



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 **Tuesday, November 26, 2013**, for the transaction of such business as may properly come before the meeting.

Contingent Fund Balance: \$4,720

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 - 2014 Tentative Budget*
 RESOLUTIONS READY FOR ACTION
 UNFINISHED BUSINESS
 RESOLUTIONS – IMMEDIATE CONSIDERATION
 ADJOURNMENT

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ACT NO.

RESOLUTIONS NOT READY FOR ACTION

- 561-13 Mr. Felton and Ms. Vickman
 LOCAL LAW NUMBER 5-2013 – A LOCAL LAW ESTABLISHING FEES FOR DEPARTMENT OF
 NURSING HOMES RESIDENT PRIVATE PAY RATES AND REPEALING ACT 498-2011
 Approved by 9 Finance and 7 Senior Services
- 572-13 Mr. Teachman
 EXPRESSING LEGISLATURE'S INTENT TO EXPLORE OPTIONS REGARDING BOARD OF
 ELECTIONS/MUSEUM BUILDING
 Held in Finance and Public Works
- 573-13 Public Works Committee: Mr. Aiello, Mr. Weller, Ms. Edstrom, Mr. Klancer, Mr. Snyder, Jr., Mr.
 Teachman, Mr. Koch, Mr. Lamberson and Mr. Sprague
 LOCAL LAW NUMBER 6-2013 – A LOCAL LAW ESTABLISHING FEE SCHEDULE FOR ONOVILLE
 MARINA BOATING AND CAMPING ACTIVITIES
 Approved by 9 Finance

RESOLUTIONS READY FOR ACTION

- 534-13 by Mr. Klancer and Mr. Murphy
 AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH GOWANDA AREA REVITALIZATION
 CORPORATION FOR ZOAR VALLEY GATEWAY PARK PROJECT AND ADJUSTING VARIOUS
 APPROPRIATION AND REVENUE ACCOUNTS (Department of Economic Development, Planning
 & Tourism)
 Approved by 9 Finance and 7 Development & Agriculture

- 535-13 by Mr. Klancer and Mr. Murphy
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH GOWANDA'S HISTORIC HOLLYWOOD THEATER, LTD FOR RESTORATION PROJECT AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Department of Economic Development, Planning & Tourism)
Approved by 9 Finance and 7 Development & Agriculture
- 547-13 Mr. Aiello and Mr. Weller
BID ACCEPTANCE FOR PAPER PRODUCTS (Department of Public Works)
Approved by 9 Finance and 9 Public Works
- 548-13 Mr. Aiello and Mr. Weller
BID ACCEPTANCE FOR TREE REMOVAL & STUMP GRINDING (Department of Public Works)
Approved by 9 Finance and 9 Public Works
- 549-13 Mr. Aiello, Mr. Klancer, Mr. Murphy and Mr. Weller
AUTHORIZING THE CHAIR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 1 WITH NYSDOT TO AMEND NON-MARCHISELLI AGREEMENT FOR COUNTY ROAD NO. 57 AND BENTLEY ROAD INTERSECTION IMPROVEMENT PROJECT AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Department of Public Works)
Approved by 9 Finance and 9 Public Works
- 550-13 Mr. Aiello, Mr. Edwards and Mr. Weller
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH BERGMANN ASSOCIATES, P.C. FOR ENGINEERING DESIGN SERVICES FOR GREAT VALLEY BRIDGE NO. 9 FEDERAL AID REPLACEMENT PROJECT
Approved by 9 Finance and 9 Public Works
- 551-13 Mr. Aiello, Mrs. Stockman and Mr. Weller
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH GREENMAN-PEDERSEN, INC. FOR ENGINEERING SERVICES FOR RECONSTRUCTION OF COUNTY ROAD NO. 57 INTERSECTION WITH BENTLEY ROAD
Sponsor deletion: Mrs. Stockman requested to be removed as sponsor
Approved by 9 Finance and 9 Public Works
- 552-13 Mr. Aiello, Mr. Klancer, Mr. Murphy and Mr. Weller
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH STANTEC CONSULTING SERVICES, INC. FOR ENGINEERING SERVICES FOR NEW ALBION BRIDGE NO. 35 FEDERAL-AID REPLACEMENT PROJECT
Additional sponsor: Mrs. Stockman
Approved by 9 Finance and 9 Public Works
- 553-13 Mr. Aiello and Mr. Weller
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH HUNT ENGINEERS, ARCHITECTS & LAND SURVEYORS, P.C. FOR SAWMILL RUN DEVELOPMENT OF ONOVILLE MARINA ENGINEERING SERVICES
Approved by 9 Finance and 9 Public Works

- 554-13 Mr. Aiello and Mr. Weller
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH WATTS ARCHITECTURE AND ENGINEERING P.C. FOR LEON BRIDGE NO. 7 FEDERAL-AID REPLACEMENT PROJECT ENGINEERING DESIGN SERVICES
Additional sponsor: Mr. Klancer
Approved by 9 Finance and 9 Public Works
- 555-13 Mr. Aiello and Mr. Weller
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK STATE INDUSTRIES FOR THE DISABLED FOR OLEAN OFFICE FACILITY JANITORIAL SERVICES
Additional sponsors: Mr. Aiello and Mr. Lamberson
Approved by 9 Finance and 9 Public Works
- 556-13 Mr. Aiello and Mr. Weller
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH ENERGY ENTERPRISES, INC. FOR NATURAL GAS SERVICES
Approved by 9 Finance and 9 Public Works
- 557-13 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH NEW YORK STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL'S OFFICE OF COMMUNITY RENEWAL FOR COUNTY-WIDE WELL AND SEPTIC SYSTEM REPLACEMENT
Approved by 9 Finance and 7 Human Services
- 558-13 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH WILLCARE, INC. FOR HOME HEALTH CARE SERVICES
Additional sponsors: Mr. Lamberson and Mr. Padlo
Approved by 9 Finance and 7 Human Services
- 559-13 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CHAUTAUQUA COUNTY FOR HEALTH DEPARTMENT LEAD RISK ASSESSMENT SERVICES
Approved by 9 Finance and 7 Human Services
- 560-13 Ms. Edstrom and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH BRIAN GARIEPY, P.T. FOR HEALTH DEPARTMENT PHYSICAL THERAPY SERVICES
Approved by 9 Finance and 7 Human Services
- 562-13 Mr. Felton and Ms. Vickman
AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 5-2013
Approved by 9 Finance and 7 Senior Services
- 563-13 Mr. Felton and Ms. Vickman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH P & NP COMPUTER SERVICES, INC. FOR DEPARTMENT OF NURSING HOMES SOFTWARE MAINTENANCE SERVICES
Approved by 9 Finance, 7 Senior Services and 7 County Operations

- 564-13 Mr. Felton and Ms. Vickman
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACTS WITH INDEPENDENT HEALTH ASSOCIATION, INC. FOR DEPARTMENT OF NURSING HOMES ANCILLARY SERVICES
Approved by 9 Finance and 7 Senior Services
- 565-13 Mr. Teachman and Mr. Padlo
AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH INNOVATIVE INFORMATION SOLUTIONS AND STORSERVER, INC. FOR CAPACITY LICENSES AND SUPPORT SERVICES FOR COUNTY SERVERS
Additional sponsor: Mrs. Stockman
Approved by 9 Finance and 7 County Operations
- 566-13 Mr. Aiello and Mr. Lamberson
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH AMERITAS LIFE INSURANCE CORP. OF NEW YORK FOR DENTAL INSURANCE COVERAGE
Approved by 9 Finance and 5 Labor Relations
- 567-13 Mr. Aiello and Mr. Lamberson
AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH EMPLOYEE SERVICES, INC. FOR EMPLOYEE ASSISTANCE PROGRAM
AMENDED: in the 3rd Whereas, delete “effecting”, replace with “affecting”
Approved by 9 Finance and 5 Labor Relations
- 568-13 Mr. Murphy
AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS WITH VARIOUS INDIVIDUALS FOR EMERGENCY MEDICAL SERVICES INSTRUCTORS
Approved by 9 Finance and 7 Public Safety
- 569-13 Public Safety Committee: Mr. Murphy, Mr. Hale, Mr. Felton, Mr. Snyder, Sr., Mr. VanRensselaer, Mr. Weller and Mr. Koch
AUTHORIZING PLAN FOR DISBURSEMENT OF CERTAIN FUNDS RECEIVED FROM THE NEW YORK STATE INDIGENT LEGAL SERVICES FUND (ILSF)
Approved by 9 Finance
- 570-13 Ms. Edstrom and Mrs. Stockman
APPROVING AMENDED CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND COUNCIL ON ADDICTION RECOVERY SERVICES, INC. FOR SUBSTANCE ABUSE PROGRAM FUNDS
Approved by 9 Finance and 7 Human Services
- 571-13 Ms. Edstrom and Mr. 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 SERVICES PROS AND CASE MANAGEMENT OFFICES
Additional sponsor: Mr. Aiello
Approved by 9 Finance, 6 Human Services and 9 Public Works

574-13

Public Works Committee: Mr. Aiello, Mr. Weller, Ms. Edstrom, Mr. Klancer, Mr. Snyder, Jr., Mr. Teachman, Mr. Koch, Mr. Lamberson and Mr. Sprague

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 6-2013

Approved by 9 Finance

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
GOWANDA AREA REVITALIZATION CORPORATION FOR
ZOAR VALLEY GATEWAY PARK PROJECT AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Economic Development, Planning & Tourism)**

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

I. WHEREAS, the Gowanda Area Revitalization Corporation, 13437 Quaker Street, Collins, New York 14034, has requested funds to continue the final phases of restoring the former Peter Cooper Superfund Site to a usable property, and

II. WHEREAS, the overall project will result in a recreational park positioned on Cattaraugus Creek, which will serve as the gateway to the State-owned Zoar Valley Multiple Use Area and conservation site, and

III. WHEREAS, the project shall include the installation of active sports fields and playground, restroom facilities, concession stands and a non-motorized trail, and

IV. WHEREAS, the County shall make available an amount of \$203,952.00, to be made in periodic payments approved by the County Administrator, to assist with the construction of the Zoar Valley Gateway Park , and

V. WHEREAS, a contract is necessary with the Gowanda Area Revitalization Corporation, and

VI. WHEREAS, the aforementioned amount of \$203,952.00 shall be provided to the Gowanda Area Revitalization Corporation through Casino funds, and

VII. WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned \$203,952.00, 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 Gowanda Area Revitalization Corporation, in order to provide the aforementioned funding, for a term commencing November 14, 2013 and terminating December 31, 2014, according to the above-described terms, and be it further

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

Increase Estimated Revenue Account:

A.901.0000.0000.2725.1	Tribal Compact Moneys, Tax Immune Proceeds	\$203,952.00
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Increase Appropriation Account:

A.298.7110.0000.42041	Zoar Valley Gateway Park	\$203,952.00.
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**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
GOWANDA'S HISTORIC HOLLYWOOD THEATER, LTD FOR RESTORATION PROJECT
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Economic Development, Planning & Tourism)**

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

I. WHEREAS, Gowanda's Historic Hollywood Theater, Ltd., P.O. Box 164, 3910 Main Street, Gowanda, New York 14070, which is a 501(c)(3) not-for-profit organization, is requesting funding to assist with Phase IV of a multi-phase historic restoration project, and

II. WHEREAS, Phase IV of the restoration project will address engineering and the retro-fit of a 1926 truss in preparation for the replacement of air handling units, flat and ornate plaster work, testing, cleaning and painting of ceiling surfaces, placement of HVAC duct work, dry storage area and the replacement of metal exit stairs, and

III. WHEREAS, the re-opening of the historic theater will create jobs, encourage heritage tourism and potentially mold the economic future of this rural tri-county area, and

IV. WHEREAS, the assistance received from the County will also allow the Gowanda's Historic Hollywood Theater, Ltd., to leverage additional grant funding, and

V. WHEREAS, the County shall make available an amount of \$104,388.00, to be made in periodic payments approved by the County Administrator, to assist with the aforementioned project, and

VI. WHEREAS, a contract is necessary with the Gowanda's Historic Hollywood Theater, Ltd., and

VII. WHEREAS, the aforementioned \$104,388.00 shall be provided to Gowanda's Historic Hollywood Theater, Ltd., through Casino funds, and

VIII. WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned \$104,388.00, 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 Gowanda's Historic Hollywood Theater, Ltd., in order to provide the aforementioned funding, for a term commencing November 14, 2013 and terminating December 31, 2014, according to the above-described terms, and be it further

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

Increase Estimated Revenue Account:

A.901.0000.0000.2725.1	Tribal Compact Moneys, Tax Immune Proceeds	\$104,388.00
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Increase Appropriation Account:

A.298.7520.0000.42042	Gowanda's Historic Hollywood Theater	\$104,388.00.
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**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
EMPLOYEE SERVICES, INC., FOR EMPLOYEE ASSISTANCE PROGRAM**

Pursuant to Section 205 of the County Law and
Act 290-2011, as amended, of the Cattaraugus County Legislature.

I. WHEREAS, Act 611-2012, authorized a contract with Employee Services, Inc., 111 West Pearl Street, Wellsville, New York 14895, for the provision of an Employee Assistance Program, the term of which expires December 31, 2013, and

II. WHEREAS, Employee Services, Inc. has advised the County that a new rate of \$26.00 per non-public safety employee and \$38.47 per public safety employee will be charged effective January 1, 2014, for a total not to exceed \$24,354.00, based on the number of covered employees, and

III. WHEREAS, the total number of covered employees may increase or decrease up to, and including, five percent without ~~effecting~~ **affecting** the total value of the agreement, and

IV. WHEREAS, if the number of covered employees increases or decreases by more than five percent, then the total agreement value may be revised quarterly to reflect the changes in employees covered, now, therefore, be it

I. RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, contingent upon and subject to the inclusion in the 2014 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with Employee Services, Inc., for the provision of the above-described services, for a term commencing January 1, 2014 and terminating December 31, 2014, according to the above-described terms.