



# 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 **Tuesday, November 22, 2011**, for the transaction of such business as may properly come before the meeting.

Contingent Fund Balance: \$156,676

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  
        • Local Law Number 14-2011  
        • Local Law Number 15-2011  
        • 2012 Tentative Budget  
RESOLUTIONS READY FOR ACTION  
UNFINISHED BUSINESS  
RESOLUTIONS – IMMEDIATE CONSIDERATION  
ADJOURNMENT

## ACT NO.

## PREFILED RESOLUTIONS – READY FOR ACTION

- 489-11      Mr. Vecchiarella  
LOCAL LAW NUMBER 14-2011 – A LOCAL LAW AMENDING LOCAL LAW NUMBER 20-2000 (INTRO NUMBER 9-2000) REGARDING FEES FOR CATTARAUGUS COUNTY SHERIFF'S OFFICE SERVICES ***Additional sponsors: Mr. Aiello and Mr. Neal***  
Approved by 7 Finance and 6 Public Safety
- 498-11      Ms. Edstrom, Mr. Neal, Ms. Vickman, Mr. Boser and Mr. McClune  
LOCAL LAW NUMBER 15-2011 – A LOCAL LAW ESTABLISHING FEES FOR DEPARTMENT OF NURSING HOMES RESIDENT PRIVATE PAY RATES AND REPEALING ACT 534-2010
- \* \* \* \* \*
- 501-11      Mr. Marsh  
SALE OF TAX TITLE PROPERTIES  
Approved by 8 Finance and 6 County Operations
- 502-11      Mr. Giardini and Mr. Marsh and Mr. Ward  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH ABATE ASSOCIATES ENGINEERS & SURVEYORS, P.C. FOR CONSTRUCTION INSPECTION SERVICES FOR COUNTY ROAD NO. 30 IMPROVEMENT PROJECTS  
Approved by 8 Finance and 8 Public Works

- 503-11 Mr. Giardini and Mr. Burrell, Mr. Ellis, Ms. Vickman and Mr. Hebdon  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH MCMAHON &  
MANN CONSULTING ENGINEERS, P.C. FOR GEOTECHNICAL EVALUATION SERVICES  
FOR COUNTY ROAD NO. 21 SLOPE FAILURE AREA  
Approved by 8 Finance and 8 Public Works
- 504-11 Mr. Giardini and Mr. Ellis, Mr. O'Brien and Mr. McLarney  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH HUNT  
ENGINEERS ARCHITECTS & LAND SURVEYORS, P.C. FOR PHASE III ENGINEERING  
SERVICES FOR COUNTY ROAD NO. 27 RECONSTRUCTION/REHABILITATION PROJECT  
**Additional sponsor: Mr. Padlo**  
Approved by 8 Finance and 8 Public Works
- 505-11 Mr. Giardini and Mr. Ellis and Mr. Murphy  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH STANTEC  
CONSULTING SERVICES, INC. FOR ENGINEERING SERVICES FOR NEW ALBION BRIDGE  
NO. 35 FEDERAL-AID REPLACEMENT PROJECT  
Approved by 8 Finance and 8 Public Works
- 506-11 Mr. Giardini and Mr. Ellis  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH WENDEL  
DUCHSCHERER ARCHITECTS & ENGINEERS FOR COUNTY-WIDE BUILDING/SPACE  
STUDY UPDATE  
Approved by 8 Finance and 8 Public Works
- 507-11 Mr. Giardini and Mr. Ellis and Mr. Murphy  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH ABATE  
ASSOCIATES ENGINEERS & SURVEYORS, P.C. FOR ENGINEERING SERVICES FOR OTTO  
BRIDGE NO. 12 FEDERAL AID REPLACEMENT PROJECT  
Approved by 8 Finance and 8 Public Works
- 508-11 Mr. Giardini and Mr. Ellis  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH TOWN OF  
ALLEGANY FOR ADMINISTRATION OF ST. BONAVENTURE UNIVERSITY CAMPUS  
ACCESS PROJECTS **Additional sponsors: Mr. Teachman and Mr. Padlo**  
Approved by 8 Finance and 8 Public Works
- 509-11 Mr. Giardini and Mr. Ellis and Mr. Ward  
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 **Additional sponsor: Mr. Padlo**  
Approved by 8 Finance and 8 Public Works
- 510-11 Mr. Giardini and Mr. Ellis, Mr. Boser and Mr. Ward  
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH FISHER  
ASSOCIATES, P.E., L.S., P.C. FOR COUNTY ROAD NO. 30 REHABILITATION PROJECT  
ENVIRONMENTAL CONSULTING SERVICES  
Approved by 8 Finance and 8 Public Works
- 511-11 Mr. Giardini and Mr. Ellis  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATTARAUGUS COUNTY  
SOIL & WATER CONSERVATION DISTRICT FOR 2012 STREAMBANK RESTORATION  
PROGRAM **Additional sponsor: Mr. Neal**  
Approved by 8 Finance and 8 Public Works

- 512-11 Mr. Giardini and Mr. Ellis  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH E & M ENGINEERS AND SURVEYORS, P.C. FOR BRIDGE AND MISCELLANEOUS ENGINEERING SERVICES  
Approved by 8 Finance and 8 Public Works
- 513-11 Mr. Marsh  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH SYSTEMS DEVELOPMENT GROUP, INC. FOR REAL PROPERTY TAX SERVICES IMAGE MATE ONLINE SUPPORT AGREEMENT AND IMAGE MATE GIS SUPPORT AGREEMENT  
Approved by 8 Finance and 6 County Operations
- 514-11 Mr. Snyder and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH DOMINIC DISPENZA FOR DEPARTMENT OF SOCIAL SERVICES SEXUAL OFFENDER RISK EVALUATIONS  
Approved by 8 Finance and 6 Human Services
- 515-11 Mr. Snyder and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH NEW YORK STATE DEPARTMENT OF HEALTH FOR ARRA IMMUNIZATION BUREAU FUNDING AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Department of Health)  
Approved by 8 Finance and 6 Human Services
- 516-11 Mr. Snyder and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH HOUGHTON COLLEGE FOR COUNTY HEALTH DEPARTMENT PARTICIPATION IN TEAMBUILDING AND OUTDOOR ADVENTURE  
Approved by 8 Finance and 6 Human Services
- 517-11 Mr. Snyder and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH WELCO, LKA, INC. FOR HEALTH DEPARTMENT CLEAN INDOOR AIR ACT COMPLIANCE CHECKS **Additional sponsor: Mr. Aiello**  
Approved by 8 Finance and 6 Human Services
- 518-11 Mr. Snyder and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH NEW YORK STATE DEPARTMENT OF HEALTH FOR FAMILY PLANNING PROGRAMS  
Approved by 8 Finance and 6 Human Services
- 519-11 Mr. Snyder and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH OLEAN GENERAL HOSPITAL FOR FAMILY PLANNING CLINIC LABORATORY SERVICES **Additional sponsors: Mr. Burrell and Mr. Teachman**  
Approved by 8 Finance and 6 Human Services
- 520-11 Mr. Snyder and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH OLEAN GENERAL HEALTHCARE SYSTEMS, LLC FOR HEALTH DEPARTMENT HOME HEALTH CARE PROGRAM RESPIRATORY THERAPY SERVICES **Additional sponsors: Mr. Burrell and Mr. Teachman**  
Approved by 8 Finance and 6 Human Services
- 521-11 Mr. Snyder and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH KELLIE SZKATULSKI FOR HEALTH DEPARTMENT SPEECH THERAPY SERVICES **Additional sponsor: Ms. Edstrom**  
Approved by 8 Finance and 6 Human Services

- 522-11 Mr. Snyder and Mrs. Stockman  
AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS WITH VARIOUS ENTITIES FOR HEALTH DEPARTMENT WIC CLINIC SPACE **Additional sponsor: Mr. Teachman**  
Approved by 8 Finance and 6 Human Services
- 523-11 Mr. Snyder and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH OLEAN GENERAL HOSPITAL FOR LABORATORY, RADIOLOGY AND MAMMOGRAPHY SERVICES **Additional sponsors: Mr. Burrell, Mr. Ellis and Mr. Teachman**  
Approved by 8 Finance and 6 Human Services
- 524-11 Mr. Snyder 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  
Approved by 8 Finance and 6 Human Services
- 525-11 Mr. Snyder and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH SUSAN K. YOWELL FOR HEALTH DEPARTMENT SPEECH THERAPY SERVICES  
Approved by 8 Finance and 6 Human Services
- 526-11 Mr. Snyder and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH OLEAN MEDICAL GROUP, LLP FOR HEALTH DEPARTMENT CONTINGENT MEDICAL DIRECTOR SERVICES **Additional sponsor: Mr. Teachman**  
Approved by 8 Finance and 6 Human Services
- 527-11 Mr. Snyder and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH OLEAN MEDICAL GROUP, LLP FOR HEALTH DEPARTMENT FAMILY PLANNING MEDICAL CONSULTANT **Additional sponsor: Mr. Teachman**  
Approved by 8 Finance and 6 Human Services
- 528-11 Mr. Snyder and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CAROLYN C. RUFFNER, P.T. FOR HEALTH DEPARTMENT PHYSICAL THERAPY SERVICES  
Approved by 8 Finance and 6 Human Services
- 529-11 Mr. Snyder and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH ERIE COUNTY FOR MEDICAL EXAMINER OFFICE SERVICES  
Approved by 8 Finance and 6 Human Services
- 530-11 Mr. Snyder and Mrs. Stockman  
LOCAL LAW NUMBER 16-2011 – A LOCAL LAW REGULATING ELECTRONIC CIGARETTES (“E-CIGARETTES”) AND HERBAL CIGARETTES **Additional sponsor: Mr. Aiello**  
Approved by 8 Finance and 5 Human Services
- 531-11 Mr. Snyder and Mrs. Stockman  
AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 16-2011  
Approved by 8 Finance and 5 Human Services

- 532-11 Ms. Vickman and Mr. McClune  
AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH NEW YORK STATE OFFICE FOR THE AGING FOR VARIOUS PROGRAMS FOR DEPARTMENT OF AGING  
Approved by 8 Finance and 6 Senior Services
- 533-11 Mr. Vecchiarella  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR DOMESTIC VIOLENCE PROGRAM HOME VISIT FUNDING **Additional sponsors: Mr. Aiello, Ms. Edstrom, Mr. Neal and Mr. Teachman**  
Approved by 8 Finance and 6 Senior Services
- 534-11 Mr. Vecchiarella  
AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR 2011 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE (JAG) PROGRAM **Additional sponsors: Mr. Aiello, Mr. Burrell, Mr. Murphy, Mr. Neal and Mr. Teachman**  
Approved by 8 Finance and 6 Public Safety
- 535-11 Ms. Vickman and Mr. McClune  
AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH NEW YORK STATE OFFICE FOR THE AGING FOR FUNDING UNDER VARIOUS TITLES OF THE OLDER AMERICANS ACT OF 1965, AS AMENDED  
Approved by 8 Finance and 6 Senior Services
- 536-11 Mr. Snyder and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH NEW YORK STATE CONFERENCE OF LOCAL MENTAL HYGIENE DIRECTORS FOR ENHANCEMENT OF SYSTEMS OF CARE FOR CATTARAUGUS COUNTY RESIDENTS  
Approved by 8 Finance and 6 Human Services
- 537-11 Mr. Snyder and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH PINE PHARMACY OF NIAGARA FALLS, LLC FOR PROVISION OF HALDOL INJECTABLE FOR DEPARTMENT OF COMMUNITY SERVICES CLIENTS AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Department of Community Services)  
Approved by 8 Finance and 6 Human Services
- 538-11 Mr. Snyder and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH PINE PHARMACY AND HOME CARE PRODUCTS CENTER, INC. FOR PROVISION OF PROLIXIN DECANOATE INJECTABLE FOR DEPARTMENT OF COMMUNITY SERVICES CLIENTS AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
Approved by 8 Finance and 6 Human Services
- 539-11 Mr. Snyder and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH KIMBERLY CONROY, RN, MS, CS, NPP FOR DEPARTMENT OF COMMUNITY SERVICES PSYCHIATRIC NURSE PRACTITIONER SERVICES FOR PROS PROGRAM AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS (Department of Community Services)  
Approved by 8 Finance and 6 Human Services
- 540-11 Ms. Vickman and Mr. McClune  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH TOTAL SENIOR CARE, INC. FOR PACE PROGRAM MEALS **Additional sponsor: Mr. Neal**  
**AMENDED: In the 3<sup>rd</sup> Whereas, delete "\$3.75", replace with "\$4.50"**  
Approved by 8 Finance and 6 Senior Services

- 541-11 Human Services Committee: Mr. Snyder, Mrs. Stockman, Ms. Edstrom, Mr. Vecchiarella, Ms. Vickman, Mr. McClune and Mr. Ward  
REQUESTING NEW YORK STATE TO ESTABLISH FULL FUNDING AND MEMORANDUM OF UNDERSTANDING FOR COUNTY HEALTH DEPARTMENT ACTIVITIES ASSOCIATED WITH GAS WELL DRILLING IN NEW YORK STATE ***Additional sponsor: Mr. Burrell***  
Approved by 8 Finance and 7 Development & Agriculture
- 542-11 Mr. Snyder and Mrs. Stockman  
AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH McBEE ASSOCIATES, INC. FOR MEDICARE REVENUE RECOVERY SERVICES  
Approved by 8 Finance and 6 Human Services
- 543-11 Mr. Aiello, Mr. Burrell and Mr. Marsh  
LOCAL LAW NUMBER 17-2011 – A LOCAL LAW OVERRIDING TAX LEVY LIMIT FOR FISCAL YEAR 2012  
Held in Finance Committee
- 544-11 Mr. Aiello, Mr. Burrell and Mr. Marsh  
AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 17-2011  
Held in Finance Committee

LOCAL LAW NUMBER 14 - 2011  
COUNTY OF CATTARAUGUS, NEW YORK

Pursuant to Section 10 of the Municipal Home Rule Law.

A LOCAL LAW AMENDING LOCAL LAW NUMBER 20-2000  
(INTRO NUMBER 9-2000) REGARDING FEES FOR  
CATTARAUGUS COUNTY SHERIFF'S OFFICE SERVICES

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 amend Local Law No. 20-2000 (Intro Number 9-2000) regarding the fee schedule for certain services provided by the Cattaraugus County Sheriff's Office.

SECTION 2. Fee Schedule. Effective January 1, 2011, the following fees shall be increased:

<u>SERVICE</u>	<u>FEE</u>
<b>PISTOL PERMITS</b>	
Application Packet	\$10.00
Application Processing-Sheriff's Office	\$15.00
Fingerprint Fee	\$10.00
Miscellaneous Photographs	\$10.00
<b>SHERIFF'S ID CARD</b>	
Sheriff's Photo ID	\$20.00

The Sheriff may, at the Sheriff's sole discretion, waive such fees as the Sheriff may feel represent a hardship or an exceptional circumstance.

SECTION 3. Supereession. This local law amends any previously enacted local law or resolution establishing the fees listed in Section 2 supra.

SECTION 4. 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 5. Effective Date. This local law shall take effect immediately.

**LOCAL LAW NUMBER 15-2011  
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 534-2010**

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, 2012, the resident private pay rate for the County Department of Nursing Homes shall be \$225.00 per day for the Olean Facility and \$260.00 per day for the Machias Facility.

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, 2012, Act No. 534-2010, Local Law Number 1-2010 (Intro Number 15-2010), 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.



**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
TOTAL SENIOR CARE, INC. FOR  
PACE PROGRAM MEALS**

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

I. WHEREAS, Act 454-2010 authorized a contract with Total Senior Care, Inc., 519 North Union Street, Olean, New York 14760, to purchase home delivered meals and congregate meals from the County Department of Aging for PACE Program participants as part of a comprehensive program of services to participants, the term of which expires August 31, 2011, and

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

III. WHEREAS, the Department of Aging has agreed to provide the aforementioned meals through its Senior Nutrition Program to PACE Program participants in accordance with the following rates:

Hot Noon Meal and Cold Supper combined:	Medicaid Rate
Hot Noon Meal only:	Medicaid Rate
Congregate Meal:	<del>\$3.75</del> \$4.50 per meal,

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 Total Senior Care, Inc., for the provision of the above-described meal services, for a term commencing September 1, 2011 and terminating August 31, 2012, according to the above-described terms.