



CATTARAUGUS COUNTY

John R. Searles, County Administrator

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Little Valley, New York 14755

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The Legislature of Cattaraugus County will meet in adjourned session at the County Center, Little Valley, New York, on **Wednesday, May 23, 2012**, for the transaction of such business as may properly come before the meeting.

Contingent Fund Balance: \$384,189

Tobacco Settlement Proceeds to Date: \$19,031,363

3:00 p.m.

CALL TO ORDER

ROLL CALL

INVOCATION

MINUTES OF PREVIOUS MEETING

COMMUNICATIONS

PRIVILEGE OF THE FLOOR

- *Public Hearing – Local Law No. 2-2012*

RESOLUTIONS READY FOR ACTION

UNFINISHED BUSINESS

RESOLUTIONS – IMMEDIATE CONSIDERATION

ADJOURNMENT

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ACT NO.

RESOLUTIONS, MOTIONS AND NOTICES READY FOR ACTION

- 231-12 Mr. Aiello, Mr. Marsh, Mr. Snyder, Sr. and Ms. Vickman
LOCAL LAW NUMBER 2-2012 – A LOCAL LAW AMENDING LOCAL LAW NO. 3-1989
ENTITLED “A LOCAL LAW TO ESTABLISH THE CATTARAUGUS COUNTY SELF-
INSURANCE PLAN AND TO PROVIDE FOR THE ADMINISTRATION THEREOF”
Additional sponsor: Mr. Lamberson
Approved by 9 Finance and 5 Labor Relations
- 243-12 Mr. Marsh
APPOINTMENT OF CIVIL SERVICE COMMISSIONER
Approved by 8 Finance and 5 Labor Relations
- 244-12 Mr. Aiello and Mr. Weller
AUTHORIZING THE CHAIR TO EXECUTE ASSIGNMENT FOR WENDEL
DUCHSCHERER ARCHITECTS & ENGINEERS, P.C. CONTRACTS
Approved by 8 Finance and 9 Public Works
- 245-12 Mr. Aiello and Mr. Weller
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH DANDROW'S
PAINTING, INC. FOR 2011-2012 BRIDGE DECK SEALING PROGRAM
Approved by 8 Finance and 9 Public Works

- 246-12 Mr. Aiello, Mr. Klancer, Mr. Murphy and Mr. Weller
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH GREENMAN-
PEDERSON, INC. FOR CONSTRUCTION SUPPORT AND INSPECTION SERVICES FOR
OTTO BRIDGE NO. 12 FEDERAL AID REPLACEMENT PROJECT
Approved by 8 Finance and 9 Public Works
- 247-12 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH VARIOUS ENTITIES
FOR DEPARTMENTS OF HEALTH AND COMMUNITY SERVICES HEALTH
INSURANCE-COVERED SERVICES
Approved by 8 Finance and 7 Human Services
- 248-12 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT AMENDMENT WITH NEW
YORK STATE DEPARTMENT OF HEALTH FOR RABIES PROGRAM REIMBURSEMENT
Approved by 8 Finance and 7 Human Services
- 249-12 Ms. Edstrom, Mr. Felton, Mr. Hale, Mr. Snyder, Jr., Ms. Vickman and Mrs. Labuhn
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACTS WITH VARIOUS
ENTITIES FOR DEPARTMENT OF NURSING HOMES ANCILLARY SERVICES
Approved by 8 Finance and 7 Senior Services
- 250-12 Mr. Felton and Ms. Vickman
AUTHORIZING THE CHAIR TO EXECUTE AGREEMENTS WITH P2 COLLABORATIVE
OF WNY AND VARIOUS ENTITIES FOR PARTICIPATION IN WESTERN NEW YORK
RURAL CARE TRANSITIONS COALITION AND ADJUSTING VARIOUS
APPROPRIATION AND REVENUE ACCOUNTS (Department of the Aging)
Approved by 8 Finance and 7 Senior Services
- 251-12 Mr. Murphy
AUTHORIZING THE CHAIR TO EXECUTE ANNUAL PROBATION STATE AID PLAN
AND APPLICATION AND ANNUAL ALTERNATIVES TO INCARCERATION SERVICE
PLAN FOR 2012-2013 WITH NEW YORK STATE DIVISION OF CRIMINAL JUSTICE
SERVICES OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES
Approved by 8 Finance and 7 Public Safety
- 252-12 Mrs. Stockman, Mr. Teachman and Mr. Padlo
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH MJW TECHNICAL
SERVICES, INC. FOR BOARD OF ELECTIONS ELECTRONIC VOTING MACHINES
STORAGE SPACE
Approved by 8 Finance and 6 County Operations
- 253-12 Mr. Murphy
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH NEW YORK
STATE OFFICE OF INDIGENT LEGAL SERVICES FOR ADDITIONAL FUNDING
Approved by 8 Finance and 7 Public Safety
- 254-12 Mr. Hale, Mr. Murphy and Mr. Snyder, Jr.
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK STATE
OFFICE OF INDIGENT LEGAL SERVICES FOR INDIGENT LEGAL SERVICES FUNDING
Approved by 8 Finance and 7 Public Safety

- 255-12 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH OLEAN THEATER WORKSHOP FOR AMERICORPS START PROGRAM *Additional sponsors: Mr. Aiello, Mr. Teachman, Ms. Vickman, Mrs. Labuhn and Mr. Lamberson*
Approved by 8 Finance and 6 Human Services
- 256-12 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH MENTAL HEALTH ASSOCIATION IN CATTARAUGUS COUNTY, INC. FOR AMERICORPS START PROGRAM *Additional sponsor: Mr. Aiello*
Approved by 8 Finance and 7 Human Services
- 257-12 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH VARIOUS SCHOOL DISTRICTS FOR PRE-SCHOOL HANDICAPPED TRANSPORTATION SERVICES *Additional sponsors: Mr. VanRensselaer, Ms. Vickman and Mrs. Labuhn*
Approved by 8 Finance and 7 Human Services
- 258-12 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH FRANKLINVILLE CENTRAL SCHOOL DISTRICT FOR PRE-SCHOOL HANDICAPPED TRANSPORTATION SERVICES *Additional sponsors: Mr. VanRensselaer, Ms. Vickman and Mrs. Labuhn*
Approved by 8 Finance and 7 Human Services
- 259-12 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH SALAMANCA CITY CENTRAL SCHOOL DISTRICT FOR PRE-SCHOOL HANDICAPPED TRANSPORTATION SERVICES *Additional sponsors: Mr. VanRensselaer, Ms. Vickman and Mrs. Labuhn*
Approved by 8 Finance and 7 Human Services
- 260-12 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH VARIOUS HANDICAPPED EDUCATION PROVIDERS FOR YOUTH BUREAU CHILDREN WITH SPECIAL NEEDS PROGRAM *Additional sponsors: Mr. VanRensselaer and Mrs. Labuhn*
Approved by 8 Finance and 7 Human Services
- 261-12 Mrs. Stockman and Ms. Vickman
APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND JAMESTOWN PSYCHIATRIC, P.C. FOR DEPARTMENT OF COMMUNITY SERVICES NURSING SERVICES FOR MENTAL HEALTH CLINIC AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Department of Community Services)
Approved by 8 Finance and 6 Human Services
- 262-12 Mrs. Stockman and Ms. Vickman
APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND CATTARAUGUS COMMUNITY ACTION, INC. FOR DEPARTMENT OF COMMUNITY SERVICES THERAPY AND SUPPORT SERVICES FOR MENTAL HEALTH CLINIC AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Department of Community Services)
Approved by 8 Finance and 6 Human Services

263-12

Mr. Marsh

DECLARING MAY 23, 2012 TO BE "MAYDAY FOR MANDATE RELIEF" AND URGING MANDATE RELIEF COUNCIL TO TAKE SWIFT ACTION IN SUBMITTING PACKAGE OF MANDATE RELIEF PROPOSALS TO GOVERNOR CUOMO AND STATE LEGISLATURE TO BE VOTED ON THIS SESSION *Additional sponsor: Mrs. Stockman*

Approved by 8 Finance

LOCAL LAW NUMBER 2 - 2012
COUNTY OF CATTARAUGUS, NEW YORK

Pursuant to Article 5 of the Worker's Compensation Law and
Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW AMENDING LOCAL LAW NO. 3-1989 ENTITLED "A LOCAL LAW
TO ESTABLISH THE CATTARAUGUS COUNTY SELF-INSURANCE PLAN AND
TO PROVIDE FOR THE ADMINISTRATION THEREOF"**

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

SECTION 1. Preamble.

A. By Local Law No. 3-1989, the Cattaraugus County Legislature, effective January 1, 1990, established a plan of self-insured worker's compensation for the County and other municipalities electing to participate in the plan, as permitted by Article 5 of the Worker's Compensation Law.

B. Local Law No. 3-1989 provided, in part, that the share of municipal participants would be collected by inclusion in the next succeeding tax levy against property taxable by the participant responsible therefore, thereby electing not to bill each participant for its share as is also permitted by the statute.

C. The Cattaraugus County Legislature deems it necessary to amend Local Law No. 3-1989 to provide that during and after the year 2012, Cattaraugus County will bill each municipal participant for its share of the cost of the workers' compensation program. Such decision is made necessary by reason of the fact that the New York State Office of Taxation and Finance has recently determined that so-called "charge-backs" to other municipalities, including the collection of shares of towns and fire districts participating in the workers' compensation plan, must be included within the County's real property tax cap calculation.

SECTION 2. Amendment of Local Law No. 3-1989.

A. Local Law No. 3-1989 entitled "A Local Law to Establish the Cattaraugus County Self-Insurance Plan and to Provide for the Administration Thereof", adopted by the Cattaraugus County Legislature on August 23, 1989, is hereby amended by deleting from subparagraph (c) of section 8 thereof the following: "except that the share of each of the Towns and fire districts participating in the plan shall be collected in the next succeeding tax levy."

B. As amended, subparagraph (c) of section 8 of Local Law No. 3-1989 shall, from and after the effective date hereof, read as follows: "The share of each participant in the plan shall be collected as provided in section 67(1) of the worker's compensation law."

SECTION 3. Severability. If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 4. Effective Date. This Local Law shall become effective immediately.