



# CATTARAUGUS COUNTY

John R. Searles, County Administrator

303 Court Street  
Little Valley, New York 14755

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

The Legislature of Cattaraugus County will meet in adjourned session at the County Center, Little Valley, New York, on **Wednesday, March 26, 2014**, for the transaction of such business as may properly come before the meeting.

Contingent Fund Balance: \$258,600

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 1-2014*
- *Joseph Keller, Treasurer – 2013 Year-End Finance Presentation*

  
                    RESOLUTIONS READY FOR ACTION  
                    UNFINISHED BUSINESS  
                    RESOLUTIONS – IMMEDIATE CONSIDERATION  
                    ADJOURNMENT

.....

**ACT NO.**

**RESOLUTIONS NOT READY FOR ACTION**

174-14

Mr. Snyder, Sr.

AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES FOR INDIGENT LEGAL SERVICES FUNDING (June 1, 2014 – May 31, 2017 Grant)

Held in Finance and Public Safety Committees

**RESOLUTIONS READY FOR ACTION**

153-14

Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. McElfresh, Mr. Murphy, Mr. Snyder, Jr., Mr. Snyder, Sr., Mr. Teachman, Mr. VanRensselaer, Ms. Vickman, Mr. Weller, Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson and Mr. Padlo

LOCAL LAW NUMBER 1-2014 – A LOCAL LAW AUTHORIZING CORRECTIONS OFFICERS EMPLOYED BY THE COUNTY OF CATTARAUGUS TO RESIDE IN CATTARAUGUS COUNTY OR ANY ADJOINING COUNTY WITHIN NEW YORK STATE

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155-14

Mr. Weller and Mr. Koch

BID ACCEPTANCE FOR PRECAST CONCRETE DECK PANELS FOR LEON BRIDGE NO. 1

Approved by 9 Finance and 9 Public Works

- 156-14 Mr. Weller and Mr. Koch  
BID ACCEPTANCE FOR LANDSCAPE CONSTRUCTION FOR COUNTY ROAD NO. 27  
**Additional sponsor: Mr. Teachman**  
Approved by 9 Finance and 9 Public Works
- 157-14 Mr. Weller and Mr. Koch  
ACCEPTING MATERIAL BIDS FOR ASPHALT CONCRETE, LIQUID BITUMINOUS MATERIALS, MICRO SURFACING, IN-PLACE RECYCLING OF BITUMINOUS PAVEMENT, SURFACE TREATING, PAVER PLACED CHIP SEAL, FIBER REINFORCED BITUMINOUS MEMBRANE SURFACE TREATMENT AND HOT MIX ASPHALT IN-PLACE PAVING PROJECTS (Department of Public Works)  
Approved by 9 Finance and 9 Public Works
- 158-14 Mr. Weller and Mr. Koch  
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH GREENMAN-PEDERSEN, INC. FOR CONSTRUCTION SUPPORT AND INSPECTION SERVICES FOR OTTO BRIDGE NO. 12 FEDERAL AID REPLACEMENT PROJECT  
Approved by 9 Finance and 9 Public Works
- 159-14 Mr. Weller and Mr. Koch  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH GREENMAN-PEDERSEN, INC. FOR LANDFILL WATER MONITORING REPORTING AT FARWELL AND FIVE POINTS LANDFILLS  
Approved by 9 Finance and 9 Public Works
- 160-14 Mr. Weller and Mr. Koch  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS FOR PETROLEUM PRODUCT QUALITY PROGRAM  
Approved by 9 Finance and 9 Public Works
- 161-14 Mr. Felton and Ms. Vickman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH THE REHABILITATION CENTER, INC., TRANSFERRING CONTROL, MANAGEMENT AND OPERATION OF LINWOOD CENTER ADULT DAY SERVICES AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS (Department of Aging)  
**AMENDED: in the 2<sup>nd</sup> and 4<sup>th</sup> Whereas and the 1<sup>st</sup> Resolved, delete "April", replace with "May"**  
Approved by 8 Finance and 5 Senior Services
- 162-14 Mr. Marsh  
APPROVING AMENDED CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND CATTARAUGUS COUNTY CHAPTER NYSARC, INC. FOR PROVISION OF SERVICES AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Department of Community Services)  
**Additional sponsors: Mr. Teachman and Mr. Lamberson**  
**AMENDED: in the 4<sup>th</sup> Whereas, delete "\$57,689.00", replace with "\$51,279.00"; delete "\$36,018.00", replace with "\$32,015.00"; delete "\$93,707.00", replace with "\$83,294.00"; delete "April", replace with "May"; see attached resolution for budgetary amendments**  
Approved by 8 Finance and 6 Human Services

- 163-14 Mr. Felton and Ms. Vickman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH THE REHABILITATION CENTER, INC.  
FOR SENIOR NUTRITION PROGRAM MEALS AT LINWOOD SOCIAL ADULT DAY PROGRAM  
**AMENDED: in the 1<sup>st</sup> Resolved, delete “April”, replace with “May”**  
Approved by 8 Finance and 5 Senior Services
- 164-14 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH THE REHABILITATION CENTER, INC.  
FOR SOCIAL DAY CARE PROGRAM AND HOME DELIVERED MEALS  
**Additional sponsor: Mr. Teachman**  
**AMENDED: In the title, delete “AND HOME DELIVERED MEALS”; delete 4<sup>th</sup> Whereas and renumber the remaining; in the 1<sup>st</sup> Resolved, delete “and home delivered meals services” and delete “April”, replace with “May”**  
Approved by 8 Finance, 6 Human Services and 6 Senior Services
- 165-14 Mr. Felton and Ms. Vickman  
AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH NEW YORK STATE OFFICE  
FOR THE AGING FOR VARIOUS PROGRAMS FOR DEPARTMENT OF AGING  
Approved by 9 Finance and 6 Senior Services
- 166-14 Mr. Felton and Ms. Vickman  
AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH NEW YORK STATE OFFICE  
FOR THE AGING FOR FUNDING UNDER VARIOUS TITLES OF THE OLDER AMERICANS ACT OF  
1965, AS AMENDED  
Approved by 9 Finance and 6 Senior Services
- 167-14 Mr. Edwards, Mr. Marsh, Mr. Snyder, Sr., Mr. Boser and Mr. Lamberson  
ABOLISHING ONE POSITION OF FOOD SERVICE HELPER IN THE DEPARTMENT OF AGING  
Approved by 9 Finance and 6 Senior Services
- 168-14 Senior Services Committee: Ms. Vickman, Mr. Felton, Ms. Edstrom, Mr. Hale, Mr. Snyder, Jr.,  
Mr. Koch and Mrs. Labuhn and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH HEALTH ECONOMICS GROUP, INC. FOR  
PARTICIPATION IN NYSAC DENTAL NETWORK CARD PROGRAM  
Approved by 9 Finance
- 169-14 Mr. Marsh  
AMENDING POLICY FOR COMPLIANCE REGARDING AMERICANS WITH DISABILITIES ACT OF 1990  
AND SECTION 504 OF THE REHABILITATION ACT OF 1973  
Approved by 9 Finance and 7 County Operations
- 170-14 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING DEPARTMENT OF HEALTH TO CHARGE REDUCED FEE TO MUNICIPALITIES FOR  
ANIMAL CONTROL PERSONNEL RABIES PRE-EXPOSURE VACCINATIONS  
**Additional sponsors: Mr. Koch and Mr. Lamberson**  
Approved by 9 Finance and 7 Human Services

- 171-14 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH VARIOUS TOWNS AND CITIES FOR MOSQUITO CONTROL PROGRAM FUNDING  
***Additional sponsors: Mr. Koch, Mr. Lamberson and Mr. Padlo***  
Approved by 9 Finance and 7 Human Services
- 172-14 Mr. Edwards and Mr. Lamberson  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH GILROY, KERNAN & GILROY, INC. FOR BENEFITS PLAN MANAGEMENT SERVICES  
Approved by 9 Finance and 5 Labor Relations
- 173-14 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE LEASE DOCUMENTS WITH BI INCORPORATED FOR YOUTH BUREAU YOUTH PLACEMENT PREVENTION ELECTRONIC MONITORING PROGRAM  
***Additional sponsor: Ms. Vickman***  
Approved by 9 Finance and 7 Human Services
- 175-14 Mr. Marsh and Mr. Snyder, Sr.  
REQUESTING FEDERAL GOVERNMENT TO RESTORE AND STABILIZE FUNDING FOR WEST VALLEY DEMONSTRATION PROJECT CLEANUP  
Approved by 9 Finance

by Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Klancer, Mr. Marsh,  
Mr. McElfresh, Mr. Murphy, Mr. Snyder, Jr., Mr. Snyder, Sr., Mr. Teachman,  
Mr. VanRensselaer, Ms. Vickman, Mr. Weller, Mr. Boser, Mr. Koch,  
Mrs. Labuhn, Mr. Lamberson and Mr. Padlo  
who ask immediate consideration

**LOCAL LAW NUMBER 1- 2014  
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW AUTHORIZING CORRECTIONS OFFICERS EMPLOYED BY THE  
COUNTY OF CATTARAUGUS TO RESIDE IN CATTARAUGUS COUNTY OR  
ANY ADJOINING COUNTY WITHIN NEW YORK STATE**

BE IT ENACTED, by the County Legislature of the County of Cattaraugus as follows:

Section 1. Intent. It is the intent of this local law to authorize Corrections Officers, who are employed by the County of Cattaraugus, to reside in Cattaraugus County or any adjoining County within New York State.

Section 2. Residency of Corrections Officers. In the County of Cattaraugus, the provisions of Section 3 of the New York State Public Officers Law requiring a person to be a resident of the political subdivision or municipal corporation of the State for which such person shall be chosen or within which such person's official functions are required to be exercised, shall not prevent a person from holding the office of Corrections Officer in Cattaraugus County, provided, however, that such person performing the duties and functions of Corrections Officer resides in Cattaraugus County or any adjoining county with New York State, unless otherwise provided by an act of the State Legislature.

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 upon filing with the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
THE REHABILITATION CENTER, INC., TRANSFERRING CONTROL, MANAGEMENT  
AND OPERATION OF LINWOOD CENTER ADULT DAY SERVICES  
AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS  
(Department of Aging)**

Pursuant to Older Americans Act Title III-E and  
Sections 363, 366 and 450 of the County Law.

- I. WHEREAS, Act 63-2011, as amended by Acts 71-2012, 183-2012 and 611-2013, authorized a contract with The Rehabilitation Center, Inc., for the operation of the Linwood Center adult day services, subject to the continued management and control of the Department of Aging, and
- II. WHEREAS, effective ~~April~~ **May** 1, 2014, The Rehabilitation Center, Inc., will take over the total management, operation and control of the Linwood Center, and
- III. WHEREAS, the Department of Aging shall transfer a portion of EISEP, Title III-E and CSE funding relating to the Linwood Center, totaling \$60,000.00, to The Rehabilitation Center, Inc., and
- IV. WHEREAS, the Department of Aging will continue to provide case management and monitoring services as required by the NYS Office for the Aging (NYSOFA) funding for the Linwood Center beyond ~~April~~ **May** 1, 2014, and
- V. WHEREAS, this program is 38% federal, 44% state and 18% county funded, and
- VI. WHEREAS, various appropriation accounts must be adjusted in order to cover the cost of the aforementioned services, 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 Rehabilitation Center, Inc., for the transfer of the Linwood Center, for a term commencing ~~April~~ **May** 1, 2014 and terminating March 31, 2015, 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:

Decrease Appropriation Accounts:

A.677.6722.0000.41016	Day Care Management	\$ 7,845.00
A.677.6725.0000.41016	Day Care Management	\$19,612.00
A.677.6751.6951.41016	Day Care Management	\$19,612.00

Increase Appropriation Accounts:

A.677.6722.0000.41631	Contracted Day Care Services	\$ 7,845.00
A.677.6725.0000. 41631	Contracted Day Care Services	\$19,612.00
A.677.6751.6951. 41631	Contracted Day Care Services	\$19,612.00.

**APPROVING AMENDED CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
CATTARAUGUS COUNTY CHAPTER NYSARC, INC. AND  
THE CATTARAUGUS REHABILITATION CENTER, INC. FOR PROVISION OF SERVICES  
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Community Services)**

Pursuant to Section 75.13 of the Mental Hygiene Law and  
Sections 363, 366 and 450 of the County Law.

I. WHEREAS, Act 55-2014 authorized approval of a contract with the Cattaraugus County Chapter NYSARC, Inc., and The Cattaraugus Rehabilitation Center, Inc., 1439 Buffalo Street, Olean, New York 14760, for the provision of comprehensive programs and service facilities for the mentally ill, developmentally disabled, and physically handicapped residents of Cattaraugus County, the term of which expires December 31, 2014, and

II. WHEREAS, the County Department of Aging is transferring the Linwood Adult Day Care Program to the Cattaraugus Rehabilitation Center, Inc., and

III. WHEREAS, the County Department of Community Services is desirous of amending the aforementioned contract with The Cattaraugus Rehabilitation Center, Inc., to include state aid for Adult Day Care services which were previously managed by the Cattaraugus County Department of Aging, and

IV. WHEREAS, the Department of Community Services shall include OMH funding not to exceed ~~\$57,689.00~~ **\$51,279.00** and OPWDD funding not to exceed ~~\$36,018.00~~ **\$32,015.00**, for a total amount of funding not to exceed ~~\$93,707.00~~ **\$83,294.00** for the period ~~April~~ **May** 1, 2014 through December 31, 2014, and

V. WHEREAS, this program is 100% state funded, and

VI. WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the additional funding, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract for the year 2014, between the Cattaraugus County Community Services Board and Cattaraugus County Chapter NYSARC, Inc., and The Cattaraugus Rehabilitation Center, Inc., to signify the County's approval, for the provision of the above-described services, for a term commencing January 1, 2014 and terminating December 31, 2014, 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, and be it further

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

Decrease Appropriation Accounts:

A.431.4370.0000.48307.1	DOA: State Aid Pass-Through OMH	<del>\$57,689.00</del>	\$51,279.00
A.431.4370.0000.48307.2	DOA: State Aid Pass-Through OPWDD	<del>\$36,018.00</del>	\$32,015.00

Increase Estimated Revenue Accounts:

A.434.4322.2720.3490.034J	Rehabilitation Center, State Aid: OMH	<del>\$57,689.00</del>	\$51,279.00
A.434.4322.0330.3491.620	Rehabilitation Center, State Aid: OPWDD	<del>\$17,174.00</del>	\$15,265.00
A.434.4322.0330.3491.OT620	Rehabilitation Center, State Aid: OPWDD	<del>\$18,844.00</del>	\$16,750.00

Increase Appropriation Accounts:

A.434.4322.2720.42020.034J	Rehabilitation Center Non-Medicaid Care Coord.	<del>\$57,689.00</del>	\$51,279.00
A.434.4322.0330.42020.620	Rehabilitation Center Day Training	<del>\$17,174.00</del>	\$15,265.00
A.434.4322.0330.42020.OT620	Rehabilitation Center Day Training	<del>\$18,844.00</del>	\$16,750.00

Decrease Estimated Revenue Accounts:

A.431.4370.0000.3490.034J	DOA: State Aid OMH Adult Case Mgt & ACT	<del>\$57,689.00</del>	\$51,279.00
A.431.4370.0000.3491.620	DOA: State Aid OMRDD Chapter 620	<del>\$17,174.00</del>	\$15,265.00
A.431.4370.0000.3491.OT620	DOA: State Aid OMRDD Other Than 620	<del>\$18,844.00</del>	\$16,750.00.



**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH THE REHABILITATION CENTER, INC.  
FOR SENIOR NUTRITION PROGRAM MEALS AT  
LINWOOD SOCIAL ADULT DAY PROGRAM**

Pursuant to Section 450 of the County Law.

I. WHEREAS, the Department of Aging sponsors Senior Nutrition Program Meals, in the federally funded Nutrition Program for the elderly which provides meals and other approved services related to the provision of meals for residents of Cattaraugus County aged 60 and over and/or their spouses regardless of their age, and

II. WHEREAS, social day care, transportation, and congregate meal services qualify as additional services provided under Federal waiver to address other currently unmet social, nutritional and environmental needs of residents, and

III. WHEREAS, The Rehabilitation Center, Inc., 1439 Buffalo Street, Olean, New York 14760, is desirous of purchasing meals from the County Department of Aging Senior Nutrition Program for the participants of the Linwood Social Adult Day Program who are participating in the County's congregate nutrition day program, and

IV. WHEREAS, the Department of Aging has agreed to provide the aforementioned meals, through its Senior Nutrition Program, to the Linwood Social Adult Day Program participants in accordance with the following rates:

- Congregate Meal for Breakfast      \$1.75 per meal, with current Child and Adult Care Food Program reimbursement rates
- Congregate Meal for Lunch      \$3.75 per meal, with current Child and Adult Care Food Program reimbursement rates
- Congregate Meal      \$4.50 per meal for a guest,

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 Rehabilitation Center, Inc., for the provision of the above-described meals, for a term commencing ~~April~~ **May** 1, 2014 and terminating March 31, 2015, according to the above-described terms.

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH THE REHABILITATION CENTER, INC.  
FOR SOCIAL DAY CARE PROGRAM ~~AND HOME DELIVERED MEALS~~**

Pursuant to Section 450 of the County Law.

I. WHEREAS, the Department of Health, through its Long-Term Home Health Care Program, hereinafter referred to as "LTHHCP", is charged with the responsibility, insofar as funds are available for the purpose, to administer such care, treatment and services in the home that might be necessary to maintain eligible patients, and

II. WHEREAS, social day care, transportation, and congregate meal services qualify as additional services provided under Federal waiver to address other currently unmet social, nutritional and environmental needs of the patients, and

III. WHEREAS, The Rehabilitation Center, Inc., 1439 Buffalo Street, Olean, New York 14760, shall provide social day care services through the Linwood Center Adult Day Care Program, for an amount in accordance with the established Medicaid rate for social day care services (currently at \$38.16 per day), and

~~IV. WHEREAS, The Rehabilitation Center, Inc., shall also provide for the delivery of home delivered meals through its Meals on Wheels Program, for an amount in accordance with the established Medicaid rate for home delivered meals (currently at \$6.25 per delivered meal), and~~

~~IV.~~ WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned services, and

~~V.~~ WHEREAS, these programs are funded by NYS Medicaid LTHHCP, 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 Rehabilitation Center, Inc., for the provision of the above-described social day care services ~~and home delivered meals services~~, for a term commencing ~~April~~ May 1, 2014 and terminating December 31, 2015, according to the above-described terms.