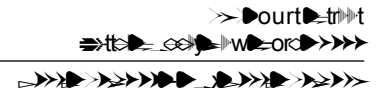




# CATTARAUGUS COUNTY

John R. Searles, County Administrator



Contingent Fund Balance: \$189,266

Tobacco Settlement Proceeds to Date: \$15,244,128

The following committees will meet on **Wednesday, May 20, 2009**, at the County Center in Little Valley, New York, at the indicated times.

Public Works	4:30 p.m.
Development & Agriculture	
o <i>Potential Project in Cattaraugus</i>	
o <i>Harwood Haven</i>	5:00 p.m.
Human Services	5:45 p.m.
Senior Services	6:15 p.m.
Public Safety	6:30 p.m.
Finance	6:45 p.m.

## ACT NO.

## PREFILED RESOLUTIONS

- 260-09 Mr. Giardini and Mr. Ellis  
BID ACCEPTANCE FOR CLEANING & WASHING OF VARIOUS COUNTY BRIDGES (Department of Public Works)
- 261-09 Mr. Giardini and Mr. Ellis, Mr. Marsh and Mr. Neal  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH FISHER ASSOCIATES, P.E., L.S., P.C. FOR ENGINEERING SERVICES FOR LITTLE VALLEY BRIDGE NO. 15 FEDERAL AID REPLACEMENT PROJECT
- 262-09 Mr. Giardini and Mr. Ellis and Mr. Boser  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NYSDOT AND AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE IN THE FEDERAL-AID PROJECT ADMINISTERED BY THE NYSDOT AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Department of Public Works)
- 263-09 Mr. Giardini and Mr. Ellis and Mr. Murphy  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NYSDOT AND AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE IN THE FEDERAL-AID PROJECT ADMINISTERED BY THE NYSDOT AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Department of Public Works)

- 264-09 Mr. Giardini and Mr. Aiello, Mr. Ellis, Mr. Snyder, Mr. Teachman, Mr. Boser, Mr. Padlo and Mrs. Witte  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NYSDOT AND  
AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE IN THE  
FEDERAL-AID PROJECTS ADMINISTERED BY THE NYSDOT AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Public Works)
- 265-09 Mr. Burrell, Mr. Ellis, Mr. O'Brien, Mr. Teachman, Mr. Boser, Mr. Hebdon and  
Mr. McClune  
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH  
ABATE ASSOCIATES ENGINEERS & SURVEYORS, P.C. FOR  
SUPPLEMENTAL CONSTRUCTION INSPECTION SERVICES FOR COUNTY  
ROAD NO. 27 PHASE II REHABILITATION PROJECT
- 266-09 Mr. Giardini, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. Neal, Mr. O'Brien, Mr.  
Teachman, Mr. Boser, Mr. Hebdon and Mr. McClune  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH ABATE  
ASSOCIATES ENGINEERS & SURVEYORS, P.C. FOR CONSTRUCTION  
INSPECTION SERVICES FOR NAPOLI BRIDGE NO. 8 REHABILITATION  
PROJECT
- 267-09 Mr. Neal  
BID ACCEPTANCE FOR PURCHASE OF GAS BOILER CONVECTION  
STEAMER (Department of Nursing Homes)
- 268-09 Mr. Vecchiarella  
AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT  
WITH MICHAEL ANDERSON FOR CRITICAL INCIDENT STRESS  
MANAGEMENT TEAM SERVICES
- 269-09 Mr. Vecchiarella  
AUTHORIZING THE CHAIR TO EXECUTE MEMORANDUM OF  
AGREEMENT WITH CHAUTAUQUA COUNTY, ALLEGANY COUNTY AND  
SENECA NATION OF INDIANS FOR 2008 NYS HAZARDOUS MATERIAL  
GRANT PROGRAM
- 270-09 Mr. Vecchiarella  
AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH  
NEW YORK STATE DIVISION OF PROBATION AND CORRECTIONAL  
ALTERNATIVES FOR TANF PROJECT FOR COMMUNITY CORRECTIONS  
PROGRAM
- 271-09 Mr. Aiello and Mr. Snyder  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH ST.  
BONAVENTURE UNIVERSITY FOR DATA COLLECTION ANALYSIS FOR NY  
CONNECTS PROGRAM

- 272-09 Mr. Aiello and Mr. Snyder  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH OLEAN  
GENERAL HOSPITAL FOR FAMILY PLANNING CLINIC LABORATORY  
SERVICES
- 273-09 Mr. Aiello and Mr. Snyder  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH VARIOUS  
EARLY INTERVENTION PROVIDERS AND EVALUATORS
- 274-09 Mr. Aiello, Mr. Neal and Mr. Snyder  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH VENTURE  
FORTHE, INC. FOR HOME HEALTH CARE SERVICES
- 275-09 Mr. Aiello and Mr. Snyder  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH WYOMING  
COUNTY DEPARTMENT OF HEALTH FOR ENVIRONMENTAL  
LABORATORY TESTING SERVICES
- 276-09 Human Services Committee: Mr. Snyder, Mr. Aiello, Mr. Marsh, Ms. Vickman,  
Mr. Giardini, Mr. Ward and Mrs. Witte  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH ARAMARK  
HIGHER EDUCATION FOR YOUTH BUREAU YOUTH CITIZENSHIP  
AWARDS DINNER
- 277-09 Human Services Committee: Mr. Snyder, Mr. Aiello, Mr. Marsh, Ms. Vickman,  
Mr. Giardini, Mr. Ward and Mrs. Witte  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH ST.  
BONAVENTURE UNIVERSITY FOR YOUTH BUREAU YOUTH CITIZENSHIP  
AWARDS DINNER
- 278-09 Mr. Snyder  
AUTHORIZING DIRECTOR OF COMMUNITY SERVICES TO EXECUTE  
MEMORANDA OF UNDERSTANDING WITH VARIOUS ENTITIES FOR  
DISPROPORTIONATE SHARE TO HOSPITALS INITIATIVE
- 279-09 Mr. Snyder  
AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH UNITED  
STATES PROBATION OFFICE FOR THE WESTERN DISTRICT OF NEW YORK  
FOR MENTAL HEALTH COUNSELING SERVICES
- 280-09 Mr. Sprague  
LOCAL LAW NUMBER 2-2009 – A LOCAL LAW PROHIBITING SMOKING IN  
AUTOMOBILES WITH CHILDREN PRESENT
- 281-09 Mr. Sprague  
AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 2-2009

AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH WALKER BUSINESS & STAFFING SERVICES, INC. FOR CATTARAUGUS ONE-STOP CLERICAL SERVICES AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Social Services)

Committee referrals for the May 20, 2009 Committee meetings									
Act #	Finance	County Ops	DPW	Senior Services	Strategic Planning	Human Services	Develop. & Agriculture	Public Safety	Labor Relations
260	X		X						
261	X		X						
262	X		X						
263	X		X						
264	X		X						
265	X		X						
266	X		X						
267	X		X	X					
268	X							X	
269	X							X	
270	X							X	
271	X					X			
272	X					X			
273	X					X			
274	X			X		X			
275	X					X			
276	X					X			
277	X					X			
278	X					X			
279	X					X		X	
280	X					X		X	
281	X					X		X	
282	X					X			
<b>TOTALS</b>	<b>23</b>	<b>0</b>	<b>8</b>	<b>2</b>	<b>0</b>	<b>12</b>	<b>0</b>	<b>6</b>	<b>0</b>

**BID ACCEPTANCE FOR CLEANING & WASHING OF VARIOUS COUNTY BRIDGES  
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law, and  
Section 131-b of the Highway Law.

I. WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for cleaning and washing of various county bridges, according to bid specifications and general information provided by the Public Works Committee, and

II. WHEREAS, the lowest bid received meeting specifications was the bid of Acme Power Washing, Inc., 15590 Powerline Road, Holley, New York 14470, for an amount of \$114,746, and

III. WHEREAS, sufficient funds are included in the 2009 budget to cover the costs of the aforementioned services, now, therefore, be it

I. RESOLVED, that the bid of Acme Power Washing, Inc., be, and the same hereby is, accepted, for a term commencing upon award of contract and notice to proceed and terminating September 30, 2009, and be it further

II. RESOLVED, that the vouchers accordingly certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

No State Bid.  
Fourteen sets of specifications were sent out.  
Nine bids were received.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input 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"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH FISHER ASSOCIATES, P.E., L.S., P.C. FOR ENGINEERING  
SERVICES FOR LITTLE VALLEY BRIDGE NO. 15  
FEDERAL AID REPLACEMENT PROJECT**

Pursuant to Section 131-b of the Highway Law and  
Section 450 of the County Law.

I. WHEREAS, engineering services are needed for the Little Valley Bridge No. 15, Ninth Street over Little Valley Creek, federal aid replacement project, and

II. WHEREAS, Fisher Associates, P.E., L.S., P.C., 135 Calkins Road, Rochester, New York 14623, has agreed to provide engineering services for the replacement of Little Valley Bridge No. 15, for an amount not to exceed \$97,997, as follows:

<u>Section</u>	<u>Description</u>	<u>Total</u>
1	General	\$ 9,915.00
2	Data Collection	\$ 9,280.00
3	Preliminary Design	\$14,455.00
4	Environmental Studies	\$ 5,490.00
5	Right-of-Way	\$ 1,565.00
6	Detailed Design	\$50,990.00
7	Advertisement, Bid Opening and Award	\$ 1,245.00
	Reimbursables not to exceed	<u>\$ 5,057.00</u>

\$97,997.00,  
and

III. WHEREAS, sufficient funds are included in the budget to cover the costs 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 Fisher Associates, P.E., L.S., P.C., for the provision of the above-described services, for a term commencing May 28, 2009 and terminating December 31, 2010, according to the above-described terms.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input 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"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
NYSDOT AND AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE  
IN THE FEDERAL-AID PROJECT ADMINISTERED BY THE NYSDOT AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Public Works)**

Pursuant to Title 23 U.S. Code and  
Sections 363, 366 and 450 of the County Law.

I. WHEREAS, the Economic Recovery Project for the pavement resurfacing, mill and overlay of County Road No. 19, Five Mile Road from Morgan Hollow Road to County Road No. 51, Chapel Hill Road, in the Town of Allegany, Cattaraugus County, PIN 5759.37 (the "Project"), is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% Non-Federal funds, now, therefore, be it

I. RESOLVED, that the Cattaraugus County Legislature hereby approves the above-described project, and be it further

II. RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to advance the Project by making a commitment of 100% of the Non-Federal share (if any) of the cost of the Construction phase of the Project, or portions thereof with the Federal share of such costs to be applied by the New York State Department of Transportation pursuant to the State/Local Project Agreement, and be it further

III. RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Construction phase of the project or portions thereof, and be it further

IV. RESOLVED, that the sum of \$124,000 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project, and be it further

V. RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Construction phase exceeds the amount appropriated above, the \$124,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Construction phase exceeds \$620,000, the project's current Total Costs, the County of Cattaraugus shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof, and be it further

VI. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute all necessary documents, on behalf of Cattaraugus County, with the NYSDOT in connection with the advancement or

approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

VII. RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and be it further

VIII. RESOLVED, that this Resolution shall take effect immediately, and be it further

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

Increase Estimated Revenue Account:

H.4598 American Recovery & Reinvestment Act of 2009 \$620,000.00

Increase Appropriation Account:

H.5196.703 County Road No. 19 (Five Mile Road) \$620,000.00.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input 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"/>



**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
NYSDOT AND AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE  
IN THE FEDERAL-AID PROJECT ADMINISTERED BY THE NYSDOT AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Public Works)**

Pursuant to Title 23 U.S. Code and  
Sections 363, 366 and 450 of the County Law.

I. WHEREAS, the Economic Recovery Project for the pavement resurfacing, mill and overlay of County Road No. 4, Broadway Road from 1000 feet south of Point Peter Road in the Town of Persia to Palmer Street, in the Village of Gowanda, Cattaraugus County, PIN 5759.34 (the "Project"), is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% Non-Federal funds, now, therefore, be it

I. RESOLVED, that the Cattaraugus County Legislature hereby approves the above-described project, and be it further

II. RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to advance the Project by making a commitment of 100% of the Non-Federal share (if any) of the cost of the Construction phase of the Project, or portions thereof with the Federal share of such costs to be applied by the New York State Department of Transportation pursuant to the State/Local Project Agreement, and be it further

III. RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Construction phase of the project or portions thereof, and be it further

IV. RESOLVED, that the sum of \$300,000 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project, and be it further

V. RESOLVED, that in the event the amount required to pay in the first instance 100% of the full Federal and Non-Federal shares of the cost of the project's Construction phase exceeds \$300,000, the project's current total cost, the County of Cattaraugus shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof, and be it further

VI. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute all necessary documents, on behalf of Cattaraugus County, with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent

funding of the local share of federal-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

VII. RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and be it further

VIII. RESOLVED, that this Resolution shall take effect immediately, and be it further

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

Increase Estimated Revenue Account:  
H.4598 American Recovery & Reinvestment Act of 2009 \$300,000.00

Increase Appropriation Account:  
H.5196.702 County Road No. 4 (Broadway Road) \$300,000.00.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input 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"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
NYSDOT AND AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE  
IN THE FEDERAL-AID PROJECT ADMINISTERED BY THE NYSDOT AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Public Works)**

Pursuant to Title 23 U.S. Code and  
Sections 363, 366 and 450 of the County Law.

I. WHEREAS, the Economic Recovery Project for the pavement resurfacing, mill and overlay of County Road No. 83, Buffalo Road from the Olean West City line to County Road No. 19 (Five Mile Road) in the Town of Allegany, Cattaraugus County, PIN 5759.39 (the "Project"), is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% Non-Federal funds, now, therefore, be it

I. RESOLVED, that the Cattaraugus County Legislature hereby approves the above-described project, and be it further

II. RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to advance the Project by making a commitment of 100% of the Non-Federal share (if any) of the cost of the Construction phase of the Project, or portions thereof with the Federal share of such costs to be applied by the New York State Department of Transportation pursuant to the State/Local Project Agreement, and be it further

III. RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Construction phase of the project or portions thereof, and be it further

IV. RESOLVED, that the sum of \$114,000 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project, and be it further

V. RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Construction phase exceeds the amount appropriated above, \$114,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Construction phase exceeds \$570,000, the project's current total cost, the County of Cattaraugus shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof, and be it further

VI. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute all necessary documents, on behalf of

Cattaraugus County, with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

VII. RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and be it further

VIII. RESOLVED, that this Resolution shall take effect immediately, and be it further

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

Increase Estimated Revenue Account:	
H.4598 American Recovery & Reinvestment Act of 2009	\$570,000.00

Increase Appropriation Account:	
H.5196.701 County Road No. 83 (Buffalo Road)	\$570,000.00.

Resolution Referred to:			
Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input 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"/>

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT  
WITH ABATE ASSOCIATES ENGINEERS & SURVEYORS, P.C. FOR  
SUPPLEMENTAL CONSTRUCTION INSPECTION SERVICES FOR  
COUNTY ROAD NO. 27 PHASE II REHABILITATION PROJECT**

Pursuant to Section 131-b of the Highway Law and  
Section 450 of the County Law.

I. WHEREAS, Act 211-2008 authorized a contract with Abate Associates Engineers & Surveyors, P.C., 4455 Genesee Street, P.O. Box 218, Buffalo, New York 14225-0218, for the provision of on-site construction inspection services for the County Road No. 27 Phase II rehabilitation project, the term of which expires December 31, 2009, and

II. WHEREAS, supplemental construction inspection services are needed to complete the aforementioned project, and

III. WHEREAS, Abate Associates Engineers & Surveyors, P.C., can provide the supplemental on-site construction inspection services for the County Road No. 27 Phase II rehabilitation project, for an amount not to exceed \$11,553, and

IV. WHEREAS, sufficient funds are included in the budget to cover the costs 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 an amended contract, on behalf of Cattaraugus County, with Abate Associates Engineers & Surveyors, P.C., for the provision of the above-described supplemental services, for a term commencing May 28, 2009 and terminating December 31, 2009, according to the above-described terms.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input 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"/>

by Mr. Giardini  
and Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. Neal,  
Mr. O'Brien, Mr. Teachman, Mr. Boser,  
Mr. Hebdon and Mr. McClune

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH ABATE ASSOCIATES ENGINEERS & SURVEYORS, P.C. FOR  
CONSTRUCTION INSPECTION SERVICES FOR NAPOLI BRIDGE NO. 8  
REHABILITATION PROJECT**

Pursuant to Section 131-b of the Highway Law and  
Section 450 of the County Law.

I. WHEREAS, the County Department of Public Works is desirous of obtaining on-site construction inspection services for the Napoli Bridge No. 8 rehabilitation project, and

II. WHEREAS, Abate Associates Engineers & Surveyors, P.C., 4455 Genesee Street, P.O. Box 218, Buffalo, New York 14225-0218, can provide for a certified inspector for the provision of on-site construction inspection services for the Napoli Bridge No. 8 rehabilitation project, for an amount not to exceed \$51,710, and

III. WHEREAS, sufficient funds are included in the budget to cover the costs 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 Abate Associates Engineers & Surveyors, P.C., for the provision of the above-described services, for a term commencing May 28, 2009 and terminating December 31, 2009, according to the above-described terms.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input 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"/>

**BID ACCEPTANCE FOR PURCHASE OF GAS BOILER CONVECTION STEAMER  
(Department of Nursing Homes)**

Pursuant to Section 103 of the General Municipal Law and  
Sections 408 and 408-a of the County Law.

I. WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the purchase of one (1) new and unused current production gas boiler convection steamer, according to bid specifications and general information provided by the Public Works Committee, and

II. WHEREAS, the only bid received meeting specifications for the purchase of one (1) new and unused current production Vulcan Hart Model No. VSX24G5 gas boiler convection steamer was the bid of Buffalo Hotel Supply Co., Inc., 375 Commerce Drive, Amherst, New York 14228-2304, for an amount of \$17,098, now, therefore, be it

I. RESOLVED, that the bid of Buffalo Hotel Supply Co., Inc. be, and the same hereby is, accepted, and be it further

II. RESOLVED, that the vouchers accordingly certified by the Director of the Department of Nursing Homes be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Eleven sets of specifications were sent out.

Only one bid was received meeting specifications.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input 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"/>

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT  
WITH MICHAEL ANDERSON FOR CRITICAL INCIDENT  
STRESS MANAGEMENT TEAM SERVICES**

Pursuant to Section 3052 of the Public Health Law and  
Act 432-2002 of the Cattaraugus County Legislature.

I. WHEREAS, Act 314-2008 authorized a contract with Michael Anderson, 68 Summit Street, Salamanca, New York 14779, for the provision of mental health services for the Cattaraugus County Critical Incident Stress Management Team, the term of which expires May 31, 2009, and

II. WHEREAS, the County Office of Emergency Services is desirous of continuing the aforementioned services, and

III. WHEREAS, Michael Anderson, 68 Summit Street, Salamanca, New York 14779, can provide the following services for an amount of \$1,500:

- a) clinical oversight to all Critical Incident Stress Management Team activities,
- b) on-going educational opportunities at each scheduled Team meeting,
- c) act in the role of the Mental Health Professional (MHP) for debriefings, when no other MHP is available,
- d) provide "Debrief the Debriefers" services to Team members, as requested, and
- e) provide updates on relevant trainings,

and

IV. WHEREAS, these services are 100% County-funded, now, therefore, be it

I. RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Michael Anderson, for the provision of the above-described training, for a term commencing June 1, 2009 and terminating May 31, 2010, according to the above-described terms.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input 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"/>



**AUTHORIZING THE CHAIR TO EXECUTE MEMORANDUM OF AGREEMENT  
WITH CHAUTAUQUA COUNTY, ALLEGANY COUNTY AND SENECA NATION OF INDIANS  
FOR 2008 NYS HAZARDOUS MATERIAL GRANT PROGRAM**

Pursuant to Public Law 105-277 and Section 450 of the County Law.

I. WHEREAS, Cattaraugus County, Chautauqua County, Allegany County, and the Seneca Nation of Indians are desirous of entering into a Memorandum of Agreement for the 2008 NYS Hazardous Material Grant Program, and

II. WHEREAS, the purpose of this Memorandum of Agreement is to build regional weapons of mass destruction (WMD) hazardous material response and decontamination capabilities by:

- Setting forth responsibilities of the Hazardous Material Grant Program recipients,
- Ensuring that Hazardous Material Grant Program recipients work together to implement the projects, goals and objectives identified in their jointly-submitted Hazardous Material Grant Program application under the NYS Office of Homeland Security 2008 Hazardous Material Grant Program Request for Proposals,

and

III. WHEREAS, funds received through the 2008 NYS Hazardous Material Grant will be used to purchase a Smith Gas Identification System for the detection of unknown gases, and

IV. WHEREAS, Chautauqua County shall serve as the lead agency for this Memorandum of Agreement, and

V. WHEREAS, it is necessary to execute the aforementioned Memorandum of Agreement in order to participate in the Hazardous Material Grant Program, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a Memorandum of Agreement, on behalf of Cattaraugus County, with Chautauqua County, Allegany County and the Seneca Nation of Indians, in order to build regional WMD Hazardous Material Response and Decontamination Capabilities, for a term commencing April 27, 2009 and terminating August 30, 2011, according to the above-described terms.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input 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"/>

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH  
NEW YORK STATE DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES  
FOR TANF PROJECT FOR COMMUNITY CORRECTIONS PROGRAM**

Pursuant to 29 USCS Section 1604 and Section 450 of the County Law.

I. WHEREAS, Act 438-2008 authorized the Chair to execute a grant application and contract with the New York State Division of Probation and Correctional Alternatives for TANF Project for Community Corrections Programs, the term of which expires September 30, 2009, and

II. WHEREAS, the County Probation Department is eligible to apply for a renewal grant in the amount of \$111,264 for the period October 1, 2009 to September 30, 2010, and

III. WHEREAS, a contract is necessary with the New York State Division of Probation and Correctional Alternatives in order to accept the aforementioned funding, and

IV. 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 grant documents, on behalf of Cattaraugus County, with the New York State Division of Probation and Correctional Alternatives, in order to apply for, and accept, the aforementioned grant funds, for a term commencing October 1, 2009 and terminating September 30, 2010, according to the above-described terms.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input 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"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH ST. BONAVENTURE UNIVERSITY FOR  
DATA COLLECTION ANALYSIS FOR NY CONNECTS PROGRAM**

Pursuant to 42 CFR Section 431.53, Section 365(a)(2)(j) of the Social Security Law, 18 NYCRR Section 505.10, and Section 450 of the County Law.

I. WHEREAS, the County Department of Social Services is desirous of having the data collected through the NY Connects program analyzed, and

II. WHEREAS, St. Bonaventure University, through its Bogoni Center, Route 417, St. Bonaventure, New York 14778, shall compile data from the NY Connects database in order to obtain measurable outcomes regarding types of services the Department of Social Services provides, accessibility of services, financial aspect and gaps that exist within the system for an amount of \$1,750, and

III. WHEREAS, sufficient funds are included in the 2009 budget to cover the costs 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 St. Bonaventure University, for the provision of the above-described services, for a term commencing June 1, 2009 and terminating October 1, 2009, according to the above-described terms.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input 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"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
OLEAN GENERAL HOSPITAL FOR FAMILY PLANNING CLINIC  
LABORATORY SERVICES**

Pursuant to Section 2406 of the Public Health Law and  
Section 450 of the County Law.

I. WHEREAS, Act 556-2007 authorized a contract with Olean General Hospital, 515 Main Street, Olean, New York 14760, for the provision of laboratory services for the family planning clinic, which includes the provision of services such as collection, testing, and analyzing of specimens and reporting the results to various providers, the term of which expires June 30, 2009, and

II. WHEREAS, the County Health Department is desirous of continuing the aforementioned laboratory services, and

III. WHEREAS, the Olean General Hospital, 515 Main Street, Olean, New York 14760, can provide laboratory services for the County Health Department's family planning clinic, in accordance with the following rate schedule:

88142 Thin Layer Pap Smear	\$18.00
87621 HPV DNA, High Risk	\$35.00
88305 Biopsy	\$45.00
88175 Thin Layer Pap Smear with Imaging	\$25.00,

and

IV. WHEREAS, this program is fee based and funded through private insurances, Medicaid and State Family Planning Grant funds, 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 Olean General Hospital, for the provision of the above-described services, for a term commencing July 1, 2009 and terminating June 30, 2011, according to the above-described terms, and be it further

II. RESOLVED, that upon reduction or termination of either state or federal funding for this program, then this program shall be automatically abolished.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input 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"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
VARIOUS EARLY INTERVENTION PROVIDERS AND EVALUATORS**

Pursuant to Section 450 of the County Law and  
Section 2540 et. seq. of the Public Health Law.

I. WHEREAS, Act 322-2007 authorized contracts with various early intervention providers and evaluators for the general administration and provision of early intervention services and evaluations, the terms of which expire June 30, 2009, and

II. WHEREAS, early intervention is a family-centered, holistic approach to evaluating and serving eligible infants and toddlers, strength-based, not deficit-oriented, collaborative in nature, and guarantees, where possible, infants and toddlers access to typical peers, and

III. WHEREAS, the County Health Department is responsible for the general administration and provision of early intervention services to infants and toddlers 0-2 years with developmental delays and disabilities and their families, and

IV. WHEREAS, the County Health Department is desirous of renewing the aforementioned contracts, and

V. WHEREAS, payments to the various early intervention providers and evaluators will be in accordance with the rates established by the New York State Department of Health, and

VI. WHEREAS, funding for the services and evaluations of this entitlement program is provided through Medicaid reimbursement, third party payors and special programs, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with various early intervention providers and evaluators, for the provision of the above-described services and evaluations, for a term commencing July 1, 2009 and terminating June 30, 2011, according to the above-described terms, and be it further

II. RESOLVED, that upon reduction or termination of either state or federal funding for this program, then this program shall be automatically abolished.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input 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"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH VENTURE FORTHE, INC. FOR HOME HEALTH CARE SERVICES**

Pursuant to Section 3602 of the Public Health Law and  
Section 450 of the County Law.

I. WHEREAS, the County Departments of Health, Social Services and Aging are in need of home care services, and

II. WHEREAS, Venture Forthe, Inc., 3900 Packard Road, Niagara Falls, New York 14303, can provide home health care services to Cattaraugus County in accordance with the following rate limits and terms:

<b>Level of Care:</b>	<b>rate limits**</b>
Home Attendant/Housekeeper (Personal Care 1)	\$18.37/hr.
Personal Care Aide (Personal Care 2)	\$18.84/hr.
Shared Aide - ¼ hour (Personal Care 1)	\$ 4.59/¼ hr.
Shared Aide - ¼ hour (Personal Care 2)	\$ 4.71/¼ hr.
Certified Home Health Aide	\$19.40/hr.
Licensed Practical Nurse (LPN) (DSS)	\$21.00/hr.
Licensed Practical Nurse (LPN) (Health Dept)	\$26.25/hr.
Registered Nurse (RN) (Health Dept)	\$37.30/hr.
Registered Nurse (RN) (Social Services Dept)	\$26.00/hr.
Nursing Supervision Visit	\$62.87/hr.

\*\*Actual base Medicaid rates as initially established by the State Department of Health to be billed, if lower than caps to all Departments. In addition to the base rate, any recruitment and retention add-on established by the State Department of Health shall be billed to the Department of Social Services only. Cattaraugus County Department of Health has applied for recruitment and retention add-on funds for 2009.

**Assumptions:**

- In the event the initial Medicaid rates for 2009 as established by the State Department of Health exceed the County rate limits set forth above, the Contractor agrees to submit rate revision requests to the NYSDOH and request the rate(s) be lowered to comply with the Cattaraugus County rate limits set forth above.
- Rates billed to the Medicaid Management Information System (MMIS) for the DSS personal care program are subject to any limitations of the MMIS and will reflect the requirements of 18 NYCRR 505.14.

and

III. WHEREAS, sufficient funds are included in the 2009 budget to cover the costs 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 Venture Forthe, Inc., for the provision of the above-described services for a term commencing June 1, 2009 and terminating December 31, 2009, and be it further

II. RESOLVED, that upon reduction or termination of either state or federal funding for this program, then this program shall be automatically abolished.

Resolution Referred to:			
Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input 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"/>	<hr/>	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH WYOMING COUNTY DEPARTMENT OF HEALTH  
FOR ENVIRONMENTAL LABORATORY TESTING SERVICES**

Pursuant to Section 450 of the County Law.

I. WHEREAS, the Wyoming County Department of Health, 5362 Mungers Hill Road, Building A, Silver Springs, New York 14550, is in need of environmental laboratory water testing services, and

II. WHEREAS, the Cattaraugus County Department of Health Laboratory can provide the aforementioned environmental laboratory water testing services in accordance with the following fee schedule:

Bacteriological (Presence/Absence)	\$20.00
Bacteriological (Membrane Filter)	\$23.00
Bacteriological (High Dilution)	\$25.00
Fecal Coliform	\$10.00
Nitrate	\$28.00,

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 Wyoming County Department of Health, for the provision of the above-described environmental laboratory water testing services, for a term commencing April 20, 2009 and terminating December 31, 2009, according to the above-described terms.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input 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"/>



by Human Services Committee:  
Mr. Snyder, Mr. Aiello, Mr. Marsh,  
Ms. Vickman, Mr. Giardini, Mr. Ward and Mrs. Witte

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH ARAMARK HIGHER EDUCATION  
FOR YOUTH BUREAU YOUTH CITIZENSHIP AWARDS DINNER**

Pursuant to Section 95 of the General Municipal Law and  
Section 450 of the County Law.

I. WHEREAS, Act 227-2008 authorized a contract with Aramark Higher Education, 1101 Market Street, Philadelphia, Pennsylvania 19107, with a local office at St. Bonaventure University, 3261 West State Street, St. Bonaventure, New York 14778, for the provision of a Youth Citizenship Awards dinner held at St. Bonaventure University on May 15, 2008, and

II. WHEREAS, the County Youth Bureau is desirous of hosting the Youth Citizenship Awards dinner again this year to be held on June 1, 2009, and

III. WHEREAS, Aramark Higher Education has agreed to cater the aforementioned awards dinner for approximately 200 people for an amount not to exceed a total of \$3,500, and

IV. WHEREAS, sufficient funds are included in the 2009 budget of the Youth Bureau to cover the cost of the aforementioned awards dinner, 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 Aramark Higher Education, for the provision of the above-described catering services, for a term commencing June 1, 2009 and terminating June 1, 2009, according to the above-described terms.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input 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"/>

by Human Services Committee:  
Mr. Snyder, Mr. Aiello, Mr. Marsh,  
Ms. Vickman, Mr. Giardini, Mr. Ward and Mrs. Witte

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH ST. BONAVENTURE UNIVERSITY  
FOR YOUTH BUREAU YOUTH CITIZENSHIP AWARDS DINNER**

Pursuant to Section 95 of the General Municipal Law and  
Section 450 of the County Law.

I. WHEREAS, Act 228-2008 authorized a contract with St. Bonaventure University, P.O. Box A, St. Bonaventure, New York 14778, for the provision of a Youth Citizenship Awards dinner held at St. Bonaventure University on May 15, 2008, and

II. WHEREAS, the County Youth Bureau is desirous of hosting the Youth Citizenship Awards dinner again this year to be held on June 1, 2009, and

III. WHEREAS, St. Bonaventure University has agreed to provide the facility for the aforementioned awards dinner for an amount of \$50, and

IV. WHEREAS, sufficient funds are included in the 2009 budget of the Youth Bureau to cover the cost of the aforementioned awards dinner, 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 St. Bonaventure University, for the use of the above-described facility, for a term commencing June 1, 2009 and terminating June 1, 2009, according to the above-described terms.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input 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"/>

**AUTHORIZING DIRECTOR OF COMMUNITY SERVICES TO EXECUTE  
MEMORANDA OF UNDERSTANDING WITH VARIOUS ENTITIES  
FOR DISPROPORTIONATE SHARE TO HOSPITALS INITIATIVE**

Pursuant to Chapter 119 of the Laws of 1997 and  
Section 41.13(6) of the Mental Hygiene Law.

I. WHEREAS, Act 713-2008 authorized a Memorandum of Understanding with the New York State Office of Mental Health and the Olean General Hospital for the payment of disproportionate share income, the terms of which expired December 31, 2008, and

II. WHEREAS, Chapter 119 of the Laws of 1997 authorizes a disproportionate share to hospitals initiative (DSH), which affects identified Article 28 voluntary hospitals with mental health services which received funding pursuant to Article 41 of the Mental Hygiene Law, and

III. WHEREAS, in addition to payments currently made for existing hospital debt incurred in providing Medicaid-eligible services, DSH payments will also replace Office of Mental Health (OMH) approved net deficit funding provided pursuant to Article 41 of the Mental Hygiene Law in these hospitals, and

IV. WHEREAS, Chapter 119 of the Laws of 1997 requires the Commissioner of OMH, in consultation with the County Director of Community Services, to annually certify those hospitals which will receive these additional DSH payments, and

V. WHEREAS, it is necessary to enter into a memorandum of understanding with the New York State Office of Mental Health and the Olean General Hospital in order to comply with the aforementioned disproportionate share to hospitals initiative, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute memoranda of understanding, on behalf of Cattaraugus County, with the New York State Office of Mental Health and the Olean General Hospital, for the provision of the above-described services, for a term commencing January 1, 2009 and terminating December 31, 2009, according to the above-described terms.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input 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"/>

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING  
THROUGH UNITED STATES PROBATION OFFICE FOR THE  
WESTERN DISTRICT OF NEW YORK  
FOR MENTAL HEALTH COUNSELING SERVICES**

Pursuant to Section 41.07 of the Mental Hygiene Law and  
Section 450 of the County Law.

I. WHEREAS, funding is available through the United States Probation Office for the Western District of New York for the provision of mental health counseling services to federal probationers residing in Cattaraugus County, and

II. WHEREAS, the County Department of Community Services is desirous of applying for the aforementioned funding, and

III. WHEREAS, if funding is awarded to the County Department of Community Services, the funding will be used to pay for mental health counseling services provided to federal probationers when such federal probationers are not covered under any type of medical or mental health insurance, and

IV. 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 grant application, on behalf of Cattaraugus County, with the United States Probation Office for the Western District of New York, for the provision of the above-described services, according to the above-described terms.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input 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"/>

**LOCAL LAW NUMBER 2-2009  
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW PROHIBITING SMOKING IN  
AUTOMOBILES WITH CHILDREN PRESENT**

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

SECTION 1. Legislative Intent and Purpose.

a. This Legislature finds that it is essential to ensure the welfare of our children by acknowledging the fact that second hand smoke is detrimental to people's health, specifically children who may be unable to avoid second hand smoke inhalation.

b. This Legislature determines that the best way to avoid the harmful affects of second hand smoke, without restricting the individual rights and freedoms granted under the Constitution of the United States of America, to ban smoking in automobiles, a place where second hand smoke inhalation can be avoided, and where ventilation is insufficient.

SECTION 2. Definitions.

a. The term "Second hand smoke" shall mean the mixture of the smoke given off by the burning end of a cigarette, pipe, or cigar, and the smoke exhaled from the lungs of smokers.

b. The term "Children" shall be defined as any person under the age of 16 years.

c. The term "Automobile" shall mean any engine-bearing machine used for any purpose on public roads.

SECTION 3. Restrictions.

a. No person shall be allowed to smoke while operating or residing as a passenger in an automobile with children present. The operator will be held responsible for any misconduct by a passenger.

SECTION 4. Penalties.

a. A first violation shall be punishable by a minimum fine of \$200 and a maximum fine of up to \$500, with the second and subsequent violations resulting in a minimum fine of \$500 with a maximum fine of up to \$1,000.

SECTION 5. 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 6. Effective Date. This Local Law shall take effect immediately.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input 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"/>	<hr/>	<input type="checkbox"/>

**AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 2-2009**

Pursuant to Section 20 of the Municipal Home Rule Law.

I. WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on May 27, 2009, a proposed Local Law entitled, "A Local Law Prohibiting Smoking in Automobiles with Children Present", and

II. WHEREAS, no local law shall be adopted until a public hearing thereon has been had by the Cattaraugus County Legislature upon at least five days notice, now, therefore, be it

I. RESOLVED, that a public hearing shall be held on the proposed Local Law by this County Legislature on the 10<sup>th</sup> day of June, 2009, at 3:01 p.m. at the Legislature's Chambers, Cattaraugus County Center, 303 Court Street, Little Valley, New York, and that at least five days notice of such hearing shall be given by the Clerk by the due posting thereof upon the bulletin board of each County Court House within the County and by publishing such notice at least once in the official newspapers of the County.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input 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"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH WALKER BUSINESS & STAFFING SERVICES, INC.  
FOR CATTARAUGUS ONE-STOP CLERICAL SERVICES AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Social Services)**

Pursuant to Workforce Investment Act of 1998, and  
Sections 363, 366 and 450 of the County Law.

I. WHEREAS, Act 33-2009 authorized a contract with Walker Business & Staffing Services, Inc., 23 West State Street, Wellsville, New York 14895, for the provision of clerical services for the Cattaraugus One-Stop offices, the term of which expires June 30, 2009, and

II. WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned services, and

III. WHEREAS, Walker Business & Staffing Services, Inc., can provide the necessary clerical services for the Cattaraugus One-Stop for an amount of \$12.78 per hour, not to exceed \$101,644, and

IV. WHEREAS, various appropriation and revenue 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 Walker Business & Staffing Services, Inc., for the provision of the above-described services, for a term commencing June 1, 2009 and terminating May 31, 2010, 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 Accounts:

A.4792	WIA Adult	\$30,000.00
A.4794	WIA Dislocated	\$30,000.00

Increase Appropriation Accounts:

A.6325.455	WIA Adult Stimulus-Prof. Services	\$30,000.00
A.6345.455	WIA Dislocated Stimulus-Prof. Services	\$30,000.00.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input 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"/>