



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, July 25, 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

- Presentation by Toski & Company, PC - 2011 Audit
- Public Hearing - Local Law Number 6-2012

RESOLUTIONS READY FOR ACTION

UNFINISHED BUSINESS

RESOLUTIONS - IMMEDIATE CONSIDERATION

ADJOURNMENT

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ACT NO.

RESOLUTIONS, MOTIONS AND NOTICES READY FOR ACTION

297-12 Mr. Aiello, Ms. Edstrom, Mr. Felton, Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. Murphy, Mr. Snyder, Jr., Mr. Snyder, Sr., Mr. Teachman, Mr. VanRensselaer, Ms. Vickman and Mr. Weller
LOCAL LAW NUMBER 4-2012 - A LOCAL LAW AUTHORIZING A LIMITED OVERRIDE OF TAX LEVY LIMIT FOR FISCAL YEAR 2013 ONLY TO ACCOUNT FOR CATTARAUGUS COUNTY'S OBLIGATION TO INCLUDE WITHIN ITS TAX CAP CERTAIN AMOUNTS THAT BENEFIT OTHER MUNICIPALITIES

Approved by 8 Finance

317-12 Mr. Snyder, Sr.
LOCAL LAW NUMBER 6-2012 - A LOCAL LAW AUTHORIZING COUNTY TREASURER TO DISPOSE OF JEWELRY AND OTHER PERSONAL PROPERTY

Approved by 8 Finance

319-12 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CORNELL COOPERATIVE EXTENSION-CATTARAUGUS COUNTY FOR COORDINATOR OF PUBLIC HEALTH PREPAREDNESS & RESPONSE TO BIOTERRORISM AND EMERGENCY PREPAREDNESS RESOURCES SPECIALIST

AMENDED: in the 5th Whereas delete "\$29,093.00", replace with "\$33,248"; delete "\$29,593.00", replace with "\$33,748"

Approved by 8 Finance and 7 Human Services

- 330-12 Mr. Marsh
ESTABLISHING RESERVE ACCOUNT FOR EXCESS TAX LEVY
Approved by 8 Finance
- 331-12 Mr. Aiello, Mrs. Stockman and Mr. Weller
BID ACCEPTANCE FOR PRECAST CONCRETE BOX CULVERT FOR DAYTON CULVERT
NO. 22 *Additional sponsor: Mr. Lamberson*
Approved by 8 Finance and 9 Public Works
- 332-12 Mr. VanRensselaer and Mr. Boser
AUTHORIZING APPLICATION FOR TOURISM PROMOTION AND DESIGNATING GRANT
ADMINISTRATOR
Approved by 8 Finance and 7 Development & Agriculture
- 333-12 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK STATE
DEPARTMENT OF HEALTH FOR HEALTH DEPARTMENT WIC PROGRAM *Additional
sponsor: Mr. Lamberson*
Approved by 8 Finance and 7 Human Services
- 334-12 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH WALKER BUSINESS &
STAFFING SERVICES, INC. FOR TEMPORARY CLERICAL SERVICES FOR DEPARTMENT
OF SOCIAL SERVICES CHILD PROTECTIVE UNIT AND ADJUSTING VARIOUS
APPROPRIATION AND REVENUE ACCOUNTS (Department of Social Services)
AMENDED: in the 1st Resolved, delete "October", replace with "August"
Approved by 8 Finance and 7 Human Services
- 335-12 Mrs. Stockman
AMENDING ACT 176-2012 REGARDING CONTRACT WITH GUSTAVUS ADOLPHUS
CHILD AND FAMILY SERVICES, INC. FOR SKILL BUILDING AND RESPITE SERVICES FOR
DEPARTMENT OF COMMUNITY SERVICES CHILD/ADOLESCENT CLIENTS
Approved by 8 Finance and 7 Human Services
- 336-12 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATTARAUGUS-
ALLEGANY WORKFORCE INVESTMENT BOARD, INC. FOR SUMMER YOUTH
EMPLOYMENT PROGRAMS *Additional sponsor: Mr. Koch*
Approved by 8 Finance and 7 Human Services
- 337-12 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATHOLIC CHARITIES OF
WESTERN NEW YORK, INC. FOR DEPARTMENT OF SOCIAL SERVICES KINSHIP
PROGRAM
Approved by 8 Finance and 7 Human Services

- 338-12 Mrs. Stockman and Ms. Vickman
APPROVING AMENDED 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
- 339-12 Mr. Marsh
AMENDING ACT 352-2012 ESTABLISHING STANDARD WORK DAY FOR CERTAIN ELECTED AND APPOINTED OFFICIALS FOR REPORTING PURPOSES TO NEW YORK STATE RETIREMENT SYSTEM
Approved by 8 Finance, 6 Public Safety and 5 Labor Relations
- 340-12 Mr. Marsh
ESTABLISHING STANDARD WORK DAY FOR CERTAIN ELECTED AND APPOINTED OFFICIALS FOR REPORTING PURPOSES TO NEW YORK STATE RETIREMENT SYSTEM
Approved by 8 Finance, 5 County Operations, 6 Public Safety and 5 Labor Relations
- 341-12 Ms. Edstrom and Mrs. Stockman
APPROVING AMENDED CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND CATTARAUGUS COMMUNITY ACTION, INC., FOR DEPARTMENT OF COMMUNITY SERVICES TRANSITION STAFF AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS (Department of Community Services)
Approved by 8 Finance and 6 Human Services
- 342-12 Mr. Murphy
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATTARAUGUS-ALLEGANY-ERIE-WYOMING BOCES FOR INMATE INSTRUCTIONAL SERVICES SECURITY
AMENDED: in the 1st Whereas, delete "388-2012", replace with "388-2011"; delete "2010", replace with "2012"
Approved by 7 Finance and 6 Public Safety
- 343-12 Mr. Aiello, Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. Murphy, Mr. Snyder, Jr., Mr. Snyder, Sr., Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Ms. Vickman, Mr. Weller, Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson, Mr. Padlo and Mr. Sprague
CONGRATULATING ALLEGANY'S BLAKE EATON ON EARNING A SPOT IN UNITED STATES OLYMPIC TRACK AND FIELD TRIALS
Approved by 8 Finance
- 344-12 Mrs. Stockman
REINSTATING ONE POSITION OF COMMUNITY SERVICES PROGRAM DIRECTOR IN THE DEPARTMENT OF COMMUNITY SERVICES
Approved by 8 Finance, 7 Human Services and 5 Labor Relations

**LOCAL LAW NUMBER 4 - 2012
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Chapter 97-2011 of the Laws of the State of New York and
Section 3-c of the General Municipal Law.

**A LOCAL LAW AUTHORIZING A LIMITED OVERRIDE OF TAX LEVY LIMIT FOR
FISCAL YEAR 2013 ONLY TO ACCOUNT FOR CATTARAUGUS COUNTY'S
OBLIGATION TO INCLUDE WITHIN ITS TAX CAP CERTAIN AMOUNTS THAT
BENEFIT OTHER MUNICIPALITIES**

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

SECTION 1. Legislative Intent.

a. By Chapter 97 of the Laws of 2011, effective Jun 24, 2011, codified as Section 3-c of the General Municipal Law, the State of New York imposed upon counties and other local governments and school districts, with certain exceptions, a two percent limit on the amount of real property taxes that may be levied by or on behalf of such entities.

b. General Municipal Law Section 3-c (6) provides that if a local government's actual tax levy for a given fiscal year exceeds the tax levy limit, as determined by the State Comptroller, the local government must place the excess amount of the levy in reserve and use such funds to offset the tax levy for the ensuing fiscal year.

c. General Municipal Law Section 3-c (5) provides that a local government may adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year only if the governing body first enacts, by a vote of 60 percent of the total voting power, a local law to override such limit.

d. The Legislature has determined and hereby commits to use its best efforts to adopt a budget for fiscal year 2013 that complies with the requirements of General Municipal Law Section 3-c.

e. However, and only to the extent that the County is required by state law to include within its tax cap calculation (1) sales tax received by the County for the benefit of towns which elect to apply such proceeds against County tax liability of property located in their jurisdictions, (2) taxes due to the County to replace city, village or town taxes, fees, charges and expenses regarding which the County Treasurer has made the municipality whole and (3) real property taxes deemed "omitted" regarding which the County is required to make the municipality whole, the Legislature deems it necessary to authorize an override of such limit.

SECTION 2. Authorizing Limited Override of Tax Levy Limit for 2013. For fiscal year 2013, only to the extent that the County is required by state law to include within its tax cap calculation (1) sales tax received by the County for the benefit of towns which elect to apply such proceeds against County tax liability of property located in their jurisdictions, (2) taxes due to the County to replace city, village or town taxes, fees, charges and expenses regarding which the County Treasurer has made the municipality whole, and (3) real property taxes deemed "omitted" for a prior year, the County is hereby authorized to and shall override the real property tax levy limit established and imposed by such section.

SECTION 3. Effective Date. This local law shall become effective immediately.

**LOCAL LAW NUMBER 6 - 2012
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law and Section 678 of the County Law.

**A LOCAL LAW AUTHORIZING COUNTY TREASURER TO DISPOSE OF
JEWELRY AND OTHER PERSONAL PROPERTY**

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

SECTION 1. Purpose.

From time-to-time, the County Treasurer comes into possession of jewelry and other personalty abandoned or otherwise left by residents of the County's nursing home. It is in the best interests of the County and its residents to establish a process for the disposition of such assets.

SECTION 2. Establishing Procedure for Disposition of Jewelry and Other Personal Property.

From and after the date hereof, the provisions of County Law Section 678 shall, in the County of Cattaraugus, apply to all jewelry and other property formerly owned or possessed by a resident of the County Nursing Homes, rather than only to personalty actually found on the body of a deceased person.

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.

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CORNELL COOPERATIVE EXTENSION-CATTARAUGUS COUNTY FOR
COORDINATOR OF PUBLIC HEALTH PREPAREDNESS & RESPONSE TO
BIOTERRORISM AND EMERGENCY PREPAREDNESS RESOURCE SPECIALIST**

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

I. WHEREAS, Act 378-2011 authorized the Chair to execute a contract with Cornell Cooperative Extension-Cattaraugus County, 28 Parkside Drive, Ellicottville, New York 14731, for the services of a Coordinator of Public Health Preparedness & Response to Bioterrorism and An Emergency Preparedness Resource Specialist, the term of which expires August 9, 2012, and

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

III. WHEREAS, the Coordinator of Public Health Preparedness & Response to Bioterrorism shall be responsible for ensuring that the County Health Department is prepared to respond and react to environmental and/or health-related disasters which may affect Cattaraugus County, and

IV. WHEREAS, the Emergency Preparedness Resource Specialist shall be responsible for assisting the Coordinator in ensuring that the County Health Department is prepared to respond and react to environmental and/or health related disasters which may affect Cattaraugus County, and

V. WHEREAS, Cornell Cooperative Extension-Cattaraugus County can provide personnel to perform the tasks of Coordinator of Public Health Preparedness & Response to Bioterrorism and Emergency Preparedness Resource Specialist, in accordance with the following:

Emergency Preparedness Coordinator –

\$44,017.00 per year, plus an amount not to exceed \$1,500.00 for work-related expenses,
for a total not to exceed \$45,517.00

Emergency Preparedness Resource Specialist –

~~\$29,093.00~~ **\$33,248** per year, plus an amount not to exceed \$500.00 for work-related expenses,
for a total not to exceed ~~\$29,593.00~~ **\$33,748**

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

*Mileage will be reimbursed at the Cornell established rate of \$.485/mile

and

VI. WHEREAS, this program is 100% state 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 Cornell Cooperative Extension-Cattaraugus County, for the provision of the above-described services, for a term commencing July 1, 2012 and terminating June 30, 2013, according to the above-described terms, and be it further

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

III. 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

IV. 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.

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
WALKER BUSINESS & STAFFING SERVICES, INC. FOR
TEMPORARY CLERICAL SERVICES FOR
DEPARTMENT OF SOCIAL SERVICES CHILD PROTECTIVE UNIT AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Social Services)**

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

I. WHEREAS, Act 430-2011 authorized a contract with Walker Business & Staffing Services, Inc., 23 West State Street, Wellsville, New York 14895, for the provision of temporary clerical services for the County Department of Social Services Child Protective Unit, the term of which expired March 31, 2012, and

II. WHEREAS, the Department of Social Services is in need of the aforementioned services, and

III. WHEREAS, Walker Business & Staffing Services, Inc., can provide the aforementioned temporary clerical services for an amount not to exceed \$30,000.00, to be paid as invoiced, and

IV. WHEREAS, this program is 100% state funded, and

V. WHEREAS, various appropriation and revenue accounts must be adjusted in order to cover the costs of the aforementioned temporary clerical 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 Walker Business & Staffing Services, Inc., for the provision of the above-described services, for a term commencing ~~October~~ **August** 1, 2012 and terminating March 31, 2013, according to the above-described terms, and be it further

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

III. 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

IV. 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

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

Increase Estimated Revenue Account:

A.601.6156.0000.3689.02	Special CPS Allocation	\$18,750.00
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Increase Appropriation Account:

A.601.6156.0000.41233	CPS Professional Services	\$18,750.00.
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**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS-ALLEGANY-ERIE-WYOMING BOCES FOR
INMATE INSTRUCTIONAL SERVICES SECURITY**

Pursuant to 8 NYCRR Part 118 and Section 450 of the County Law.

I. WHEREAS, Act ~~388-2012~~ 388-2011 authorized a contract with BOCES for the provision of security services by the Sheriff's Office during the hours of the aforementioned instruction programs provided by BOCES, the term of which expired June 30, ~~2010~~, 2012 and

II. WHEREAS, BOCES is required to provide at least 15 hours of instructional programs to persons under 21 years of age who have not received a high school diploma and who have been incarcerated for a period of 10 or more calendar days in a County Jail, and

III. WHEREAS, the County Sheriff's Office will continue to provide security services during the hours of the instructional programs provided by BOCES, and

IV. WHEREAS, BOCES shall pay to the County an amount of \$16.30 per hour for a maximum of 30 hours per week of instructional programs to persons under 21 years of age who have not received a high school diploma and who have been incarcerated for a period of 10 or more calendar days in a County Jail for 50 weeks per year, 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 Cattaraugus-Allegany-Erie-Wyoming BOCES, for the provision of the above-described services, for a term commencing July 1, 2012 to continue in full force and effect until terminated by either party hereto, with periodic rate adjustments as agreed upon between the parties, 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.