



# 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, December 11, 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 Hearings – Local Law Numbers 5-2013, 6-2013 & 7-2013*  
                    RESOLUTIONS READY FOR ACTION  
                    UNFINISHED BUSINESS  
                    RESOLUTIONS – IMMEDIATE CONSIDERATION  
                    ADJOURNMENT

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## ACT NO.

## RESOLUTIONS 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
- 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
- 589-13      Labor Relations Committee: Mr. Aiello, Mr. Lamberson, Mr. Edwards, Ms. Vickman and Mr.  
                    Boser and Mr. Snyder, Sr.  
                    LOCAL LAW NUMBER 7-2013 – A LOCAL LAW ESTABLISHING SALARIES FOR CERTAIN COUNTY  
                    OFFICERS
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- 597-13      Mr. Aiello and Mr. Weller  
                    BID ACCEPTANCE FOR REPLACEMENT OF HVAC AIR HANDLER (Department of Public Works –  
                    Parts Room)  
                    Approved by 9 Finance and 8 Public Works

- 598-13 Mr. Aiello and Mr. Weller  
BID ACCEPTANCE FOR REMOVAL AND DISPOSAL OF REGULATED MEDICAL WASTE FROM VARIOUS COUNTY LOCATIONS (Department of Public Works)  
Approved by 9 Finance, 8 Public Works, 7 Senior Services, 6 Human Services and 7 Public Safety
- 599-13 Mr. Aiello and Mr. Weller  
BID ACCEPTANCE FOR GASOLINE FOR ONOVILLE MARINA (Department of Public Works)  
Approved by 9 Finance and 8 Public Works
- 600-13 Mr. Aiello and Mr. Weller  
BID ACCEPTANCE FOR PURCHASE OF COMMERCIAL TUMBLE DRYERS (Department of Nursing Homes)  
Approved by 9 Finance, 8 Public Works and 7 Senior Services
- 601-13 Mr. Aiello and Mr. Weller  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH U & S SERVICES, INC. FOR HVAC CONTROL SYSTEM MAINTENANCE AND FIRE ALARM INSPECTION  
Approved by 9 Finance and 8 Public Works
- 602-13 Mr. Aiello, Mr. Hale, Mr. Snyder, Jr. and Mr. Weller  
AUTHORIZING THE CHAIR TO EXECUTE TRANSFER DOCUMENTS WITH TOWN OF PORTVILLE FOR TRANSFER OF COUNTY ROAD NO. 79 AND TRANSFER OF FUNDS (Department of Public Works)  
***Additional sponsor: Mrs. Labuhn***  
Approved by 9 Finance and 7 Public Works
- 603-13 Mr. Aiello and Mr. Weller  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH GREENMAN-PEDERSEN, INC. FOR ENGINEERING CONSULTANT SERVICES FOR 2014 BRIDGE PAINTING PROGRAM  
Approved by 9 Finance and 8 Public Works
- 604-13 Mr. Aiello and Mr. Weller  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH HUNT ENGINEERS, ARCHITECTS & LAND SURVEYORS, P.C. FOR ENGINEERING CONSULTANT SERVICES FOR 2014 BRIDGE DECK SEALING AND BRIDGE WASHING PROGRAM  
Approved by 9 Finance and 8 Public Works
- 605-13 Mr. VanRensselaer and Mrs. Labuhn  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH AUDUBON ARCHITECTURE, ENGINEERING, SURVEYING AND LANDSCAPE ARCHITECTURE, P.C. FOR UPDATE TO CATTARAUGUS COUNTY COMPREHENSIVE PLAN AND ADJUSTING VARIOUS APPROPRIATING AND REVENUE ACCOUNTS (Department of Economic Development, Planning & Tourism)  
***Additional sponsor: Mr. Padlo***  
Approved by 8 Finance and 7 Development & Agriculture
- 606-13 Mr. Teachman and Mr. Padlo  
TRANSFER OF FUNDS (Olean Blade Center)  
Approved by 9 Finance and 6 County Operations

- 607-13 Mr. Aiello and Mr. Lamberson  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH EBS-RMSCO, INC. FOR THIRD-PARTY ADMINISTRATION OF CATTARAUGUS COUNTY FLEXIBLE BENEFITS PLAN  
Approved by 9 Finance and 4 Labor Relations
- 608-13 Mr. Aiello and Mr. Lamberson  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH PMA MANAGEMENT CORP. FOR WORKER'S COMPENSATION PROGRAM ADMINISTRATION  
Approved by 9 Finance and 4 Labor Relations
- 609-13 Mr. Snyder, Sr.  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH VENESKY & COMPANY FOR UPDATE OF INDIRECT COST ALLOCATION PLAN  
Approved by 9 Finance
- 610-13 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH VARIOUS ENTITIES FOR MEDICAL AND TESTING SERVICES  
**Additional sponsor: Mr. Padlo**  
Approved by 9 Finance, 8 Public Works, 7 Senior Services and 6 Human Services
- 611-13 Mr. Felton and Ms. Vickman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH THE REHABILITATION CENTER, INC. FOR MANAGEMENT AND OPERATION OF LINWOOD CENTER ADULT DAY SERVICES  
Approved by 8 Finance and 6 Senior Services
- 612-13 Mr. Felton and Ms. Vickman  
AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH NEW YORK STATE OFFICE FOR THE AGING FOR MEDICARE IMPROVEMENTS FOR PATIENTS & PROVIDERS ACT (MIPPA) FUNDING  
Approved by 9 Finance and 7 Senior Services
- 613-13 Mr. Felton and Ms. Vickman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH VARIOUS ENTITIES FOR SENIOR NUTRITION PROGRAM MEAL SERVICES  
**Additional sponsor: Mrs. Labuhn**  
Approved by 9 Finance and 7 Senior Services
- 614-13 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH ELLICOTTVILLE PHARMACY, INC. FOR HEALTH DEPARTMENT PHARMACY CONSULTANT SERVICES  
Approved by 9 Finance and 6 Human Services
- 615-13 Mr. Murphy  
AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES FOR GTSC IGNITION INTERLOCK MONITORING PROGRAM  
Approved by 9 Finance and 7 Public Safety

- 616-13 Mr. Murphy  
AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH NEW YORK STATE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES FOR 200% OF POVERTY ALTERNATIVE TO INCARCERATION PROGRAM  
Approved by 9 Finance and 7 Public Safety
- 617-13 Ms. Edstrom, Mr. Felton, Mrs. Stockman and Ms. Vickman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH VMC GROUP, INC. FOR TRANSPORTATION MANAGEMENT SERVICES  
**Additional sponsor: Mrs. Labuhn**  
Approved by 9 Finance, 7 Senior Services and 6 Human Services
- 618-13 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE DOCUMENTS REGARDING YOUTH PROGRAMS FOR 2014  
Approved by 9 Finance and 5 Human Services
- 619-13 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH JAMES MCGUINNESS & ASSOCIATES, INC. FOR MAINTENANCE SUPPORT SERVICES FOR CHILDREN WITH SPECIAL NEEDS SOFTWARE  
Approved by 9 Finance and 6 Human Services
- 620-13 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH OLEAN THEATER WORKSHOP FOR AMERICORPS START PROGRAM  
**Additional sponsors: Mr. VanRensselaer, Ms. Vickman and Mr. Padlo**  
Approved by 9 Finance and 5 Human Services
- 621-13 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH SOUTHERN TIER HEALTH CARE SYSTEM, INC. FOR AMERICORPS START PROGRAM  
**Additional sponsor: Mr. Padlo**  
Approved by 9 Finance and 6 Human Services
- 622-13 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH ALLEGANY-LIMESTONE CENTRAL SCHOOL DISTRICT FOR AMERICORPS START PROGRAM  
Approved by 9 Finance and 6 Human Services
- 623-13 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH BELFAST CENTRAL SCHOOL FOR AMERICORPS START PROGRAM  
**Additional sponsor: Mr. VanRensselaer**  
Approved by 9 Finance and 6 Human Services
- 624-13 Mr. Aiello and Mr. Weller  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Department of Public Works-Stone House)  
Approved by 9 Finance and 8 Public Works

625-13

Mr. Marsh

AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK STATE UNIFIED COURT SYSTEM FOR COURT SPACE RENOVATION PROJECT AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS

Approved by 9 Finance and 8 Public Works

626-13

Mr. Aiello and Mr. Weller

ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Department of Public Works-Enhanced Mill & Pave Project)

***Additional sponsors: Mr. Klancer and Mr. VanRensselaer***

Approved by 9 Finance and 8 Public Works

**LOCAL LAW NUMBER 5-2013  
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW ESTABLISHING FEES FOR DEPARTMENT OF NURSING HOMES  
RESIDENT PRIVATE PAY RATES AND REPEALING ACT 498-2011**

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 increase the resident private pay rate for the Department of Nursing Homes.

SECTION 2. Resident Private Pay Rate. Effective January 1, 2014, the resident private pay rate for the County Department of Nursing Homes shall be \$230.00 per day for the Olean Facility and \$265.00 per day for the Machias Facility.

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. Statutory Repeal. Effective January 1, 2014, Act No. 498-2011, Local Law Number 9-2011 (Intro Number 15-2011), entitled "A Local Law Establishing Fees for Department of Nursing Homes Resident Private Pay Rates", is hereby repealed.

SECTION 5. Effective Date. This Local Law shall take effect immediately.

**LOCAL LAW NUMBER 6-2013  
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW ESTABLISHING FEE SCHEDULE  
FOR ONOVILLE MARINA BOATING AND CAMPING ACTIVITIES**

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 a fee schedule for the Onoville Marina boating and camping activities.

SECTION 2. Onoville Marina Fees. Effective January 1, 2014, the following fees shall be charged by the Cattaraugus County Onoville Marina for boating and camping activities:

<u>Docking</u>		<u>2 Weeks</u>	<u>Season</u>
<b>Non-Electric Slips</b>			
• Slip Size A (20')		\$136.50	\$26.02 (per foot) \$520.38 (minimum)
• Slip Size B (24')		\$136.50	\$29.74 (per foot) \$713.66 (minimum)
• Slip Size C (28')		\$136.50	\$30.98 (per foot) \$867.30 (minimum)
<b>Electric Slips</b>			
• Slip Size D (24')		\$168.00	\$33.08 (per foot) \$793.80 (minimum)
• Slip Size E (28')		\$168.00	\$33.08 (per foot) \$926.10 (minimum)
• Slip Size F (32')		\$168.00	\$42.34 (per foot) \$1,354.75 (minimum)
• Slip Size G (36')		\$168.00	\$44.98 (per foot) \$1,619.35 (minimum)
• Slip Size H (40')		\$168.00	\$50.27 (per foot) \$2,010.96 (minimum)
• Slip Size I (44')	<u>Day</u> \$22.00	<u>Week</u> \$147.00	<u>2 Weeks</u> \$210.00
			<u>Season</u> \$50.27 (per foot) \$2,212.05 (minimum)
Watercraft Access Fee	\$6.00 per day		
Vehicular Access Fee	\$4.00 per day		
Camping with Camper	\$27.00 per day	\$115.00 per week	\$175.00 per 2 weeks
Camping with Tent	\$13.50 per night with a primary camping unit		

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 January 1, 2014.



**LOCAL LAW NUMBER 7-2013  
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 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 2013.

SECTION 2. Schedule of Salaries. Effective January 1, 2013, the County Officers listed below shall receive the following bi-weekly salary, which represents their allocated portion of an additional 2% salary increase for the year 2012 and an additional salary increase of 1% for the year 2013 that has been distributed among Department Heads by the methodology established under Act 184-2009 titled: "Establishing Position Value System for Associating Department Head and Legislative Appointment Salary Increases to Performance Based System":

County Attorney	\$4,392.00 bi-weekly
County Administrator	\$3,774.00 bi-weekly
Director Of Aging	\$2,420.00 bi-weekly
Director of Community Services	\$2,944.00 bi-weekly
Public Health Director	\$3,707.00 bi-weekly
Commissioner of Public Works	\$3,064.00 bi-weekly
Public Defender	\$3,597.00 bi-weekly
Director, Department of Nursing Homes	\$3,715.00 bi-weekly
Human Resources Director	\$3,147.00 bi-weekly
Information Services Director	\$3,103.00 bi-weekly
Director, Economic Development, Planning and Tourism	\$2,901.00 bi-weekly
Real Property Tax Director	\$2,689.00 bi-weekly
Election Commissioner (2)	\$2,120.00 bi-weekly

SECTION 3. Schedule of Salaries. Effective January 1, 2013, the County Officers listed below shall receive the following annualized salary which incorporates a 3% salary increase for the year 2013:

County Treasurer	\$72,493.00
County Clerk	\$72,601.00
County Coroners (4)	\$10,300.00