

November 10, 2015

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

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed all Legislators present.

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MS. EDSTROM moved, seconded by Mr. Teachman that the minutes of the October 28, 2015 session be approved. Carried.

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APPOINTMENTS:

PLANNING BOARD

Term to expire July 31, 2018

John J. Sayegh
3402 Fortune Drive
Allegany, New York 14706,
to fill the unexpired term of Ann Padlo, who resigned.

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PRIVILEGE OF THE FLOOR:

Chairman Marsh granted Privilege of the Floor to Crystal Abers, Director of the Department of Economic Development, Planning and Tourism who introduced Jacquie Gardner, Tourism Assistant, and Sue Cross, Historian. They provided information regarding New York State History Month and spoke about the *Historic Path of Cattaraugus County*, which is found on the County website under History. The *Historic Path of Cattaraugus County* website has interactive features which attracts more visitors and makes the history more interesting. Geocache has been a huge success and plans are underway to continue with it. Historic markers are also being placed throughout the County to assist visitors.

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ACT NO. 519-2015 by Mr. Weller and Mr. Koch

**BID ACCEPTANCE FOR TREE REMOVAL & STUMP GRINDING
(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 tree removal & stump grinding for the Department of Public Works, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest acceptable bids for the tree removal, stump grinding and limbing in the four quadrants of the County are Ray N. Fisher, d/b/a Good Neighbor Services, 9276 Dake Hill Road, Cattaraugus, New York 14719, as follows:

<u>Tree Removal (Per Diameter Inch)</u>	<u>Quadrant</u>	<u>Rate</u>
<u>Schedule A</u>		
Provide ALL equipment and personnel necessary to complete contract specifications. Minimum requirements for equipment shall include a stump grinder, tractor loader, large dump truck for hauling wood, utility truck, chipper, truck with enclosed chipper box, a 50' high platform hydraulic aerial device, saws, adequate ropes and pulleys, and other related equipment, as well as traffic control.	¹ SE	\$ 32.50
	SW	\$ 31.00
<u>Schedule B</u>		
The same as Schedule A except the County will provide traffic control.	NE	\$ 28.00
	NW	\$ 26.00
	SE	\$ 29.00
	SW	\$ 28.00
<u>Schedule C</u>		
The same as Schedule A except all wood greater than four (4) inches in diameter will be left on site, in a safe area off the shoulder of the road for the County to dispose. The successful bidder shall remove all wood and debris smaller than 4 inches in diameter. Required equipment will not be as extensive as listed in Schedule A above.	NE	\$ 26.00
	NW	\$ 25.00
	SE	\$ 29.00
	SW	\$ 28.00
<u>Schedule D</u>		
The same as Schedule C except the County will provide traffic control.	NE	\$ 24.00
	NW	\$ 22.00
	SE	\$ 27.50
	SW	\$ 23.00
<u>Stump Grinding (Per Diameter Inch)</u>		
<u>Schedule A</u>		
Same As Schedule "A" Above	SE	\$ 6.50
	SW	\$ 6.00
<u>Schedule B</u>		
Same As Schedule "B" Above	SE	\$ 6.50
	SW	\$ 6.00
<u>Limbing- Per Hour Award based on 8 hour day – 1st hour plus 14 half hours</u>	NE	\$195.00
To include mobilization, a 50' bucket truck, operator/sawer, and one groundsperson. County will provide cleanup, disposal of wood & debris, and traffic control.	NW	\$175.00
	SE	\$195.00
	SW	\$185.00
<u>Limbing- After First Hour</u>		
This is a " <u>Per Half Hour</u> " rate.	NE	\$ 95.00
	NW	\$ 85.00
	SE	\$ 95.00
	SW	\$ 92.00
<u>Limbing- Per Hour Award based on 8 hour day – 1st hour plus 14 half hours</u>	NE	\$1,525.00
	NW	\$1,365.00
	SE	\$1,525.00
	SW	\$1,473.00

and

WHEREAS, the lowest acceptable bids for the stump grinding in two quadrants of the County are Modern Tree Service, 7858 Boston Colden Road, Boston, New York 14025, as follows:

Tree Removal (Per Diameter Inch)**Schedule A**

Provide ALL equipment and personnel necessary to complete contract specifications. Minimum requirements for equipment shall include a stump grinder, tractor loader, large dump truck for hauling wood, utility truck, chipper, truck with enclosed chipper box, a 50' high platform hydraulic aerial device, saws, adequate ropes and pulleys, and other related equipment, as well as traffic control.¹

Quadrant**Rate**

NE

\$ 30.85

NW

\$ 30.85

Stump Grinding (Per Diameter Inch)**Schedule A**

Provide ALL equipment and personnel necessary to complete contract specifications. Minimum requirements for equipment shall include a stump grinder, tractor loader, large dump truck for hauling wood, utility truck, chipper, truck with enclosed chipper box, a 50' high platform hydraulic aerial device, saws, adequate ropes and pulleys, and other related equipment, as well as traffic control.

NE

\$ 5.25

NW

\$ 5.25

Schedule B

The same as Schedule A except the County will provide traffic control.

NE

\$ 5.25

NW

\$ 5.25

now, therefore, be it

RESOLVED, that the bids of Ray N. Fisher d/b/a Good Neighbor Services and Modern Tree Service be, and the same hereby are, accepted, for a term commencing January 1, 2016 and terminating December 31, 2016, and be it further

RESOLVED, that the acceptance of the aforementioned bids are contingent upon and subject to the inclusion in the 2016 budget of sufficient funds to cover the costs of the aforementioned services, 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.

12 sets of specifications were sent out.

3 bids were received which meet specifications.

Approved by 8 members of the Finance Committee and 9 members of the Public Works Committee.

¹MR. WELLER moved, seconded by Mr. Teachman to amend as follows: In the 2nd Whereas under Tree Removal – Schedule A section, under the Quadrant column and the Rate column, delete: “NE” and “NW” and “\$31.00” and “\$31.00” respectively; and In the 3rd Whereas, add the following section:

“Tree Removal (Per Diameter Inch)**Schedule A**

Provide ALL equipment and personnel necessary to complete contract specifications. Minimum requirements for equipment shall include a stump grinder, tractor loader, large dump truck for hauling wood, utility truck, chipper, truck with enclosed chipper box, a 50' high platform hydraulic aerial device, saws, adequate ropes and pulleys, and other related equipment, as well as traffic control.”

Quadrant**Rate**

NE

\$ 30.85

NW

\$ 30.85

Adopted, as amended, November 10, 2015 by voice vote.

ACT NO. 520-2015 by Mr. Weller and Mr. Koch

**BID ACCEPTANCE FOR PAPER PRODUCTS
(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 paper products, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications for certain paper products was submitted by Central Poly Corp., 2400 Bedle Place, Linden, New Jersey 07036, for the term January 1, 2016 through December 31, 2016, as follows:

Price per case of Recycled paper (greater than 40%)

Bleached Roll Towels (Marcal 6350): \$0.01041 per square foot
Size 11" x 9" (30 rolls per case),

and

WHEREAS, the lowest responsible bid received meeting specifications for certain paper products was submitted by XPEDX, LLC – a Veritiv Company, 3344 Walden Avenue, Depew, New York 14043, for the term January 1, 2016 through December 31, 2016, as follows:

Price per case of Recycled paper (greater than 40%) \$0.0066 per sheet

Bleached C-Folded Hand Towels (Kimberly Clark Scottfold 01980):
Size – 9.4" x 12.4" (4375 sheets per case)

Price per case of Recycled paper (greater than 40%)

Bleached Roll Toilet Tissue (Reliable V00357): \$0.00782 per square foot
Size – 4.5" x 4.5" (80 rolls per case),

now, therefore, be it

RESOLVED, that the bids of Central Poly Corp. and XPEDX, LLC, be, and the same hereby are, accepted, contingent upon and subject to the inclusion in the 2016 budget of sufficient funds to cover the costs of the aforementioned paper products, and be it further

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

No State bid for these items.

16 sets of specifications were sent out.

3 bids were received.

Approved by 8 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 521-2015 by Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
T.Y. LIN INTERNATIONAL FOR
DAM HYDRAULIC CALCULATIONS FOR
CATTARAUGUS COUNTY CLASS C AND B DAMS**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 311-2013, as amended by Acts 262-2014 and 625-2014, authorized a contract with T.Y. Lin International, 220 Red Tail, Suite 10, Orchard Park, New York 14127, for the provision of engineering services for dam hydraulic calculations for Class C and B dams in Cattaraugus County, the term of which expires December 31, 2015, and

WHEREAS, it is necessary to extend the term of the aforementioned contract to June 30, 2016 in order to allow for more time to complete the aforementioned dam hydraulic calculations, at no additional 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 extension, on behalf of Cattaraugus County, with T.Y. Lin International, for the provision of the above-described services, to extend the term of the original contract to June 30, 2016, according to the above-described terms.

Approved by 8 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 522-2015 by Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
T.Y. LIN INTERNATIONAL FOR
ENGINEERING ASSESSMENT REPORTS FOR
CATTARAUGUS COUNTY CLASS B DAMS**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 310-2013, as amended by Acts 263-2014 and 621-2014, authorized a contract with T.Y. Lin International, 220 Red Tail, Suite 10, Orchard Park, New York 14127, for the provision of engineering assessment services for three (3) Class B dams in Cattaraugus County, the term of which expires December 31, 2015, and

WHEREAS, the County Department of Public Works is desirous of extending the term of the aforementioned contract to June 30, 2016, in order to allow for more time to complete the aforementioned engineering assessment reports, at no additional cost to the County, and

WHEREAS, T.Y. Lin International has agreed to complete the aforementioned services by June 30, 2016, 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 T.Y. Lin International, for the

provision of the above-described services, to extend the term of the original contract to June 30, 2016, according to the above-described terms.

Approved by 8 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 523-2015 by Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE NO-COST TIME EXTENSION WITH
NYSDOT FOR COUNTY ROAD NO. 57 AND
BENTLEY ROAD INTERSECTION IMPROVEMENT PROJECT**

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

WHEREAS, Act 66-2009, as amended by Acts 740-2010 and 549-2013, authorized a contract with the New York State Department of Transportation (NYSDOT) for the intersection improvement project of County Road No. 57 and Bentley Road in the Town of Dayton, Cattaraugus County, PIN 5759.09 (the "Project"), the term of which expired December 31, 2014, and

WHEREAS, the aforementioned project and its Preliminary Engineering (Design I-VI) Phases were delayed and are currently scheduled to be completed in 2016, and

WHEREAS, a no-cost time extension is needed to extend the term of Federal Aid Project Agreement No. D032188 to December 31, 2016, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a no-cost time extension, on behalf of Cattaraugus County, with the NYSDOT, in order to extend the term of the aforementioned contract to December 31, 2016, according to the above-described terms.

Approved by 8 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 524-2015 by Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE NO-COST TIME EXTENSION WITH
NYSDOT FOR GREAT VALLEY BRIDGE NO. 9
(Martin Road Bridge over Forks Creek)**

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

WHEREAS, Act 422-2008, as amended by Act 428-2012, authorized a contract with the New York State Department of Transportation (NYSDOT) for the replacement of Great Valley Bridge No. 9 (Martin Road Bridge over Forks Creek), BIN 3-32173-0, in the Town of Great Valley, Cattaraugus County, PIN 5758.47 (the "Project"), the term of which expired December 31, 2014, and

WHEREAS, the aforementioned project and its Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals Phases were delayed and are currently scheduled to be completed in 2016, and

WHEREAS, a no-cost time extension is needed to extend the term of Federal Aid Project Agreement No. D031711 to December 31, 2016, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a no-cost time extension, on behalf of Cattaraugus County, with the NYSDOT, in order to extend the term of the aforementioned contract to December 31, 2016, according to the above-described terms.

Approved by 8 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 525-2015 by Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
BERGMANN ASSOCIATES, P.C. FOR ENGINEERING DESIGN SERVICES FOR
GREAT VALLEY BRIDGE NO. 9 FEDERAL-AID REPLACEMENT PROJECT**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 569-2009, as amended by Acts 623-2010, 509-2011, 550-2013 and 630-2014, authorized a contract with Bergmann Associates, P.C., 200 First Federal Plaza, 28 East Main Street, Rochester, New York 14614, for the provision of engineering design services for the Great Valley Bridge No. 9 Federal Aid Replacement Project, the term of which expires December 31, 2015, and

WHEREAS, the County Department of Public Works is desirous of extending the term of the aforementioned contract to December 31, 2016, in order to allow for more time to complete the project, at no additional cost to the County, and

WHEREAS, Bergmann Associates, P.C. has agreed to complete the aforementioned project by December 31, 2016, 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 Bergmann Associates, P.C., for the provision of the above-described services, to extend the term of the original contract, which commenced October 20, 2009, to terminate December 31, 2016, according to the above-described terms.

Approved by 8 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 526-2015 by Mr. Klancer, Mr. Murphy, Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 2 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 \$100,000.00 is hereby appropriated in addition to \$903,700.00, previously appropriated for the Project's Preliminary Engineering, Right-of-Way Incidentals, and Construction & Construction Inspection phases via County Resolution No. 420-2008 adopted on August 27, 2008, and County Resolution No. 347-2013 adopted on August 28, 2013, 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 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 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 Account:

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

H.504.5197.5195.25025.41603	Leon Bridge No. 18	\$80,000.00.
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Approved by 8 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 527-2015 by Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
E & M ENGINEERS AND SURVEYORS, P.C. FOR
BRIDGE AND MISCELLANEOUS ENGINEERING SERVICES**

Pursuant to Section 131-b of the Highway Law and
Section 450 of the County Law.

WHEREAS, Act 27-2014 authorized a contract with E & M Engineers and Surveyors, P.C., 24 Derrick Road, Bradford, Pennsylvania 16701, for the provision of survey tasks and load rating analysis of assigned bridge structures, the term of which expires December 31, 2015, and

WHEREAS, the New York State Department of Transportation (NYSDOT) prepares rating screen listings which require the owner to arrange for Level I Load Ratings which are then used to confirm the need for posting and determine a posting value, and

WHEREAS, NYSDOT requires that localities have New York State licensed professional engineers certify and provide acceptable documentation that each bridge on the rating screen listing is operating at a safe load level, and

WHEREAS, the Department of Public Works has a need for the review and certification of parcel maps prepared by its engineering division by a licensed professional surveyor, and

WHEREAS, E & M Engineers and Surveyors, P.C. has submitted a proposal for the continuation of the load rating analysis of the assigned bridge structures and to perform the aforementioned survey services, at a cost not to exceed \$10,000.00 per year on an as-needed basis, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, contingent upon and subject to the inclusion in the 2016 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with E & M Engineers and Surveyors, P.C., for the provision of the above-described services, for a term commencing January 1, 2016 and terminating December 31, 2017, according to the above-described terms.

Approved by 8 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 528-2015 by Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
DATAVAL, INC. FOR WATER MONITORING DATA VALIDATION SERVICES
AT FARWELL AND FIVE POINTS LANDFILLS**

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

WHEREAS, Act 59-2012 authorized a contract with Dataval, Inc., 201 West Genesee Street, PMB 273, Fayetteville, New York 13066, for the provision of water monitoring data validation services for the Farwell (Town of Ischua) and Five Points (Town of Mansfield) Landfills, the term of which expires December 31, 2015, and

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

WHEREAS, the County Department of Public Works is desirous of continuing the aforementioned water monitoring data validation services until the New York State Department of Environmental Conservation has formulated the new sampling schedule, and

WHEREAS, Dataval, Inc., shall continue the provision of the aforementioned water monitoring data validation services for the Farwell and Five Points Landfills in accordance with the following rate schedule:

2016	Five Points	\$ 608.00	
	Farwell	<u>\$1,497.00</u>	\$2,105.00
2017	Five Points	\$ 608.00	
	Farwell	<u>\$1,161.00</u>	\$1,769.00
2018	Five Points	\$ 608.00	
	Farwell	<u>\$1,161.00</u>	\$1,769.00
2019	Five Points	\$ 608.00	
	Farwell	<u>\$1,497.00</u>	\$2,105.00,

now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, contingent upon and subject to the inclusion in the 2016 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with Dataval, Inc., for the provision of the above-described services, for a term commencing January 1, 2016 and terminating December 31, 2017, with the County's sole option to renew for two additional one-year periods at the rates listed above, according to the above-described terms.

Approved by 8 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 529-2015 by Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
THE HEARING ADVANTAGE FOR ON-SITE AUDIOMETRIC TESTING
FOR EMPLOYEES AND POLICE OFFICERS**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 143-2015, as amended by Act 220-2015, authorized a contract with WCA Hospital for the provision of audiometric examinations, monitoring and training services for certain County employees and medical examinations on prospective Police Officers and Deputy Sheriffs, the term of which expires December 31, 2015, and

WHEREAS, the Department of Human Resources is desirous of obtaining on-site audiometric examinations, and

WHEREAS, The Hearing Advantage, 103 Niagara Street, Tonawanda, New York 14150, has agreed to provide the aforementioned examination services, in accordance with the following:

On-Site Industrial Hearing Evaluations for 140 employees	\$1,613.00 (one day) per year
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Charge for Each Additional Day Needed On-Site	\$400.00
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Charge for Each Person Over 140 employees	\$7.95 per person
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*Additional Charge: A fuel surcharge may be charged when the price of gasoline becomes more than \$1.00/gallon higher than \$2.329/gallon (based on current benchmark),
now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, contingent upon and subject to the inclusion in the 2016 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with The Hearing Advantage, for the provision of on-site audiometric examinations, for a term commencing January 1, 2016 and terminating December 31, 2019, according to the above-described terms.

Approved by 8 members of the Finance Committee, 9 members of the Public Works Committee, 7 members of the Public Safety Committee and 5 members of the Labor Relations Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 530-2015 by Mr. Murphy

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CH2M HILL BWXT WEST VALLEY, LLC FOR
ON-SITE SECURITY LAW ENFORCEMENT SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 550-2014 authorized a contract with CH2M Hill BWXT West Valley, LLC, 10282 Rock Springs Road, West Valley, New York 14171-9799, for the provision of on-site security law enforcement services for its facility and surrounding areas, the term of which expired September 30, 2015, and

WHEREAS, CH2M Hill BWXT West Valley, LLC, is desirous of renewing the aforementioned contract, and

WHEREAS, the Cattaraugus County Sheriff's Office can provide the aforementioned on-site security law enforcement services for an amount based on actual costs, which are estimated to be \$330,734.00, 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 CH2M Hill BWXT West Valley, LLC, for the provision of the above-described security law enforcement services, for a term commencing October 1, 2015 and terminating September 30, 2016, according to the above-described terms.

Approved by 8 members of the Finance Committee and 9 members of the Public Safety Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 531-2015 by Public Safety Committee:
Mr. Murphy, Mr. Hale, Mr. Felton, Mr. Snyder, Sr.,
Mr. VanRensselaer, Mr. Weller and Mr. Koch
and Mr. Edwards and Mr. Lamberson

**ABOLISHING ONE FULL-TIME POSITION OF DEPUTY SHERIFF SERGEANT AND
CREATING ONE FULL-TIME POSITION OF DEPUTY SHERIFF LIEUTENANT,
ESTABLISHING COMPENSATION FOR THE SAME AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Sheriff's Office)**

Pursuant to Sections 204, 205, 363 and 366 of the County Law and
Section 22 of the Civil Service Law.

WHEREAS, in order to continue certain special safety operations in the Sheriff's Office, it is necessary to establish a lieutenant's position to oversee this division, and

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

WHEREAS, various appropriation accounts must be adjusted in the 2015 budget for this position, now, therefore, be it

RESOLVED, that effective immediately, there is hereby abolished one (1) full-time position of Deputy Sheriff Sergeant in the Sheriff's Office, Position No. 311-099-010, and be it further

RESOLVED, that effective immediately, there is hereby created one (1) position of Deputy Sheriff Lieutenant in the Sheriff's Office to be filled on a full-time basis, Deputy Sheriff's Supervisory Union Salary Schedule, Pay Grade 26 (\$26.43 - \$29.93 per hour), Position No. 311-098-004, and be it further

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

Decrease Appropriation Account:

A.311.3115.0000.13000	Overtime	\$385.00
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Increase Appropriation Account:

A.311.3115.0000.11000	Full Time Wages	\$385.00.
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Approved by 8 members of the Finance Committee and 5 members of the Labor Relations Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 532-2015 by Mr. Teachman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
DRESCHER & MALECKI, LLP FOR AUDITING SERVICES**

Pursuant to Sections 210 and 450 of the County Law.

WHEREAS, Act 528-2012 authorized a contract with the firm of Drescher & Malecki, LLP, for the provision of certain auditing services for Cattaraugus County for fiscal years 2012, 2013 and 2014, the term of which expires December 31, 2015, and

WHEREAS, the County Treasurer is desirous of contracting with Drescher & Malecki to provide the aforementioned services in 2016, 2017, 2018 and 2019, and

WHEREAS, the firm of Drescher & Malecki, LLP, 3083 William Street, Suite 5, Cheektowaga, New York 14227, can provide audit services for the County for an amount not to exceed as follows:

Fiscal year ending December 31, 2015	\$52,786.00
Fiscal year ending December 31, 2016	\$53,786.00
Fiscal year ending December 31, 2017	\$54,786.00
Fiscal year ending December 31, 2018	\$55,786.00,

with the County's option to renew for the years 2020 and 2021 at an amount not to exceed \$55,786.00 each year, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, contingent upon and subject to the inclusion in the 2016 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with the firm of Drescher & Malecki, LLP, for the provision of the above-described auditing services, for a term commencing January 1, 2016 and terminating December 31, 2019, with the option at the County's discretion to renew for an additional two years, according to the above-described terms.

Approved by 8 members of the Finance Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 533-2015 by Mr. Teachman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
DRESCHER & MALECKI, LLP FOR AUDITING SERVICES
FOR DEFERRED COMPENSATION PLAN**

Pursuant to Sections 210 and 450 of the County Law.

WHEREAS, Act 528-2012 authorized a contract with the firm of Drescher & Malecki, LLP, for the provision of certain auditing services for Cattaraugus County for fiscal years 2012, 2013 and 2014, the term of which expires December 31, 2015, and

WHEREAS, the County Treasurer is desirous of contracting with Drescher & Malecki to provide auditing of the financial statements for the Deferred Compensation Plan in 2016, 2017, 2018 and 2019, and

WHEREAS, the firm of Drescher & Malecki, LLP, 3083 William Street, Suite 5, Cheektowaga, New York 14227, can provide the aforementioned auditing services for the County for an amount not to exceed as follows:

Fiscal year ending December 31, 2015	\$4,200.00
Fiscal year ending December 31, 2016	\$4,200.00
Fiscal year ending December 31, 2017	\$4,200.00
Fiscal year ending December 31, 2018	\$4,200.00,

now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, contingent upon and subject to the inclusion in the 2016 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with the firm of Drescher & Malecki, LLP, for the provision of the above-described auditing services, for a term commencing January 1, 2016 and terminating December 31, 2019, according to the above-described terms.

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

Adopted November 10, 2015 by voice vote.

ACT NO. 534-2015 by Mr. Teachman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
SYSTEMS EAST, INC. FOR
APPLICATION SOFTWARE AND SUPPORT SERVICES FOR
REAL PROPERTY TAX MANAGEMENT**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 478-2014 authorized a contract with Systems East, Inc., 6 Locust Avenue, Cortland, New York 13045, for the provision of application maintenance and support services for the Total Collection Solution (TCS.web) for an amount of \$21,576.00, the term of which expires December 31, 2015, and

WHEREAS, the Treasurer's Office is desirous of continuing annual application maintenance and support services, and

WHEREAS, Systems East, Inc., can provide application maintenance and support services for an amount of \$1,823.00 per month for a total contract amount of \$21,876.00, for the period January 1, 2016 through December 31, 2016, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, contingent upon and subject to inclusion in the 2016 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with Systems East,

Inc., for the provision of the above-described application maintenance and support services, for a term commencing January 1, 2016 and terminating December 31, 2016, according to the above-described terms.

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

Adopted November 10, 2015 by voice vote.

ACT NO. 535-2015 by Mr. Edwards

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
SOUND ACTUARIAL CONSULTING, LLC FOR
WORKERS' COMPENSATION ACTUARIAL CONSULTING SERVICES**

Pursuant to Section 64 of the Workers' Compensation Law
and Section 450 of the County Law.

WHEREAS, Act 71-2015 authorized a contract with Sound Actuarial Consulting, LLC, 403 East Main Street, Port Jefferson Village, New York 11777, for the provision of actuarial services for the County's self-insurance workers' compensation program, the term of which expires December 31, 2015, and

WHEREAS, the County is desirous of renewing the aforementioned contract, and

WHEREAS, Sound Actuarial Consulting, LLC, has agreed to provide the aforementioned actuarial services for an amount of \$15,600.00, which is a 2% increase over 2015 costs, now, therefore, be it

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

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

Adopted November 10, 2015 by voice vote.

ACT NO. 536-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CHAUTAUQUA COUNTY FOR HEALTH DEPARTMENT
LEAD RISK ASSESSMENT SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 577-2014 authorized a contract with Chautauqua County, County Office Building, 3 North Erie Street, Mayville, New York 14757, for the provision of lead risk assessment services, the term of which expires December 31, 2015, and

WHEREAS, the County Health Department is responsible for investigating possible lead poisoning situations, and

WHEREAS, Chautauqua County has equipment and personnel trained for the provision of lead risk assessment services, and

WHEREAS, the County Health Department is desirous of contracting with Chautauqua County for the provision of the aforementioned services, and

WHEREAS, Chautauqua County can perform the aforementioned lead risk assessment services, on an as-needed basis, for an amount of \$30.00 per hour plus work-related mileage at the prevailing IRS rate, not to exceed a total contact amount of \$3,000.00, to be paid as invoiced, and

WHEREAS, the County shall also reimburse Chautauqua County a maximum amount of \$10.00 (including tip) for meals and shipping or analytical fees associated with any required dust wipe, soil or water samples, and

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

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

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

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

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

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 537-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
TOTAL SENIOR CARE, INC. FOR
HOME CARE THERAPY SERVICES
(2015)**

Pursuant to 10 NYCRR Part 40-1 and Section 450 of the County Law.

WHEREAS, Act 521-2014 authorized a contract with Total Senior Care, Inc., 519 North Union Street, Olean, New York 14760, for the operation of the PACE Program for the Health Department, the term of which expires December 31, 2015, and

WHEREAS, Act 521-2014 failed to provide the negotiated rate of \$82.00 per visit for LPN services, and

WHEREAS, an amended contract is necessary to include the negotiated rate of \$82.00 per visit for LPN services for the period September 1, 2015 through December 31, 2015, 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 Total Senior Care, Inc., for the provision of the above-described in-home nursing and therapy services, for a term commencing January 1, 2015 and terminating December 31, 2015, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 538-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
TOTAL SENIOR CARE, INC. FOR
HOME CARE THERAPY SERVICES**

Pursuant to 10 NYCRR Part 40-1 and Section 450 of the County Law.

WHEREAS, Act 521-2014 authorized a contract with Total Senior Care, Inc., 519 North Union Street, Olean, New York 14760, for the operation of the PACE Program for the Health Department, the term of which expires December 31, 2015, and

WHEREAS, Total Senior Care, Inc., is authorized by New York State Department of Health and the Centers for Medicare and Medicaid Services to operate a Program for All Inclusive Care for the Elderly (PACE Program) as a comprehensive program of services to participants, and

WHEREAS, Total Senior Care, Inc., is desirous of obtaining home care therapy services from the County Department of Health for PACE Program participants, and

WHEREAS, the Department of Health has agreed to provide the following home care therapy services to PACE Program participants in accordance with current New York State Medicaid rates, and a negotiated rate of \$82.00 per visit for LPN services, now, therefore, be it

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

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 539-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CAROLYN C. RUFFNER, P.T. FOR HEALTH DEPARTMENT
PHYSICAL THERAPY SERVICES**

Pursuant to 10 NYCRR Section 763.3, Section 3602 of the
Public Health Law and Section 450 of the County Law.

WHEREAS, Act 645-2014 authorized a contract with Carolyn C. Ruffner, P.T., 3676 Buffalo Road, Allegany, New York 14706, for the provision of physical therapy services for the patients of the County Health Department's Long-Term Home Health Care Program, the term of which expires December 31, 2015, and

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

WHEREAS, Carolyn C. Ruffner, P.T., has agreed to renew the aforementioned contract for an amount as follows:

<u>Service</u>	<u>2015 Rate</u>	<u>2016 Rate</u>
Physical Therapist	\$73.92 per visit	\$73.92 per visit
Evaluations	\$73.92 per evaluation	\$73.92 per evaluation
PT only admission visit	\$100 per visit	\$100 per visit
Attendance at Meetings	\$28 per hour	\$28 per hour
Recruitment & Retention to be determined by NYSDOH,		

and

WHEREAS, this program is funded through a variety of sources, including, but not limited to, state and federal funding, private pay, private and third-party insurance and the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, contingent upon and subject to the inclusion in the 2016 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with Carolyn C. Ruffner, P.T., for the provision of the above-described physical therapy services, for a term commencing January 1, 2016 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 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 540-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
JAMESTOWN REHAB SERVICES, PT, OT, SLP, PLLC FOR
HEALTH DEPARTMENT HOME HEALTH CARE PROGRAM
THERAPY SERVICES**

Pursuant to 10 NYCRR 763.3, Section 3602 of the Public Health Law
and Section 450 of the County Law.

WHEREAS, Act 529-2014 authorized a contract with Jamestown Rehab Services, PT, OT, SLP, PLLC, 4482 Kathaleen Street, Hamburg, New York 14075, for the provision of various therapy services for the patients of the Health Department Home Health Care Program, the term of which expires December 31, 2015, and

WHEREAS, the County Department of Health is desirous of continuing the provision of physical, occupational and speech therapy services, and

WHEREAS, Jamestown Rehab Services, PT, OT, SLP, PLLC, has agreed to provide physical, occupational and speech therapy services to Cattaraugus County Health Department patients at the following rates:

<u>Service</u>	<u>2015 Rate</u>	<u>2016 Rate</u>
Physical Therapist	\$73.92/visit	\$75.40/visit
Occupational Therapist	\$73.92/visit	\$75.40/visit
Speech Therapist	\$73.92/visit	\$75.40/visit
Attendance at Meetings	\$29.57/hour	\$30.16/hour
Evaluations	\$73.92/visit	\$75.40/visit
PT only admission visit	\$103.53/visit	\$105.60/visit
Recruitment & Retention (to be determined by NYSDOH),		

and

WHEREAS, if Jamestown Rehab Services, PT, OT, SLP, PLLC, refuses any physical therapy home care cases, occupational therapy visits or speech therapy services during the term of the 2016 contract, then the rates for such services shall revert back as follows for the duration of the contract:

Physical Therapy Services	Base Rate of \$68/visit
Occupational Therapy Services	Base Rate of \$68/visit
Speech Therapy Services	Base Rate of \$68/visit
Physical Therapy Assistant Services	Base Rate of \$45/visit,

and

WHEREAS, this program is funded through a variety of sources, including, but not limited to, state and federal funding, private pay, private and third-party insurance and the County, 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, contingent upon and subject to the inclusion in the 2016 budget of sufficient funds to cover the costs of the aforementioned services, with Jamestown Rehab Services, PT, OT, SLP, PLLC, for the provision of the above-described services, for a term commencing January 1, 2016 and terminating December 31, 2016, according to the above-described terms, and be it further

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

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

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

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 541-2015 by Ms. Edstrom and Mrs. Stockman
and Ms. Vickman¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS REHABILITATION CENTER, INC.
FOR EARLY INTERVENTION SERVICE COORDINATOR**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 682-2014 authorized a contract with the Cattaraugus Rehabilitation Center, Inc., 1439 Buffalo Street, Olean, New York 14760, for the provision of a service coordinator for the Health Department's Early Intervention Program, the term of which expires December 31, 2015, and

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

WHEREAS, the Cattaraugus Rehabilitation Center, Inc., can provide a service coordinator for the Health Department's Early Intervention Program for an amount not to exceed \$61,000.00 annually, to be paid on a monthly basis as invoiced, now, therefore, be it

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

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

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

Adopted November 10, 2015 by voice vote. Mrs. Labuhn and Mr. Padlo abstained from vote.

ACT NO. 542-2015 by Ms. Edstrom and Mrs. Stockman
and Mr. Weller¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COUNTY SOIL AND WATER CONSERVATION DISTRICT FOR
HEALTH DEPARTMENT WATER RESOURCE SPECIALIST**

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

WHEREAS, Act 83-2015 authorized a contract with the Cattaraugus County Soil and Water Conservation District, USDA Service Center Building, 8 Martha Street, Ellicottville, New York 14731, for the provision of a Water Resource Specialist to coordinate the public water supply inspection, monitoring and surveillance program and ensure fulfillment of all NYS drinking water enhancement grant work plan deliverables, the term of which expires December 31, 2015, and

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

WHEREAS, the Cattaraugus County Soil and Water Conservation District can provide a Water Resource Specialist to provide the aforementioned services for a total amount not to exceed \$81,680.00, which includes all work-related expenses:

- *Approved work-related expenses will be reimbursed at cost, including approved work-related cell phone usage;

- *Mileage will be reimbursed at the rate of \$0.575/mile;

- *Any overnight travel must have prior approval of the County Public Health Director or the Director's designee, and must have an authorization attached, prior to reimbursement,

and

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

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

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

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

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

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

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

Adopted November 10, 2015 by voice vote.

ACT NO. 543-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
BRIAN GARIEPY, P.T. FOR HEALTH DEPARTMENT
PHYSICAL THERAPY SERVICES**

Pursuant to 10 NYCRR Section 763.3, Section 3602 of the
Public Health Law and Section 450 of the County Law.

WHEREAS, Act 579-2014 authorized a contract with Brian Gariepy, P.T., 1426 Promised Land Acres, Olean, New York 14760, for the provision of physical therapy services for the patients of the County Health Department's Long-Term Home Health Care Program, the term of which expires December 31, 2015, and

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

WHEREAS, Brian Gariepy, P.T., has agreed to provide the aforementioned physical therapy services for an amount as follows:

<u>Service</u>	<u>2015 Rate</u>	<u>2016 Rate</u>
Physical Therapist	\$73.92 per visit	\$73.92 per visit
Evaluations	\$73.92 per evaluation	\$73.92 per evaluation
PT only admission visit	\$100 per visit	\$100 per visit
Attendance at Meetings	\$28 per hour	\$28 per hour
Recruitment & Retention as established by Medicaid,		

and

WHEREAS, this program is funded through a variety of sources, including, but not limited to, state and federal funding, private pay, private and third-party insurance and the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, contingent upon, and subject to, inclusion in the 2016 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with Brian Gariepy, P.T., for the provision of the above-described physical therapy services, for a term commencing January 1, 2016 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 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 544-2015 by Ms. Edstrom and Mrs. Stockman
*and Mr. Koch*¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
SENECA NATION AREA OFFICE OF AGING FOR
DEPARTMENT OF HEALTH HOME DELIVERED MEALS PROGRAM**

Pursuant to Section 119-o of the General Municipal Law and
Section 450 of the County Law.

WHEREAS, Act 519-2014 authorized a contract with the Seneca Nation Area Office of Aging, 28 Thomas Indian School Drive, Irving, New York 14081, for the preparation and delivery of a noon meal in the areas contiguous to Cattaraugus County, the term of which expires December 31, 2015, and

WHEREAS, the County Health Department is desirous of continuing the provision of home delivered meals to clients of the Long Term Home Health Care Program who reside on or near the Cattaraugus Territory of the Seneca Nation of Indians, and

WHEREAS, the Seneca Nation Area Office of Aging has agreed to provide for the preparation and delivery of a noon meal in the areas contiguous to Cattaraugus County five (5) days per week, at the current Medicaid rate per delivered meal, now, therefore, be it

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

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

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

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

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

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

Adopted November 10, 2015 by voice vote.

ACT NO. 545-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH THE REHABILITATION CENTER, INC.
FOR SOCIAL DAY CARE PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 164-2014 authorized a contract with The Rehabilitation Center, Inc., 1439 Buffalo Street, Olean, New York 14760, for the provision of social day care services through the Linwood Center Adult Day Care Program, the term of which expires December 31, 2015, and

WHEREAS, the Department of Health, through its Long-Term Home Health Care Program, hereinafter referred to as "LTHHCP", is charged with the responsibility, insofar as funds are available for the purpose, to administer such care, treatment and services in the home that might be necessary to maintain eligible patients, and

WHEREAS, social day care, transportation, and congregate meal services qualify as additional services provided under Federal waiver to address other currently unmet social, nutritional and environmental needs of the patients, and

WHEREAS, The Rehabilitation Center, Inc., shall provide social day care services through the Linwood Center Adult Day Care Program, for an amount in accordance with the established Medicaid rate for social day care services (currently at \$38.16 per day), and

WHEREAS, these programs are funded by NYS Medicaid LTHHCP, now, therefore, be it

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

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

Adopted November 10, 2015 by voice vote. Mrs. Labuhn and Mr. Padlo abstained from vote.

ACT NO. 546-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
DOYLE SECURITY SYSTEMS, INC. FOR
PERSONAL EMERGENCY RESPONSE UNITS MONITORING SERVICES
FOR DEPARTMENTS OF HEALTH, AGING AND SOCIAL SERVICES**

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

WHEREAS, Act 516-2014, as amended by Act 636-2014, authorized a contract with Doyle Security Systems, Inc., 792 Calkins Road, Rochester, New York 14623, for the provision of various

services to the County Departments of Health, Aging and Social Services, the term of which expires December 31, 2015, and

WHEREAS, the County Departments of Health, Aging and Social Services are desirous of continuing the aforementioned services, and

WHEREAS, Doyle Security Systems, Inc., has agreed to provide services to the County Departments of Health, Aging and Social Services, as follows:

<u>Category of Service</u>	<u>2015 Rate</u>	<u>2016 Rate</u>
<u>HEALTH DEPARTMENT</u>		
PERS Monitoring	\$18/month/unit	\$18/month/unit
Electronic Medication Monitoring	\$49/month/unit	\$49/month/unit
Telguard TG-P Cellular Communicator Monitoring	\$10/month/unit	\$10/month/unit
<u>SOCIAL SERVICES</u>		
PERS Monitoring	\$18/month/unit	\$18/month/unit
Electronic Medication Monitoring	\$49/month/unit	\$49/month/unit
Telguard TG-P Cellular Communicator Monitoring	\$10/month/unit	\$10/month/unit
<u>DEPARTMENT OF AGING</u>		
PERS Monitoring (Expanded In-Home Services for the Elderly Program)	\$15/month/unit	\$15/month/unit
Telguard TG-P Cellular Communicator Monitoring	\$10/month/unit	\$10/month/unit

and
WHEREAS, this program is 75% state and 25% county funded for the Department of Aging's portion of expenses, now, therefore, be it

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

Approved by 8 members of the Finance Committee, 7 members of the Senior Services and 7 members of the Human Services Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 547-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN GENERAL HOSPITAL FOR
LABORATORY, RADIOLOGY AND MAMMOGRAPHY SERVICES
FOR HEALTH DEPARTMENT FAMILY PLANNING CLINIC**

Pursuant to 10 NYCRR Part 763 and Section 450 of the County Law.

WHEREAS, Act 528-2014 authorized a contract with Olean General Hospital, 515 Main Street, Olean, New York 14760, for the provision of laboratory, radiology and mammography services for the County Health Department, the term of which expires December 31, 2015, and

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

WHEREAS, the Olean General Hospital can provide the aforementioned laboratory, radiology and mammography services at the Olean General Hospital's approved Medicaid rate, now, therefore, be it

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

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

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

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

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 548-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR HEALTH DEPARTMENT WIC CLINIC SPACE**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 532-2014 authorized contracts with various entities for the utilization of space for the Health Department's WIC Program, the terms of which expire December 31, 2015, and

WHEREAS, the County Health Department is desirous of continuing the WIC program in various areas of Cattaraugus County, and

WHEREAS, the entities listed below have agreed to allow the County Health Department to utilize space in their facilities for WIC clinics:

	<u>2015 Rate</u>	<u>2016 Rate</u>
Franklinville Free Methodist Church 41 South Main Street Franklinville, New York 14737	\$300/year	\$300/year
Gowanda Free Methodist Church 149 West Main Street Gowanda, New York 14070	\$75/day of use	\$75/day of use

Roberts Memorial Free Methodist Church 111 South Street Cattaraugus, New York 14719	\$100/year	\$100/year
Town of Randolph 72 Main Street Randolph, New York 14772	No Cost	No Cost
United Methodist Church of Little Valley 109 Court Street Little Valley, New York 14755	\$50/month	\$50/month
Delevan Baptist Church P.O. Box 335 18 Church Street Delevan, New York 14042,	No Cost	No Cost

and

WHEREAS, this program is 75% federal and 25% state funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contracts, contingent upon and subject to the inclusion in the 2016 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with the above-listed various entities for the utilization of the aforementioned space, for a term commencing January 1, 2016 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 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 549-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ELLCOTTVILLE PHARMACY, INC. FOR HEALTH DEPARTMENT
PHARMACY CONSULTANT SERVICES**

Pursuant to 10 NYCRR Section 752.5 and Section 450 of the County Law.

WHEREAS, Act 531-2014 authorized a contract with Ellicottville Pharmacy, Inc., 6133 Route 219, Ellicottville, New York 14731, for the provision of a pharmacy consultant for assistance in the

development of policies and procedures related to the provision of drugs and vaccines and advising professional and para-professional staff on drug interactions, side effects, and recall procedures as required by Article 28 of the Public Health Law, the term of which expires December 31, 2015, and

WHEREAS, the County Health Department is desirous of contracting for pharmacy consultant services, and

WHEREAS, Ellicottville Pharmacy, Inc., has agreed to provide the aforementioned pharmacy consultant services at the rate of \$70.00 per hour, to be paid as invoiced, now, therefore, be it

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

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

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

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

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 550-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN MEDICAL GROUP, LLP FOR HEALTH DEPARTMENT
CONTINGENT MEDICAL DIRECTOR SERVICES**

Pursuant to Section 352 of the Public Health Law and
Section 450 of the County Law.

WHEREAS, Act 530-2014 authorized a contract with the Olean Medical Group, LLP, 535 Main Street, Olean, New York 14760, for the provision of a contingent medical director, in the event the County Health Department's medical director is unavailable, the term of which expires December 31, 2015, and

WHEREAS, the County Health Department is desirous of renewing the aforementioned contract at the same rates, and

WHEREAS, the Olean Medical Group, LLP, can provide the aforementioned medical director services, in the event the County Health Department's current medical director is unavailable, for an amount of \$172.55 per hour to be paid as invoiced, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, contingent upon, and subject to, inclusion in the 2016 budget of sufficient funds

to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with the Olean Medical Group, LLP, for the provision of the above-described services, for a term commencing January 1, 2016 and terminating December 31, 2016, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 551-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN MEDICAL GROUP, LLP FOR HEALTH DEPARTMENT
FAMILY PLANNING MEDICAL CONSULTANT**

Pursuant to 10 NYCRR Part 40-1 and
Section 450 of the County Law.

WHEREAS, Act 466-2013 authorized a contract with the Olean Medical Group, LLP, 535 Main Street, Olean, New York 14760, for the provision of family planning services through its Family Planning and Reproductive Health programs, the term of which expires December 31, 2015, and

WHEREAS, the County Health Department is required to have medical direction, preceptorship and collaboration by a physician who specializes in obstetrics and gynecology, and

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

WHEREAS, the Olean Medical Group, LLP, has agreed to continue providing the aforementioned family planning services on a consultant basis for an amount of \$400.00 per month, which is the same rate as the previous contract, to be paid as invoiced, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, contingent upon, and subject to, inclusion in the 2016 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with the Olean Medical Group, LLP, for the provision of the above-described services, for a term commencing January 1, 2016 and terminating December 31, 2017, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 552-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
REHABILITATION TODAY, PT, OT, REGISTERED NURSING, PLLC FOR
HEALTH DEPARTMENT HOME HEALTH CARE PROGRAM OCCUPATIONAL SERVICES**

Pursuant to 10 NYCRR 763.3, Section 3602 of the Public Health Law
and Section 450 of the County Law.

WHEREAS, Act 526-2014 authorized a contract with Rehabilitation Today, PT, OT, Registered Nursing, PLLC, 2416 Constitution Avenue, Olean, New York 14760, for the provision of occupational therapy services to patients of the County Health Department Home Health Care Program, the term of which expires December 31, 2015, and

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

WHEREAS, Rehabilitation Today, PT, OT, Registered Nursing, PLLC, has agreed to provide occupational therapy services to Cattaraugus County Health Department patients at the following rates:

<u>Service</u>	<u>2015 Rate</u>	<u>2016 Rate</u>
Occupational Therapist	\$73.00 per visit	\$76.00 per visit
Occupational Therapy Assistant		\$76.00 per visit
Attendance at Meetings	\$28.00 per hour	\$31.00 per hour
Office Visits:		
per standard visit - (any combination of modalities and/or procedures; CHAA or patient to provide all dressings and ointments)	\$50.00 per visit	\$60.00 per visit
per short visit - (less than 15 minutes)	\$22.00 per visit	\$40.00 per visit
Office Visit Evaluations	\$72.50 per visit	\$75.40 per visit
Recruitment & Retention (to be determined by NYSDOH), and		

WHEREAS, if Rehabilitation Today, PT, OT, Registered Nursing, PLLC, refuses any occupational therapy visits during the term of the 2016 contract, then the rates for such services shall revert back to the base rate of \$68/visit for the duration of the contract, and

WHEREAS, this program is funded through a variety of sources, including, but not limited to, state and federal funding, private pay, private and third-party insurance and the County, 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, contingent upon and subject to the inclusion in the 2016 budget of sufficient funds to cover the costs of the aforementioned services, with Rehabilitation Today, PT, OT, Registered Nursing, PLLC, for the provision of the above-described services, for a term commencing January 1, 2016 and terminating December 31, 2016, according to the above-described terms, and be it further

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

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

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

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 553-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE MEMORANDUM OF UNDERSTANDING
WITH CATTARAUGUS & WYOMING COUNTIES EARLY HEAD START
FOR COMPREHENSIVE SERVICES TO CHILDREN WITH SPECIAL NEEDS**

Pursuant to the Individuals with Disabilities Education Act and
Section 450 of the County Law.

WHEREAS, Cattaraugus & Wyoming Counties Early Head Start, 101 South 19th Street, Olean, New York 14760, is mandated to provide services to children with special needs, and

WHEREAS, in New York State, such services are accessed through the County and its Early Intervention Program, and

WHEREAS, the County Health Department is desirous of entering into a Memorandum of Understanding (MOU) with Cattaraugus & Wyoming Counties Early Head Start for the provision of comprehensive services to children with special needs, and

WHEREAS, there is no cost to the County involved with this MOU, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a MOU, on behalf of Cattaraugus County, with Cattaraugus & Wyoming Counties Early Head Start, for the provision of the above-described services, for a term commencing October 23, 2015 to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 554-2015 by Mr. VanRensselaer and Mr. Boser
and Mr. Koch¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
SENECA-SALAMANCA AREA CHAMBER OF COMMERCE, INC., FOR
INFORMATION CENTER MANAGER/COORDINATOR**

Pursuant to Sections 224(14) and 450 of the County Law.

WHEREAS, Act 322-2015 authorized a contract with the Seneca-Salamanca Area Chamber of Commerce, Inc., 734 Broad Street, Suite 103, Salamanca, New York 14779, for the provision of an information center manager for the I-86 (westbound) rest area, the term of which expired September 30, 2015, and

WHEREAS, the County is responsible for staffing the rest area on I-86 (westbound) in the Town of Allegany for a minimum of five (5) hours per day for 151 days per year, plus additional hours per day during the holiday periods of Thanksgiving, Christmas and Easter, and

WHEREAS, the County Department of Economic Development, Planning and Tourism does not have sufficient staff to provide management of the information center, and

WHEREAS, the Seneca-Salamanca Area Chamber of Commerce, Inc., can provide an information center manager/coordinator for a minimum of 15 hours per week, with six (6) to eight (8) hours on Sundays (mandatory), as well as holiday periods, for an amount not to exceed \$2,812.50 for three (3) months, 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 the Seneca-Salamanca Area Chamber of Commerce, Inc., for the provision of the above-described services, for a term commencing October 1, 2015 and terminating December 31, 2015, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Development and Agriculture Committee.

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

Adopted November 10, 2015 by voice vote.

ACT NO. 555-2015 by Mr. VanRensselaer and Mr. Boser

**AUTHORIZING APPLICATION FOR TOURISM PROMOTION AND
DESIGNATING GRANT ADMINISTRATOR**

Pursuant to Section 164 of the Economic Development Law.

WHEREAS, Act 423-2014 authorized an application for tourism promotion and designated the grant administrator, and

WHEREAS, the New York State Tourist Promotion Act provides that the Commissioner of Economic Development may, upon application, match the funds expended by tourist promotion agencies and provide other assistance to local organizations for the promotion of tourist travel, resorts, and vacation businesses of the State of New York, and

WHEREAS, before an application for matching funds for the promotion of tourism can be submitted, it is required that the Cattaraugus County Legislature designate a tourist promotion agency to make such application and to receive grants for the purposes specified in the law, and

WHEREAS, Cattaraugus County should contribute a local share of \$70,000.00 in Fiscal Year 2015 to leverage additional funds from the New York State I Love New York Matching Funds Program, now, therefore, be it

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism, is hereby authorized and directed to submit all the required applications and other documents, on behalf of Cattaraugus County, necessary for the purpose of receiving these funds, and be it further

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism, is hereby authorized and directed to receive grants from the State of New York for, and on behalf of, Cattaraugus County for the purposes herein specified, and be it further

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism is hereby designated as the administrator of these funds, and be it further

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism is authorized to apply for state matching funds up to \$500,000.00 for the program year October 1, 2015 through September 30, 2016, and be it further

RESOLVED, that if the application for such funding is approved, then the Cattaraugus County Department of Economic Development, Planning and Tourism shall submit the grant agreement to the Legislature for approval and appropriation prior to the commencement of any work, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Commissioner of Economic Development of the State of New York and the Marketing Manager, Matching Funds, New York State Department of Economic Development, and be it further

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

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

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

Approved by 8 members of the Finance Committee and 7 members of the Development and Agriculture Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 556-2015 by Mr. Felton and Ms. Vickman
and Ms. Edstrom, Mr. Edwards, Mrs. Stockman, Mr. Teachman, Mr. Weller and Mr. Koch¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH UNITED STATES DEPARTMENT OF VETERANS AFFAIRS FOR
NURSING HOME CARE SERVICES**

Pursuant to 41 USCS 252(c)(4) and Section 450 of the County Law.

WHEREAS, Act 765-2009 authorized a contract with the United States Department of Veterans Affairs, 3495 Bailey Avenue, Buffalo, New York 14215, for the provision of nursing home services to veterans for The Pines Healthcare and Rehabilitation Center – Machias and Olean Campuses, the term of which has expired, and

WHEREAS, a new contract is necessary with the federal government, whereby the County will provide nursing home services at the Machias and Olean facilities to the Department of Veterans Affairs, as follows:

VA Daily Per Diem Rate

Machias Facility	\$219.85 per day
Olean Facility	\$183.33 per day

****NOTE: A)** Rates above include the following:

- ◆ Prescription Drugs
- ◆ Dental Services
- ◆ Oxygen

- ◆ Physical Therapy
- ◆ Occupational Therapy
- ◆ Speech Therapy
- B) Rates above **do not include** the following:
 - ◆ Specialized Medical Equipment
 - ◆ Specialized Medical Procedures (MRI, CT Scan, Cardiac Cath)
 - ◆ Physician Services
 - ◆ Laboratory & X-Ray Services
 - ◆ Transportation Services
 - ◆ Prescription Drugs in excess of 8.5% per day

Per Diem Rate/Major Group

Rehabilitation plus Extensive Services	\$552.25 per day
Rehabilitation	\$380.93 per day
Extensive Services	\$497.81 per day
Special Care – High	\$347.04 per day
Special Care – Low	\$310.07 per day
Clinically Complex	\$269.96 per day
Behavioral & Cognitive	\$208.48 per day
Reduced Physical Functions	\$242.36 per day,

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 States Department of Veterans Affairs for the provision of the above-described services, for a term commencing November 1, 2015 and terminating October 31, 2016, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Senior Services Committee.

¹The following Legislators requested their names be listed as additional sponsors: “Ms. Edstrom, Mr. Edwards, Mrs. Stockman, Mr. Teachman, Mr. Weller and Mr. Koch”.

Adopted November 10, 2015 by voice vote.

ACT NO. 557-2015 by Mr. Felton and Ms. Vickman

**LOCAL LAW NUMBER 11-2015
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW ESTABLISHING FEES FOR DEPARTMENT OF NURSING HOMES
RESIDENT PRIVATE PAY RATES AND REPEALING ACT 512-2014**

BE IT ENACTED by the County Legislature of the County of Cattaraugus as follows:

SECTION 1. Legislative Intent. It is the intent of this Local Law to increase the resident private pay rate for the Department of Nursing Homes.

SECTION 2. Resident Private Pay Rate. Effective January 1, 2016, the resident private pay rate for the County Department of Nursing Homes shall be as follows:

Olean Facility – semi-private room	\$245.00 per day
Olean Facility – private room	\$255.00 per day
Machias Facility – semi-private room	\$275.00 per day
Machias Facility – private room	\$285.00 per day.

SECTION 3. Severability. If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication, shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4. Statutory Repeal. Effective January 1, 2016, Act No. 512-2014, Local Law Number 7-2014 (Intro Number 7-2014), entitled “A Local Law Establishing Fees for Department of Nursing Homes Resident Private Pay Rates”, is hereby repealed.

SECTION 5. Effective Date. This Local Law shall take effect immediately.

Approved by 8 members of the Finance Committee and 7 members of the Senior Services Committee.

No further action taken at this time.

ACT NO. 558-2015 by Mr. Felton and Ms. Vickman

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 11-2015

Pursuant to Section 20 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on November 10, 2015, a proposed Local Law entitled "A Local Law Establishing Fees for Department of Nursing Homes Resident Private Pay Rates and Repealing Act 512-2014", and

WHEREAS, no local law shall be adopted until a public hearing thereon has been had by the Cattaraugus County Legislature upon at least five days' notice, now, therefore, be it

RESOLVED, that a public hearing shall be held on the proposed local law by this County Legislature on the 24th day of November, 2015, at 3:02 p.m. at the Legislature's Chambers, County Center, 303 Court Street, Little Valley, New York, and that at least five days' notice of such hearing shall be given by the Clerk by the due posting thereof upon the bulletin board of each County Court House within the County and by publishing such notice at least once in the official newspapers of the County.

Approved by 8 members of the Finance Committee and 7 members of the Senior Services Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 559-2015 by Ms. Edstrom and Mrs. Stockman
and Mr. Koch¹

**APPROVING AMENDED CONTRACT BETWEEN
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND
COUNCIL ON ADDICTION RECOVERY SERVICES, INC. FOR
SUBSTANCE ABUSE PROGRAM FUNDS AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

Pursuant to Articles 1, 19, 23 and 25 of the Mental Hygiene Law
and Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 55-2015, as amended by Act 363-2015, authorized approval of a contract with Council on Addiction Recovery Services, Inc. (CAREs) for the provision of a substance abuse program in the County, the term of which expires December 31, 2015, and

WHEREAS, NYS Office of Alcoholism & Substance Abuse Services (NYSOASAS) has awarded additional Federal Aid in the amount of \$32,000.00 for the CAREs residential program for the period January 1, 2015 through December 31, 2015, and

WHEREAS, an amended contract with CAREs is necessary in order to pass the additional funding on to CAREs, and

WHEREAS, this program is 61.9% federally, 37.5% state and 2.5% county funded, and

WHEREAS, the net County cost for the provision of this program shall not exceed \$26,900.00 in County funds, 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 an amended contract for the year 2015 between the Cattaraugus County Community Services Board and the Council on Addiction Recovery Services, Inc., to signify the County's approval for the provision of the above-described services, for a term commencing January 1, 2015 and terminating December 31, 2015, 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, and be it further

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

Increase Estimated Revenue Account:

A.433.4322.3570.4492.013F	Federal Aid, OASAS Continual 100% Federal Aid	\$32,000.00
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Increase Appropriation Account:

A.433.4322.3570.42019.013F	CARES, Inc. OASAS Federal Local Assistance	\$32,000.00.
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Approved by 8 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. Koch".

Adopted November 10, 2015 by voice vote.

ACT NO. 560-2015 by Ms. Edstrom and Mrs. Stockman

**APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY
SERVICES BOARD AND RAJAN GULATI PHYSICIAN, P.C. FOR DEPARTMENT OF
COMMUNITY SERVICES MEDICAL SERVICES**

Pursuant to 14 NYCRR Section 587.8(d)(3) and (i) and
Section 450 of the County Law.

WHEREAS, Act 540-2014, as amended by Act 492-2015, authorized a contract with Rajan Gulati Physician, P.C., 45 West Main Street, Cuba, New York 14727, for the provision of medical services for the Department of Community Services, the term of which expires December 31, 2015, and

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

WHEREAS, Rajan Gulati Physician, P.C., shall provide medical services for the Department of Community Services mental health clinic, at a rate of \$130.00 per hour of direct care for a maximum of 78 hours annually, plus \$50.00 per hour for travel not to exceed 12 hours annually, for a total contract amount not to exceed \$10,740.00, to be paid on a monthly basis as invoiced, and

WHEREAS, this program is funded through federal, state and local funds, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, contingent upon and subject to the inclusion in the 2016 budget of sufficient funds to cover the costs of the aforementioned services, between the Cattaraugus County Community Services Board and Rajan Gulati Physician, P.C., to signify the County's approval, for the provision of the above-described services, for a term commencing January 1, 2016 and terminating December 31, 2016, according to the above-described terms, and be it further

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

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

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

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 561-2015 by Ms. Edstrom and Mrs. Stockman

**APPROVING AMENDED CONTRACT BETWEEN CATTARAUGUS COUNTY
COMMUNITY SERVICES BOARD AND KIMBERLY CONROY, RN, MS, CS, NPP
FOR DEPARTMENT OF COMMUNITY SERVICES
PSYCHIATRIC NURSE PRACTITIONER SERVICES FOR CLIENTS
IN THE MENTAL HEALTH CLINIC AND PROS PROGRAM AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Community Services)**

Pursuant to Section 41.07 of the Mental Hygiene Law and
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 541-2014, as amended by Act 46-2015, authorized a contract with Kimberly Conroy, RN, MS, CS, NPP, 2656 West State Street, Suite 502, Olean, New York 14760, for the provision of psychiatric nurse practitioner services for clients in the mental health clinic and the PROS Program, the term of which expires December 31, 2015, and

WHEREAS, the Department of Community Services is desirous of adding 9.25 additional hours of service to the existing contract, and

WHEREAS, Kimberly Conroy has agreed to provide 9.25 additional hours of psychiatric nurse practitioner services at the rate of \$120.00 per direct care hour, and

WHEREAS, an amendment to the aforementioned contract is needed in order to cover the increase in hours of services provided, and

WHEREAS, various appropriation accounts must be adjusted in order to accommodate the rate increase, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, between the Cattaraugus County Community Services Board and Kimberly Conroy, RN, MS, CS, NPP, to signify the County's approval, for the provision of the above-described services, for a term commencing January 1, 2015 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:

A.431.4340.6340.41237	PROS, Psychiatrist Services	\$1,110.00
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Increase Appropriation Account:

A.431.4340.6340.41219	PROS, Nurse Practitioner Services	\$1,110.00.
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Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 562-2015 by Ms. Edstrom and Mrs. Stockman

**APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY
SERVICES BOARD AND KIMBERLY CONROY, RN, MS, CS, NPP FOR
DEPARTMENT OF COMMUNITY SERVICES
PSYCHIATRIC NURSE PRACTITIONER SERVICES FOR CLIENTS
IN THE MENTAL HEALTH CLINIC AND PROS PROGRAM**

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

WHEREAS, Act 541-2014, as amended by Act 46-2015, authorized a contract with Kimberly Conroy, RN, MS, CS, NPP, 2656 West State Street, Suite 502, Olean, New York 14760, for the provision of psychiatric nurse practitioner services for clients in the mental health clinic and the PROS Program, the term of which expires December 31, 2015, and

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

WHEREAS, Kimberly Conroy, RN, MS, CS, NPP, an independent contractor, can provide psychiatric nurse practitioner services to clients in the mental health clinic and the PROS Program for an amount of \$120.00 per direct care hour, for a maximum of 741 hours annually, not to exceed a total contract amount of \$88,920.00, to be paid on a monthly basis, as invoiced, and

WHEREAS, this program is funded through federal, state and local funds, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, contingent upon and subject to the inclusion in the 2016 budget of sufficient funds to cover the costs of the aforementioned services, between the Cattaraugus County Community Services Board and Kimberly Conroy, RN, MS, CS, NPP, to signify the County's approval, for the provision of the above-described services, for a term commencing January 1, 2016 and terminating December 31, 2016, according to the above-described terms, and be it further

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

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

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

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 563-2015 by Ms. Edstrom and Mrs. Stockman

**APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY
SERVICES BOARD AND ACCUMEDIC COMPUTER SYSTEMS, INC. FOR
DEPARTMENT OF COMMUNITY SERVICES ACCUMED SOFTWARE SYSTEM**

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

WHEREAS, Act 534-2014 authorized a contract with Accumedic Computer Systems, Inc., for the provision of the AccuMed Software System, including licenses for the AccuMed System and the Scheduler and Patient Accounts modules and training, the term of which expires November 30, 2015, and

WHEREAS, the Department of Community Services is desirous of continuing the customer support for the aforementioned software system, and

WHEREAS, Accumedic Computer Systems, Inc., 11 Grace Avenue, Suite 401, Great Neck, New York 11021, can provide continued customer support for the AccuMed Software System for an amount not to exceed \$13,945.40 for a total of 26 licenses, and

WHEREAS, the aforementioned services are 100% federally funded, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, between the Cattaraugus County Community Services Board and Accumedic Computer Systems, Inc., to signify the County's approval, for the provision of the above-described services, for a term commencing December 1, 2015 and terminating November 30, 2016, according to the above-described terms, and be it further

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

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

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

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 564-2015 by Mr. Murphy
and Mr. VanRensselaer and Mr. Koch¹

**AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENT WITH
KAREN MILLER FOR COMMUNICATIONS TOWER SITE**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the FBI currently leases property off Fourth Street in the Town of Little Valley from Karen Miller for the placement of a communications tower and an equipment building, and

WHEREAS, Cattaraugus County is desirous of executing a lease with Karen Miller for the installation of concrete pads and a 500 gallon propane tank for a backup generator and support infrastructure at the tower site in order to maintain communications, and

WHEREAS, Karen Miller, 10451 Siene Way, Fort Myers, Florida 33913, has agreed to lease certain property located off Fourth Street in the Town of Little Valley for the installation of such concrete pads and a 500 gallon propane tank for a backup generator and support infrastructure for an amount of \$4,000.00 per year for a ten (10) year term, with the option to renew for an additional ten (10) year term at the same rates, terms and conditions, and

WHEREAS, beginning in 2016, the cost of the lease will be \$4,000.00 per year and increase by three percent (3%) each year thereafter, and

WHEREAS, the tower site compound is approximately a 40' x 50' within a fenced lease area with an access road to Fourth Street, and

WHEREAS, the property owner agrees that, in the event she wishes to sell the leased property to a third party, the County shall have the first option to purchase the leased premises, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a lease agreement, on behalf of Cattaraugus County, with Karen Miller, for the leasing of property for the installation of concrete pads and a propane tank for a generator and support infrastructure, for a ten (10) year term commencing December 1, 2015 and terminating November 30, 2025, according to the above-described terms, with the County's option to renew for an additional ten (10) year term, at the same rates, terms and conditions, and be it further

RESOLVED, that in the event Karen Miller wishes to sell the leased property, the County shall have the first option to purchase the leased premises.

Approved by 8 members of the Finance Committee and 7 members of the Public Safety Committee.

¹The following Legislators requested their names be listed as additional sponsors: "Mr. VanRensselaer and Mr. Koch".

Adopted November 10, 2015 by voice vote.

ACT NO. 565-2015 by Mr. Sprague

**LOCAL LAW NUMBER 12 - 2015
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law and
Section 1650 of the Vehicle & Traffic Law.

A LOCAL LAW ENTITLED "CATTARAUGUS COUNTY ROAD PRESERVATION LAW"

BE IT ENACTED by the County Legislature of the County of Cattaraugus as follows:

Section 1. Authority. The County is authorized to adopt this local law by Section 1650(4) of the New York State Vehicle and Traffic Law and by the Municipal Home Rule Law.

Section 2. Finding And Purpose. The Cattaraugus County Legislature has determined that construction and other works have resulted in extraordinary, high-intensity traffic to and from development sites, causing significant and measurable damage to County roads that jeopardizes the health and safety of residents and others who use those roads. The purpose of this law is to maintain the safety and general welfare of County residents by regulating heavy usage of County roads that have the potential to adversely affect such roads. Well-maintained roads are important to the safety and economic well-being of the County and its residents and to the success of local businesses and commercial enterprises. This local law is not intended to regulate such businesses. The intent is to protect the public roads from damage.

Section 3: Definitions.

3.1 High-Impact Motor Vehicle: Any vehicle with a gross weight over New York State legal loads.

3.2 Bond: A commercial indemnity bond to ensure that the condition of the County roads is not adversely impacted by high-impact motor vehicles. The County Legislature may accept an equivalent financial guarantee in lieu of bond.

3.3 Bond Release: A bond release given by the County Commissioner of Public Works based on satisfactory road conditions at project completion.

3.4 Commissioner: The Cattaraugus County Commissioner of Public Works.

3.5 Permittee: The permittee is the person responsible under this law to obtain a permit regardless of whether the person in fact obtains a permit. The permittee is the person responsible for the project generating high impact motor vehicle traffic.

3.6 Person: Any individual, public or private corporation, political subdivision, government agency, municipality, industry, co-partnership, association, firm, trust, estate, or any other legal entity whatsoever.

3.7 Exclusions: The following are excluded from the requirements of this local law:

3.7.1 Vehicles and implements and combinations thereof designed and intended for use in agricultural operations as defined by New York State Agricultural District Law or in the movement of agricultural products;

3.7.2 Omnibuses or buses used solely for the transportation of children to and from school;

3.7.3 "Authorized emergency vehicles", as defined in §101 of the Vehicle and Traffic Law;

3.7.4 Vehicles used exclusively in the construction or maintenance of utility lines and other appurtenances; and

3.7.5 Vehicles which, as determined by the Commissioner, are performing essential pickup or delivery service and the failure to exclude such vehicle would cause hardships.

Section 4. General Provisions.

4.1 The County Legislature determines that high-impact motor vehicle traffic has materially injured County roads.

4.2 The Commissioner may by order, rule or regulation, temporarily exclude from any portion of any County road any vehicle with a gross weight over New York State legal loads when in his/her opinion such highway would be materially injured by the operation of any such vehicle thereon.

Such exclusion shall take effect upon the erection of signs on the section of highway from which such vehicles are excluded, and a notice that such vehicles are excluded shall be published in a newspaper in the county where the highway is situated. The exclusion shall remain in effect until the removal of the signs as directed by the Commissioner.

4.3 Upon written application by any operator of a vehicle subject to this law, the Commissioner may issue a permit authorizing such vehicle to travel upon specified County highways. Every such permit may designate the route to be traversed and shall contain other reasonable restrictions and conditions, including, without limitation, the requirement that a commercial indemnity bond or maintenance bond be furnished to the County. Every such permit shall be carried on the vehicle to which it refers and shall be open to inspection of any peace officer, acting pursuant to his special duties, or police officer. Such permits shall be for the duration of the restriction imposed under this section.

4.4 The Permittee shall present to the County a maintenance bond in the amount of \$250,000.00 and a bank letter of credit in the amount of \$10,000.00 in favor of the County guaranteeing compliance with the provisions of the permit. At such time, if ever, that said letter of credit and/or maintenance bond is expended, the Permittee shall replace the same within five (5) days written notice from the County, failing which the permit shall be subject to revocation. Such maintenance bond shall be maintained for at least a period of one (1) year after repairs have been approved by the County. The highway shall be restored and the integrity of the repair maintained for a period of one (1) year from the date of any repairs.

4.5 The Permittee will be required to agree to fully indemnify, defend, save and hold harmless in the County of Cattaraugus, and all of its departments, bureaus, divisions, boards, officers and employees from and against any and all claims, costs, damages, expenses, charges, risks, losses, lawsuits, judgments, executions, penalties, fines, assessments or any other liability of any type arising out of, occurring in connection with, or resulting from any and all activity to be performed by Permittee pursuant to this permit.

4.6 The Permittee shall present to the County certificates of insurance evidencing the acquisition of liability insurance coverage naming the County as an additional insured on a non-contributory basis with the minimum limits of coverage for bodily injury equal to \$1,000,000.00 for each person injured, \$2,000,000.00 for aggregate bodily injury resulting from each occurrence, and \$500,000.00 property damage. Said insurance shall be maintained throughout the term of the permit, at the cost and expense of the Permittee, and the aforementioned certificates shall provide for thirty (30) days' notice to the County prior to cancellation of coverage.

4.7 In order to obtain a permit, the permittee must submit a permit application to the County Department of Public Works Highway Division, which shall include all information required by the Commissioner including, but not limited to: vehicle identification and owners/operators, vehicle weights, load weights, materials carried, route to be followed from State Highway to site, duration of activity (beginning date and end date), frequency of trips and times of operation. The applicant shall pay a permit fee to be established by the County Legislature, but in no event shall the fee be less than \$50.

4.8 The Commissioner may require the permittee to submit documentation (including, but not limited to, photographs and videos) of the condition of the roads, shoulders, and all structures (culverts, bridges, etc.,) that will be traversed by the permitted traffic as a condition of the permit.

4.9 A permittee aggrieved by a determination of the Commissioner may within ten (10) days of the determination appeal to the County Administrator. No action inconsistent with the determination of the Commissioner shall take place pending the determination of the County Administrator. The determination of the County Administrator shall be final.

4.10 The permittee shall be responsible for assuring that any County road that is impacted

by high-impact motor vehicle traffic remains in safe and useable condition for all legal uses of the road throughout the duration of the temporary project and for the repair of all damages caused by or resulting from the permittee's use of the road.

4.11 Upon completion of the project/or use for which a permit is granted, the permittee will apply to the Commissioner for a Bond Release. Upon inspection of the traveled roads, as necessary, the Commissioner may approve the release of the Bond. If the release is not approved, the Commissioner will specifically document the tasks that must be accomplished in order for the Bond to be released, which may include, but not be limited to, the payment of money for the repair of damaged roads. The permittee must remedy the specified problems before the bond may be released.

4.12 The permittee will be responsible for the repair of any damages that occur to any County road when a project proceeds with or without a proper permit, as well as for all fines and penalties specified in this law.

Section 5. SEQRA. When applicable, the County shall at all times comply with the applicable provisions of the Environmental Conservation Law of the State of New York and applicable provisions of the state environmental quality review regulations (6 NYCRR Part 617), hereinafter "SEQRA".

Section 6. Enforcement.

6.1 The Commissioner, in consultation with the County Attorney, shall enforce the provisions of this law and all rules, regulations, and designations made pursuant thereto. Such enforcement shall include, but not be limited to, legal or equitable proceedings, including without limitation an action for specific performance or injunction brought in the name of the County.

6.2 If a permittee does not comply with this law and all the terms and conditions of the permit and operate within the parameters specified on the permit, the permit may be suspended or revoked at the discretion of the Commissioner.

6.3 In the event that high-impact motor vehicles use any County roads without the required valid permit, the Commissioner, and his designees, and any law enforcement officer may deny access to the roads and, in cases where a County permit was required for a project, shut down the project. This relief is in addition to any and all damages and penalties.

Section 7. Penalties for Offenses.

7.1 Any person who violates this article shall be guilty of a violation and subject to a fine of not more than \$500 and/or imprisonment for not more than fifteen (15) days. Each and every act committed that is prohibited by this law shall constitute a separate violation. Each time a high-impact motor vehicle travels on a County road without a permit as required by this law shall constitute a separate violation. Violations may be prosecuted by the County District Attorney or any other person with authority to prosecute violations within the County.

7.2 Upon failure of any permittee to comply with the requirements of this article, the permit shall be subject to suspension, revocation or to the imposition of conditions.

Section 8. Invalid Segment. Should any section or provision of this Local Law be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Local Law as a whole or any part thereof other than the part declared to be invalid.

Section 9. Effective Date. This Local Law shall take effect upon filing with the Secretary of State.

Held in the Finance Committee and the Public Works Committee.

ACT NO. 566-2015 by Mr. Sprague**AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 12-2015**

Pursuant to Section 20 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on November 10, 2015, a proposed Local Law entitled "A Local Law Entitled "Cattaraugus County Road Preservation Law", and

WHEREAS, no local law shall be adopted until a public hearing thereon has been had by the Cattaraugus County Legislature upon at least five days' notice, now, therefore, be it

RESOLVED, that a public hearing shall be held on the proposed local law by this County Legislature on the 24th day of November, 2015, at 3:03 p.m. at the Legislature's Chambers, County Center, 303 Court Street, Little Valley, New York, and that at least five days' notice of such hearing shall be given by the Clerk by the due posting thereof upon the bulletin board of each County Court House within the County and by publishing such notice at least once in the official newspapers of the County.

Held in the Finance Committee and the Public Works Committee.

ACT NO. 567-2015 by Ms. Edstrom and Mrs. Stockman

**APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY
SERVICES BOARD AND BEACON HEALTH STRATEGIES, LLC FOR
DEPARTMENT OF COMMUNITY SERVICES MENTAL HEALTH SERVICES
PROVIDED THROUGH MEDICAID MANAGED CARE PROVIDER PROGRAM
(Department of Community Services)**

Pursuant to 42 USCS Section 1396a, Section 41.07 of the Mental Hygiene Law
and Section 450 of the County Law.

WHEREAS, Act 424-2015 authorized the Department of Community Services to apply to become a participating provider with Beacon Health Strategies, LLC, and

WHEREAS, the execution of a contract is necessary in order to become a participating provider of mental health services to participating members of Beacon Health Strategies, LLC's Provider Network of YOUR CARE Health Plan (YCHP), 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 Beacon Health Strategies, LLC, to signify the County's approval, for the provision of mental health services to participating members of its Provider Network of YOUR CARE Health Plan (YCHP), commencing on the date the contract is signed continuing in full force and effect until terminated by either party hereto.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 568-2015 by Mr. Marsh

AUTHORIZING PUBLIC HEARING ON 2016 TENTATIVE BUDGET

Pursuant to Section 359 of the County Law.

WHEREAS, Section 359 of the County Law requires that a public hearing shall be held by the Legislature on the tentative budget before final adoption of the budget, and

WHEREAS, any individual or group concerned with the budget should have a reasonable opportunity to be heard, now, therefore, be it

RESOLVED, that the public hearing on the 2016 Cattaraugus County Budget will be held by the County Legislature at the Legislature's Chambers, County Center, 303 Court Street, Little Valley, New York, on Tuesday, November 24, 2015, at 3:04 p.m., and be it further

RESOLVED, that the Clerk of the Legislature be, and hereby is, authorized and directed to cause a notice to be published stating the time, place, and purpose of the public hearing and that copies of the tentative budget on which the public hearing will be held are available at his office and may be inspected or procured there by any interested person during business hours.

Approved by 8 members of the Finance Committee.

Adopted November 10, 2015 by voice vote.

ACT NO. 569-2015 by Mr. Murphy
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES
FOR STATEWIDE INTEROPERABLE COMMUNICATIONS GRANT**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 261-2014 authorized the Chairman to execute a contract with the New York State Division of Homeland Security and Emergency Services for the Statewide Interoperable Communications grant (SICG), the term of which expires May 31, 2016, and

WHEREAS, the New York State Division of Homeland Security and Emergency Services has extended the term of the aforementioned contract, for Project #SI 13-1007-D00, to December 2, 2016, and

WHEREAS, a contract extension is necessary in order to accept and receive the aforementioned funding, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with the New York State Division of Homeland Security and Emergency Services, in order to accept and receive the aforementioned grant funding, for a term commencing June 1, 2014 and terminating December 2, 2016, according to the above-described terms.

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

Adopted November 10, 2015 by voice vote.

ACT NO. 570-2015 by Mr. Felton and Ms. Vickman
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE LISTING CONTRACT WITH
DBP REALTY FOR SALE OF PROPERTY IN THE TOWN OF OLEAN**

Pursuant to Section 215 of the County Law.

WHEREAS, the County has title to a parcel of farmland located on East River Road in the Town of Olean, designated as Tax Map No. 103.002-2-20, and

WHEREAS, Act 359-2015 authorized the County Administrator to advertise for sealed bids for the sale of the above-described property, for a minimum bid of \$51,000.00, and

WHEREAS, no bids were received as a result of such advertisement, and

WHEREAS, it would be beneficial to the County to list the property with a real estate broker, and

WHEREAS, DBP Realty has agreed to list the property, with a minimum selling price set at \$51,000.00, for a brokerage fee of 6% of the gross selling price, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned expenses, 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 DBP Realty, for the provision of the above-described broker services to list and sell the above-described property for a minimum sale price of \$51,000.00, for a term commencing November 5, 2015 and terminating May 5, 2016, according to the above-described terms.

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

Adopted November 10, 2015 by voice vote.

ACT NO. 571-2015 by Ms. Edstrom, Mr. Edwards, Mr. Hale, Mr. Klancer, Mr. Marsh,
Mr. Murphy, Mr. Snyder, Jr., Mr. Snyder, Sr., Mrs. Stockman,
Mr. Teachman, Ms. Vickman, Mr. Weller, Mr. Boser, Mr. Koch,
Mrs. Labuhn, Mr. Lamberson, Mr. Padlo and Mr. Sprague
who ask immediate consideration

**LOCAL LAW NUMBER 13 - 2015
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law and
Sections 201 and 205 of the County Law.

A LOCAL LAW ESTABLISHING SALARIES FOR CERTAIN COUNTY OFFICERS

BE IT ENACTED by the County Legislature of the County Of Cattaraugus as follows:

SECTION 1. Legislative Intent. It is the intent of this Local Law to establish salaries for County Officers, elected or appointed who serve fixed terms, for the year 2016.

SECTION 2. Schedule of 2016 Salaries. Effective January 1, 2016, the County Officers listed below shall receive the following bi-weekly salary, which represents their allocated portion of an additional 2% salary increase for 2016 which has been distributed among Department Heads by the methodology established under Act 184-2009 entitled, "Establishing Position Value System for Associating Department Head and Legislative Appointment Salary Increases to Performance Based System":

	2016
<u>Position</u>	<u>Bi-Weekly Salary</u>
County Administrator	\$4,046.58
Director Of Aging	\$2,631.47
Public Health Director	\$3,899.39
Commissioner of Social Services	\$3,563.68
Commissioner of Public Works	\$3,273.68
Department of Nursing Homes Director	\$4,304.61
Personnel Officer/Human Resources Director	\$2,990.20
Information Services Director	\$3,334.80
Economic Development, Planning & Tourism Director	\$3,115.47
Real Property Tax Director	\$2,875.35

SECTION 3. Schedule of Salaries for Other County Officers. Effective January 1, 2016, the County Officers listed below shall receive the following salaries which incorporate a 2% salary increase for each of the year 2016:

	2016
<u>Position</u>	<u>Bi-Weekly Salary</u>
Election Commissioner (2)	\$2,250.12
County Historian	\$ 558.96
Museum Curator	\$ 558.96
Probation Director	\$3,057.13
Veterans Services Director	\$2,150.35
Youth Bureau Director	\$2,456.13

<u>Position</u>	<u>Annual Salary</u>
County Treasurer	\$ 76,931.46
County Coroners (4)	\$ 10,930.32
Sheriff	\$101,181.60

SECTION 4. Supercession. All local laws and resolutions of the Cattaraugus County Legislature, including without limitation Local Law Number 3-2014 and Act No. 205-2014, to the extent that the same are inconsistent with this local law, are hereby superceded.

SECTION 5. Effective Date. This Local Law is subject to permissive referendum in accordance with Section 24 of the Municipal Home Rule Law.

No action taken at this time.

ACT NO. 572-2015 by Ms. Edstrom, Mr. Edwards, Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. Murphy, Mr. Snyder, Jr., Mr. Snyder, Sr., Mrs. Stockman, Mr. Teachman, Ms. Vickman, Mr. Weller, Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson, Mr. Padlo and Mr. Sprague who ask immediate consideration

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 13 - 2015

Pursuant to Section 10 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on November 10, 2015, a proposed Local Law entitled, "A Local Law Establishing Salaries for Certain County Officers", and

WHEREAS, no local law shall be adopted until a public hearing thereon has been had by the Cattaraugus County Legislature upon at least five (5) days' notice, now, therefore, be it

RESOLVED, that a public hearing shall be held on the proposed local law by this County Legislature on the 24th day of November, 2015, at 3:01 p.m. at the Legislature's Chambers, County Center, 303 Court Street, Little Valley, New York, and that at least five (5) days' notice of such hearing shall be given by the Clerk by the due posting thereof upon the bulletin board of each County Court House within the County and by publishing such notice at least once in the official newspapers of the County.

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

Adopted November 10, 2015 by voice vote.

MR. SPRAGUE moved, seconded by Mr. Teachman to adjourn until November 24, 2015 at 3:00 p.m. Carried.

Meeting adjourned at 3:48 p.m.

Ann M. Giglio
Journal Clerk