



CATTARAUGUS COUNTY

John R. Searles, County Administrator

The Legislature of Cattaraugus County will meet in adjourned session at the County Center, Little Valley, New York, on **Wednesday, March 23, 2011**, for the transaction of such business as may properly come before the meeting.

Contingent Fund Balance: \$329,662

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

3:00 p.m.

CALL TO ORDER

ROLL CALL

INVOCATION

MINUTES OF PREVIOUS MEETING

COMMUNICATIONS

PRIVILEGE OF THE FLOOR

Public Hearings

- *Requests for Inclusion into Certified Agricultural Districts*

- *Local Law Number 1-2011*

Presentations

- *Department of Defense - PTAC Presentation*

- *Veteran's Office - Annual Report*

RESOLUTIONS READY FOR ACTION

UNFINISHED BUSINESS

RESOLUTIONS – IMMEDIATE CONSIDERATION

ADJOURNMENT

ACT NO.

PREFILED RESOLUTIONS – READY FOR ACTION

113-11

Mr. Ellis, Mr. McLarney and Mr. Boser

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

118-11

Mr. Burrell, Mr. McLarney, Mr. O'Brien and Mr. Ward

LOCAL LAW NUMBER 1-2011 – A LOCAL LAW TRANSFERRING THE PAYROLL PROCESS TO THE OFFICE OF THE COUNTY TREASURER

121-11

Mr. Giardini and Mr. Ellis

BID ACCEPTANCE FOR CONCRETE PIPE (CLASS III & IV) (Department of Public Works)

Approved by 8 Finance and 6 Public Works

- 122-11 Mr. Giardini and Mr. Ellis
ACCEPTING MATERIAL BIDS FOR ASPHALT CONCRETE, LIQUID BITUMINOUS MATERIALS, MICRO SURFACING, IN-PLACE RECYCLING OF BITUMINOUS PAVEMENT, SURFACE TREATING, PAVER PLACED CHIP SEAL, FIBER REINFORCED BITUMINOUS MEMBRANE SURFACE TREATMENT AND HOT MIX ASPHALT IN-PLACE PAVING PROJECTS (Department of Public Works)
Approved by 8 Finance and 6 Public Works
- 123-11 Mr. Giardini and Mr. Ellis
ACCEPTING MATERIAL BIDS FOR PLASTIC CORRUGATED DRAINAGE PIPE, STEEL CORRUGATED PIPE AND PIPE ARCHES AND BRIDGE STRUCTURAL STEEL (Department of Public Works)
Approved by 8 Finance and 6 Public Works
- 124-11 Mr. Giardini and Mr. Ellis
ACCEPTING MATERIAL BIDS FOR HYDRAULIC AND MOTOR OIL (Department of Public Works)
Approved by 8 Finance and 6 Public Works
- 125-11 Mr. Giardini and Mr. Ellis
ACCEPTING MATERIAL BIDS FOR GALVANIZED SQUARE STEEL TUBING FOR SIGN POSTS (Department of Public Works)
Approved by 8 Finance and 6 Public Works
- 126-11 Mr. Giardini and Mr. Ellis
ACCEPTING MATERIAL BIDS FOR HIGHWAY SIGNS AND SANDBLASTING ABRASIVES (Department of Public Works)
Approved by 8 Finance and 6 Public Works
- 127-11 Mr. Giardini and Mr. Ellis
BID ACCEPTANCE FOR ROAD STRIPING (Department of Public Works)
Approved by 8 Finance and 6 Public Works
- 128-11 Mr. Giardini and Mr. Ellis
BID ACCEPTANCE FOR PORTABLE TOILET SERVICE IN VARIOUS LOCATIONS THROUGHOUT COUNTY (Department of Public Works)
Approved by 8 Finance and 6 Public Works
- 129-11 Mr. Giardini and Mr. Ellis, Mr. Marsh and Mr. Neal
BID ACCEPTANCE FOR REPLACEMENT OF LITTLE VALLEY BRIDGE NO. 15 (Department of Public Works)
Approved by 8 Finance and 6 Public Works
- 130-11 Mr. Marsh
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH LINSTAR, INC. FOR ON-SITE SERVICE AND MAINTENANCE OF PROXIMITY AND SECURITY CAMERA EQUIPMENT
Additional sponsors: Mr. Aiello and Mr. Neal
Approved by 8 Finance, 7 County Operations and 6 Public Safety

- 131-11 Mr. Giardini and Mr. Ellis
AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH CASELLA WASTE MANAGEMENT, NEW ENGLAND WASTE SERVICES OF NY, INC. FOR OUT-OF-COUNTY WASTE DISPOSAL SERVICES
Approved by 8 Finance and 6 Public Works
- 132-11 Mr. Giardini and Mr. Ellis
AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH WCA HOSPITAL FOR AUDIOMETRIC TESTING **Additional sponsor: Mr. Neal**
Approved by 8 Finance, 6 Public Works and 6 Public Safety
- 133-11 Mr. Marsh and Mr. Neal
AUTHORIZING THE CHAIR TO EXECUTE ENVIRONMENTAL EASEMENT WITH NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR FORMER RANDOLPH FOUNDRY SITE
Approved by 8 Finance and 7 County Operations
- 134-11 Development & Agriculture Committee: Mr. McLarney, Mr. Boser, Mr. Burrell, Mr. Ellis, Mr. Snyder, Mr. Vecchiarella and Mr. Giardini
AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH VARIOUS ENTITIES FOR TOURISM PROMOTION AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS (Department of Economic Development, Planning & Tourism)
Approved by 8 Finance and 5 Development & Agriculture
- 135-11 Mr. Burrell, Mr. McLarney, Mr. O'Brien and Mr. Ward
ABOLISHING ONE POSITION OF ASSISTANT COUNTY PAYROLL SPECIALIST IN HUMAN RESOURCES AND CREATING ONE POSITION OF ACCOUNTANT AND ONE POSITION OF SENIOR ACCOUNTANT IN THE OFFICE OF THE COUNTY TREASURER AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS (Human Resources – Office of the County Treasurer)
Approved by 8 Finance, 7 County Operations and 4 Labor Relations
- 136-11 Mr. Burrell, Mr. McLarney, Mr. O'Brien and Mr. Ward
TRANSFER POSITION OF COUNTY PAYROLL SPECIALIST FROM DEPARTMENT OF HUMAN RESOURCES TO OFFICE OF COUNTY TREASURER AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS (Office of County Treasurer)
Approved by 8 Finance, 7 County Operations and 4 Labor Relations
- 137-11 Mr. Snyder
AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH OLEAN YMCA, INC. FOR DEPARTMENT OF SOCIAL SERVICES COMMON SENSE PARENTING TRAINING **Additional sponsors: Ms. Edstrom and Mr. Teachman**
Approved by 8 Finance and 7 Human Services
- 138-11 Ms. Vickman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH NEXT GENERATION VENDING AND FOOD SERVICE, INC. FOR DEPARTMENT OF NURSING HOMES VENDING AND OFFICE REFRESHMENT SERVICES
Approved by 8 Finance and 6 Senior Services

- 139-11 Ms. Vickman and Mr. McClune
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH HEALTHY COMMUNITY ALLIANCE, INC. FOR HEALTH INSURANCE AND LONG-TERM CARE INFORMATION AND COUNSELING
Approved by 8 Finance and 6 Senior Services
- 140-11 Ms. Vickman
AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH DONALD A. PROTO, DDS AND DANIEL O. PROTO, DDS FOR DEPARTMENT OF NURSING HOMES DENTAL SERVICES ***Additional sponsors: Ms. Edstrom, Mr. Neal, Mr. Teachman, Mr. Vecchiarella and Mr. Padlo***
Approved by 8 Finance and 6 Senior Services
- 141-11 Ms. Vickman and Mr. McClune
AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH LEGAL SERVICES FOR THE ELDERLY, DISABLED OR DISADVANTAGED OF WESTERN NEW YORK, INC. FOR LEGAL SERVICES FOR ELDERLY RESIDENTS OF CATTARAUGUS COUNTY
Approved by 8 Finance and 6 Senior Services
- 142-11 Mr. Snyder and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH WELCO, LKA, INC. FOR HEALTH DEPARTMENT CLEAN INDOOR ACT COMPLIANCE CHECKS
Approved by 8 Finance and 7 Human Services
- 143-11 Mr. Snyder and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH MEDELA, INC. FOR HEALTH DEPARTMENT BREAST PUMP RENTALS
Approved by 8 Finance and 7 Human Services
- 144-11 Mr. Snyder and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH BERTRAND CHAFFEE HOSPITAL FOR HEALTH DEPARTMENT HOME HEALTH CARE THERAPY SERVICES
Approved by 8 Finance and 7 Human Services
- 145-11 Mr. Snyder and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH BERTRAND CHAFFEE HOSPITAL FOR LABORATORY, RADIOLOGY AND MAMMOGRAPHY SERVICES
Approved by 8 Finance and 7 Human Services
- 146-11 Mr. Snyder and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH WCA HOSPITAL FOR HEALTH DEPARTMENT HOME HEALTH CARE THERAPY SERVICES
Approved by 8 Finance and 7 Human Services

- 147-11 Mr. Snyder and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH WCA HOSPITAL FOR
LABORATORY, RADIOLOGY AND MAMMOGRAPHY SERVICES
Approved by 8 Finance and 7 Human Services
- 148-11 Mr. Snyder and Mrs. Stockman
AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH NEW YORK STATE
DIVISION OF HOUSING AND COMMUNITY RENEWAL'S OFFICE OF COMMUNITY
RENEWAL FOR COUNTY-WIDE WELL AND SEPTIC SYSTEM REPLACEMENT
Approved by 8 Finance and 7 Human Services
- 149-11 Mr. Vecchiarella
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK STATE
DIVISION OF CRIMINAL JUSTICE SERVICES FOR OFFICE OF PROBATION AND
CORRECTIONAL ALTERNATIVES FOR ALTERNATIVE TO INCARCERATION PROGRAMS
FOR JAIL DIVERSION AND/OR RE-ENTRY IN NEW YORK STATE ***Additional sponsor: Mr.
Aiello***
Approved by 8 Finance and 6 Public Safety
- 150-11 Mr. Vecchiarella
AUTHORIZING SHERIFF'S OFFICE TO PURCHASE TASERS AND ADJUSTING VARIOUS
APPROPRIATION AND REVENUE ACCOUNTS (Sheriff's Office) ***Additional sponsors: Mr.
Aiello, Mr. Neal and Mr. Teachman***
Approved by 8 Finance and 6 Public Safety
- 151-11 Mr. Vecchiarella
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK STATE
DIVISION OF CRIMINAL JUSTICE SERVICES OFFICE OF PROBATION AND
CORRECTIONAL ALTERNATIVES FOR GTSC IGNITION INTERLOCK MONITORING
PROGRAM
Approved by 8 Finance and 6 Public Safety
- 152-11 Mr. Snyder and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK STATE
DEPARTMENT OF HEALTH FOR HEALTH DEPARTMENT CHILDHOOD LEAD
POISONING PREVENTION PROGRAM
Approved by 8 Finance and 7 Human Services
- 153-11 Mr. Burrell and Mr. McLarney
RESOLUTION APPROVING THE ISSUANCE OF CERTAIN OBLIGATIONS BY
CATTARAUGUS COUNTY CAPITAL RESOURCE CORPORATION TO FINANCE A
CERTAIN PROJECT FOR YOUNG MEN'S CHRISTIAN ASSOCIATION OF OLEAN, NY AND
BRADFORD, PA
Approved by 8 Finance and 5 Development & Agriculture

**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.

**LOCAL LAW NUMBER 1 - 2011
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW TRANSFERRING THE PAYROLL PROCESS
TO THE OFFICE OF COUNTY TREASURER**

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 transfer the operation, direction, coordination and control of the Cattaraugus County government payroll process from the Human Resources Department to the Office of County Treasurer.

SECTION 2. Transfer of Payroll Functions. Effective April 18, 2011, the operation, direction, coordination and control of the Cattaraugus County government payroll process and function is transferred from the Department of Human Resources to the County Treasurer.

SECTION 3. Powers and Duties of the Office of County Treasurer. In addition to the powers and duties prescribed by Section 550 of the County Law and such other duties as may otherwise be prescribed by law, the Office of County Treasurer shall have the following powers and duties:

3.1 to implement the policies of the County Legislature with regard to the payroll process;

3.2 to employ such persons as required to perform his or her duties related to the Cattaraugus County government payroll process, subject to the approval of such employment by the Cattaraugus County Civil Service Commission and the County Legislature, and authority to remove persons from such employment under the provisions of Civil Service Law Section 75 or the Collective Bargaining Agreement, whichever removal process applies;

3.3 to negotiate contracts with such persons or entities, as required to perform his or her powers and duties, subject to approval of such contracts by the County Legislature;

3.4 to adopt rules and regulations not inconsistent with law for conduct of the payroll process;

3.5 to establish and maintain a roster of all County officers and employees;

3.6 to administer on behalf of the County, agreements, as they relate to payroll, with recognized employee organizations concerning terms and conditions of employment and other matters that may come before the County Treasurer, and recommend necessary action to the County Legislature;

3.7 to implement such time and attendance policies as may be established by the County Legislature;

3.8 to ensure implementation, compliance with and application of federal, state and local labor laws, rules and regulations;

3.9 to have and/or perform such other powers and additional duties as may be authorized by local law, resolution or other direction of the County Legislature.

SECTION 4. Statutory Repeal. All resolutions, local laws and motions inconsistent with the provisions hereof, are hereby superseded.

SECTION 5. 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 affect, 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 6. Effective Date. This Local Law shall take effect on April 18, 2011.