



# CATTARAUGUS COUNTY

John R. Searles, County Administrator

303 Court Street  
Little Valley, New York 14755

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

Contingent Fund Balance: \$150,711

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

The following committees will meet on **Wednesday, February 20, 2013**, at the County Center in Little Valley, New York, at the indicated times:

Public Works	4:00 p.m.
Human Services	5:00 p.m.
County Operations	5:15 p.m.
Development & Agriculture	5:30 p.m.
Public Safety	5:45 p.m.
Labor Relations	6:15 p.m.
Senior Services	6:30 p.m.
Finance	6:45 p.m.

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## ACT NO.

## RESOLUTIONS READY FOR ACTION

- |        |   |
|--------|---|
| 97-13  | Mr. Aiello, Mr. Felton, Ms. Vickman and Mr. Weller<br>AUTHORIZING THE CHAIR TO EXECUTE ACCESS AGREEMENT WITH BUFFALO & PITTSBURGH<br>RAILROAD, INC. FOR ASHFORD BRIDGE NO. 53 CROSSING                  |
| 98-13  | Mr. Aiello and Mr. Weller<br>AUTHORIZING THE CHAIR TO EXECUTE UTILITY EASEMENT WITH NIAGARA MOHAWK POWER<br>CORPORATION FOR OVERHEAD ELECTRIC FACILITIES ALONG COUNTY ROAD NO. 14 (TOAD<br>HOLLOW ROAD) |
| 99-13  | Ms. Edstrom and Mrs. Stockman<br>AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH VARIOUS ENTITIES FOR PROVISION OF<br>SERVICES FUNDED THROUGH THE COMMUNITY TRANSFORMATION GRANT                        |
| 100-13 | Mr. Felton and Ms. Vickman<br>AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATTARAUGUS-ALLEGANY BOCES FOR<br>DEPARTMENT OF NURSING HOMES FIELDWORK EXPERIENCE FOR HEALTH CARE STUDENTS                |
| 101-13 | Mr. Marsh<br>AMENDING CATTARAUGUS COUNTY TRAVEL POLICY  |

Committee referrals for the February 20, 2013 Committee meetings									
Act #	Finance	County Ops	DPW	Senior Services	Strategic Planning	Human Services	Develop. & Agriculture	Public Safety	Labor Relations
97	X		X						
98	X		X						
99	X					X			
100	X			X					
101	X	X							X
Totals	5	1	2	1	0	1	0	0	1

**AUTHORIZING THE CHAIR TO EXECUTE ACCESS AGREEMENT WITH  
BUFFALO & PITTSBURGH RAILROAD, INC. FOR  
ASHFORD BRIDGE NO. 53 CROSSING**

Pursuant to Section 450 of the County Law.

I. WHEREAS, the County Department of Public Works is desirous of replacing the existing temporary Ashford Bridge No. 53 with a "long-term" temporary culvert in an effort to open County Road No. 12 to two-way traffic, and

II. WHEREAS, the Buffalo & Pittsburgh Railroad, Inc., 400 Meridian Centre, Suite 330, Rochester, New York 14618, has agreed to allow access to the aforementioned project site at no cost to the County, and

III. WHEREAS, the County Department of Public Works shall remove the existing temporary bridge structure and replace it with a long-term temporary large culvert centered along the existing railroad bed, at no cost to the Buffalo & Pittsburgh Railroad, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an access agreement, on behalf of Cattaraugus County, with the Buffalo & Pittsburgh Railroad, Inc., for access to the Ashford Bridge No. 53 project site, for a term commencing February 27, 2013 continuing in full force and effect until no longer needed by the County, according to the above-described terms.

Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input checked="" type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE UTILITY EASEMENT WITH  
NIAGARA MOHAWK POWER CORPORATION FOR  
OVERHEAD ELECTRIC FACILITIES ALONG COUNTY ROAD NO. 14 (TOAD HOLLOW ROAD)**

Pursuant to Sections 219 and 450 of the County Law.

I. WHEREAS, Niagara Mohawk Power Corporation, National Grid, PLC, 1411 West Henley Street, Olean, New York 14760, has requested permission to relocate overhead electric facilities on property located on County Road No. 14 (Toad Hollow Road) in the Town of Mansfield, and

II. WHEREAS, a right-of-way easement is necessary to allow Niagara Mohawk Power Corporation, to extend, install and maintain overhead electrical facilities across County-owned property, and

III. WHEREAS, Niagara Mohawk Power Corporation has requested an easement agreement describing the rights and responsibilities of the County and Niagara Mohawk Power Corporation with regard to the aforementioned property access, and

IV. WHEREAS, Niagara Mohawk Power Corporation has requested permission to cut and trim certain trees along the easement area, and

V. WHEREAS, the County has agreed to allow the above-described easement at no cost to the County, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a utility easement, on behalf of Cattaraugus County, with Niagara Mohawk Power Corporation, for the relocation of overhead electric facilities along County Road No. 14 (Toad Hollow Road) in the Town of Mansfield, for a term commencing February 13, 2013 to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input checked="" type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH VARIOUS ENTITIES FOR  
PROVISION OF SERVICES FUNDED THROUGH THE COMMUNITY TRANSFORMATION GRANT**

Pursuant to Section 450 of the County Law.

- I. WHEREAS, Cattaraugus County is one of three (3) counties in New York State to be awarded the Community Transformation Grant–Small Communities funding by the Centers for Disease Control and Prevention, and
- II. WHEREAS, Act 479-2012 authorized contracts with the New York State Department of Health and Health Research, Inc., in order to accept the aforementioned grant, and
- III. WHEREAS, the County Health Department will work with a multi-sector leadership team and coalition to implement a multi-sector implementation plan in the early child care, school and community settings within the Gowanda Central, Olean City and Salamanca City School Districts’ geographic areas, and
- IV. WHEREAS, the County Health Department shall act as lead agency in administering the aforementioned grant for Cattaraugus County, and
- V. WHEREAS, contracts with the following various entities are necessary in order to cover certain components of the grant program:

<u>Name &amp; Address of Entity</u>	<u>Description of Services</u>	<u>Amount</u>
Southern Tier West Regional Planning & Development Board 4039 Route 219, Suite 200 Salamanca, New York 14779	Prepare a regional food procurement initiative within Cattaraugus County that consolidates food procurement and standardizes menu planning for participating school districts to leverage buying power, secure more competitive pricing, and improve the nutritional quality of the school lunch program	\$17,550.00
Healthy Community Alliance, Inc. 26 Jamestown Street P.O. Box 27 Gowanda, New York 14070	For identified 3 target areas: Implement classroom-based physical program/activities into elementary grade classrooms; create access to Safe Routes to School and within those communities, i.e. walking/ biking; availability of sugary beverages will decrease while healthy beverage availability will increase	\$37,200.00
Cornell Cooperative Extension- Allegany & Cattaraugus Counties 28 Parkside Drive Ellicottville, New York 14731	In 3 target areas: implement Local Wellness Policies prohibiting tobacco use at off-campus school sponsored events; adults and children living in low-income multi-unit structures will have access to smoke-free properties	\$12,000.00
ACCORD Corporation 84 Schuyler Street P.O. Box 573 Belmont, New York 14813	In 3 target areas: implement optional program standard in the County Child and Family Services Plan, requiring CACFP (Child and Adult Care Food Program) participation by legally exempt care providers who care for subsidized children 30 or more hours per week; increase participation by child care centers and homes serving low-income children that will participate in CACFP	\$12,000.00

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 contracts, on behalf of Cattaraugus County, with the above-listed various entities, for the provision of the above-described services, for a term commencing September 30, 2012 and terminating September 29, 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.

Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input checked="" type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS-ALLEGANY BOCES FOR DEPARTMENT OF NURSING HOMES  
FIELDWORK EXPERIENCE FOR HEALTH CARE STUDENTS**

Pursuant to Section 450 of the County Law.

I. WHEREAS, Cattaraugus-Allegany BOCES, 1825 Windfall Road, Olean, New York 14760, is desirous of operating an educational fieldwork experience program at The Pines Healthcare and Rehabilitation Center for health care students, and

II. WHEREAS, the Department of Nursing Homes shall allow the educational fieldwork experience program to be conducted at the Machias and Olean Campuses of The Pines Healthcare and Rehabilitation Center, and

III. WHEREAS, there is no cost to the County for participation in the aforementioned program, 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 BOCES for the participation in the above-described fieldwork experience program, for a term commencing February 1, 2013 to continue in full force and effect until terminated by either party, according to the above-described terms.

Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input checked="" type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AMENDING CATTARAUGUS COUNTY TRAVEL POLICY**

Pursuant to Section 215 of the County Law and  
Internal Revenue Code Section 119.

I. WHEREAS, the Cattaraugus County Legislature adopted the County's travel policy by Act No. 396-99 adopted on June 23, 1999, as amended by Act No. 431-2002, adopted on July 24, 2002 and Act No. 362-2009, adopted on June 24, 2009, and

II. WHEREAS, in accordance with Internal Revenue Code Section 119, the Internal Revenue Service in its audits of other counties in New York State has restated its long-held determination that reimbursement for meal expense is a taxable fringe benefit to the employee receiving it unless the employee is away from home overnight on business, and

III. WHEREAS, federal law takes precedence over state statutes and collective bargaining agreements in determining federal tax liability for furnished meals (IRC Section 119-(b)(1)), and

IV. WHEREAS, it is necessary that the County revise its travel policy to comply with IRS regulations, now, therefore, be it

I. RESOLVED, that effective April 1, 2013, the Cattaraugus County Travel Policy is revised and amended as follows:

a. by adding the following to Section 1.1 thereof: "however, reimbursement for meals or meal expenses incurred during travel that does not require an overnight stay are taxable income to the employee and shall be reported to taxing authorities as may, from time-to-time, be determined by the County Treasurer", and

b. In Section 1.14.2 thereof, following "Fair Labor Standards Act (FLSA)" add "and the Internal Revenue Code (IRC)".

Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input checked="" type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input checked="" type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>