



# CATTARAUGUS COUNTY

John R. Searles, County Administrator

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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, July 22, 2015** for the transaction of such business as may properly come before the meeting.

Contingent Fund Balance: \$293,235

3:00 p.m.

CALL TO ORDER

ROLL CALL

INVOCATION

MINUTES OF PREVIOUS MEETING

COMMUNICATIONS

PRIVILEGE OF THE FLOOR

- *Public Hearing – Local Law No. 5-2015*

- *McCarthy & Conlon, Nursing Homes 2014 Audit*

RESOLUTIONS READY FOR ACTION

RESOLUTIONS – IMMEDIATE CONSIDERATION

UNFINISHED BUSINESS

ADJOURNMENT

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## ACT NO.

## READY FOR ACTION

272-15

Mr. Weller and Mr. Koch

LOCAL LAW NUMBER 5-2015 - A LOCAL LAW AMENDING LOCAL LAW NUMBER 10-2012 (INTRO NO. 12-2012) REGARDING UNIFORM GUIDELINES FOR DETERMINING THE RESPONSIBILITY OF BIDDERS

## PREFILED RESOLUTIONS

346-15

Mr. Marsh

APPOINTMENT TO COMMUNITY SERVICES BOARD MENTAL HEALTH SUBCOMMITTEE

Approved by 8 Finance and 7 Human Services

347-15

Mr. Weller and Mr. Koch

BID ACCEPTANCE FOR REPLACEMENT OF ASHFORD BRIDGE NO. 3 (Department of Public Works)

Approved by 8 Finance and 8 Public Works

348-15

Mr. Weller and Mr. Koch

BID ACCEPTANCE FOR DEPOT STREET STORM SEWER AND WATERLINE IMPROVEMENTS (Department of Public Works)

Approved by 8 Finance and 8 Public Works

- 349-15 Mr. Weller and Mr. Koch  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH TOWN OF ASHFORD FOR WATERLINE IMPROVEMENTS FOR THE DEPOT STREET STORM SEWER IMPROVEMENT PROJECT  
Approved by 8 Finance and 8 Public Works
- 350-15 Mr. Weller and Mr. Koch  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH ENERGY CURTAILMENT SPECIALISTS, INC. FOR PARTICIPATION IN DEMAND RESPONSE PROGRAM  
Approved by 8 Finance and 8 Public Works
- 351-15 Mr. Weller and Mr. Koch  
AUTHORIZING THE CHAIR TO EXECUTE UTILITY EASEMENT WITH NATIONAL GRID, PLC, FOR OVERHEAD ELECTRIC FACILITIES ALONG TOWN LINE ROAD IN THE TOWN OF YORKSHIRE  
Approved by 8 Finance and 8 Public Works
- 352-15 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE PURCHASE OF AN INFLATABLE SHELTER FOR PUBLIC HEALTH EMERGENCY PREPAREDNESS THROUGH FAST SHELTER AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Health Department)  
Approved by 8 Finance and 7 Human Services
- 353-15 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK STATE DEPARTMENT OF HEALTH FOR HEALTH DEPARTMENT WIC PROGRAM  
***Additional sponsor: Mr. Lamberson***  
Approved by 8 Finance and 7 Human Services
- 354-15 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CIPA WESTERN NEW YORK IPA, INC. D/B/A CATHOLIC MEDICAL PARTNERS FOR COMMUNITY PARTNERS OF WESTERN NEW YORK DELIVERY SYSTEM REFORM INCENTIVE PAYMENT  
Approved by 8 Finance and 6 Human Services
- 355-15 Mr. VanRensselaer, Mr. Boser and Mrs. Labuhn  
AUTHORIZING THE CHAIR TO EXECUTE LOAN DOCUMENTS WITH ROSEMARIE WICK D/B/A THE CORNER DELI FOR EXPANSION PROJECT  
***Additional sponsor: Mr. Koch***  
Approved by 8 Finance and 6 Development & Agriculture
- 356-15 Mr. Murphy  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR DISTRICT ATTORNEY AID TO PROSECUTION PROGRAM  
Approved by 8 Finance and 6 Public Safety

- 357-15 Mr. Murphy  
AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES LIVESCAN PROGRAM FOR UPGRADE OF FINGERPRINT PROCESSING EQUIPMENT IN SHERIFF'S OFFICE  
Approved by 8 Finance and 6 Public Safety
- 358-15 Mr. Snyder, Sr.  
GRANTING APPROVAL TO COMBINE THE TOWN OF LITTLE VALLEY AND VILLAGE OF LITTLE VALLEY VITAL STATISTIC REGISTRATION DISTRICTS  
Approved by 8 Finance, 7 County Operations and 7 Human Services
- 359-15 Mr. Hale, Mr. Marsh, Mr. Murphy, Mr. Snyder, Sr., Mr. Teachman, Ms. Vickman, Mrs. Labuhn and Mr. Sprague  
AUTHORIZING COUNTY ADMINISTRATOR TO ADVERTISE FOR SEALED BIDS FOR SALE OF PROPERTY IN TOWN OF OLEAN  
Approved by 8 Finance and 7 County Operations
- 360-15 Mr. Marsh, Mr. VanRensselaer and Mrs. Stockman  
CANCELLING UNENFORCEABLE LIEN (Town of Randolph and Village of South Dayton)  
**AMENDED: Title, delete: "Town of Randolph and"; I RESOLVED, delete: "Randolph", "Richard Maynard", "70.064-1-35", "\$6,229.57"**  
Approved by 8 Finance and 7 County Operations
- 361-15 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATTARAUGUS-ALLEGANY WORKFORCE DEVELOPMENT BOARD, INC. FOR YEAR-ROUND YOUTH PROGRAMS (2015-2016)  
Approved by 8 Finance and 7 Human Services
- 362-15 Ms. Edstrom and Mrs. Stockman  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH COUNTY OF ALLEGANY FOR AMERICORPS START PROGRAM  
Approved by 8 Finance and 7 Human Services
- 363-15 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 AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Department of Community Services)  
Approved by 8 Finance and 7 Human Services
- 364-15 Ms. Edstrom and Mrs. Stockman  
APPROVING AMENDED CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND DIRECTIONS IN INDEPENDENT LIVING, INC. FOR MENTAL HEALTH CONSUMER ADVOCACY AND TRAINING PROGRAM AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Department of Community Services)  
Approved by 8 Finance and 7 Human Services

- 365-15 Ms. Edstrom and Mrs. Stockman  
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)  
Approved by 8 Finance and 6 Human Services
- 366-15 Ms. Edstrom and Mrs. Stockman  
APPROVING AMENDED CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND OLEAN GENERAL HOSPITAL FOR OPERATION OF A 24-HOUR TELEPHONE CRISIS HOTLINE AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Department of Community Services)  
***Additional sponsor: Mr. Padlo***  
Approved by 8 Finance and 7 Human Services
- 367-15 Ms. Edstrom and Mrs. Stockman  
APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND ST. BONAVENTURE UNIVERSITY FOR COMMUNITY MENTAL HEALTH COUNSELING AND BACHELOR LEVEL PSYCHOLOGY FIELD INSTRUCTION PROGRAM  
***Additional sponsor: Mr. Padlo***  
Approved by 8 Finance and 7 Human Services
- 368-15 Mr. Murphy  
OPPOSING NEW YORK STATE S.983 AND A.6430 REGARDING AMENDMENT OF CORRECTION LAW §611 REGARDING THE RESTRAINT OF PREGNANT FEMALE PRISONERS DURING CHILDBIRTH AS AN UNFUNDED MANDATE  
Approved by 8 Finance and 6 Public Safety

**LOCAL LAW NUMBER 5- 2015  
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law and  
Section 103 of the General Municipal Law.

**A LOCAL LAW AMENDING LOCAL LAW NUMBER 10-2012 (INTRO NO. 12-2012)  
REGARDING UNIFORM GUIDELINES FOR DETERMINING THE RESPONSIBILITY OF BIDDERS**

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

Section 1. Amendment. This Local Law shall amend Local Law Number 10-2012 (Intro No. 12-2012), as previously amended ("the law"), which established uniform guidelines for determining the responsibility of bidder. Sections 1 through 7 thereof, inclusive, shall, from and after the effective date of this local law, read as follows:

"Section 1. Legislative Intent. It is the intent of this Local Law to enhance the County's ability to identify the lowest "responsible bidder" on public works construction projects by instituting more comprehensive submission requirements and an evaluation system which is in compliance with New York State General Municipal Law. The County, based upon its experience, has determined that quality workmanship, efficient operation, safety, and timely completion of projects are not necessarily assured by awarding a public works contract solely on the basis of the low price. This Local Law establishing uniformity of guidelines for determining the responsibility of apparent low bidders will assure efficient use of taxpayer dollars, will promote public safety, and is in the public interest.

Section 2. Applicability. This Local Law shall apply to construction projects subject to the competitive bidding requirements of General Municipal Law §103 and advertised for bids on or after the effective date.

Section 3. Public Works. For purposes of this Local Law, the term "public works" shall mean the following: any constructing, altering, reconstructing, repairing, rehabilitating, refinishing, refurbishing, remodeling, remediating, renovating, custom fabricating, maintenance, landscaping, improving, moving, wrecking, painting, decorating, demolishing, and adding to or subtracting from any public building, structure, highway, roadway, street, alley, bridge, sewer, drain, ditch, sewage disposal plant, water work, parking facility, railroad, excavation, or other project, development, real property, or improvement, or to any part thereof, whether or not the performance of the work herein described involves the addition to, or fabrication into, any structure, project or development, real property or improvement herein described of any material or article of merchandise, which is paid for out of public funds in an amount exceeding the threshold for bidding established by the General Municipal Law. The term also includes any public works leased by the County under a lease containing an option to purchase exceeding the threshold for bidding public works projects established by the General Municipal Law.

Section 4. Cattaraugus County Vendor Responsibility Form and Procedure.

A. A questionnaire (which shall be titled the "Cattaraugus County Vendor Responsibility Form"), hereinafter "the Form", shall be prepared and, as he/she may deem appropriate, revised by the Cattaraugus County Commissioner of Public Works ("Commissioner").

B. The Commissioner shall provide the Form to the apparent low bidder on all County public works projects.

C. The County shall promptly notify the apparent low bidder of its status as such and provide such entity with a copy of the Form either in electronic or paper format. The most current version of the Form shall also be posted on the Cattaraugus County website.

D. The apparent low bidder shall file the Form in in the Office of the Commissioner not more than five (5) business days after receiving it or, if the form is mailed to the apparent low bidder, within ten (10) business days after the date of mailing.

E. In the event that the apparent low bidder fails to file the fully completed Form in the Commissioner's Office within the required time, its bid will be rejected and any bid bond submitted may, at the County's sole discretion, be forfeited.

F. If the apparent low bidder is deemed not responsible, or fails to submit the Form within the required time, then the next lowest bidder will be deemed the apparent low bidder and so on until the lowest bidder is deemed responsible and selected as the lowest responsible bidder.

G. Not later than five (5) calendar days prior to a final determination that the apparent low bidder is not responsible, the County will notify the bidder of same, in writing, and by certified mail, return receipt, stating the reasons. Except in the case of the rejection of an apparent low bid solely because the vendor failed to timely submit a completed Form, such notice shall set forth a time, date and place for the apparent low bidder to appear and be heard, not less than five (5) business days after such notice is served.

H. Subcontractors proposed to be used on a project must also complete and submit the Form within five (5) days after the preconstruction meeting before the subcontractor is approved by the County. Failure by a subcontractor to submit the Form or unsatisfactory responses to questions may lead to rejection of the bid of the subcontractor at the County's discretion.

I. If the bid of the apparent low bidder appears disproportionately low when compared with estimates obtained by or on behalf of the County and/or compared to other bids submitted (10% or greater disparity), the County reserves the right to inquire further of the apparent low bidder to determine whether the bid contains mathematical errors, omissions and/or erroneous assumptions, and whether the apparent low bidder has the capability to perform and complete the contract for the bid amount.

J. If a bidder is found to have willfully violated New York Labor Law §220 within the previous five (5) years, that bidder shall automatically be deemed "not responsible" and its bid shall be rejected unless the Commissioner, subject to review by the Public Works Committee of the Cattaraugus County Legislature, determines otherwise. In all other cases, based on all of the information collected pursuant to this local law and any other factor deemed relevant, the Commissioner, or other department heads soliciting public works bids, shall determine if the apparent lowest bidder is in fact "responsible."

#### Section 5. Additional Requirements.

A. Contractors and all subcontractors shall classify their workers as employees rather than as independent contractors, unless those workers meet the definition of

"independent contractor" as defined by the Internal Revenue Service, and shall treat said employees accordingly for purposes of workers' compensation insurance coverage, unemployment insurance, employment taxes, and social security taxes.

B. The contractors and all subcontractors shall submit certified payrolls to the Commissioner.

Section 6. Procedure. Cattaraugus County will make its own determinations of responsibility for low bidders. A bidder recognized by the state as a responsible vendor must still satisfy the requirements of this local law by submitting the required Cattaraugus County Vendor Responsibility Form within the required time frame.

Section 7. Incomplete Submissions by Bidders and Subcontractors. It is the sole responsibility of the contractor to comply with all submission requirements to the County. The submission requirements also apply to all subcontractors, except that the contractor shall submit all subcontractor questionnaires to the County of Cattaraugus for approval. Failure to submit the Form may lead to the rejection of the bid of the subcontractor at the County's discretion. Contractor submissions deemed non-responsive will result in automatic rejection of the bid.

Section 2. Renumbering. Sections 10, 11, 12 and 13 of Local Law No. 10-2012 (Intro No. 12-2012) are hereby renumbered as Sections 8, 9, 10 and 11, respectively.

Section 3. Effective Date. This Local Law shall take effect upon filing in the Office of the Secretary of State, in accordance with Section 27 of the New York State Municipal Home Rule Law.

CANCELLING UNENFORCEABLE LIEN  
(~~Town of Randolph~~ and Village of South Dayton)

Pursuant to Section 558 of the Real Property Tax Law.

- I. WHEREAS, there are certain parcels of property on the assessment roll for which there is no practical method to enforce the collection of delinquent tax liens arising hereafter against these parcels, and
- II. WHEREAS, Act 194-2015 directed the County Treasurer to issue a certificate of Prospective Cancellation on each parcel, and
- III. WHEREAS, it is necessary for the County Legislature to cancel the unpaid taxes where the lien of such taxes is unenforceable, now, therefore, be it
- I. RESOLVED, that the Cattaraugus County Legislature hereby cancels the liens of taxes set forth below, as being unenforceable:

<u>TOWN/VILLAGE</u>	<u>OWNER</u>	<u>TAX MAP NO.</u>	<u>AMOUNT</u>
<del>Randolph</del>	<del>Richard Maynard</del>	<del>70.064-1-35</del>	<del>\$ 6,229.57</del>
South Dayton	Robert Giannini	33.033-5-26	\$15,076.17.

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 type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>