



Cattaraugus County

John R. Searles, County Administrator

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Little Valley, NY 14755

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■ ■ ■ ■ ■ ■ ■ ■
■ Senior Services Committee Work Session
■ – Tuesday, March 1, 2011 at 6:00 p.m. at
■ The Pines - Machias
■ ■ ■ ■ ■ ■ ■ ■

Contingent Fund Balance: \$329,662

Tobacco Settlement Proceeds to Date: \$15,244,128

The following committees will meet on **Wednesday, March 2, 2011**, at the County Center in Little Valley, New York, at the indicated times:

Public Works	4:00 p.m.
Public Safety	5:00 p.m.
Development & Agriculture	5:15 p.m.
Human Services	5:45 p.m.
Senior Services	6:00 p.m.
County Operations	6:15 p.m.
Finance	6:30 p.m.

ACT NO.

PREFILED RESOLUTIONS

- | | |
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| 104-11 | Mr. Snyder and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH COMMUNITY CARE OF WESTERN NEW YORK, INC. FOR HOME HEALTH CARE SERVICES |
| 105-11 | Mr. Snyder and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE MEMORANDUM OF UNDERSTANDING WITH ACCORD CORPORATION FOR HEALTH DEPARTMENT ADOLESCENT PREGNANCY PREVENTION PROGRAM AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Health Department) |
| 106-11 | Mr. Snyder and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH WALKER BUSINESS & STAFFING SERVICES, INC. FOR CATTARAUGUS ONE-STOP CLERICAL SERVICES |
| 107-11 | Mr. Snyder and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH WALKER BUSINESS & STAFFING SERVICES, INC. FOR CATTARAUGUS ONE-STOP CLERICAL SERVICES |
| 108-11 | Ms. Vickman and Mr. McClune
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH UTICA COLLEGE FOR CLINICAL EXPERIENCE PROGRAM FOR DEPARTMENT OF NURSING HOMES |

- 109-11 Mr. Murphy and Mr. Vecchiarella
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK STATE EMERGENCY MANAGEMENT OFFICE FOR LOCAL MANAGEMENT ASSISTANCE PROGRAM
- 110-11 Mr. McLarney and Mr. Ward
AMENDING ACT 707-2010 REGARDING CONTRACT WITH EMPLOYEE SERVICES, INC. FOR EMPLOYEE ASSISTANCE PROGRAM
- 111-11 Mr. Vecchiarella
AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH NEW YORK STATE GOVERNOR'S TRAFFIC SAFETY COMMITTEE FOR SHERIFF'S DEPARTMENT TRAFFIC SAFETY PARTNERSHIP PROGRAM AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Sheriff's Office)
- 112-11 Mr. Vecchiarella
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NYS DEFENDERS ASSOCIATION, INC. FOR PUBLIC DEFENDER CASE MANAGEMENT SYSTEM MAINTENANCE AND SOFTWARE SUPPORT
- 113-11 Mr. Ellis, Mr. McLarney and Mr. Boser
AUTHORIZING PUBLIC HEARING ON REQUEST FOR INCLUSION INTO A CERTIFIED AGRICULTURAL DISTRICT OF AGRICULTURAL PARCELS SUBMITTED DURING THE 2011 THIRTY-DAY INCLUSION PERIOD
- 114-11 Mr. Burrell and Mr. O'Brien
OPPOSING STATE TAKING OF WESTERN REGIONAL OFF-TRACK BETTING CORPORATION'S PARTICIPATING MUNICIPALITIES' ASSETS
- 115-11 Mr. Giardini and Mr. Ellis
CREATING ONE TEMPORARY POSITION OF CLERK OF THE WORKS IN DEPARTMENT OF PUBLIC WORKS AND ESTABLISHING COMPENSATION FOR SAME AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS (Department of Public Works)

Committee referrals for the March 2, 2011 Committee meetings									
Act #	Finance	County Ops	DPW	Senior Services	Strategic Planning	Human Services	Develop. & Agriculture	Public Safety	Labor Relations
104	X			X		X			
105	X					X			
106	X					X			
107	X					X			
108	X			X					
109	X							X	
110	X								X
111	X							X	
112	X							X	
113	X						X		
114	X								
115	X		X						X
TOTALS	12	0	1	2	0	4	1	3	2

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
COMMUNITY CARE OF WESTERN NEW YORK, INC. FOR
HOME HEALTH CARE SERVICES**

Pursuant to Section 3602 of the Public Health Law and
Section 450 of the County Law.

I. WHEREAS, Act 763-2010, as amended by Act 84-2011, authorized the Chair to execute a contract with Community Care of Western New York, Inc., for the provision of home health care services, the term of which expires February 28, 2011, and

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

III. WHEREAS, the County has entered into agreements with various providers to address patient access to necessary care and services, including other home health care service providers who will continue to serve in a primary role for care delivery on behalf of County patients, and

IV. WHEREAS, Community Care of Western New York, Inc., 1225 West State Street, Olean, New York 14760, agrees to continue to provide home health care services to Cattaraugus County in limited circumstances where access to care may otherwise be hindered due to various patient specific care requirements or where the County's primary providers may not be able to meet needs, and

V. WHEREAS, Community Care of Western New York, Inc., will accept County patients or continue care for County patients under these limited circumstances, when possible and in accordance with its patient care standards, in consideration of the following terms and as applicable only to specific patients identified by the County:

<u>Level of Care:</u>	<u>2011 Rates</u>
Home Attendant/Housekeeper (Personal Care 1) _A	2011 NYSDOH Medicaid Rate* (initial 2011 rate \$20.27/hr.)
Personal Care Aide (Personal Care 2) _A	2011 NYSDOH Medicaid Rate* (initial 2011 rate \$21.24/hr.)
Certified Home Health Aide _A	2011 Medicare LUPA Visit Rate** (\$44.67/visit; 50% for hourly rate)
Nursing Supervision Visit	2011 NYSDOH Medicaid Rate* (initial 2011 rate \$83.59/visit)

* Refers to the provider Medicaid rate issued by the NYS Department of Health for period cited, subject to changes or withhold/reductions by Medicaid [Note: Current reduction is 1.1% of initial rate through 3/31/2011].

** Refers to Medicare LUPA rate for rural NYS, representing 2-hour visit.

_A 2-hour visit minimum,

now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Community Care of

Western New York, Inc., for the provision of the above-described services for a term commencing March 1, 2011 and terminating December 31, 2011, according to the above-described terms.

Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input checked="" type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input checked="" type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

AUTHORIZING THE CHAIR TO EXECUTE MEMORANDUM OF UNDERSTANDING WITH
 ACCORD CORPORATION FOR HEALTH DEPARTMENT
 ADOLESCENT PREGNANCY PREVENTION PROGRAM AND
 ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
 (Health Department)

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

I. WHEREAS, the County Health Department is desirous of participating in the Comprehensive Adolescent Pregnancy Prevention (CAPP) project, in an effort to reduce teen pregnancy rates in Cattaraugus County, and

II. WHEREAS, the County Health Department shall expand clinic hours in the Salamanca office to incorporate 2-3 additional hours, twice monthly, and

III. WHEREAS, the Allegany County Community Opportunities and Rural Development Corporation (ACCORD), 84 Schuyler Street, P.O. Box 573, Belmont, New York 14813, shall pay to the County Health Department an amount of \$18,800 to assist with promoting the CAPP program initiatives, and

IV. WHEREAS, this program includes state funding, and

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

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with ACCORD Corporation, for the provision of the above-described services, for a term commencing January 1, 2011 and terminating December 31, 2011, according to the above-described terms, and be it further

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

Increase Estimated Revenue Account:

A.401.4017.4035.2705.22 Grant	\$18,800.00
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Increase Appropriation Account:

A.401.4017.4035.41219 Nurse Practitioner Services	\$18,800.00.
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Resolution Referred to:

Finance <input checked="" type="checkbox"/>	Human Services <input checked="" type="checkbox"/>
Co. Operations <input type="checkbox"/>	Develop. & Ag <input type="checkbox"/>
DPW <input type="checkbox"/>	Public Safety <input type="checkbox"/>
Senior Services <input type="checkbox"/>	Labor Relations <input type="checkbox"/>
Strategic Planning <input type="checkbox"/>	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
WALKER BUSINESS & STAFFING SERVICES, INC. FOR
CATTARAUGUS ONE-STOP CLERICAL SERVICES**

Pursuant to Workforce Investment Act of 1998 and
Section 450 of the County Law.

I. WHEREAS, Act 282-2009, amended by Act 332-2009, authorized a contract with Walker Business & Staffing Services, Inc., 23 West State Street, Wellsville, New York 14895, for the provision of clerical services for the Cattaraugus One-Stop offices, the term of which expired May 31, 2010, and

II. WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned services, and

III. WHEREAS, Walker Business & Staffing Services, Inc., has provided the necessary clerical services for the Cattaraugus One-Stop at a rate of \$12.78 per hour for one (1) Keyboard Specialist, for a total amount not to exceed \$23,260.00, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Walker Business & Staffing Services, Inc., for the provision of the above-described services, for a term commencing June 1, 2010 and terminating May 31, 2011, according to the above-described terms.

Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input checked="" type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
WALKER BUSINESS & STAFFING SERVICES, INC. FOR
CATTARAUGUS ONE-STOP CLERICAL SERVICES**

Pursuant to Workforce Investment Act of 1998 and
Section 450 of the County Law.

I. WHEREAS, Act 106-2011 authorized a contract with Walker Business & Staffing Services, Inc., 23 West State Street, Wellsville, New York 14895, for the provision of clerical services for the Cattaraugus One-Stop offices, the term of which expires May 31, 2011, and

II. WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned services, and

III. WHEREAS, Walker Business & Staffing Services, Inc., can provide the necessary clerical services for the Cattaraugus One-Stop at a rate of \$12.78 per hour for one (1) Keyboard Specialist, for a total amount not to exceed \$23,260.00, and

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

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Walker Business & Staffing Services, Inc., for the provision of the above-described services, for a term commencing June 1, 2011 and terminating May 31, 2012, according to the above-described terms, and be it further

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

Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input checked="" type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH UTICA COLLEGE FOR
CLINICAL EXPERIENCE PROGRAM FOR DEPARTMENT OF NURSING HOMES**

Pursuant to Section 450 of the County Law.

I. WHEREAS, Utica College, 1600 Burrstone Road, Utica, New York 13052, offers a training and educational program to students in the Occupational Therapy Assistant Program and Nursing Program who would benefit from clinical experience at the Cattaraugus County Department of Nursing Homes, and

II. WHEREAS, the County believes that the value of the presence of such students would add to its operation, and

III. WHEREAS, the aforementioned program is conducted at no cost to the County, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with Utica College, for the provision of the above-described services, for a term commencing December 9, 2010 and terminating December 9, 2012, with an option to renew for an additional two (2) year term, according to the above-described terms.

Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input checked="" type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE EMERGENCY MANAGEMENT OFFICE FOR
LOCAL EMERGENCY MANAGEMENT ASSISTANCE PROGRAM**

Pursuant to P.L. 81-920 and Section 450 of the County Law.

I. WHEREAS, Act 92-2010 authorized a contract with the New York State Emergency Management Office, 1220 Washington Street, Building 22, Suite 101, Albany, New York 12226-2251, for the Local Emergency Management Assistance Program, the term of which expired September 30, 2009, and

II. WHEREAS, the County participated in the program for federal fiscal year 2010 and should continue to participate, and

III. WHEREAS, under this agreement, the County will receive approximately \$33,687.00 from the State Emergency Management Office, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the New York State Emergency Management Office for the above-described program, for a term commencing October 1, 2009 and terminating September 30, 2010, according to the above-described terms.

Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input checked="" type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AMENDING ACT 707-2010 REGARDING CONTRACT WITH
EMPLOYEE SERVICES, INC., FOR EMPLOYEE ASSISTANCE PROGRAM**

Pursuant to Section 205 of the County Law and
Act 472-2010 of the Cattaraugus County Legislature.

I. WHEREAS, Act 707-2010 authorized a contract with Employee Services, Inc., 111 West Pearl Street, Wellsville, New York 14895, for the provision of an Employee Assistance program, the term of which expires December 31, 2011, and

II. WHEREAS, Employee Services, Inc. has advised the County that a new rate of \$24.87 per non-public safety employee and \$37.53 per public safety employee will be charged effective January 1, 2011, for a total not to exceed \$22,147.00, based on the number of covered employees, and

III. WHEREAS, Act 707-2010 should be amended to reflect the revised rates, now, therefore, be it

I. RESOLVED, that Act 707-2010 be, and hereby is, amended as follows:

- delete: "\$25.33" and replace with: "\$24.87"
- delete: "\$77.53" and replace with: "\$37.53", and
- delete: "\$26,082" and replace with: "\$22,147.00".

Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input checked="" type="checkbox"/>
Strategic Planning	<input type="checkbox"/>		<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE GOVERNOR'S TRAFFIC SAFETY COMMITTEE FOR
SHERIFF'S DEPARTMENT TRAFFIC SAFETY PARTNERSHIP PROGRAM AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Sheriff's Office)**

Pursuant to Section 1229-c of the Vehicle and
Traffic Law and Sections 363, 366 and 450 of the County Law.

I. WHEREAS, Act 187-2009 authorized the Chairman to apply for funding through the New York State Governor's Traffic Safety Committee for a Traffic Safety Enforcement Program for the 2010 program year, and

II. WHEREAS, funding is again available through the New York State Governor's Traffic Safety Committee for a Traffic Safety Partnership Program, which shall include, but not be limited to, components such as: the Child Safety Seat Program, the Selective Traffic Enforcement Program (STEP) and the Traffic Safety Education Program, and

III. WHEREAS, the County Sheriff's Office is desirous of applying for the aforementioned funding, and

IV. WHEREAS, a contract is necessary in order to receive the aforementioned funding, and

V. WHEREAS, this program includes funding from the New York State Governor's Traffic Safety Committee, and

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

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the New York State Governor's Traffic Safety Committee, in order to apply for, and receive, the aforementioned funding, according to the above-described terms, and be it further

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

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

Increase Estimated Revenue Accounts:

A.311.3324.3324.4320.06 Traffic Safety Partnership Program	\$31,525.00
A.311.3324.3325.4320.06 Traffic Safety Partnership Program	\$20,000.00

Increase Appropriation Accounts:

A.311.3324.3324.13000 Sheriff's Office Overtime	\$16,000.00
A.311.3324.3324.12000 Sheriff's Office Part-Time	\$ 5,472.00
A.311.3324.3324.45401 Small tools/Equip - Radar Unit	\$ 1,350.00
A.311.3324.3324.47006 Operating Supplies	\$ 3,900.00
A.311.3324.3325.47026 Child Safety Seats	\$16,000.00
A.311.3324.3325.47006 Child Seat Program Supplies	\$ 4,000.00
A.311.3324.3324.81000 FICA	\$ 1,643.00
A.311.3324.3324.82000 Retirement	\$ 3,160.00.

Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input checked="" type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>		<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NYS DEFENDERS ASSOCIATION, INC. FOR
PUBLIC DEFENDER CASE MANAGEMENT SYSTEM
MAINTENANCE AND SOFTWARE SUPPORT**

Pursuant to Article 18-A and Section 450 of the County Law.

I. WHEREAS, Act 130-2010 authorized a contract with the NYS Defenders Association, Inc., for annual maintenance and software support for the Public Defender's Office Public Defense Case Management System, the term of which expires March 27, 2011, and

II. WHEREAS, the Public Defender's Office is desirous of continuing the aforementioned maintenance and software support, and

III. WHEREAS, the NYS Defenders Association, Inc., 194 Washington Avenue, Suite 500, Albany, New York 12210-2314, can provide the necessary maintenance and support for the Public Defense Case Management System for an amount of \$2,500, and

IV. WHEREAS, sufficient funds are included in the 2011 budget to cover the costs of the aforementioned services, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the NYS Defenders Association, Inc., for the provision of the above-described maintenance and support services, for a term commencing March 28, 2011 and terminating March 27, 2012, according to the above-described terms.

Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input checked="" type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING PUBLIC HEARING ON REQUESTS FOR INCLUSION
INTO A CERTIFIED AGRICULTURAL DISTRICT OF AGRICULTURAL PARCELS
SUBMITTED DURING THE 2011 THIRTY-DAY INCLUSION PERIOD**

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

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

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

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

IV. WHEREAS, parcels requesting inclusion are located in the existing Farmersville-Freedom, Southeast and Central, and Southwest Agricultural Districts, and the Towns of Franklinville (Tax Map No. 48.004-2-13), Allegany (Tax Map No. 93.004-2-10) and Randolph (Tax Map No. 78.004-1-6 adjoined to 78.004-1-7), and

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

I. RESOLVED, that the Cattaraugus County Legislature hereby authorizes a public hearing on the inclusion into a certified agricultural district of agricultural parcels submitted during the 2011 thirty-day inclusion period, to be held at the Cattaraugus County Legislature's Chambers, 303 Court Street, Little Valley, New York, on the 23rd day of March, 2011 at 3:01 p.m., and be it further

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

Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input checked="" type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>		<input type="checkbox"/>

**OPPOSING STATE TAKING OF WESTERN REGIONAL OFF-TRACK BETTING
CORPORATION'S PARTICIPATING MUNICIPALITIES' ASSETS**

Pursuant to Section 153 of the County Law.

I. WHEREAS, in September 1973, Cattaraugus County and eight other Western New York counties established the Western Regional Off-Track Betting Corporation "WROTB" as authorized by state law, and

II. WHEREAS, these municipal "stockholders" chose to exercise a local option to form such a corporation and to retain local control over such gaming activities in their respective communities, and

III. WHEREAS, the start-up costs of WROTB were funded solely by Cattaraugus County and the other counties involved, which no assistance from the State of New York, and

IV. WHEREAS, since WROTB was established, eight additional Western New York counties have joined the original nine counties in the local control of such gaming activities, and

V. WHEREAS, WROTB has generated over \$200 million dollars in operating and surcharge revenues to the taxpayers of the participating counties since 1973, and

VI. WHEREAS, Governor Cuomo and both houses of the State Legislature are now publicly proposing that the State take, and thereby confiscate, WROTB's business and assets by consolidating all regional off-track betting corporations in the State into a state-sponsored private or quasi-governmental entity, and

VII. WHEREAS, in the event of such consolidation of the regional off-track betting corporations presently existing in New York State, Cattaraugus County and the other counties who are participants in and owners of WROTB will lose the revenue generated from such endeavor, the independence which influenced the counties to take part in off-track betting initially, and local oversight of gaming efforts in our communities, and

VIII. WHEREAS, Cattaraugus County and the other counties of Western New York each have a pro-rata financial interest in the \$39 million dollars of net equity reinvested in WROTB's more than 30 corporately-owned branch facilities and the track at Batavia Downs, and

IX. WHEREAS, the proposed consolidation of regional off-track betting systems represents another effort by the governor and legislature to take desperately needed assets, income and funds from counties and other municipalities in the state for the purpose of bailing the state out of its present financial crisis, now, therefore, be it

I. RESOLVED, that the Cattaraugus County Legislature hereby states its opposition to this poorly-conceived proposed take-over to of WROTB by the State of New York and memorializes Governor Andrew Cuomo and the state legislature to cease their efforts in this regard, and be it further

II. RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Governor Cuomo, Senator Young, Assembly Member Giglio, Senate Majority Leader Skelos, Speaker Silver, the New York State Association of Counties, the Western New York Inter-County Association and the Western Regional Off-Track Betting Corporation.

Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>		<input type="checkbox"/>

CREATING ONE TEMPORARY POSITION OF
CLERK OF THE WORKS IN DEPARTMENT OF PUBLIC WORKS AND
ESTABLISHING COMPENSATION FOR SAME AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Public Works)

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

I. WHEREAS, Act 254-2010 authorized contracts with Duggan & Duggan General Contractors for purposes of completing Energy Conservation Improvements for improvement in the Olean County Center, and

II. WHEREAS, certain services, such as oversight of the project and coordination of staff, can be accomplished in a more efficient and economical manner by using a "Clerk of the Works", and

III. WHEREAS, the New Position Duties Statement has been submitted to the Cattaraugus County Civil Service Commission, which has approved the title in accordance with Section 22 of the Civil Service Law, and

IV. WHEREAS, various appropriation accounts must be adjusted, now, therefore, be it

I. RESOLVED, that effective March 20, 2011, there is hereby created one position of Clerk of the Works in the Department of Public Works, to be compensated at a rate of \$25.23 per hour, and be it further

II. RESOLVED, that upon completion of the project, but not later than July 31, 2011, the position created herein shall be automatically abolished, and be it further

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

Decrease Appropriation Account:

H.504.1623.0000.21014.41603	Contracted Services	\$12,918.00
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Increase Appropriation Accounts:

H.504.1623.0000.21014.12000	Part-Time Wages	\$12,000.00
H.504.1623.0000.21014.81000	FICA	\$ 918.00.

Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input checked="" type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input checked="" type="checkbox"/>
Strategic Planning	<input type="checkbox"/>		<input type="checkbox"/>