Finance and 7 Public Works
- 154-12 Mr. Aiello and Mr. Weller  
AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH CASELLA  
WASTE MANAGEMENT, NEW ENGLAND WASTE SERVICES OF NY, INC., FOR OUT-OF-  
COUNTY WASTE DISPOSAL SERVICES  
Approved by 8 Finance and 7 Public Works
- 155-12 Mr. Aiello and Mr. Weller  
AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH WCA  
HOSPITAL FOR AUDIOMETRIC TESTING  
Approved by 5 Finance and 7 Public Works
- 156-12 Mr. Aiello and Mr. Weller  
CREATING ONE TEMPORARY POSITION OF CLERK OF THE WORKS IN DEPARTMENT  
OF PUBLIC WORKS FOR FIVE POINTS LANDFILL IMPROVEMENT PROJECT AND  
ESTABLISHING COMPENSATION FOR SAME AND ADJUSTING VARIOUS  
APPROPRIATION ACCOUNTS (Department of Public Works)  
Approved by 8 Finance, 7 Public Works and 5 Labor Relations
- 157-12 Mr. Murphy  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH ALCOHOL MONITORING  
SYSTEMS, INC. FOR MONITORING OF SECURE CONTINUOUS REMOTE ALCOHOL  
MONITOR FOR PROBATION DEPARTMENT  
Approved by 8 Finance and 5 Public Safety

- 158-12 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH BERKSHIRE FARM CENTER & SERVICES FOR YOUTH, INC. FOR DEPARTMENT OF SOCIAL SERVICES FAMILY ASSESSMENT RESPONSE SERVICES FOR CHILD PROTECTION CASES  
Approved by 8 Finance and 7 Human Services
- 159-12 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH CATTARAUGUS COMMUNITY ACTION, INC. FOR DEPARTMENT OF SOCIAL SERVICES FAMILY ASSESSMENT RESPONSE SERVICES  
Approved by 8 Finance and 7 Human Services
- 160-12 Ms. Vickman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH VNS CHOICE FOR LINWOOD ADULT SERVICES REIMBURSEMENT  
Approved by 7 Finance and 6 Senior Services
- 161-12 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH ALLEGANY COUNTY OFFICE FOR THE AGING FOR DEPARTMENT OF HEALTH MOBILE MEALS PROGRAM  
Approved by 8 Finance and 7 Human Services
- 162-12 Mr. Felton and Ms. Vickman  
AUTHORIZING THE CHAIR TO EXECUTE AMENDED LEASE AGREEMENT WITH HEALTHY COMMUNITY ALLIANCE, INC., FOR DEPARTMENT OF AGING SENIOR WELLNESS AND NUTRITION PROGRAM SITES  
Approved by 8 Finance and 6 Senior Services
- 163-12 Mr. Felton and Ms. Vickman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH HEALTHY COMMUNITY ALLIANCE, INC., FOR HEALTH INSURANCE AND LONG-TERM CARE INFORMATION AND COUNSELING  
Approved by 8 Finance and 6 Senior Services
- 164-12 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH NEW YORK STATE CATHOLIC HEALTH PLAN, INC., D/B/A FIDELIS CARE NEW YORK FOR HEALTH DEPARTMENT MEDICAID MANAGED CARE PROVIDER PROGRAM  
Approved by 8 Finance and 7 Human Services
- 165-12 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK STATE DEPARTMENT OF HEALTH FOR IMMUNIZATION CONSORTIUM REIMBURSEMENT  
*Additional sponsor: Mrs. Labuhn*  
Approved by 8 Finance and 7 Human Services
- 166-12 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT AMENDMENT WITH NEW YORK STATE DEPARTMENT OF HEALTH FOR IMMUNIZATION CONSORTIUM REIMBURSEMENT *Additional sponsor: Mrs. Labuhn*  
Approved by 8 Finance and 7 Human Services
- 167-12 Mr. Snyder  
AUTHORIZING THE CHAIR TO EXECUTE AMENDED COOPERATIVE LIQUID ASSETS SECURITIES SYSTEM MUNICIPAL COOPERATION AGREEMENT  
Approved by 8 Finance

- 168-12 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH NEW YORK STATE DEPARTMENT OF HEALTH FOR RABIES PROGRAM REIMBURSEMENT *Additional sponsor: Mrs. Labuhn*  
Approved by 8 Finance and 7 Human Services
- 169-12 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATTARAUGUS REHABILITATION CENTER, INC. FOR OPERATION OF NORTH UNION STREET HOUSE COMMUNITY RESIDENCE  
Approved by 7 Finance and 7 Human Services
- 170-12 Mr. VanRensselaer and Mr. Boser  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH LAURA RYAN TO FACILITATE STRATEGIC PLANNING FOR CATTARAUGUS COUNTY COMPREHENSIVE PLAN  
Approved by 8 Finance and 6 Development & Agriculture
- 171-12 Mr. VanRensselaer and Mr. Boser  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH H. SICHERMAN & COMPANY, INC. FOR GRANT WRITING TECHNICAL ASSISTANCE  
Approved by 8 Finance and 6 Development & Agriculture
- 172-12 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH PORTVILLE CENTRAL SCHOOL DISTRICT FOR AMERICORPS START PROGRAM *Additional sponsors: Mrs. Labuhn and Mr. Padlo*  
Approved by 8 Finance and 7 Human Services
- 173-12 Mr. Felton and Ms. Vickman  
AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH LEGAL SERVICES FOR THE ELDERLY, DISABLED OR DISADVANTAGED OF WESTERN NEW YORK, INC. FOR LEGAL SERVICES FOR ELDERLY RESIDENTS OF CATTARAUGUS COUNTY *Additional sponsor: Ms. Edstrom*  
Approved by 8 Finance and 6 Senior Services
- 174-12 Mr. Felton and Ms. Vickman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH HEALTHY COMMUNITY ALLIANCE, INC. FOR MANAGEMENT OF DEPARTMENT OF AGING SENIOR WELLNESS AND NUTRITION PROGRAM SITE  
Approved by 8 Finance and 6 Senior Services
- 175-12 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH SOUTHERN TIER ENVIRONMENTS FOR LIVING, INC. FOR SOCIAL WORKER/MENTAL HEALTH THERAPIST FOR DEPARTMENT OF COMMUNITY SERVICES PROS PROGRAM AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS (Department of Community Services)  
Approved by 8 Finance and 7 Human Services
- 176-12 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH GUSTAVUS ADOLPHUS CHILD AND FAMILY SERVICES, INC. FOR SKILL BUILDING AND RESPITE SERVICES FOR DEPARTMENT OF COMMUNITY SERVICES CHILD/ADOLESCENT CLIENTS  
**AMENDED: in the 1<sup>st</sup> Resolved, delete "March 28", replace with "January 1"**  
Approved by 8 Finance and 7 Human Services

- 177-12 Ms. Edstrom and Mrs. Stockman  
 AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH  
 CATTARAUGUS REHABILITATION CENTER, INC. FOR DEPARTMENT OF COMMUNITY  
 SERVICES RESPITE SERVICES  
 Approved by 7 Finance and 7 Human Services
- 178-12 Ms. Edstrom and Mrs. Stockman  
 AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH NEW  
 DIRECTIONS YOUTH & FAMILY SERVICES, INC. FOR RESPITE/CASE MANAGEMENT  
 SERVICES  
 Approved by 8 Finance and 7 Human Services
- 179-12 Ms. Edstrom and Mrs. Stockman  
 AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH NEW YORK  
 STATE CONFERENCE OF LOCAL MENTAL HYGIENE DIRECTORS FOR ENHANCEMENT  
 OF SYSTEMS OF CARE FOR CATTARAUGUS COUNTY RESIDENTS  
 Approved by 8 Finance and 7 Human Services
- 180-12 Ms. Edstrom and Mrs. Stockman  
 AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH OLEAN  
 CHILD DAY CARE CENTER, INC. FOR DAY CARE SERVICES FOR DEPARTMENT OF  
 COMMUNITY SERVICES PROS CLIENTS *Additional sponsor: Mr. Padlo*  
 Approved by 8 Finance and 7 Human Services
- 181-12 Ms. Edstrom and Mrs. Stockman  
 AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK STATE  
 INDUSTRIES FOR THE DISABLED, INC. FOR JANITORIAL SERVICES FOR DEPARTMENT  
 OF COMMUNITY SERVICES PROS AND CASE MANAGEMENT OFFICES AND ADJUSTING  
 VARIOUS APPROPRIATION ACCOUNTS (Department of Community Services)  
 Approved by 7 Finance and 7 Human Services
- 182-12 Ms. Edstrom and Mrs. Stockman  
 AUTHORIZING THE CHAIR TO EXECUTE AMENDED LEASE AGREEMENT WITH PARK  
 CENTRE DEVELOPMENT, INC. FOR DEPARTMENT OF COMMUNITY SERVICES  
 FOUNDATIONS FOR CHANGE (PROS) FACILITY  
 Approved by 8 Finance and 7 Human Services
- 183-12 Mr. Felton and Ms. Vickman  
 AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH THE  
 REHABILITATION CENTER, INC. FOR MANAGEMENT AND OPERATION OF LINWOOD  
 CENTER ADULT DAY SERVICES  
 Approved by 8 Finance and 6 Senior Services
- 184-12 Senior Services Committee: Ms. Vickman, Mr. Felton, Ms. Edstrom, Mr. Hale, Mr. Snyder, Jr.,  
 Mr. Koch and Mrs. Labuhn  
 APPOINTMENT OF DIRECTOR, DEPARTMENT OF AGING *Additional sponsors: Ms.  
 Vickman and Mr. Boser*  
**AMENDED: in the 1<sup>st</sup> Resolved, delete "1,153.85", replace with "\$2,309.67"**  
 Approved by 8 Finance and 5 Labor Relations

**AUTHORIZING PUBLIC HEARING ON REQUESTS FOR INCLUSION  
INTO A CERTIFIED AGRICULTURAL DISTRICT OF AGRICULTURAL PARCELS  
SUBMITTED DURING THE 2012 THIRTY-DAY INCLUSION PERIOD**

Pursuant to Section 303-b of the Agriculture and Markets Law.

I. WHEREAS, Section 303-b of the New York State Agriculture and Markets Law requires counties with state certified agricultural districts to designate an annual thirty-day period to allow a landowner to submit a request for inclusion of his or her land, which is predominantly viable agricultural land, into a certified agricultural district, and

II. WHEREAS, the Cattaraugus County Legislature has received the recommendation of the Agricultural and Farmland Protection Board to include those parcels requesting inclusion into the appropriate agricultural district, and

III. WHEREAS, the inclusion of these parcels would serve the public interest by assisting in maintaining a viable agricultural industry within each applicable district, and

IV. WHEREAS, parcels requesting inclusion are located in the existing Northwest, South Branch, and Southeast and Central Agricultural Districts, and the Towns of Dayton (Tax Map No. 25.002-1-23.3), New Albion (Tax Map No. 44.003-2-28.1) and Portville (Tax Map No. 113.002-2-18), and

V. WHEREAS, a public hearing is necessary on the inclusion of the aforementioned parcels, now, therefore, be it

I. RESOLVED, that the Cattaraugus County Legislature hereby authorizes a public hearing on the inclusion into a certified agricultural district of agricultural parcels submitted during the 2012 thirty-day inclusion period, to be held at the Cattaraugus County Legislature's Chambers, 303 Court Street, Little Valley, New York, on the 28th day of March, 2012 at 3:01 p.m., and be it further

II. RESOLVED, that the notice of hearing be published in the area newspapers and mailed to the land owners requesting inclusion, to the Towns of Dayton, New Albion and Portville, and to the Commissioner of the New York State Department of Agriculture & Markets.

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH GUSTAVUS ADOLPHUS CHILD AND FAMILY SERVICES, INC. FOR SKILL BUILDING AND RESPITE SERVICES FOR DEPARTMENT OF COMMUNITY SERVICES CHILD/ADOLESCENT CLIENTS**

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

I. WHEREAS, Act 291-2011 authorized a contract with Gustavus Adolphus Child and Family Services, Inc., for the provision of skill-building services and respite services for Department of Community Services child/adolescent clients, the term of which expired December 31, 2011, and

II. WHEREAS, the County Department of Community Services is desirous of renewing the aforementioned contract, and

III. WHEREAS, Gustavus Adolphus Child and Family Services, Inc., 1293 Union Road, West Seneca, New York 14224, can provide the aforementioned skill-building and respite services for children and adolescent clients for a total contract amount not to exceed \$44,771.00, to be paid on a monthly basis in accordance with the following breakdown, as invoiced:

Skill Building Services \$15.00 per 15 minute increment  
(not to exceed \$20,000.00)

Respite Services <6 hours - \$9.75 per 15 minute increment  
(not to exceed \$24,771.00) 6-24 hours - \$235 per occasion,

and

IV. WHEREAS, sufficient funds are included in the 2012 budget to cover the costs of the aforementioned services, now, therefore, be it

I. 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 Gustavus Adolphus Child and Family Services, Inc., for the provision of the above-described services, for a term commencing ~~March 28~~ **January 1**, 2012 and terminating December 31, 2012, according to the above-described terms, and be it further

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

III. 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

IV. 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.

by Senior Services Committee:  
Ms. Vickman, Mr. Felton, Ms. Edstrom, Mr. Hale,  
Mr. Snyder, Jr., Mr. Koch and Mrs. Labuhn  
*and Ms. Vickman and Mr. Boser*

**APPOINTMENT OF DIRECTOR, DEPARTMENT OF AGING**

Pursuant to Sections 204 and 205 of the County Law.

I. RESOLVED, that Catherine M. Mackay, 14 Stevens Avenue, Cuba, New York 14727, be, and hereby is, appointed Director, Department of Aging for a term commencing April 1, 2012 and terminating March 31, 2016 at a bi-weekly salary of ~~\$1,153.85~~ **\$2,309.67** (\$60,000.00 annually), and at any salary as may hereinafter be established.