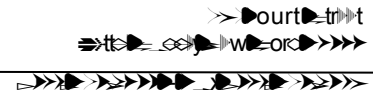




CATTARAUGUS COUNTY

John R. Searles, County Administrator



Senior Services Committee
Tuesday, June 2, 2009
The Pines, Olean @ 6:00 p.m.

Fleet Management Committee
Wednesday, June 3, 2009
Public Works Conference Room @ 2:00
p.m.

Contingent Fund Balance: \$188,720
Tobacco Settlement Proceeds to Date: \$15,244,128

The following committees will meet on **Wednesday, June 3, 2009**, at the County Center in Little Valley, New York, at the indicated times:

Public Works	4:15 p.m.
Strategic Planning	5:00 p.m.
Development & Agriculture	5:30 p.m.
Human Services	6:00 p.m.
Senior Services	6:15 p.m.
Public Safety	6:30 p.m.
Labor Relations	6:45 p.m.
Finance	7:00 p.m.

ACT NO.	PREFILED RESOLUTIONS
289-09	Mr. Giardini and Mr. Ellis BID ACCEPTANCE FOR MINIMUM OF THREE 50-CUBIC YARD OPEN TOP CONTAINERS
290-09	Mr. Giardini and Mr. Burrell, Mr. Ellis, Ms. Vickman and Mr. Hebdon BID ACCEPTANCE FOR PRECAST CONCRETE BOX CULVERT FOR ELLICOTTVILLE CULVERT NO. 54
291-09	Mr. Giardini and Mr. Ellis, Mr. Marsh and Mr. Neal BID ACCEPTANCE FOR SAND/SALT BUILDING AT CATTARAUGUS COUNTY RANDOLPH HIGHWAY GARAGE – TRUSS & FABRIC ROOF SYSTEM (Department of Public Works)
292-09	Mr. Giardini and Mr. Ellis, Mr. Marsh and Mr. Neal BID ACCEPTANCE FOR SAND/SALT BUILDING AT CATTARAUGUS COUNTY RANDOLPH HIGHWAY GARAGE – FOUNDATION & GRADING (Department of Public Works)

- 293-09 Mr. Giardini and Mr. Ellis
BID ACCEPTANCE FOR BRICK REPAIR AND ROOF REPLACEMENT
PROJECTS AT CATTARAUGUS COUNTY JAIL (Department of Public Works)
- 294-09 Mr. Giardini and Mr. Ellis
BID ACCEPTANCE FOR CAPITAL IMPROVEMENT PROJECTS AT PINES
HEALTHCARE AND REHABILITATION CENTER – OLEAN CAMPUS
(Department of Public Works)
- 295-09 Mr. Giardini and Mr. Ellis, Mr. Marsh and Mr. Neal
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH FOIT-ALBERT
ASSOCIATES FOR CONSTRUCTION ADMINISTRATION SERVICES FOR
NAPOLI BRIDGE NO. 8 REHABILITATION PROJECT
- 296-09 Mr. Giardini and Mr. Ellis
AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT
WITH SIMPLEXGRINNEL LP FOR LIFE SAFETY SERVICE AGREEMENT FOR
VARIOUS COUNTY BUILDINGS
- 297-09 Mr. Giardini and Mr. Ellis
BID ACCEPTANCE FOR GPS SURVEYING EQUIPMENT AND TRANSFER OF
FUNDS (Contingent Fund – County Road Fund)
- 298-09 Public Works Committee: Mr. Giardini, Mr. Ellis, Mr. Burrell, Mr. Marsh, Mr.
O'Brien, Mr. Teachman, Mr. Boser, Mr. Hebdon and Mr. McClune
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH WENDEL
DUCHSCHERER ARCHITECTS & ENGINEERS, P.C. FOR JAIL ELEVATOR
REPAIR PROJECT ENGINEERING SERVICES
- 299-09 Mr. Burrell and Mr. Boser
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH RANDOLPH
AREA COMMUNITY DEVELOPMENT CORPORATION FOR COMMUNITY
DAY EVENT AT ONOVILLE MARINA AND RESCINDING ACT 221-2009
- 300-09 Mr. Giardini and Mr. Ellis
AUTHORIZING THE CHAIR TO EXECUTE LICENSE AGREEMENT WITH
ADMINISTRATIVE OFFICE OF THE UNITED STATES BANKRUPTCY COURT
FOR FEDERAL USE OF COUNTY PROPERTY
- 301-09 Mr. Burrell, Mr. Ellis and Mr. Boser
DECLARING MODIFIED SOUTHWEST, FARMERSVILLE-FREEDOM AND
NORTHWEST AGRICULTURAL DISTRICTS TO BE A TYPE I SEQR ACTION
- 302-09 Mr. Burrell, Mr. Ellis and Mr. Boser
ADOPTION OF MODIFIED AGRICULTURAL DISTRICTS IN THE TOWNS OF
FRANKLINVILLE AND DAYTON AND THE VILLAGES OF FRANKLINVILLE
AND LITTLE VALLEY RESULTING FROM REQUESTS FOR INCLUSION
SUBMITTED DURING THE 2009 THIRTY-DAY INCLUSION PERIOD

- 303-09 Mr. Aiello
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH FRANKLINVILLE CENTRAL SCHOOL DISTRICT FOR PRE-SCHOOL HANDICAPPED TRANSPORTATION SERVICES
- 304-09 Human Services Committee: Mr. Snyder, Mr. Aiello, Mr. Marsh, Ms. Vickman, Mr. Giardini, Mr. Ward and Mrs. Witte
AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH VARIOUS HANDICAPPED EDUCATION PROVIDERS FOR YOUTH BUREAU CHILDREN WITH SPECIAL NEEDS PROGRAM
- 305-09 Human Services Committee: Mr. Snyder, Mr. Aiello, Mr. Marsh, Ms. Vickman, Mr. Giardini, Mr. Ward and Mrs. Witte
AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH VARIOUS SCHOOL DISTRICTS FOR PRE-SCHOOL HANDICAPPED TRANSPORTATION SERVICES
- 306-09 Mr. Aiello and Mr. Snyder
AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH ALLEGANY COUNTY FOR HEALTH DEPARTMENT CANCER SERVICES PROGRAM
- 307-09 Mr. Aiello and Mr. Snyder
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH NEW YORK STATE DEPARTMENT OF HEALTH FOR PUBLIC HEALTH PREPAREDNESS AND RESPONSE TO BIOTERRORISM
- 308-09 Mr. Burrell
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH HARWOOD HAVEN, INC. FOR CAMPGROUND ELECTRICAL SERVICE
- 309-09 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 NEW YORK STATE COMMISSION ON NATIONAL & COMMUNITY SERVICE FOR AMERICAN RECOVERY AND REINVESTMENT ACT AMERICORPS PROGRAM GRANT
- 310-09 Mr. Padlo
LOCAL LAW NUMBER 3-2009 – PROHIBITING THE USE OF WIRELESS HANDSETS TO COMPOSE, READ OR SEND TEXT MESSAGES WHILE OPERATING A MOTOR VEHICLE IN CATTARAUGUS COUNTY
- 311-09 Mr. Padlo
AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 3-2009
- 312-09 Mr. McClune and Mr. Neal, Mr. Snyder and Mr. Padlo
LOCAL LAW NUMBER 4-2009 – A LOCAL LAW GRANTING PARTIAL EXEMPTION ON REAL PROPERTY TAXATION TO CERTAIN SENIOR

CITIZENS AND REPEALING LOCAL LAW NUMBER 2-2007 (Intro Number 1-2007)

- 313-09 Mr. McClune and Mr. Neal, Mr. Snyder and Mr. Padlo
AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 4-2009
- 314-09 Mr. Marsh and Mr. Padlo
LOCAL LAW NUMBER 5-2009 – A LOCAL LAW GRANTING PARTIAL EXEMPTION ON REAL PROPERTY TAXATION TO CERTAIN SENIOR CITIZENS AND REPEALING LOCAL LAW NUMBER 2-2007 (Intro Number 1-2007)
- 315-09 Mr. Marsh and Mr. Padlo
AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 5-2009
- 316-09 Mr. Neal
OPPOSING VARIOUS SENATE BILLS REGARDING REGULATION AND CONTROL OF GUNS
- 317-09 Mr. Padlo
SUPPORTING NEW YORK STATE LEGISLATION TO MODIFY RETIREMENT SYSTEM STATUS OF JAMES FREITAG AND TRANSFER OF FUNDS (Contingent Fund – County General Accounts)
- 318-09 Mr. Aiello, Mr. Snyder and Mr. Padlo
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH SOUTHERN TIER HEALTH CARE SYSTEM, INC. FOR CAPITAL FUNDING OF CHILD ADVOCACY CENTER AND TRANSFER OF FUNDS (Contingent Fund – Southern Tier Health Care System)
- 319-09 Mr. Aiello
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH JAMES MCGUINNESS & ASSOCIATES, INC. FOR TRAINING FOR YOUTH BUREAU CHILDREN WITH SPECIAL NEEDS SOFTWARE
- 320.9 Human Services Committee: Mr. Snyder, Mr. Aiello, Mr. Marsh, Ms. Vickman, Mr. Giardini, Mr. Ward and Mrs. Witte
CREATING ONE (1) POSITION OF CASEWORKER, TO BE FILLED ON A PART-TIME BASIS, IN DEPARTMENT OF SOCIAL SERVICES AND ESTABLISHING COMPENSATION FOR SAME
- 321-09 Human Services Committee: Mr. Snyder, Mr. Aiello, Mr. Marsh, Ms. Vickman, Mr. Giardini, Mr. Ward and Mrs. Witte
CREATING TWO (2) POSITIONS OF CASEWORKER, TO BE FILLED ON A PART-TIME BASIS, IN DEPARTMENT OF SOCIAL SERVICES AND ESTABLISHING COMPENSATION FOR SAME

- 322-09 Human Services Committee: Mr. Snyder, Mr. Aiello, Mr. Marsh, Ms. Vickman, Mr. Giardini, Mr. Ward and Mrs. Witte
ABOLISHING ONE (1) POSITION OF ASSISTANT PROGRAM DIRECTOR AND CREATING ONE (1) POSITION OF CLINICAL SUPERVISOR IN COMMUNITY SERVICES DEPARTMENT AND ESTABLISHING COMPENSATION FOR SAME
- 323.9 Senior Services Committee: Mr. Neal, Mr. McClune, Mr. Ellis, Mr. Murphy, Ms. Vickman, Mr. Boser and Mrs. Witte
ABOLISHING ONE (1) POSITION OF PRINCIPAL ADMINISTRATIVE SERVICES CLERK AND CREATING ONE (1) POSITION OF PAYROLL SPECIALIST (NURSING HOMES) IN DEPARTMENT OF NURSING HOMES AND ESTABLISHING COMPENSATION FOR SAME
- 324.9 Mrs. Abers, Mr. McLarney and Mr. Ward
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH HODGSON RUSS LLP FOR CONTRACT NEGOTIATION SERVICES

Committee referrals for the June 3, 2009 Committee meetings									
Act #	Finance	County Ops	DPW	Senior Services	Strategic Planning	Human Services	Develop. & Agriculture	Public Safety	Labor Relations
289	X		X						
290	X		X						
291	X		X						
292	X		X						
293	X		X						
294	X		X						
295	X		X						
296	X		X						
297	X		X						
298	X							X	
299	X						X		
300	X							X	
301	X						X		
302	X						X		
303	X					X			
304	X								
305	X								
306	X					X			
307	X					X			
308	X						X		
309	X								
310	X							X	
311	X							X	
312	X	X		X					
313	X	X		X					
314	X	X		X					
315	X	X		X					
316	X							X	
317	X					X			X
318	X					X			
319	X					X			
320	X								X
321	X								X
322	X								X
323	X								X
324	X								X
TOTALS	35	4	9	4	0	6	4	5	6

**BID ACCEPTANCE FOR MINIMUM OF THREE
50-CUBIC YARD OPEN TOP CONTAINERS**

Pursuant to Section 103 of the General Municipal Law and
Section 215 of the County Law.

I. WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the purchase of a minimum of three (3) new and unused 50-cubic yard open top containers, according to specifications provided by the Public Works Committee, and

II. WHEREAS, the lowest responsible bid received meeting specifications for the purchase of a minimum of three (3) Valley Enterprises/RO50HD 50-cubic yard open top containers, was the bid of United Services Group, Inc., 46 Sager Drive, Rochester, New York 14607, for an amount of \$34,075 for five (5) units, and

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

I. RESOLVED, that the bid of United Services Group, Inc., be, and the same hereby is, accepted, for a term commencing upon the signing of the contract documents and terminating 45 days thereafter, 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.

14 sets of specifications were sent out.

Five submitted bids.

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 PRECAST CONCRETE BOX CULVERT
FOR ELLICOTTVILLE CULVERT NO. 54**

Pursuant to Section 103 of the General Municipal Law and
Section 215 of the County Law.

I. WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for a precast concrete box culvert for Ellicottville Culvert No. 54, according to specifications provided by the Public Works Committee, and

II. WHEREAS, the lowest responsible bid received meeting specifications for the aforementioned precast concrete box culvert, was the bid of Kistner Concrete Products, Inc., P.O. Box 218, 8713 Read Road, East Pembroke, New York 14056, for an amount of \$38,146, and

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

I. RESOLVED, that the bid of Kistner Concrete Products, Inc., be, and the same hereby is, accepted, for a term commencing upon the signing of the contract documents and terminating 45 days after shop drawing approval, 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.

Five sets of specifications were sent out.

Three submitted bids.

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 SAND/SALT BUILDING AT
RANDOLPH COUNTY HIGHWAY GARAGE - TRUSS & FABRIC ROOF SYSTEM
(Department of Public Works)**

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 construction of a sand/salt building located at 10 Borden Street, Randolph, New York, on the existing maintenance garage site, according to specifications provided by the Public Works Committee, and

II. WHEREAS, the lowest bid received meeting specifications for the Truss & Fabric Roof System portion of the project was the bid of C. W. Fink & Associates, Ltd., P.O. Box 667, Avoca, New York 14809, in the amount of \$114,365.00, now, therefore, be it

I. RESOLVED, that the aforementioned bid be, and the same hereby is, accepted, for a term commencing on the date of the contract signing and terminating November 15, 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.

Sixteen sets of specifications were sent out.

Three 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"/> |

**BID ACCEPTANCE FOR SAND/SALT BUILDING AT
RANDOLPH COUNTY HIGHWAY GARAGE - FOUNDATION & GRADING
(Department of Public Works)**

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 construction of a sand/salt building located at 10 Borden Street, Randolph, New York, on the existing maintenance garage site, according to specifications provided by the Public Works Committee, and

II. WHEREAS, the lowest bid received meeting specifications for the General Contractor - Foundation & Grading portion of the project was the bid of R. W. Construction, Inc., 65 Mid County Drive, Orchard Park, New York 14127, in the amount of \$151,500.00, now, therefore, be it

I. RESOLVED, that the aforementioned bid be, and the same hereby is, accepted, for a term commencing on the date of the contract signing and terminating August 17, 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.
Sixteen sets of specifications were sent.
Eight 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"/> |

**BID ACCEPTANCE FOR BRICK REPAIR AND ROOF REPLACEMENT
PROJECTS AT CATTARAUGUS COUNTY JAIL
(Department of Public Works)**

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 a brick repair project and roof replacement project at the Cattaraugus County Jail, located on Court Street in Little Valley, according to specifications provided by the Public Works Committee, and

II. WHEREAS, the lowest bid received meeting specifications for the General Contractor - Brick Repair & Roof Replacement projects was the bid of Jamestown Roofing, Inc., 119 Clifton Avenue, Jamestown, New York 14701, in the amount of \$56,800.00, now, therefore, be it

I. RESOLVED, that the aforementioned bid be, and the same hereby is, accepted, for a term commencing on the date of the contract signing and terminating sixty (60) days thereafter, 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.

Seven sets of specifications were sent out.

Four 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"/> |

**BID ACCEPTANCE FOR CAPITAL IMPROVEMENT PROJECTS
AT PINES HEALTHCARE AND REHABILITATION CENTER - OLEAN CAMPUS
(Department of Public Works)**

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 capital improvement projects at the Pines Healthcare and Rehabilitation Center - Olean Campus, according to specifications provided by the Public Works Committee, and

II. WHEREAS, the lowest bid received meeting specifications for the General Contractor - Roof Replacement on D-Wing portion of the project was the bid of Paramount Roofing, Inc., 323 Fluvanna Avenue, Jamestown, New York 14701, in the amount of \$134,850.00, and

III. WHEREAS, the lowest bid received meeting specifications for the Mechanical Contractor - Air Conditioning Modification on D-Wing portion of the project was the bid of MJ Mechanical Services, Inc., 2040 Military Road, Tonawanda, New York 14150, in the amount of \$178,900.00, now, therefore, be it

I. RESOLVED, that the aforementioned bids be, and the same hereby are, accepted, for a term commencing on the date of the contract signing and terminating sixty (60) days thereafter, 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.

Nine sets of specifications were sent out for the General Contractor - Roof Replacement Project. Five bids were received.

Five sets of specifications were sent out for the Mechanical Contractor - Air Conditioning Modification Project. Four 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
FOIT-ALBERT ASSOCIATES FOR CONSTRUCTION ADMINISTRATION 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, construction administration services are needed for the Napoli Bridge No. 8 rehabilitation project, located on County Road No. 10, over Rod and Gun Club Pond Outlet, BIN 3-32267-0, in the Town of Napoli, and

II. WHEREAS, Foit-Albert Associates, 763 Main Street, Buffalo, New York 14203, has agreed to provide construction administration services for the Napoli Bridge No. 8 rehabilitation project for an amount not to exceed \$7,958, 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 Foit-Albert Associates, for the provision of the above-described services, for a term commencing June 11, 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 COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
SIMPLEXGRINNELL LP FOR LIFE SAFETY SERVICE
AGREEMENT FOR VARIOUS COUNTY BUILDINGS**

Pursuant to Section 215 of the County Law and
Act 432-2002 of the Cattaraugus County Legislature.

I. WHEREAS, Act 281-2006 authorized a contract with SimplexGrinnell LP, 6850 Main Street, Suite 3, Williamsville, New York 14221, for the provision of maintenance services for the master clocks and the master clock transmitter, security system test/inspection and fire alarm system test/inspection services located in the Little Valley County Center and Jail Facility, the Olean Office Facility and the DPW Facility, the term of which expires June 30, 2009, and

II. WHEREAS, the County Department of Public Works is desirous of renewing the aforementioned contract, and

III. WHEREAS, SimplexGrinnell LP, has agreed to provide Annual Systems Test & Inspections, Smoke Detector Cleaning/Sensitivity Testing, Panel Parts Replacement Coverage, Informal Training, for an amount of \$9,280, as follows:

<u>Site</u>	<u>Amount</u>
Olean Office Building	\$1,250.00
DPW Office Building	\$1,420.00
Security Panel Parts Coverage	\$1,085.00
LV County Center	\$5,525.00

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 SimplexGrinnell LP, for the provision of the above-described services, for a term commencing July 1, 2009 and terminating June 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"/> |

**BID ACCEPTANCE FOR GPS SURVEYING EQUIPMENT
AND TRANSFER OF FUNDS
(Contingent Fund - County Road Fund)**

Pursuant to Section 103 of the General Municipal Law and
Sections 215, 363, 365 and 366 of the County Law.

I. WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the purchase of GPS Surveying Equipment, according to specifications provided by the Public Works Committee, and

II. WHEREAS, the only bid received for the purchase of new and unused current production GPS surveying equipment was the bid of Admar Supply Co., 1394 Military Road, Buffalo, New York 14217, for an amount of \$68,409.90, and

III. WHEREAS, a transfer of funds is necessary to cover the costs of the aforementioned equipment, now, therefore, be it

I. RESOLVED, that the bid of Admar Supply Co., be, and the same hereby is, accepted, for a term commencing upon the signing of the contract documents and terminating 45 days thereafter, 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, and be it further

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

Decrease Appropriation Account:		
A.1990.445	Contingent Fund	\$68,410.00
Increase Estimated Revenue Account:		
D.2810	Transfer from General Fund	\$68,410.00
Increase Appropriation Accounts:		
A.9522.950	Transfer to County Road Fund	\$68,410.00
A.5020.211	GPS Surveying Equipment	\$68,410.00.

No State Bid.
Three sets of specifications were sent out.
One submitted a bid.

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 Public Works Committee:
Mr. Giardini, Mr. Ellis, Mr. Burrell, Mr. Marsh, Mr. O'Brien,
Mr. Teachman, Mr. Boser, Mr. Hebdon and Mr. McClune

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH WENDEL DUCHSCHERER ARCHITECTS & ENGINEERS, P.C.
FOR JAIL ELEVATOR REPAIR PROJECT ENGINEERING SERVICES**

Pursuant to Sections 215 and 450 of the County Law.

I. WHEREAS, upon inspection of the Little Valley jail elevators, violations were identified, and

II. WHEREAS, due to the interpretation of applicable codes, impacts to the existing systems and the need for additional expertise, outside professional engineering services are needed for the jail elevator repair project, and

III. WHEREAS, the firm of Wendel Duchscherer Architects & Engineers, P.C., 140 John James Audubon Parkway, Suite 201, Amherst, New York 14228, can provide the engineering services necessary to inspect, evaluate and prepare bid documents for the Little Valley Jail elevator repair project for an amount of \$4,100, and

IV. 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 Wendel Duchscherer Architects & Engineers, P.C., for the provision of the above-described services, for a term commencing June 11, 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 EXECUTE CONTRACT WITH
RANDOLPH AREA COMMUNITY DEVELOPMENT CORPORATION FOR
COMMUNITY DAY EVENT AT ONOVILLE MARINA AND
RESCINDING ACT 221-2009**

Pursuant to Sections 224 (2), (14) and 450 of the County Law.

I. WHEREAS, the County is desirous of obtaining assistance with the planning and execution of the August 8, 2009 Community Day events at the Onoville Marina, and

II. WHEREAS, the Randolph Area Community Development Corporation, 72 Main Street, Randolph, New York 14772, can provide the necessary equipment, materials and services, for the implementation of the Community Day events to be held at the Onoville Marina on August 8, 2009, for an amount of \$15 per hour, not to exceed \$15,000, which includes mileage at the current rate in effect at the times services are rendered, miscellaneous expenses to include postage, photocopies and other office supplies, and the costs associated with the fireworks display and the band, and

III. WHEREAS, the Randolph Area Community Development Corporation shall arrange for the fireworks display and the band for the Community Day event, and

IV. 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 the Randolph Area Community Development Corporation, 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, and be it further

II. RESOLVED, that Act 221-2009 is hereby rescinded.

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 LICENSE AGREEMENT WITH
ADMINISTRATIVE OFFICE OF THE UNITED STATES BANKRUPTCY COURT
FOR FEDERAL USE OF COUNTY PROPERTY**

Pursuant to Sections 215 and 450 of the County Law.

I. WHEREAS, Act 329-2008 authorized a license agreement with the Administrative Office of the United States Bankruptcy Court for the use of the County's court facility located in the Olean Office Building one day each month, the term of which expires September 30, 2009, and

II. WHEREAS, the United States Bankruptcy Court is desirous of continuing the aforementioned license agreement under the same terms, and

III. WHEREAS, the County has agreed to allow the United States Bankruptcy Court to utilize the County's court facility located in the Olean Office Building once per month for an amount of \$600 per month, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a license agreement, on behalf of Cattaraugus County, with the Administrative Office of the United States Courts to use the above-described space 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"/> |

**DECLARING MODIFIED SOUTHWEST, FARMERSVILLE-FREEDOM AND
NORTHWEST AGRICULTURAL DISTRICTS TO BE A TYPE I SEQR ACTION**

Pursuant to 6 NYCRR Section 617.11.

I. WHEREAS, Act 250-2009 authorized a public hearing on requests for inclusion into the Southwest, Farmersville-Freedom and Northwest certified agricultural districts of agricultural parcels submitted during the thirty (30) day inclusion period, and

II. WHEREAS, the aforementioned modified agricultural districts include the Towns of Franklinville, Dayton and the Villages of Franklinville and Little Valley, and

III. WHEREAS, the New York State Department of Agriculture and Markets, as lead agency for the agricultural districts program, has conducted a programmatic review of the environmental effects of agricultural districting and has concluded that there is little likelihood of significant adverse environmental impact resulting from the formation or modification of such districts, and

IV. WHEREAS, the modification of the above-described districts is a Type I SEQR Action, which will not have a significant effect on the environment and does not require an Environmental Impact Statement or other determination under 6 NYCRR Section 617.11, now, therefore, be it

I. RESOLVED, that the Cattaraugus County Legislature hereby determines that the modification of the above-listed agricultural districts is a Type I SEQR Action, within the meaning of 6 NYCRR Section 617.11.

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"/> |

**ADOPTION OF MODIFIED AGRICULTURAL DISTRICTS IN THE
TOWNS OF FRANKLINVILLE AND DAYTON AND THE VILLAGES OF
FRANKLINVILLE AND LITTLE VALLEY RESULTING FROM REQUESTS FOR
INCLUSION SUBMITTED DURING THE 2009
THIRTY-DAY INCLUSION PERIOD**

Pursuant to Section 303-b of the Agriculture and Markets Law.

I. WHEREAS, Section 303-b of the New York State Agriculture and Markets Law requires counties with state certified agricultural districts to designate an annual thirty-day period to allow a landowner to submit a request for inclusion of his or her land, which is predominantly viable agricultural land, into a certified agricultural district, and

II. WHEREAS, the Cattaraugus County Legislature has received the recommendation of the Agricultural and Farmland Protection Board to include those parcels requesting inclusion into the appropriate agricultural district, and

III. WHEREAS, the inclusion of these parcels would serve the public interest by assisting in maintaining a viable agricultural industry within each applicable district, and

IV. WHEREAS, after due notice, the Cattaraugus County Legislature held a public hearing concerning the modified districts at the Cattaraugus County Legislature's Chambers, 303 Court Street, Little Valley, New York, a place readily accessible to the residents of the proposed modified districts, on Wednesday, May 27, 2009, and

V. WHEREAS, all interested persons were given an opportunity to be heard, and the further opportunity to submit written statements concerning the modified district, and

VI. WHEREAS, after due consideration, the Cattaraugus County Legislature does hereby determine that the Southwest, Farmersville-Freedom, and Northwest Agricultural Districts be modified to include the following described parcels, now, therefore, be it

I. RESOLVED, that the Southwest, Farmersville-Freedom, and Northwest Agricultural Districts shall be modified to include the following parcels:

Town of Franklinville

- Tax Map No. 40.003-1-16.1 (Farmersville-Freedom Agricultural District #5)
- Tax Map No. 49.001-1-19.3 (Farmersville-Freedom Agricultural District #5)
- Tax Map No. 40.003-2-2.4 (Farmersville-Freedom Agricultural District #5)

Town of Dayton

- Tax Map No. 16.003-2-9.2 (Northwest Agricultural District #1)

Village of Franklinville

- Tax Map No. 40.048-1-32.1 (Farmersville-Freedom Agricultural District #5)

Village of Little Valley

- Tax Map No. 54.073-1-1.1 (Southwest Agricultural District #3)
- Tax Map No. 54.073-1-1.2 (Southwest Agricultural District #3)

and be it further

II. RESOLVED, that the Director of the Cattaraugus County Department of Economic Development, Planning and Tourism be, and hereby is, authorized and directed to submit these modifications, together with all the papers and records pertaining to the same, to the Commissioner of the New York State Department of Agriculture and Markets for certification and, upon the approval of the inclusions, to file a description thereof with the Cattaraugus County Clerk, and the New York State Commissioner of Agriculture and Markets.

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
FRANKLINVILLE CENTRAL SCHOOL DISTRICT FOR
PRE-SCHOOL HANDICAPPED TRANSPORTATION SERVICES**

Pursuant to 8 NYCRR Part 4410 and
Section 450 of the County Law.

I. WHEREAS, Act 296-2008 authorized a contract with Franklinville Central School District, North Main Street, Franklinville, New York 14737, for the provision of transportation services for preschool children with handicapping conditions within the Franklinville Central School District to a BOCES pre-school speech class located at Pioneer-Delevan Elementary School, the term of which expires June 30, 2009, and

II. WHEREAS, Franklinville Central School District has agreed to continue providing the aforementioned services at a rate of \$1.28 per mile per day, plus \$7.25 per hour per bus for an aide, on a case-by-case basis, when deemed necessary with proof of documentation in the child's IEP requiring such aide, and

III. WHEREAS, these services shall be provided in accordance with the provisions of Section 103 of the General Municipal Law and Section 4410 of the Education Law, and

IV. WHEREAS, these services are 59.5% State and 40.5% County funded, 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 Franklinville Central School District for the provision of the above-described pre-school handicapped transportation services, for a term commencing September 1, 2009 and terminating June 30, 2010, 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"/> |

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

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
VARIOUS HANDICAPPED EDUCATION PROVIDERS FOR
YOUTH BUREAU CHILDREN WITH SPECIAL NEEDS PROGRAM**

Pursuant to Section 236 of the Family Court Act and
Section 450 of the County Law.

I. WHEREAS, Act 294-2008 authorized contracts with various handicapped education providers for the provision of educational and evaluation services for various County preschool-aged children with special needs, the terms of which expire June 30, 2009, and

II. WHEREAS, the Family Court Act mandates that the County provide payment for the educational and evaluation services which are approved by the Court, and

III. WHEREAS, contracts are necessary with education providers, related-service providers, and evaluators which are accredited by the New York State Education Department, and

IV. WHEREAS, payments to the education providers, related-service providers, and evaluators will be in accordance with the budgetary tuition rate approved by the County and/or the State, and

V. WHEREAS, these services are 59.5% State funded and 40.5% County funded, 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 education providers, related-service providers, and evaluators for the provision of the above-described services, for a term commencing July 1, 2009 and terminating June 30, 2010, 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"/> |

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

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
VARIOUS SCHOOL DISTRICTS FOR
PRE-SCHOOL HANDICAPPED TRANSPORTATION SERVICES**

Pursuant to 8 NYCRR Part 4410 and Section 450 of the County Law.

I. WHEREAS, Act 295-2008 authorized contracts with various school districts for the provision of pre-school handicapped transportation services, the terms of which expire August 31, 2009, and

II. WHEREAS, transportation services are required for pre-school children with handicapping conditions within the County of Cattaraugus, and

III. WHEREAS, various school districts in Cattaraugus County have agreed to provide the aforementioned transportation services at the rate of \$3.40 per mile per day, plus \$7.25 per hour per bus for an aide, on a case-by-case basis, when deemed necessary with proof of documentation in the child's IEP requiring such aide, and

IV. WHEREAS, the aforementioned services shall be provided in accordance with the provisions of Section 103 of the General Municipal Law and Section 4410 of the Education Law, and

V. WHEREAS, this program is 59.5% state funded and 40.5% locally funded, 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 school districts, for the provision of the above-described transportation services, for a term commencing September 1, 2009 and terminating June 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 COUNTY ADMINISTRATOR TO EXECUTE CONTRACT
WITH ALLEGANY COUNTY FOR HEALTH DEPARTMENT
CANCER SERVICES PROGRAM**

Pursuant to Act 432-2002 of the Cattaraugus County Legislature.

I. WHEREAS, Act 429-2008 authorized a contract with the Allegany County Health Department for the provision of medical services, including cancer screening services, by the Cattaraugus County Health Department, the term of which expired March 31, 2009, and

II. WHEREAS, the parties are desirous of continuing the aforementioned program, and

III. WHEREAS, the Cattaraugus County Health Department is able to provide the aforementioned medical services, including colposcopy, colposcopy-directed biopsy and pathology, in accordance with the NYS maximum allowable reimbursement rates, for the Allegany County Health Department, and

IV. WHEREAS, this program is 100% state 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 Allegany County for the provision of the above-described services, for a term commencing April 1, 2009 and terminating March 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 AMENDED CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR PUBLIC HEALTH
PREPAREDNESS AND RESPONSE TO BIOTERRORISM**

Pursuant to Section 301 et seq. of the Public Health Service Act and
Section 450 of the County Law.

I. WHEREAS, Act 568-2008 authorized a contract with Health Research, Inc., in order to receive funding for the development of a terrorism emergency response and preparedness plan, the term of which expires August 9, 2009, and

II. WHEREAS, the New York State Department of Health has reduced the grant amount from \$98,955 to an amount of \$84,009 for the August 10, 2008 through August 9, 2009 contract term, and

III. WHEREAS, the County Health Department has reduced expenses accordingly, and

IV. WHEREAS, an amended contract is necessary with the New York State Department of Health in order to reflect the reduction in the aforementioned 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, on behalf of Cattaraugus County, with the New York State Department of Health, for the provision of the above-described services, for a term commencing August 10, 2008 and terminating August 9, 2009, 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 HARWOOD HAVEN, INC., FOR CAMPGROUND
ELECTRICAL SERVICE**

Pursuant to Section 99-h of the State Finance Law and
Section 450 of the County Law.

- I. WHEREAS, Harwood Haven, Inc., is currently developing a campground in the Town of Farmersville, and
- II. WHEREAS, the company has invested nearly \$389,000 in development of the campground site, and
- III. WHEREAS, development of the project commenced in 2003, and
- IV. WHEREAS, the campground currently has 8 rental cabins equipped with cooking stoves, wood burners, or propane heat, and 35 camp sites with full hook-ups awaiting electricity, and
- V. WHEREAS, the recently constructed lodge includes a camp store, restrooms, coin-operated laundry, recreation room equipped with video games, a live bait shop with fishing equipment and a fully equipped kitchen for the eventual opening of a full service restaurant, and
- VI. WHEREAS, the company has further plans to construct an additional 30 rental cabins, 10 of which will be handicapped accessible, 40 full hook-up camp sites, 3 additional septic systems, a second bath and shower house, a swimming pool, service fuel pump for snowmobilers, and a separate business on the property to service interior and exterior cleaning of RVs and boats, and
- VII. WHEREAS, the company is in need of \$42,000 which will be paid to National Grid for installation of electric lines, and
- VIII. WHEREAS, the County has \$42,000 in its economic development program, using casino funds for economic development projects in the County, and
- IX. WHEREAS, it is proposed that the County loan to Harwood Haven, Inc., 8764 Route 98, Franklinville, New York 14737, the sum of \$42,000, with 1/3 of the loan being eligible to be forgiven on July 1, 2010, provided that the campground is employing at least four people on that date; 1/3 on July 1, 2011, provided that the campground is employing at least seven people on that date; and 1/3 on July 1, 2012, provided that the campground is employing at least ten people on the campground site on that date, and
- X. WHEREAS, sufficient funds are included in the economic development fund from casino proceeds for this project, 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 Harwood Haven, Inc., according to the above-described terms, for a term commencing June 11, 2009 and terminating July 2, 2012.

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 NEW YORK STATE COMMISSION ON NATIONAL & COMMUNITY SERVICE
FOR AMERICAN RECOVERY AND REINVESTMENT ACT
AMERICORPS PROGRAM GRANT**

Pursuant to American Recovery and Reinvestment Act and
Section 450 of the County Law.

I. WHEREAS, the County Youth Bureau has been awarded American Recovery and Reinvestment Act funding in the amount of \$45,700 for the Southern Tier AmeriCorps Resource Team, and

II. WHEREAS, a contract is necessary with the New York State Commission on National & Community Service, 52 Washington Street, North Building, Suite 338, Rensselaer, New York 12144, in order to receive the aforementioned funding, 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 New York State Commission on National & Community Service, in order to receive the aforementioned funding, for a term commencing June 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"/> |

**LOCAL LAW NUMBER 3-2009
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**PROHIBITING THE USE OF WIRELESS HANDSETS TO COMPOSE, READ OR SEND
TEXT MESSAGES WHILE OPERATING A MOTOR VEHICLE IN CATTARAUGUS COUNTY**

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

Section 1. Legislative intent. It is the intent of this local law to prohibit the use of wireless handsets to compose, read, or send text messages while operating a motor vehicle in Cattaraugus County.

SECTION 2. Declaration of Intent. Text messaging while driving is a growing problem on our roads. This activity by its very nature involves the driver taking hands off the wheel and eyes off the road. Text messaging is a clear distraction that leads to accidents and fatalities. Often, it is the younger, less experienced, driver who texts while driving. Until such time as the New York State Legislature passes a similar law, Cattaraugus County needs to address this problem with a local law.

SECTION 3. Definitions. As used in this law, the following terms shall have the meanings indicated:

A) "Hands-free" shall mean the manner in which a wireless handset is operated for the purpose of composing, reading or sending text messages, by using an internal feature or function, or through an attachment or addition. This includes, but is not limited to, an ear piece, headset, remote microphone or short-range wireless connection, thereby allowing the user to operate such device without the use of the hands.

B) "Motor vehicle" shall mean any vehicle that is self-propelled by a motor, including, but not limited to, automobiles, trucks, vans, buses and construction vehicles.

C) "Inoperability" shall mean a motor vehicle that is incapable of being operated, or being operated, in a safe and prudent manner due to mechanical failure, including, but not limited to, engine overheating or tire failure.

D) "Person" shall mean any natural person, corporation, unincorporated association, firm, partnership, joint venture, joint stock association or other entity or business organization of any kind.

E) "Stopped" shall mean not in motion.

F) "Text message", also referred to as short messaging service (SMS), shall mean the process by which users send, read or receive messages on a wireless handset, including, but not limited to, text messages, instant messages, electronic or e-mails, in order to communicate with any person or device.

G) "Use" shall mean to hold a wireless handset in one's hand.

H) "Wireless handset" shall mean a portable electronic or computing device, including cellular telephones and personal digital assistants (PDAs) capable of transmitting data in the form of a text message.

SECTION 4. Prohibition. Effective August 1, 2009, no person shall use a wireless handset to compose, read, or send text messages while operating a motor vehicle on any public street or public highway within Cattaraugus County.

SECTION 5. Exceptions.

A. Notwithstanding Section 4, this law shall not be construed to prohibit the use of any wireless handset by:

- i. Any law enforcement, public safety or police officers, peace officers, emergency services officials, first aid, emergency medical technicians and personnel, and fire safety officials in the performance of duties arising out of, and in the course of, their employment as such;_
- ii. A person using a wireless handset to contact any individual listed in subsection (i); or
- iii. A person using a wireless handset inside a motor vehicle while such motor vehicle is parked, standing or stopped and is removed from the flow of traffic, in accordance with applicable laws, rules or ordinances, or is stopped due to the inoperability of such motor vehicle;
- iv. Any person who holds a valid amateur radio operator's license issued by the FCC and who operates a duly licensed portable mobile transmitter and in connection therewith a receiver or receiving set.

B. Notwithstanding Section 4, this law shall not be construed to prohibit a person operating a motor vehicle from utilizing a hands-free wireless handset.

SECTION 6. Penalties. A violation of Section 4 of this local law shall constitute an offense and be punishable by a fine not to exceed \$150 for each single violation. Each such violation shall constitute a separate and distinct offense.

This local law shall be enforced by the Cattaraugus County Sheriff's Office and may be enforced by any other law enforcement agency having jurisdiction.

SECTION 7. Effect of Other Laws. This local law shall be null and void on the day that New York statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this local law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by Cattaraugus County. The County Legislature may determine via resolution whether identical or substantially similar statewide legislation or preempting regulations have been enacted for the purposes of triggering the provision of this section.

SECTION 8. 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 affect, 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 9. Supercession. All local laws and resolutions of the Cattaraugus County Legislature, to the extent that the same are inconsistent with this local law, are hereby superceded.

SECTION 10. 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"/> | _____ | <input type="checkbox"/> |

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 3-2009

Pursuant to Section 10 of the Municipal Home Rule Law.

I. WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on June 10, 2009, a proposed Local Law entitled, "Prohibiting the Use of Wireless Handsets to Compose, Read or Send Text Messages While Operating a Motor Vehicle in Cattaraugus County", 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 24th 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"/> |

**LOCAL LAW NUMBER 4 - 2009
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 467(1) (b) of the Real Property Tax Law.

**A LOCAL LAW GRANTING PARTIAL EXEMPTION ON REAL PROPERTY
TAXATION TO CERTAIN SENIOR CITIZENS AND REPEALING
LOCAL LAW NUMBER 2-2007 (Intro Number 1-2007)**

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

SECTION 1. Legislative Intent. It is the intent of this legislation to continue to provide a real property tax exemption to certain senior citizens in accordance with Section 467 of the Real Property Tax Law and to distribute the exemption in a more equitable manner.

SECTION 2. Senior Citizen Real Property Tax Exemption. Effective January 1, 2010, Cattaraugus County shall grant a real property tax exemption to certain individuals sixty-five (65) years of age or over, in accordance with Section 467(1)(b) of the Real Property Tax Law.

SECTION 3. Maximum Income Eligibility Level. Effective January 1, 2010, the maximum income eligibility level as described in Section 467 of the Real Property Tax Law is hereby established as follows:

\$18,500 or less	=	50% of assessed value exempt
\$18,501 but less than \$19,500	=	45% of assessed value exempt
\$19,500 but less than \$20,500	=	40% of assessed value exempt
\$20,500 but less than \$21,500	=	35% of assessed value exempt
\$21,500 but less than \$22,400	=	30% of assessed value exempt
\$22,400 but less than \$23,300	=	25% of assessed value exempt
\$23,300 but less than \$24,200	=	20% of assessed value exempt.

SECTION 4. Real Property Tax Law. All other provisions of Section 467 of the Real Property Tax Law of the State of New York shall be in effect for the purposes of County real property taxation in Cattaraugus County.

SECTION 5. Repeal of Local Law Number 2-2007 (Intro No. 1-2007). Local Law Number 2-2007 (Intro Number 1-2007) entitled "A Local Law Granting Partial Exemption on Real Property Taxation to Certain Persons", as amended, is hereby repealed, effective January 1, 2010.

SECTION 6. 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 affect, 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 7. 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"/> | _____ | <input type="checkbox"/> |

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 4-2009

Pursuant to Section 10 of the Municipal Home Rule Law.

I. WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on June 10, 2009, a proposed Local Law entitled, "A Local Law Granting Partial Exemption on Real Property Taxation to Certain Senior Citizens and Repealing Local Law Number 2-2007 (Intro Number 1-2007)", 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 24th day of June, 2009, at 3:02 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"/> |

LOCAL LAW NUMBER 5 - 2009
COUNTY OF CATTARAUGUS, NEW YORK

Pursuant to Section 467 of the Real Property Tax Law.

A LOCAL LAW GRANTING PARTIAL EXEMPTION ON REAL PROPERTY
TAXATION TO CERTAIN SENIOR CITIZENS AND REPEALING
LOCAL LAW NUMBER 2-2007 (Intro Number 1-2007)

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

SECTION 1. Legislative Intent. It is the intent of this legislation to continue to provide a real property tax exemption to certain senior citizens in accordance with Section 467 of the Real Property Tax Law and to increase the value of such exemption. The exemption value has not been increased since 2008.

SECTION 2. Senior Citizen Real Property Tax Exemption. Effective January 1, 2010, Cattaraugus County shall grant a real property tax exemption to certain individuals sixty-five (65) years of age or over, in accordance with Section 467(1)(a) of the Real Property Tax Law.

SECTION 3. Maximum Income Eligibility Level. Effective January 1, 2010, the maximum income eligibility level as described in Section 467 of the Real Property Tax Law is hereby established at \$19,500.

SECTION 4. Real Property Tax Law. All other provisions of Section 467 of the Real Property Tax Law of the State of New York shall be in effect for the purposes of County real property taxation in Cattaraugus County.

SECTION 5. Repeal of Local Law Number 2-2007 (Intro No. 1-2007). Local Law Number 2-2007 (Intro Number 1-2007) entitled "A Local Law Granting Partial Exemption on Real Property Taxation to Certain Persons", as amended, is hereby repealed, effective January 1, 2010.

SECTION 6. 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 affect, 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 7. 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"/> | _____ | <input type="checkbox"/> |

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 5-2009

Pursuant to Section 10 of the Municipal Home Rule Law.

I. WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on June 10, 2009, a proposed Local Law entitled, "A Local Law Granting Partial Exemption on Real Property Taxation to Certain Senior Citizens and Repealing Local Law Number 2-2007 (Intro Number 1-2007)", 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 24th day of June, 2009, at 3:03 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"/> |

**OPPOSING VARIOUS SENATE BILLS
REGARDING REGULATION AND CONTROL OF GUNS**

Pursuant to Section 153 of the County Law.

I. WHEREAS, the following bills have been introduced and are now pending in the New York State Senate:

- S.1598-A Requires the re-licensing of firearm licenses after five years (A.0801);
- S.1715 Requires the creation and imposition of restrictive commercial practices and stringent recordkeeping and reporting (A.1093);
- S.5228 Prohibits the sale of pistols or revolvers by any person, firm or corporation in the retail business of selling guns which does not contain child proofing features built into the design of the gun (A.1326);
- S.4752 Bans the sale, use or possession of 50-caliber or larger weapons (A.3211);
- S.4397 Requires semiautomatic pistols manufactured or delivered to any licensed dealer to be capable of microstamping ammunition (A.6468);
- S.5489 Broadens provisions relating to eligibility for a firearms license (A.3076);

and

II. WHEREAS, all of the above-listed legislation have been passed by the New York State Assembly, and

III. WHEREAS, there are several other bills that have been introduced and are currently pending in both the NYS Assembly and the NYS Senate regarding various areas of gun control, and

IV. WHEREAS, gun control laws have no deterrent effect on violent criminals who acquire their weapons from the black market or simply steal them, and

V. WHEREAS, gun control laws interfere with the ability of law-abiding citizens to protect themselves and who are required to follow the legal process to purchase them, and

VI. WHEREAS, the laws which are currently in place should be enforced and focus should be placed more on the criminal element, and

VII. WHEREAS, government should not have the ability to take away the rights of U.S. citizens to protect themselves and their families when those citizens are following the laws and legally obtaining guns for home protection, sport or personal collections, and

VIII. WHEREAS, if enacted, these bills would have a serious effect on the right to bear arms granted by the United States Constitution, now, therefore, be it

I. RESOLVED, that the Cattaraugus County Legislature hereby opposes the passage of the above-listed Senate Bills, and be it further

II. RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Governor Paterson, New York State Senate Majority Leader Smith, State Senator Young, New York State Assembly Member Giglio, the New York State Association of Counties and the Western New York Inter-County Association.

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"/> |

**SUPPORTING NEW YORK STATE LEGISLATION TO MODIFY
RETIREMENT SYSTEM STATUS OF JAMES FREITAG AND
TRANSFER OF FUNDS
(Contingent Fund - County General Accounts)**

Pursuant to Section 803(b) of the Retirement and Social Security Law and Sections 153, 363 and 365 of the County Law.

- I. WHEREAS, James Freitag was a Cattaraugus County employee with the County Manpower Program, which administered the CETA Programs in the 1970s, and
- II. WHEREAS, he was employed as a provisional counselor from June 5, 1975 until September 12, 1976, and
- III. WHEREAS, Mr. Freitag has stated that he served in the military from September 11, 1976 to June 11, 1978, and
- IV. WHEREAS, Act 248-1976, which brought enumerated positions into the Classified Civil Service, was adopted by the County Legislature on October 13, 1976, and
- V. WHEREAS, Mr. Freitag had been employed in one of the positions referred to in Act 248-1976, and
- VI. WHEREAS, in anticipation of the adoption of Act 248-1976, on or about October 8, 1976, employees were advised that they could fill out membership registrations for eligibility into the New York State Retirement System, and
- VII. WHEREAS, the Retirement System registrations were processed on October 18, 1976, and
- VIII. WHEREAS, Mr. Freitag was on military leave when the opportunity was given to the Manpower Program employees to join the New York State Retirement System, and
- IX. WHEREAS, after Mr. Freitag completed his military service, he joined the Retirement System on August 9, 1978, and
- X. WHEREAS, the 1978 entry date placed him in a Tier III status, and
- XI. WHEREAS, if Mr. Freitag had joined the Retirement System attributable to the start date of June 5, 1975, as a provisional counselor, then he would have been in a Tier II status in the New York State Teacher's Retirement System, and
- XII. WHEREAS, Mr. Freitag has stated that if he had been working, rather than in the military in October 1976, he would have joined the New York State Retirement System, and
- XIII. WHEREAS, the relief sought is appropriate because Mr. Freitag did not (i) expressly decline membership in a form filed with the County; (ii) participate in a procedure explaining the option to join the system in which a form, booklet or other written material is read from, explained or distributed, and there is no record of such form, booklet or written material which can be produced by the County, nor is there any documentation or a notation to the affect that Mr. Freitag so participated; or (iii) participate in a procedure that a reasonable person would recognize as an explanation or request requiring a formal decision by him or her to join the public retirement system, and

XIV. WHEREAS, it has been proposed that special state legislation be enacted to authorize the change in Mr. Freitag's retirement system status from Tier III to Tier II, and that the County absorb all of the past service costs of implementing the proposed legislation, and

XV. WHEREAS, the estimated cost is \$57,000, and

XVI. WHEREAS, no funds were budgeted for this purpose, now, therefore, be it

I. RESOLVED, that the County Legislature hereby supports the change in the New York State Teacher's Retirement System status of Mr. Freitag from Tier III to Tier II for the above-described reasons, and be it further

II. RESOLVED, that the Chair of the Legislature is hereby authorized to sign such affidavits, as may be appropriate incorporating the rationale in this resolution, and be it

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

Decrease Appropriation Account:		
A.1990.445	Contingent Fund	\$57,000.00
Increase Appropriation Account:		
A.9010.828	Retirement	\$57,000.00.

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
SOUTHERN TIER HEALTH CARE SYSTEM, INC. FOR
CAPITAL FUNDING OF CHILD ADVOCACY CENTER AND
TRANSFER OF FUNDS
(Contingent Fund - Southern Tier Health Care System)**

Pursuant to Sections 224(4), 363, 365 and 450 of the County Law.

I. WHEREAS, Southern Tier Health Care System, Inc.'s mission is to improve the health and wellness of the rural communities in Allegany, Cattaraugus and Chautauqua counties, and

II. WHEREAS, the Southern Tier Health Care System, Inc., One Blue Bird Square, Olean, New York 14760, established a child advocacy center in 2007 at the Olean General Hospital, and

III. WHEREAS, the center serves child victims of sexual and physical abuse from Allegany and Cattaraugus counties, and

IV. WHEREAS, the child advocacy center uses collaboration and an multi-disciplinary team approach in prevention, investigation, assessment, protection, referral for prosecution and treatment of child sexual and serious physical abuse for children in Allegany and Cattaraugus counties, and

V. WHEREAS, the center is in need of a permanent location, and

VI. WHEREAS, New York State had initially proposed providing \$100,000 in funding for the purchase of a permanent facility for the center, and

VII. WHEREAS, it is uncertain whether the New York State budget still contains funding for the facility purchase, and

VIII. WHEREAS, the County should provide \$100,000 toward the purchase of the permanent facility for the child advocacy center, and

IX. WHEREAS, it is proposed that the County loan to Southern Tier Health Care System, Inc. the sum of \$100,000, due to the uncertainty as to whether there is funding available in the state budget for the purchase of the facility, and

X. WHEREAS, if Southern Tier Health Care System, Inc. receives state funding for the child advocacy center, then the Southern Tier Health Care System, Inc. shall, within thirty days after receipt of the state funding, repay to Cattaraugus County an amount equivalent to the amount of the state grant, and

XI. WHEREAS, any remaining amount of the \$100,000 shall be converted to a grant to Southern Tier Health Care System, Inc. at that point, and

XII. WHEREAS, Southern Tier Health Care System, Inc. understands that the \$100,000 can only be used for the purchase of the child advocacy center property, and

XIII. WHEREAS, funds must be transferred to accommodate this site acquisition, 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 Southern Tier

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH JAMES MCGUINNESS & ASSOCIATES, INC. FOR
TRAINING FOR YOUTH BUREAU
CHILDREN WITH SPECIAL NEEDS SOFTWARE**

Pursuant to Article 19-A of the Executive Law,
Section 4410 of the Education Law and
Section 450 of the County Law.

I. WHEREAS, Act 694-2008 authorized a contract with James McGuinness & Associates, Inc., 263 State Street, Schenectady, New York 12305, for the provision of a software program with maintenance support for the Children with Special Needs Program, the term of which expires December 31, 2009, and

II. WHEREAS, the County Youth Bureau is desirous of obtaining training for the aforementioned software, and

III. WHEREAS, James McGuinness & Associates, Inc., 263 State Street, Schenectady, New York 12305, has agreed to provide training for an amount of \$1,650, which includes travel expenses, and

IV. 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 James McGuinness & Associates, Inc., for the provision of the above-described training services, for a term commencing May 12, 2009 and terminating May 14, 2009, 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"/> |

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

**CREATING ONE (1) POSITION OF CASEWORKER, TO BE FILLED ON A
PART-TIME BASIS, IN DEPARTMENT OF SOCIAL SERVICES AND
ESTABLISHING COMPENSATION FOR SAME**

Pursuant to Sections 204, 205, 363 and 365 of the County Law and
Section 22 of the Civil Service Law.

I. WHEREAS, due to an increase in the caseload at the Single Point of Entry that requires a caseworker to do a holistic assessment of needs of the individuals seeking services, and

II. WHEREAS, in addition to the above, the Department of Social Services is required to perform the social assessments and reassessments for all individuals requesting personal care and long term home health care services through Medicaid, and

III. WHEREAS, sufficient federal and state funds are available to cover the additional costs associated with this position, thereby at no increase in cost to the County, and

IV. WHEREAS, the New Position Duties Statement has been submitted to the Cattaraugus County Civil Service Commission, which has approved the title in accordance with Section 22 of the Civil Service Law, now, therefore, be it

I. RESOLVED, that effective immediately, there is hereby created one position of Caseworker to be filled on a part-time basis, in the Department of Social Services to be compensated at Grade 23 (\$16.26 per hour) of the Part-time Non-bargaining Unit Salary Schedule, and be it further

II. RESOLVED, that upon a reduction in federal funding, or any other decrease in funding sufficient enough to cover the cost of this position then the position created herein shall automatically be abolished, and be it further

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

Increase Estimated Revenue Account:

A.3405 Point of Entry Grant \$13,929.00

Increase Appropriation Accounts:

A.4989.109 Part-Time Wages \$11,950.00
A.4989.828 Retirement \$ 1,064.00
A.4989.833 FICA \$ 915.00.

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"/> |

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

**CREATING TWO (2) POSITIONS OF CASEWORKER, TO BE FILLED ON A
PART-TIME BASIS, IN DEPARTMENT OF SOCIAL SERVICES AND
ESTABLISHING COMPENSATION FOR SAME**

Pursuant to Sections 204, 205, 363 and 365 of the County Law and
Section 22 of the Civil Service Law.

I. WHEREAS, due to an increase in funding by the New York State Office of Children and Family Services to provide additional Casework services in the area of Child Protective Services, and

II. WHEREAS, the Department of Social Services received 1656 reports of alleged child abuse or maltreatment in 2008, an increase of more than 125 over 2007, and

III. WHEREAS, the increase in the caseload impacts the Department's ability to ensure the safety of children and to meet the State mandated timelines for investigations, and

IV. WHEREAS, these additional State funds are sufficient to cover the additional costs associated with these positions, at no increase in cost to the County, and

V. WHEREAS, the New Position Duties Statement has been submitted to the Cattaraugus County Civil Service Commission, which has approved the title in accordance with Section 22 of the Civil Service Law, now, therefore, be it

I. RESOLVED, that effective immediately, there is hereby created two positions of Caseworker to be filled on a part-time basis, in the Department of Social Services to be compensated at Grade 23 (\$16.26 per hour) of the Part-time Non-bargaining Unit Salary Schedule, and be it further

II. RESOLVED, that upon a reduction in State funding, or any other decrease in funding sufficient enough to cover the cost of these positions then the positions created herein shall automatically be abolished, and be it further

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

Increase Estimated Revenue Account:		
A.3612	CPS-Special Allocation	\$27,857.00

Increase Appropriation Accounts:		
A.6012.109	Part-Time Wages	\$23,900.00
A.6012.828	Retirement	\$ 2,128.00
A.6012.833	FICA	\$ 1,829.00.

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"/>

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

**ABOLISHING ONE (1) POSITION OF ASSISTANT PROGRAM DIRECTOR AND
CREATING ONE (1) POSITION OF CLINICAL SUPERVISOR IN COMMUNITY SERVICES DEPARTMENT AND
ESTABLISHING COMPENSATION FOR SAME**

Pursuant to Sections 204, 205, 363 and 365 of the County Law and
Section 22 of the Civil Service Law.

I. WHEREAS, there currently exists a vacancy in the position of Assistant Program Director in the Department Of Community Services, and

II. WHEREAS, through a redistribution of some of the job functions previously performed by the Assistant Program Director and the new clinic regulations requiring a licensed professional to review and sign off on documentation for mental health diagnosis it is timely and feasible to create a new position of Clinic Supervisor which as a qualification for appointment will require possession of the licensure established by the NYS Department Of Education, and

WHEREAS, there are sufficient funds included within the budget to cover the additional costs associated with this new position, and

IV. WHEREAS, the New Position Duties Statement has been submitted to the Cattaraugus County Civil Service Commission, which has approved the title in accordance with Section 22 of the Civil Service Law, now, therefore, be it

I. RESOLVED, that effective immediately, there is hereby abolished one (1) position of Assistant Program Director, in the Department of Community Services, and be it further

II. RESOLVED, that effective immediately, there is hereby created one (1) position of Clinical Supervisor, in the Department of Community Services, to be to be compensated at Grade 31 (\$27.59 - \$32.82 per hour, 2008 schedule) of the Supervisory Bargaining Unit Salary Schedule.

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 Senior Services Committee:
Mr. Neal, Mr. McClune, Mr. Ellis,
Mr. Murphy, Ms. Vickman, Mr. Boser and Mrs. Witte

**ABOLISHING ONE (1) POSITION OF PRINCIPAL ADMINISTRATIVE SERVICES CLERK
AND CREATING ONE (1) POSITION OF PAYROLL SPECIALIST (NURSING HOMES) IN DEPARTMENT OF
NURSING HOMES AND ESTABLISHING COMPENSATION FOR SAME**

Pursuant to Sections 204, 205, 363 and 365 of the County Law and
Section 22 of the Civil Service Law.

I. WHEREAS, there has been a permanent and material change of the duties and responsibilities assigned to the position of Principal Administrative Services Clerk in the Department of Nursing Homes, and

II. WHEREAS, these changes in the duties and responsibilities have been recognized and acknowledged by the Cattaraugus County Civil Service Commission which has proposed the new title of Payroll Specialist (Nursing Homes), and

III. WHEREAS, the New Position Duties Statement has been submitted to the Cattaraugus County Civil Service Commission, which has approved the title in accordance with Section 22 of the Civil Service Law, and

IV. WHEREAS, the additional costs associated with the anticipated increase in salary have heretofore been included within the 2009 budget, now, therefore, be it

I. RESOLVED, that effective immediately, there is hereby abolished one (1) position of Principal Administrative Services Clerk, in the Department Of Nursing Homes, and be it further

II. RESOLVED, that effective immediately, there is hereby created one (1) position of Payroll Specialist (Nursing Homes), in the Department of Nursing Homes to be compensated at Grade 21 (\$18.70 - \$22.44 per hour) of the Management/Confidential Salary Schedule.

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 HODGSON RUSS LLP
FOR CONTRACT NEGOTIATION SERVICES**

Pursuant to Section 5 of the Rules of Order Appendix and
Section 450 of the County Law.

I. WHEREAS, Act 184-2007, as amended by Acts 52-2008, and 444-2008 established fees for negotiating services of Hodgson Russ LLP, for purposes of negotiating the County's various collective bargaining agreements, and

II. WHEREAS, the fees established in Act 52-2008 were effective only through June 30, 2008, and

III. WHEREAS, Hodgson Russ LLP has increased its fees effective July 1, 2009, as follows:

Partners	\$239	per hour
Senior Associates	227	per hour
Associate	204	per hour
Paralegals	112	per hour,

and

IV. WHEREAS, these rates will be effective through June 30, 2010, and

V. WHEREAS, sufficient funds are included in the 2009 budget to cover the increase in 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 authorize an amended contract, on behalf of Cattaraugus County, with Hodgson Russ LLP to reflect the increased costs of services, for a term commencing July 1, 2009 and terminating June 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"/> |