



CATTARAUGUS COUNTY

John R. Searles, County Administrator

303 Court Street
Little Valley, New York 14755

Phone (716) 938-2577 / Fax (716) 938-2760

REMINDER TO LEGISLATORS

MOCK BUDGET SESSION FOLLOWING
THE BOARD MEETING IN THE LARGE
COMMITTEE ROOM.

The Legislature of Cattaraugus County will meet in adjourned session at the County Center, Little Valley, New York, on **Wednesday, August 22, 2012**, for the transaction of such business as may properly come before the meeting.

Contingent Fund Balance: \$299,815

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 Hearings -
 - Local Law Number 7-2012
 - Local Law Number 8-2012

RESOLUTIONS READY FOR ACTION
UNFINISHED BUSINESS
RESOLUTIONS - IMMEDIATE CONSIDERATION
ADJOURNMENT

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ACT NO.	RESOLUTIONS, MOTIONS AND NOTICES READY FOR ACTION
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351-12	by Mr. Marsh LOCAL LAW NUMBER 7-2012 - A LOCAL LAW IMPOSING AN ADDITIONAL MORTGAGE RECORDING TAX WITHIN THE COUNTY OF CATTARAUGUS
357-12	Mr. Aiello, Ms. Edstrom, 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, Mr. Lamberson, Mrs. Labuhn, Mr. Padlo and Mr. Sprague LOCAL LAW NUMBER 8-2012 - A LOCAL LAW ESTABLISHING 2012 SALARIES FOR CERTAIN COUNTY OFFICERS
359-12	Mr. Marsh APPOINTMENT OF CORONER'S PHYSICIAN <i>Additional sponsor: Mr. VanRensselaer</i> Approved by 8 Finance and 6 Human Services
360-12	Mr. Snyder, Sr. ADOPTING CATTARAUGUS COUNTY JOURNAL ENTRY POLICY Approved by 8 Finance

- 361-12 Mr. Marsh, Mr. Snyder, Sr., and Mr. Sprague
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH HARTFORD
LIFE INSURANCE COMPANY FOR ADMINISTRATION OF DEFERRED COMPENSATION
PLAN
Approved by 8 Finance and 5 Labor Relations
- 362-12 Mr. Aiello and Mr. Weller
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH WENDEL DUCHSCHERER
ARCHITECTS & ENGINEERS, P.C. FOR ENGINEERING DESIGN SERVICES FOR FIVE
POINTS / COLD STORAGE BUILDING
Approved by 8 Finance and 9 Public Works
- 363-12 Public Works Committee: Mr. Aiello, Mr. Weller, Ms. Edstrom, Mr. Klancer, Mr. Snyder, Jr., Mr.
Teachman, Mr. Koch, Mr. Lamberson and Mr. Sprague
AUTHORIZING THE ACQUISITION OF EASEMENTS ACROSS LANDS IN THE TOWN OF
HUMPHREY FOR HIGHWAY PURPOSES
Approved by 8 Finance
- 364-12 Public Works Committee: Mr. Aiello, Mr. Weller, Ms. Edstrom, Mr. Klancer, Mr. Snyder, Jr., Mr.
Teachman, Mr. Koch, Mr. Lamberson and Mr. Sprague
DECLARING THAT THE ACQUISITION OF EASEMENTS ACROSS CERTAIN REAL
PROPERTY IN THE TOWN OF HUMPHREY, REPUTEDLY OWNED BY REBECCA
MATUSKIEWICZ IS DE MINIMIS AND THAT THE PUBLIC INTEREST WILL NOT BE
PREJUDICED BY THE IMPROVEMENTS TO HUMPHREY BRIDGE NO. 9
Approved by 8 Finance
- 365-12 Public Works Committee: Mr. Aiello, Mr. Weller, Ms. Edstrom, Mr. Klancer, Mr. Snyder, Jr., Mr.
Teachman, Mr. Koch, Mr. Lamberson and Mr. Sprague
AUTHORIZING THE COUNTY ATTORNEY TO NEGOTIATE THE FAIR MARKET VALUE
AND MAKE AN OFFER TO PURCHASE CERTAIN PROPERTY LOCATED IN THE TOWN
OF HUMPHREY FROM REBECCA MATUSKIEWICZ
Approved by 8 Finance
- 366-12 Mr. Aiello and Mr. Weller
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NYSDOT AND
AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE IN THE BRIDGE PAINTING
FEDERAL-AID PROJECT
Approved by 8 Finance and 9 Public Works
- 367-12 Mr. Felton and Ms. Vickman
BID ACCEPTANCE FOR PATIENT LIFTS AND ACCESSORIES FOR PINES HEALTHCARE
AND REHABILITATION CENTER – OLEAN CAMPUS (Department of Nursing Homes)
Approved by 8 Finance and 5 Senior Services
- 368-12 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH SALAMANCA HOUSING
AUTHORITY FOR HEALTH DEPARTMENT OFFICE SPACE
**AMENDED: in the first Whereas, delete: "December 31, 2012" and replace with: "October 31,
2012"; in the 1st Resolved, delete: "January 1, 2013" and replace with: November 1, 2012" and
delete: "December 31, 2015" and replace with: "October 31, 2015"**
Approved by 8 Finance and 6 Human Services

- 369-12 Mr. Aiello and Mr. Weller
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH NEW YORK STATE INDUSTRIES FOR THE DISABLED FOR OLEAN OFFICE FACILITY JANITORIAL SERVICES *Additional sponsor: Mr. Teachman*
Approved by 7 Finance and 9 Public Works
- 370-12 Ms. Edstrom and Mrs. Stockman
APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND NEW YORK STATE INDUSTRIES FOR THE DISABLED, INC. FOR JANITORIAL SERVICES FOR DEPARTMENT OF COMMUNITY PROS AND CASE MANAGEMENT OFFICES *Additional sponsors: Mr. Aiello and Mr. Teachman*
Approved by 7 Finance, 6 Human Services and 9 Public Works
- 371-12 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH FIELDS RESEARCH, INC. FOR DEPARTMENT OF HEALTH HH-CAHPS SURVEY
Approved by 8 Finance and 6 Human Services
- 372-12 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH CORNELL COOPERATIVE EXTENSION-CATTARAUGUS COUNTY FOR VARIOUS HEALTH DEPARTMENT WIC PROGRAMS *Additional sponsor: Mr. VanRensselaer*
Approved by 8 Finance and 6 Human Services
- 373-12 Mr. Felton, Mr. Teachman, Ms. Vickman and Mr. Padlo
AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENT WITH ePLUS GROUP, INC. FOR COMPUTER EQUIPMENT FOR DEPARTMENT OF NURSING HOMES
Approved by 8 Finance, 5 Senior Services and 7 County Operations
- 374-12 Mr. VanRensselaer and Mr. Boser
AUTHORIZING THE CHAIR TO EXECUTE GRANT APPLICATION WITH NEW YORK STATE OFFICE OF PARKS RECREATION AND HISTORIC PRESERVATION FOR SNOWMOBILE TRAIL MAINTENANCE PROGRAM *Additional sponsors: Mr. Murphy, Mr. Teachman and Mr. Padlo*
Approved by 8 Finance and 6 Development & Agriculture
- 375-12 Mr. VanRensselaer and Mr. Boser
CLASSIFICATION OF THE MAINTENANCE OF SNOWMOBILE TRAILS FOR THE CATTARAUGUS COUNTY SNOWMOBILE FEDERATION UNDER CATTARAUGUS COUNTY LEGISLATURE SPONSORED NEW YORK STATE GRANT AS A SEQR TYPE II ACTION *Additional sponsors: Mr. Murphy and Mr. Padlo*
Approved by 8 Finance and 6 Development & Agriculture
- 376-12 Mr. VanRensselaer and Mr. Boser
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH H. SICHERMAN & COMPANY FOR ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT
Approved by 8 Finance and 6 Development & Agriculture

- 377-12 Mr. VanRensselaer and Mr. Boser
AUTHORIZING THE CHAIR TO EXECUTE GRANT APPLICATION AND CONTRACT WITH
DEFENSE LOGISTICS AGENCY FOR PROCUREMENT TECHNICAL ASSISTANCE
PROGRAM *Additional sponsor: Mr. Padlo*
Approved by 8 Finance and 6 Development & Agriculture
- 378-12 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH COUNTY OF ALLEGANY
FOR AMERICORPS START PROGRAM
Approved by 8 Finance and 6 Human Services
- 379-12 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE LEASE DOCUMENTS WITH BI
INCORPORATED FOR YOUTH BUREAU YOUTH PLACEMENT PREVENTION
ELECTRONIC MONITORING PROGRAM
Approved by 8 Finance and 6 Human Services
- 380-12 Ms. Edstrom and Mrs. Stockman
APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES
BOARD AND OLEAN GENERAL HOSPITAL FOR DISPROPORTIONATE SHARE TO
HOSPITALS FUNDING AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE
ACCOUNTS (Department of Community Services)
Approved by 8 Finance and 6 Human Services
- 381-12 Ms. Edstrom and Mrs. Stockman
APPROVING AMENDED CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY
SERVICES BOARD AND HOUSING OPTIONS MADE EASY, INC. FOR RECOVERY CENTER
SERVICES FUNDING AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE
ACCOUNTS (Department of Community Services)
Approved by 8 Finance and 6 Human Services

**LOCAL LAW NUMBER 7-2012
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Chapter 98 of the Laws of 2009 and Section 253-x of the Tax Law.

**A LOCAL LAW IMPOSING AN ADDITIONAL MORTGAGE RECORDING TAX
WITHIN THE COUNTY OF CATTARAUGUS**

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 impose an additional mortgage recording tax.

SECTION 2. Imposition of Tax. Effective November 1, 2012, and terminating December 1, 2015, there is hereby imposed, in the County of Cattaraugus, a tax of 25 cents for each \$100 and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within Cattaraugus County and recorded on or after November 1, 2012, and a tax of 25 cents on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than \$100.

SECTION 3. Applicability. The taxes imposed under the authority of this section shall be administered and collected in the same manner as the taxes imposed under section 253(1) and section 255(1)(b) of the Tax Law. Except as otherwise provided in this section, all the provisions of the Tax Law relating to or applicable to the administration and collection of the taxes imposed by such subdivisions shall apply to the taxes imposed under the authority of this section with such modifications as may be necessary to adapt such language to the tax so authorized. Such provisions shall apply with the same force and effect as if those provisions had been set forth in full in this section except to the extent that any provision is either inconsistent with a provision of this section or not relevant to the tax authorized by this section. For purposes of this section, any reference in the Tax Law to the tax or taxes imposed by the Tax Law shall be deemed to refer to a tax imposed pursuant to this section, and any reference to the phrase “within this state” shall be read as “within Cattaraugus County”, unless a different meaning is clearly required.

SECTION 4. Real Property Located in More than One County. Where the real property covered by the mortgage subject to the tax imposed pursuant to the authority of this section is situated in this state but within and without the county imposing such tax, the amount of such tax due and payable to such county shall be determined in a manner similar to that prescribed in the first undesignated paragraph of section 260 of the Tax Law which concerns real property situated in two or more counties. Where such property is situated both within such county and without the state, the amount due and payable to such county shall be determined in the manner prescribed in the second undesignated paragraph of such section 260 which concerns property situated within and without the state. Where real property is situated within and without the county imposing such tax, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed pursuant to this section.

SECTION 5. Additional Taxes. A tax imposed pursuant to the authority of this section shall be in addition to the taxes imposed by section 253 of the Tax Law.

SECTION 6. Disposition of Taxes. Notwithstanding any provision of the Tax Law to the contrary, the balance of all moneys paid to the recording officer of the County of Cattaraugus during each month upon account of the tax imposed pursuant to the authority of this section, after deducting the necessary expenses of his or her office as provided in section 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of this section or section 260 of the Tax Law are first to be apportioned by the commissioner, shall be paid over by such officer on or before the 10th day of each succeeding month to the treasurer of Cattaraugus County and, after the deduction by such treasurer of the necessary expenses of his or her office provided in section 262 of the Tax Law shall be deposited in the general fund of the County of Cattaraugus. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of this section or section 260 of the Tax Law are first to be apportioned by the commissioner, shall be paid over by the recording officer receiving the same as provided by the determination of the commissioner.

SECTION 7. Payment of Taxes. The tax imposed pursuant to this Local Law will be payable on the recording of each mortgage or real property subject to taxes thereunder. The tax will be paid to the recording officer of the county in which the real property or any part thereof is situated, except where real property is situated within and without the county, the recording officer of the county in which the mortgage is first recorded will collect the tax imposed by this Local Law. It will be the duty of the recording officer to endorse upon each mortgage a receipt for the amount paid. Any mortgage so endorsed may thereupon or thereafter be recorded by any recording officer and the receipt of the tax endorsed upon each mortgage will be recorded therewith. The record of the receipt will be conclusive proof that the amount of the tax stated therein has been paid upon the mortgage.

SECTION 8. Effective Date. This local law shall take effect immediately.

by Mr. Aiello, Ms. Edstrom, 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,
Mr. Lamberson, Mrs. Labuhn, Mr. Padlo and Mr. Sprague

**LOCAL LAW NUMBER 8-2012
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law and
Sections 201 and 205 of the County Law.

A LOCAL LAW ESTABLISHING 2012 SALARIES FOR CERTAIN COUNTY OFFICERS

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 establish salaries for County Officers, elected or appointed who serve fixed terms, for the year 2012.

SECTION 2. Schedule of Salaries. Effective January 1, 2012, the County Officers listed below shall receive the following bi-weekly salary, which incorporates a 1% salary increase for the year 2012:

County Attorney	\$4,288.00 bi-weekly
County Administrator	\$3,644.00 bi-weekly
Commissioner of Social Services	\$3,568.00 bi-weekly
Public Health Director	\$3,629.00 bi-weekly
Commissioner of Public Works	\$2,952.00 bi-weekly
Public Defender	\$3,577.00 bi-weekly
Director, Department of Nursing Homes	\$3,618.00 bi-weekly
Human Resources Director	\$3,024.00 bi-weekly
Information Services Director	\$2,991.00 bi-weekly
Director, Economic Development, Planning and Tourism	\$2,797.00 bi-weekly
Real Property Tax Director	\$2,603.00 bi-weekly
Election Commissioner	\$2,058.00 bi-weekly

SECTION 3. Schedule of Salaries. Effective January 1, 2012, the County Officers listed below shall receive the following annualized salary which incorporates a 1% salary increase for the year 2012:

County Treasurer	\$70,382.00
County Clerk	\$70,487.00

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
SALAMANCA HOUSING AUTHORITY FOR
HEALTH DEPARTMENT OFFICE SPACE**

Pursuant to 10 NYCRR 763.3, Section 3602 of the Public
Health Law and Sections 215 and 450 of the County Law.

I. WHEREAS, Act 444-2009 authorized a contract with Salamanca Housing Authority, Iroquois Drive, Salamanca, New York 14779, for the rental of office space in Hillview Homes in the City of Salamanca for Health Department office/clinic space, at the rate of \$948.00 per month on a month-to-month basis, the term of which expires ~~December 31~~ **October 31**, 2012, and

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

III. WHEREAS, the Salamanca Housing Authority has agreed to continue leasing the above-described space for an amount of \$948.00 per month on a month-to-month basis, to be paid monthly, as invoiced, and

IV. WHEREAS, the office space rental is partially funded through state aid and generated revenues, 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 Salamanca Housing Authority, for the provision of the above-described services, for a term commencing ~~January 1, 2013~~ **November 1, 2012** and terminating ~~December 31~~ **October 31**, 2015, 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.