



CATTARAUGUS COUNTY

John R. Searles, County Administrator

303 Court Street
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 24, 2013**, for the transaction of such business as may properly come before the meeting.

Contingent Fund Balance: \$20,720

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 Number 3-2013*
- *Steve Teachman – Civil War*

RESOLUTIONS READY FOR ACTION

UNFINISHED BUSINESS

RESOLUTIONS – IMMEDIATE CONSIDERATION

ADJOURNMENT

.....

ACT NO.

RESOLUTIONS READY FOR ACTION

294-13

Mr. Marsh

LOCAL LAW NUMBER 3-2013 – A LOCAL LAW AMENDING LOCAL LAW NUMBER 2-1993 (INTRO NUMBER 2-1993) ENTITLED, “ALLOWING RELEASE OF FUNDS LIENED UNDER SECTION 22 OF THE GENERAL MUNICIPAL LAW”

Approved by 7 Finance and 5 County Operations

307-13

Mr. Marsh

APPOINTMENT TO COMMUNITY SERVICES BOARD ALCOHOL & SUBSTANCE ABUSE SUBCOMMITTEE, COMMUNITY SERVICES BOARD MENTAL HEALTH SUBCOMMITTEE, AND COMMUNITY SERVICES BOARD PEOPLE WITH DEVELOPMENTAL DISABILITIES SUBCOMMITTEE

Additional sponsor: Mr. Lamberson

Approved by 9 Finance and 7 Human Services

308-13

Mr. Aiello and Mr. Weller

AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH AUDUBON ARCHITECTURE, ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTS, P.C. FOR PREPARATION OF BIDDING DOCUMENTS FOR MAKEUP AIR UNIT REPLACEMENT

Approved by 9 Finance and 9 Public Works

- 309-13 Mr. Aiello and Mr. Weller
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH STANLEY ACCESS TECHNOLOGIES, LLC
FOR MAINTENANCE OF AUTOMATIC DOORS AT OLEAN OFFICE FACILITY
Approved by 9 Finance and 9 Public Works
- 310-13 Mr. Aiello and Mr. Weller
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH T.Y. LIN INTERNATIONAL FOR
ENGINEERING ASSESSMENT REPORTS FOR CATTARAUGUS COUNTY CLASS B DAMS
Additional sponsors: Mrs. Stockman, Mr. VanRensselaer and Mr. Lamberson
Approved by 9 Finance and 9 Public Works
- 311-13 Mr. Aiello and Mr. Weller
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH T.Y. LIN INTERNATIONAL FOR DAM
HYDRAULIC CALCULATIONS FOR CATTARAUGUS COUNTY CLASS C AND B DAMS
Additional sponsors: Mrs. Stockman, Mr. VanRensselaer and Mr. Lamberson
Approved by 9 Finance and 9 Public Works
- 312-13 Mr. Aiello and Mr. Weller
AUTHORIZING TRANSFER OF FUNDS FOR RENTAL USE OF MOORINGS AT ONOVILLE MARINA
(Onoville Marina Fund Balance)
Additional sponsor: Mr. VanRensselaer
Approved by 9 Finance and 9 Public Works
- 313-13 Mr. VanRensselaer and Mr. Boser
ALLOCATION OF CATTARAUGUS COUNTY HOTEL AND MOTEL TAX
Additional sponsors: Mr. Murphy and Mrs. Labuhn
Approved by 9 Finance and 7 Development & Agriculture
- 314-13 Mr. Snyder, Sr.
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NCSPLUS INCORPORATED FOR
TREASURER'S OFFICE COLLECTION SERVICES AND TRANSFER OF FUNDS (Contingent Fund –
Treasurer)
Approved by 9 Finance
- 315-13 Mr. VanRensselaer and Mr. Boser
AUTHORIZING APPLICATION FOR TOURISM PROMOTION AND DESIGNATING GRANT
ADMINISTRATOR
Additional sponsor: Mrs. Labuhn
Approved by 9 Finance and 7 Development & Agriculture
- 316-13 Mr. Murphy
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS FOR 2013 STATE HOMELAND
SECURITY PROGRAM GRANT (Sheriff's Office)
Approved by 9 Finance and 5 Public Safety

- 317-13 Mrs. Stockman
SALE OF TAX TITLE PROPERTY TO FORMER OWNERS
AMENDED: in the 1st Resolved, delete "Lisa Silleman"; delete "283 Mill St" replace with "8331 Route 62"
Approved by 9 Finance and 7 County Operations
- 318-13 Mr. Aiello and Mr. Lamberson
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH WCA HOSPITAL FOR AUDIOMETRIC TESTING TO INCLUDE MEDICAL EXAMINATIONS FOR POLICE OFFICERS
Approved by 9 Finance, 5 Public Safety and 5 Labor Relations
- 319-13 Mr. Felton and Ms. Vickman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH TOTAL SENIOR CARE, INC. FOR PACE PROGRAM HOME DELIVERED MEALS
Approved by 9 Finance and 5 Senior Services
- 320-13 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH RANDOLPH CENTRAL SCHOOL DISTRICT FOR PEDIATRIC SKILLED NURSING SERVICES IN SCHOOL SETTING
Additional sponsor: Mr. VanRensselaer
Approved by 9 Finance and 7 Human Services
- 321-13 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATTARAUGUS COMMUNITY ACTION, INC. FOR WIC LICENSED PRACTICAL NURSING SERVICES
Additional sponsor: Ms. Vickman
Approved by 9 Finance and 7 Human Services
- 322-13 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENT AND FINANCING DOCUMENTS WITH THERMO FISHER FINANCIAL SERVICES AND FISHER HEALTHCARE FOR HEALTH DEPARTMENT LABORATORY EQUIPMENT
Approved by 9 Finance and 7 Human Services
- 323-13 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK STATE DEPARTMENT OF HEALTH FOR ADOLESCENT TOBACCO USE PREVENTION ACT ENFORCEMENT PROGRAM (Department of Health)
Approved by 9 Finance and 7 Human Services
- 324-13 Ms. Edstrom and Mrs. Stockman
AUTHORIZE THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK STATE DEPARTMENT OF HEALTH FOR HEALTH DEPARTMENT WIC PROGRAM
Additional sponsors: Ms. Vickman and Mr. Lamberson
Approved by 9 Finance and 7 Human Services

- 325-13 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATTARAUGUS COMMUNITY ACTION, INC., FOR YOUTH PLACEMENT PREVENTION PROGRAMMING (FAST) AND TEENAGE SERVICE ACT (TASA) SERVICES
Approved by 9 Finance and 7 Human Services
- 326-13 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH OLEAN COMMUNITY SCHOOLS FOR GED INSTRUCTION
AMENDED: in the sponsor line delete "Ms. Edstrom"
Approved by 9 Finance and 6 Human Services
- 327-13 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH JUDITH GALLEGOS FOR TANF ELIGIBLE DRUG/ALCOHOL SCREENING AND CASE MANAGEMENT
Approved by 9 Finance and 7 Human Services
- 328-13 Ms. Edstrom and Mrs. Stockman
AUTHORIZING CERTAIN CHARGE-OFFS OF CERTAIN ACCOUNTS RECEIVABLE IN THE DEPARTMENT OF COMMUNITY SERVICES
Approved by 9 Finance and 7 Human Services
- 329-13 Mr. Marsh and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATTARAUGUS COMMUNITY ACTION, INC., FOR DEPARTMENT OF COMMUNITY SERVICES MENTAL HEALTH CLINICIAN AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Department of Community Services)
Additional sponsor: Mr. VanRensselaer
Approved by 9 Finance and 6 Human Services

**LOCAL LAW NUMBER 3-2013
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law and
Sections 22(3) and (4) of the General Municipal Law.

**A LOCAL LAW AMENDING LOCAL LAW NUMBER 2-1993
(INTRO NUMBER 2-1993) ENTITLED, "ALLOWING RELEASE OF
FUNDS LIENED UNDER SECTION 22 OF THE GENERAL MUNICIPAL LAW"**

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 Number 2-1993 (Intro Number 2-1993) entitled, "Allowing Release of Funds Liened Under Section 22 of the General Municipal Law", to clarify the intent thereof and the manner in which its provisions can be carried out.

SECTION 2. Amendment of Local Law Number 2-1993. Local Law Number 2-1993 (Intro Number 2-1993), is hereby amended as follows:

A. By amending Section 1 thereof to read as follows:

"SECTION 1. Legislative Intent. General Municipal Law Section 22(3) and (4) provides that upon the adoption of a resolution the Legislature may require that the County Treasurer serve upon the New York State Superintendent of Insurance notice of intention to make a claim against fire insurance proceeds for delinquent real property taxes, thereby creating a means by which the County can recoup such taxes in cases where the properties have experienced significant reduction in value because of fire. The law further provides, however, that such action can be taken only if the Legislature has first adopted a local law requiring that the County release or return to the insured any or all amounts to which it would otherwise be entitled to claim, provided that the insured agrees that the County, in writing, to restore the affected premises to the same or improved condition that the subject premises was in prior to the time that the lien of the County against proceeds provided for by Section 22 of the General Municipal Law arose, subject to such conditions as such resolution shall provide to guarantee performance of such obligation by the insured."

B. By deleting Section 4 thereof in its entirety.

C. By renumbering Sections 2 and 3 thereof to Sections 3 and 4, respectively.

D. By adding a new Section 2 thereto, as follows:

"SECTION 2. Release or Return of Funds to Insured. In the event that the County Legislature, by resolution adopted pursuant to Section 22(3) of the General Municipal Law, directs the County Treasurer to serve a notice of intention to claim against fire insurance proceeds regarding tax delinquent properties upon the State Superintendent of Insurance and thereafter satisfies the County's tax lien from the proceeds of such insurance or otherwise, the County shall release or return to the insured any or all amounts to which it would otherwise be entitled to claim, provided that the insured agrees that the County, in writing, to restore the affected premises to the same or improved condition that the subject premises was in prior to the time that the lien of the County against proceeds provided for by Section 22 of

the General Municipal Law arose, subject to such conditions as such resolution shall provide to guarantee performance of such obligation by the insured.”

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. Effective Date. This Local Law shall take effect immediately.

**SALE OF TAX TITLE PROPERTY TO FORMER OWNERS
(Town of Dayton)**

Pursuant to Section 215 of the County Law and
Rule 40 of the Rules of Order of the
Cattaraugus County Legislature.

- I. WHEREAS, Cattaraugus County has tax title to certain property situate in the Town of Dayton, and
- II. WHEREAS, the former owners of the property have offered to purchase the same at a cost which will cover the County's financial involvement in these premises, and
- III. WHEREAS, the costs involved for these premises have been tendered to the County Treasurer's Office, now, therefore, be it
- I. RESOLVED, that the County Treasurer be, and hereby is, authorized and directed, on behalf of Cattaraugus County, to execute a County Treasurer's Deed conveying this property to the following individuals:

TOWN OF DAYTON

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
119	33.034-1-16	Lisa Silleman Travis Everett	283 Mill St 8331 Route 62 South Dayton, NY 14138	\$7,919.96

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN COMMUNITY SCHOOLS FOR GED INSTRUCTION**

Pursuant to Section 450 of the County Law.

- I. WHEREAS, the County Department of Social Services is desirous of providing GED instruction services for eligible recipients up to the age of 21, and
- II. WHEREAS, Olean Community Schools, 410 West Sullivan Street, Olean, New York 14760, through its Adult Education Program, can provide the aforementioned GED instruction services for an amount not to exceed \$12,000.00, to be paid on a monthly basis as invoiced, and
- III. WHEREAS, this program is 100% federally 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 Olean Community Schools, for the provision of the above-described services, for a term commencing July 1, 2013 and terminating June 30, 2014, 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.