

March 11, 2009

The meeting was called to order by Chairman Crystal J. Abers.

The invocation was given by Rev. Piatt.

The Attendance Roll Call disclosed all Legislators present.

MR. SNYDER moved, seconded by Mr. Teachman that the minutes of the February 25, 2009 session be approved. Carried.

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COMMUNICATIONS:

Assembly Member Giglio: Letter acknowledging receipt of Act Nos. 92-2009, 93-2009 and 106-2009.

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APPOINTMENTS:

Farmersville Task Force:

Terms to expire December 31, 2011

Joseph Williams, Interim Director
Economic Development, Planning & Tourism
303 Court Street
Little Valley, New York 14755

Jeff Contino, Solid Waste Coordinator
Cattaraugus County Public Works Department
8810 Route 242
Little Valley, New York 14755

E. James Ellis
Public Works Committee
7869 Ellis Road
Cattaraugus, New York 14719

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CHAIRMAN ABERS presented Bicentennial Plaques to:

Platinum Sponsors:

- Howard VanRensselaer
- Rick Hanavan, Wendel Duchscherer

Gold Sponsors:

- David Carucci, Mayor, City of Olean
- Erick Laine, Retired Chairman Emeritus & John Whelpley, President & COO of Vector Marketing (Alcas Corporation)

Silver Sponsors:

- Corey Wiktor, County of Cattaraugus Industrial Development Agency
- John Mallery, Mallery's Auto Body, Inc.
- Charles Sagona, ReHabilitation Center

Sponsors unable to attend:

- Abbott Welding
- Mark Alianello
- Community Bank
- Crandall Monuments
- Dresser Rand
- Hartford
- Marcella Smith, State Farm Insurance Agent
- Olean Area Federal Credit Union
- Potter Lumber Company

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CHAIRMAN ABERS granted privilege of the floor to Nancy Barney, Real Property Tax Services Director, who introduced Jerry Bukiewicz, Principal of the Bukiewicz Corporation. He presented his Study of Real Property Tax Assessment Administration in Cattaraugus County. The study found disparity throughout Cattaraugus County: assessments range from 2.3% to 100% and last reassessment dates varied from 1950 to 2008. Suggestions made were to improve municipal assessing, county-wide assessing, or coordinated assessment groups. County needs a strategic plan.

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ACT NO. 116-2009 by Mr. Giardini
and Mr. Ellis

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
SJB SERVICES, INC. FOR SOIL BORING SERVICES,
MATERIAL TESTING, DECK CORING AND GEOTECHNICAL SERVICES**

Pursuant to Section 117 of the Highway Law and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 182-2008 authorized a contract with SJB Services, Inc., for the provision of soil boring services for various bridge projects, the term of which expired December 31, 2008, and

WHEREAS, the County Department of Public Works is desirous of obtaining soil borings, material testing, deck coring and geotechnical engineering services for 2009 bridge, culvert and construction projects, as follows:

East Otto Bridge No. 15	Hinsdale Bridge No. 41
Conewango Bridge No. 8	Mansfield Culvert No. 13
Mansfield Culvert No. 14	Franklinville Culvert No. 38
Otto Culvert No. 24	Ischua Culvert No. 39
Lyndon Culvert No. 6	Machias Culvert No. 19
Project A	Project B

and

WHEREAS, SJB Services, Inc., 5167 South Park Avenue, Hamburg, New York 14075, has agreed to perform the aforementioned services for an amount not to exceed \$38,860, in accordance with the following rate schedule:

Mobilization	\$ 3,600.00
Sampling	\$19,100.00

Deck Coring	\$11,160.00
Miscellaneous Services	<u>\$ 5,000.00</u>
Total	\$38,860.00,

and

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

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract on behalf of Cattaraugus County, with SJB Services, Inc., for the provision of the above-described services, for a term commencing March 12, 2009 and terminating December 31, 2009, according to the above-described terms.

Approved by 7 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted March 11, 2009 by voice vote.

ACT NO. 117-2009 by Mr. Giardini
and Mr. Ellis

**AMENDING ACT 34-2009 REGARDING LIST OF
APPROVED PROFESSIONAL ORGANIZATIONS
(Department of Public Works)**

Pursuant to Section 203(1) of the County Law.

WHEREAS, Act 34-2009 established a list of approved professional organizations, and

WHEREAS, this is a professional organization in which the membership of various employees would be beneficial to the County, and

WHEREAS, this organization provides ideas for implementation of cost-saving measures and provides a means of disseminating information of current trends in specialized fields, and

WHEREAS, effective January 1, 2009, the following organization should be included in the aforementioned list:

Public Works American Institute of Professional Geologists,
and

WHEREAS, payment of dues to this organization is beneficial to the County and serves a public purpose, and

WHEREAS, there is a reasonable connection between the activities of this organization and the official duties of the employees whose membership dues will be paid therein, now, therefore, be it

RESOLVED, that Act 34-2009 is hereby amended as follows: Effective January 1, 2009, add the above-listed organization and authorize payment of yearly dues.

Approved by 7 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted March 11, 2009 by voice vote.

ACT NO. 118-2009 by Mr. Giardini
and Mr. Ellis

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
MARK D. ALIANELLO, P.E. FOR ENGINEERING SERVICES FOR
DEPARTMENT OF NURSING HOMES SEWAGE DISPOSAL SYSTEM**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 342-2001, as amended by Acts 517-2001, 109-2002, 556-2002, 335-2004, 289-2005 and 132-2007, authorized a contract with Mark D. Alianello, P.E. for the provision of engineering services required for the replacement of the sewage disposal system at The Pines HealthCare and Rehabilitation Center-Machias Campus, the term of which expired December 31, 2008, and

WHEREAS, the County Department of Public Works is desirous of continuing the aforementioned services, and

WHEREAS, Mark D. Alianello, P.E., shall continue providing the following engineering services for an amount not to exceed \$24,700:

Task 1	Coordinate Sampling	
	\$800 per event for 24 events (not to exceed)	\$19,200.00
Task 2	Routine Consultations	
	On time and material basis according to	
	attached schedule of hourly rates (est.)	\$ 5,000.00
Reimbursables	(not to exceed)	\$ 500.00,

now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Mark D. Alianello, P.E., for the provision of the above-described services for a term commencing January 1, 2009 and terminating December 31, 2010, according to the above-described terms.

Approved by 6 members of the Finance Committee, 8 members of the Public Works Committee and 5 members of the Senior Services Committee.

Adopted March 11, 2009 by voice vote.

ACT NO. 119-2009 by Mr. Giardini
and Mr. Ellis

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
HUNT ENGINEERS, ARCHITECTS & LAND SURVEYORS, P.C. FOR
2008-2009 BRIDGE MAINTENANCE PROGRAM**

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

WHEREAS, Act 245-2008 authorized a contract with Hunt Engineers, Architects & Land Surveyors, P.C., Airport Corporate Park, 100 Hunt Center, Horseheads, New York 14845, for the provision of engineering services for the administration of the County's federal-aid bridge maintenance program, the term of which expires December 31, 2009, and

WHEREAS, a contract amendment is necessary to provide for the final contract documents (bid documents) and construction inspection services for the bridge washing program, an additional facet of the County's federal-aid bridge maintenance program, and

WHEREAS, Hunt Engineers, Architects & Land Surveyors, P.C., has agreed to provide the final contract documents (bid documents) and construction inspection services for the bridge washing program, an additional facet of the aforementioned Federal-Aid Bridge Maintenance Program for an additional amount not to exceed \$36,510, and

WHEREAS, this contract amendment adds \$36,510 to the existing agreement of \$125,050, resulting in a new total amount not to exceed \$161,560, and

WHEREAS, sufficient funds are included in the 2009 budget to cover the cost of the above-described services, now, therefore, be it

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 Hunt Engineers, Architects & Land Surveyors, P.C., for the provision of the above-described engineering services, for a term commencing January 1, 2009 and terminating December 31, 2009, according to the above-described terms.

Approved by 7 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted March 11, 2009 by voice vote.

ACT NO. 120-2009 by Mr. Giardini
and Mr. Ellis

**AUTHORIZING ACQUISITION OF LANDS IN TOWN OF DAYTON
FOR EXPANSION OF MARKHAMS COUNTY HIGHWAY FACILITY**

Pursuant to Articles 2 and 3 of the Eminent Domain Procedure Law.

WHEREAS, fee title is needed for property, more fully described below, located in the Town of Dayton, for the public purpose of expanding the County Highway Facility in Markhams:

TAX MAP PARCEL NO. 25.001-2-24.1

ALL THAT PARCEL OF LAND situate in the Town of Dayton, County of Cattaraugus, State of New York, being part of Lot 29, Town 5, and Range 9 of the Holland Land Company's survey, bounded and described as follows:

COMMENCING at the intersection of the centerline of US Route 62 and the northerly bounds of Lot 29;

THENCE easterly along the northerly bounds of Lot 29 a distance of 325 feet, said bounds also being the northerly bounds of lands of the County of Cattaraugus (reputed owners) as described in a deed recorded in Liber 541 at Page 278, to the northeasterly corner of said lands and the POINT OF BEGINNING;

THENCE southerly along the easterly bounds of the lands of Cattaraugus County a distance of 319 feet, more or less, to the southeasterly corner thereof;

THENCE easterly through the lands of Richard L. and Ralph J. Sigl (reputed owners) along a projection of the southerly bounds of the aforementioned lands of Cattaraugus County a distance of 273 feet, more or less, to a point;

THENCE northerly through the lands of Sigl, parallel with the easterly bounds of the lands of Cattaraugus County a distance of 273 feet, more or less, to the northerly bounds of Lot 29, also being the northerly bounds of Sigl;

THENCE westerly along the northerly bounds of Sigl (also the northerly bounds of Lot 29) a distance of 273 feet, more or less, to the northeasterly corner of the lands of Cattaraugus County and the POINT OF BEGINNING, Containing 2.00 acres of land, more or less.

Being a portion of the lands conveyed to Richard L. Sigl and Ralph J. Sigl by Theodore and Alfrieda Hagerdon by a deed dated August 27, 1959 and a corrective deed dated October 20, 1983 and recorded November 4, 1983.,

now, therefore, be it

RESOLVED, that the Chairman of the Cattaraugus County Legislature is hereby authorized and directed to acquire lands or rights or interests therein for the expansion of the County Highway Facility in Markhams and to acquire such lands or rights or interests therein by option to purchase, release or agreement which gives the County the right to enter and occupy the above-described property for such public purpose, or by condemnation pursuant to Articles 2 and 3 of the Eminent Domain Procedure Law.

Approved by 7 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted March 11, 2009 by voice vote.

ACT NO. 121-2009 by Mr. Giardini
and Mr. Ellis

**DECLARING THAT ACQUISITION OF CERTAIN REAL PROPERTY
IN TOWN OF DAYTON, REPUTEDLY OWNED BY
RICHARD L. SIGL AND RALPH J. SIGL, IS DE MINIMIS AND
THAT PUBLIC INTEREST WILL NOT BE PREJUDICED BY
EXPANSION OF MARKHAMS COUNTY HIGHWAY FACILITY**

Pursuant to Section 206 (D) of the
Eminent Domain Procedure Law.

WHEREAS, Act 120-2009 authorized the Chairman of the Cattaraugus County Legislature to acquire lands or rights or interests therein for the expansion of the County Highway facility in Markhams by condemnation pursuant to Articles 2 and 3 of the Eminent Domain Procedure Law, and

WHEREAS, the County is about to acquire the lands or rights or interests described in Act 120-2009, reputedly owned by Richard L. Sigl and Ralph J. Sigl, and

WHEREAS, the parcel to be acquired in fee simple is described in Act 120-2009, now, therefore, be it

RESOLVED, that it is the opinion of the Cattaraugus County Legislature that the acquisition of the above-described real property, reputedly owned by Richard L. Sigl and Ralph J. Sigl, is de minimis in nature

and that the public interest will not be prejudiced by the expansion of the Markhams County Highway facility, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby determines that, pursuant to Section 206 (D) of the Eminent Domain Procedure Law, the aforementioned acquisition is exempt from a public hearing as required by Section 201 of the Eminent Domain Procedure Law, and be it further

RESOLVED, that the Chairman of the Cattaraugus County Legislature is hereby authorized to institute a proceeding pursuant to Articles 2 and 3 of the Eminent Domain Procedure Law to acquire the aforementioned real property.

Approved by 7 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted March 11, 2009 by voice vote.

ACT NO. 122-2009 by Mr. Giardini
and Mr. Ellis

**AUTHORIZING THE COUNTY ATTORNEY TO NEGOTIATE
FAIR MARKET VALUE AND MAKE OFFER TO PURCHASE
CERTAIN PROPERTY LOCATED IN TOWN OF DAYTON FROM
RICHARD L. SIGL AND RALPH J. SIGL**

Pursuant to Article 3 of the Eminent Domain Procedure Law.

WHEREAS, Act 120-2009 authorized the Chairman of the Cattaraugus County Legislature to acquire lands or rights or interests therein for the expansion of the County Highway facility in Markhams, by condemnation pursuant to Articles 2 and 3 of the Eminent Domain Procedure Law, and

WHEREAS, pursuant to Section 302 of the Eminent Domain Procedure Law, the County must have real property, which is to be acquired by condemnation, appraised, and

WHEREAS, pursuant to Section 303 of the Eminent Domain Procedure Law, the County must make a written offer to represent just compensation for the real property to be acquired, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County Attorney to negotiate the fair market value of the above-described property and make an offer for the purchase of the same.

Approved by 7 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted March 11, 2009 by voice vote.

ACT NO. 123-2009 by Mr. Vecchiarella
and Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Murphy, Mr. Neal, Mr. O'Brien,
Mr. Teachman, Mr. Boser, Mr. Hebdon, Mr. McClune and Mr. Padlo¹

**AUTHORIZING THE CHAIR TO EXECUTE MEMORANDUM OF UNDERSTANDING
WITH NEW YORK STATE EMERGENCY MANAGEMENT OFFICE
FOR NY-ALERT
(Office of Emergency Services and Sheriff's Office)**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Office of Emergency Services and the Sheriff's Office are desirous of entering into a Memorandum of Understanding (MOU) with the New York State Emergency Management Office (SEMO) for NY-ALERT, and

WHEREAS, this MOU is designed to integrate SEMO's NY-ALERT All-Hazards Alert and Notification system into the County's emergency alerting program, and

WHEREAS, the County Office of Emergency Services and the Sheriff's Office may participate in the aforementioned MOU at no cost to the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a memorandum of understanding, on behalf of Cattaraugus County, with the New York State Emergency Management Office, for the provision of the above-described services, for a term commencing March 11, 2009 to continue in full force and effect until terminated by either party on sixty (60) days written notice, according to the above-described terms.

Approved by 7 members of the Finance Committee and 7 members of the Public Safety Committee.

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Murphy, Mr. Neal, Mr. O'Brien, Mr. Teachman, Mr. Boser, Mr. Hebdon, Mr. McClune and Mr. Padlo".

Adopted March 11, 2009 by voice vote.

ACT NO. 124-2009 by Mr. Ellis, Mr. Neal and Mr. Snyder
and Mr. Aiello¹

**CREATING ONE POSITION OF EMPLOYMENT SPECIALIST IN DEPARTMENT OF
SOCIAL SERVICES AND ESTABLISHING COMPENSATION FOR SAME
(SOCIAL SERVICES)**

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

WHEREAS, Act 524-2008 authorized the Chair to apply for funding through New York State Division of Probation and Correctional Alternatives for Alternative to Incarceration Programs for jail diversion and/or re-entry in New York State, and

WHEREAS, this funding has been approved by the New York State Division of Probation and Correctional Alternatives in the amount of \$178,910, and

WHEREAS, implementation of the program requires the services of an additional Employment Specialist in the Department of Social Services who would assist eligible individuals who are released from prison with job searches, creation of resumes, and related issues, and

WHEREAS, there are no increased costs to the County for the additional staff, and

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

RESOLVED, that effective immediately, there is hereby created one position of Employment Specialist in the Department of Social Services to be compensated at Grade 20 (\$18.01-\$20.05 per hour), General Bargaining Unit, and be it further

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

Approved by 7 members of the Finance Committee, 7 members of the Public Safety Committee and 6 members of the Human Services Committee.

¹ The following Legislator requested his name be listed as an additional sponsor: "Mr. Aiello".

Adopted March 11, 2009 by voice vote.

ACT NO. 125-2009 by Mr. Snyder
and Mr. Aiello¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
CATTARAUGUS REHABILITATION CENTER, INC. FOR DEPARTMENT OF
SOCIAL SERVICES SAFETY NET ASSISTANCE PROGRAM**

Pursuant to Section 158 of the Social Services Law, 18 NYCRR Section 387.13(n) and Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 564-2007 authorized a contract with Cattaraugus Rehabilitation Center, Inc., through The Employment Connection, for the provision of Safety Net Assistance Services for hard-to-place/serve single recipients with significant barriers to obtain long-term independence, the term of which expired September 30, 2008, and

WHEREAS, the Department of Social Services has been awarded funding in the amount of \$81,700, for the provision of the Safety Net Assistance Program, as follows:

Safety Net Assistance Program (SNAP) Funds	\$30,000.00
Flexible Fund for Family Services (FFFS) Funds	\$51,700.00,

and

WHEREAS, The Employment Connection, a division of the Cattaraugus Rehabilitation Center, Inc., 1439 Buffalo Street, Olean, New York 14760, shall provide the aforementioned services to hard-to-place/serve recipients for an amount not to exceed \$81,700, payable in monthly installments of \$6,808.33, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus

County, with the Cattaraugus Rehabilitation Center, Inc., for the provision of the aforementioned services, for a term commencing October 1, 2008 and terminating December 31,² 2009, according to the above-described terms.

Approved by 7 members of the Finance Committee and 6 members of the Human Services Committee.

¹ The following Legislator requested his name be listed as an additional sponsor: "Mr. Aiello".

² MR. McLARNEY moved, seconded by Mr. O'Brien to amend Act No. 125-2009 as follows: In the Resolved, delete: "September 30" and replace with: "December 31". Carried.

Adopted, as amended, March 11, 2009 by voice vote.

ACT NO. 126-2009 by Mr. Snyder
and Mr. Aiello and Mr. Teachman¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
OLEAN YMCA, INC. FOR DEPARTMENT OF SOCIAL SERVICES
COMMON SENSE PARENTING TRAINING**

Pursuant to CFDA 93.667, 18 NYCRR Parts 405 and 423.4(f) and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 157-2008 authorized a contract with Olean YMCA, Inc., 1101 Wayne Street, Olean, New York 14760, for the provision of parenting training to staff and clients, the term of which expired December 31, 2008, and

WHEREAS, the County Department of Social Services is desirous of providing the aforementioned training again, which will be provided with the assistance of the Western New York Psychiatric Center at no cost to the County, and

WHEREAS, the "Common Sense Parenting Training" will be held at the Olean YMCA, for an amount of \$1,250 per a course of six sessions for three (3) full courses, for a total not to exceed \$3,750, which covers the rental of the training room and the provision of necessary day care services during the training, and

WHEREAS, this training is funded with 65% state funds and 35% county funds, and

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

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Olean YMCA, Inc., for the provision of the above-described parent training services for a term commencing March 1, 2009 and terminating December 31, 2009, according to the above-described terms, and be it further

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

Approved by 7 members of the Finance Committee and 6 members of the Human Services Committee.

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello and Mr. Teachman".

Adopted March 11, 2009 by voice vote.

ACT NO. 127-2009 by Mr. Snyder
and Mr. Aiello, Mr. Teachman and Mr. Padlo¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
GREATER OLEAN AREA CHAMBER OF COMMERCE, INC. FOR
EXHIBIT BOOTH AT 2009 HOME & GARDEN SHOW**

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

WHEREAS, Act 132-2008 authorized the Chair to execute a contract with the Greater Olean Area Chamber of Commerce, Inc., for the rental of exhibit booths at the 2008 Olean Area Home & Garden Show, and

WHEREAS, the County Department of Health is desirous of renting an exhibit booth for the 2009 Olean Area Home & Garden Show, to be held at the William O. Smith Recreation Center from April 17, 2009 through April 19, 2009, and

WHEREAS, the Greater Olean Area Chamber of Commerce, Inc., 120 North Union Street, Olean, New York 14760, has agreed to rent a single booth to the County Department of Health for an amount of \$328, to be paid by Southern Tier Health Care System for the County Health Department, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Greater Olean Area Chamber of Commerce, Inc., for the rental of the above-described space, for a term commencing April 17, 2009 and terminating April 19, 2009, according to the above-described terms.

Approved by 7 members of the Finance Committee, 6 members of the Development and Agriculture Committee and 6 members of the Human Services Committee.

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Mr. Teachman and Mr. Padlo".

Adopted March 11, 2009 by voice vote.

ACT NO. 128-2009 by Mr. Snyder
and Mr. Teachman¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN MEDICAL GROUP, LLP FOR HEALTH DEPARTMENT
AUDIOLOGY SERVICES**

Pursuant to 10 NYCRR 763.3, Section 3602 of the Public
Health Law and Section 450 of the County Law.

WHEREAS, Act 393-2005 authorized a contract with the Olean Medical Group, 535 Main Street, Olean, New York 14760, for the provision of audiology services for patients of the County Health Department Home Health Care Program, the term of which expired June 30, 2007, and

WHEREAS, the County Health Department is desirous of renewing the aforementioned contract, and

WHEREAS, Olean Medical Group, LLP, has agreed to provide audiology services to County Health Department patients at the following rates:

Audiology Services	\$60 per visit (all inclusive)
Attendance at Mandatory	\$30 per hour
Administrative Meetings,	

and

WHEREAS, this program is 100% state and federally reimbursable, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Olean Medical Group, LLP, for the provision of the above-described services, for a term commencing July 1, 2007 and terminating December 31, 2011, according to the above-described terms, and be it further

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

Approved by 7 members of the Finance Committee and 6 members of the Human Services Committee.

¹ The following Legislator requested his name be listed as an additional sponsor: "Mr. Teachman".

Adopted March 11, 2009 by voice vote.

ACT NO. 129-2009 by Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
CORNELL COOPERATIVE EXTENSION FOR HEALTH DEPARTMENT
REPRODUCTIVE HEALTH EDUCATOR ¹**

Pursuant to 10 NYCRR Part 40-1 and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 62-2008 authorized a contract with Cornell Cooperative Extension, 28 Parkside Drive, Ellicottville, New York 14731, for the provision of services of a Reproductive Health Educator for the County Health Department Family Planning Clinics, the term of which expired December 31, 2008, and

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

WHEREAS, Cornell Cooperative Extension has agreed to perform the aforementioned reproductive health educator¹ services for the Family Planning Clinics, for an amount as follows:

"Wages: 35 hours/week @ \$21.02/hour	\$38,256.40
Associated Costs @ 6.0%	<u>\$ 2,295.38</u>
	\$40,551.78

Plus approved mileage at the rate of \$.445 per mile
Approved expenses will be reimbursed at cost."

and

WHEREAS, this program is 100% funded through the Family Planning Grant, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Cornell Cooperative Extension 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

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

Approved by 7 members of the Finance Committee and 6 members of the Human Services Committee.

¹ MR. SNYDER moved, seconded by Mr. Vecchiarella to amend Act No. 129-2009 as follows: In the title and in the third Whereas, delete: "/RN". Carried.

Adopted, as amended, March 11, 2009 by voice vote.

ACT NO. 130-2009 by Mr. Snyder
and Mr. Aiello and Mr. Teachman¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN BUSINESS INSTITUTE FOR WORK STUDY INTERNSHIP PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 374-2007 authorized a contract with Olean Business Institute, 301 North Union Street, Olean, New York 14760, for participation in a work study internship program with Olean Business Institute, the term of which expired December 31, 2008, and

WHEREAS, the County Department of Community Services is desirous of renewing the aforementioned contract, and

WHEREAS, Olean Business Institute has agreed to provide an intern at no cost to the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Olean Business Institute, for the provision of the above-described services, for a term commencing March 1, 2009 and terminating December 31, 2010, according to the above-described terms.

Approved by 7 members of the Finance Committee and 6 members of the Human Services Committee.

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello and Mr. Teachman".

Adopted March 11, 2009 by voice vote.

ACT NO. 131-2009 by Mr. Neal

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
AMERICAN HEALTH CARE, INC. FOR DEPARTMENT OF NURSING HOMES
MEDICARE PARTS A & B MEDICAL SUPPLIES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 636-2007 authorized a contract with American Health Care, Inc., The Concourse Center, 4039 Genesee Street, Buffalo, New York 14225, for the purchase of medical supplies, including Prosthetic Supplies and Enteral Supplies for residents who are eligible to receive benefits under Part A and Part B of the Medicare program and/or non-Medicare-eligible residents, and

WHEREAS, the Department of Nursing Homes is desirous of renewing the aforementioned contract at no cost to the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with American Health Care, Inc., for the provision of the above-described services, for a term commencing October 31, 2008 and terminating January 31, 2010, with the mutual option to renew for additional successive one year terms under the same terms and conditions, according to the above-described terms.

Approved by 7 members of the Finance Committee and 5 members of the Senior Services Committee.

Adopted March 11, 2009 by voice vote.

ACT NO. 132-2009 by Mrs. Abers and Mr. Ward

**LOCAL LAW NUMBER 1-2009
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW REGARDING THE CONDUCT BY COUNTY EMPLOYEES OF FOR-PROFIT
BUSINESSES ON COUNTY PROPERTY**

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 conduct of for-profit businesses on County-owned, County-leased or County-controlled property by County employees.

SECTION 2. Property Use Prohibition. No County employee shall conduct a for-profit business on any County-owned, County-leased or County-controlled property or utilize County-owned equipment or supplies for purposes of conducting a for-profit business; this prohibition shall not bar a County employee from providing assessment services to a town or city in Cattaraugus County.

SECTION 3. Severability. If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, then such

adjudication, shall not 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 4. 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 5. Effective Date. This Local Law shall take effect immediately.

Referred to the Finance Committee, the County Operations Committee and the Labor Relations Committee.

ACT NO. 133-2009 by Mrs. Abers and Mr. Ward

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 1 - 2009

Pursuant to Section 20 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on March 11, 2009, a proposed Local Law entitled "A Local Law Regarding the Conduct by County Employees of For-Profit Businesses on County Property", and

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

RESOLVED, that a public hearing shall be held on the proposed Local Law by this County Legislature on the 25th day of March, 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.

Referred to the Finance Committee, the County Operations Committee and the Labor Relations Committee.

ACT NO. 134-2009 by Mrs. Abers
who asks immediate consideration

**AUTHORIZING ACCEPTANCE OF NEEDS ASSESSMENT STUDY TO EXAMINE
EFFICIENCY OF EXISTING ASSESSMENT ADMINISTRATION**

Pursuant to Section 1532 of the Real Property Tax Law.

WHEREAS, Act 526-2008 authorized the Chair to execute a contract with the New York State Office of Real Property Services for a needs assessment study to examine the efficiency of the existing assessment administration and make recommendations for more equitable assessment practices county-wide, and

WHEREAS, the County Real Property Tax Service Agency has received an amount of \$25,000 for the aforementioned needs assessment study, and

WHEREAS, the County Real Property Tax Service Agency will receive an additional amount of \$25,000 through the New York State Office of Real Property Services upon the conclusion of the above-described study, and

WHEREAS, Jerome Bukiewicz d/b/a The Bukiewicz Organization, 1611 Zack Hinton Parkway South, McDonough, Georgia 30253, has completed the aforementioned needs assessment study, and

WHEREAS, the Cattaraugus County Legislature should accept the aforementioned needs assessment study so that the County Real Property Tax Service Agency can receive the remaining funding, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby accepts the aforementioned needs assessment study conducted by Jerome Bukiewicz d/b/a The Bukiewicz Organization.

MR. BURRELL moved, seconded by Mr. Hebdon to waive Rule 12. Carried.

Adopted March 11, 2009 by voice vote.

ACT NO. 135-2009 by Mrs. Abers
*and Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McLarney,
Mr. Murphy, Mr. Neal, Mr. O'Brien, Mr. Snyder, Mr. Teachman,
Mr. Vecchiarella, Ms. Vickman, Mr. Boser, Mr. Giardini,
Mr. Hebdon, Mr. McClune, Mr. Padlo, Mr. Sprague,
Mr. Ward and Mrs. Witte¹*
who ask immediate consideration

**SUPPORTING ASSEMBLY BILL A.5952 REGARDING AMENDING
NEW YORK STATE VEHICLE AND TRAFFIC LAW TO ALLOW A PERSON TO OPERATE A FIRE
TRUCK WITHOUT POSSESSING A COMMERCIAL DRIVERS LICENSE**

Pursuant to Section 153 of the County Law.

WHEREAS, the Federal Motor Carrier Safety Administration allows each state to provide a waiver for commercial drivers' license requirements for first responders, and

WHEREAS, historically, New York State laws have provided this waiver to allow firefighters in New York State to operate fire vehicles with Class D licenses, and

WHEREAS, the New York State Legislature adopted Chapter 60 of the Laws of 2005 which prohibits emergency service responders with Class D licenses from operating emergency vehicles after the emergency in question has concluded, and

WHEREAS, the 2005 New York State legislation allows the first responder to drive a fire vehicle to the scene of an emergency; however, after conclusion of the fire emergency, the first responder is in violation of the law when he/she drives the truck back to the fire house, and

WHEREAS, Assembly Bill A.5952 has been introduced as corrective legislation, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby supports adoption of Assembly Bill A.5952, and its companion bill in the New York State Senate, to amend the New York State Vehicle and Traffic Law for the above-described reasons, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Governor Paterson, Assembly Speaker Silver, State Senate Majority Leader Smith, Senator Young, Assembly

Member Giglio, the New York State Association of Counties and the Western New York Inter-County Association.

MR. O'BRIEN moved, seconded by Mr. Ward to waive Rule 12. Carried.

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Murphy, Mr. Neal, Mr. O'Brien, Mr. Snyder, Mr. Teachman, Mr. Vecchiarella, Ms. Vickman, Mr. Boser, Mr. Giardini, Mr. Hebdon, Mr. McClune, Mr. Padlo, Mr. Sprague, Mr. Ward and Mrs. Witte".

Adopted March 11, 2009 by voice vote.

ACT NO. 136-2009 by Mrs. Abers, Mr. Aiello, Mr. Burrell,
Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Murphy,
Mr. Neal, Mr. O'Brien, Mr. Snyder, Mr. Teachman,
Mr. Vecchiarella, Ms. Vickman, Mr. Boser, Mr. Giardini,
Mr. Hebdon, Mr. McClune, Mr. Padlo, Mr. Sprague,
Mr. Ward and Mrs. Witte
who ask immediate consideration

**CONGRATULATING PIONEER PANTHERS
KYLE COLLING ON 2008-2009 DIVISION II
NEW YORK STATE WRESTLING CHAMPIONSHIP**

Pursuant to Section 153 of the County Law.

WHEREAS, Pioneer Central School District's Kyle Colling won the New York State Division II wrestling title on Saturday, February 28, 2009 at Albany's Times Union Arena, and

WHEREAS, Kyle Colling, 215 pounds, claimed the title with a 9 - 4 decision over previously undefeated 51-match winner Craig Amidon, a senior from Canisteo-Greenwood, and

WHEREAS, Kyle Colling, finished the season with a record of 39 - 1, and

WHEREAS, Kyle Colling should be commended for his hard work and dedication, which led to a successful season, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby congratulates Pioneer Central School District's Kyle Colling for his 2008-2009 Division II New York State Wrestling Championship, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Superintendent of Schools Jeffrey Bowen, Coaches Chris Edwards and Joe Necci and Kyle Colling.

MR. NEAL moved, seconded by Mrs. Witte to waive Rule 12. Carried.

Adopted March 11, 2009 by voice vote.

ACT NO. 137-2009 by Mr. Giardini
and Mr. Ellis
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH ABATE ASSOCIATES ENGINEERS & SURVEYORS, P.C.
FOR ENGINEERING SERVICES FOR
FEDERAL-AID HIGHWAY MAINTENANCE PROJECTS**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the County Department of Public works is in need of engineering services for various highway maintenance projects, and

WHEREAS, Abate Associates Engineers, & Surveyors, P.C., 4455 Genesee Street, P.O. Box 218, Buffalo, New York 14225-0218, can provide the necessary engineering services for an amount not to exceed \$150,000 on a cost plus basis, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Abate Associates Engineers & Surveyors, P.C., for the provision of the above-described services, for a term commencing March 11, 2009 and terminating December 31, 2010, according to the above-described terms.

MS. VICKMAN moved, seconded by Mr. Boser to waive Rule 12. Carried.

Adopted March 11, 2009 by voice vote.

ACT NO. 138-2009 by Senior Services Committee:
Mr. Neal, Mr. McClune, Mr. Ellis, Mr. Murphy,
Ms. Vickman, Mr. Boser and Mrs. Witte
who ask immediate consideration

APPOINTMENT OF DIRECTOR, DEPARTMENT OF AGING

Pursuant to Sections 204 and 205 of the County Law.

RESOLVED, that Cherianne Wold, 219 North Third Street, Olean, New York 14760 be, and hereby is, appointed Director, Department of Aging for a term commencing March 12, 2009 and terminating March 11, 2013 at an annualized salary of \$58,483 for 2009, and at any salary as may hereinafter be established, and be it further

RESOLVED, that Cherianne Wold be deemed a seventeen (17) year employee for purposes of qualifying for all benefits in such compensation and benefit package as established for Managerial and Confidential Officers and Employees.

MR. SNYDER moved, seconded by Mr. McClune to waive Rule 12. Carried.

Adopted March 11, 2009 by voice vote.

ACT NO. 139-2009 by Senior Services Committee:
Mr. Neal, Mr. McClune, Mr. Ellis, Mr. Murphy,
Ms. Vickman, Mr. Boser and Mrs. Witte
who ask immediate consideration

APPOINTMENT OF DIRECTOR OF DEPARTMENT OF NURSING HOMES

Pursuant to Sections 204 and 205 of the County Law.

RESOLVED, that Maureen Mooney-Myers, 1620 Haskell Road, Olean, New York, 14760 be and hereby is, appointed Director of the Department of Nursing Homes, for a term commencing March 12, 2009 and terminating March 13, 2013 at an annualized salary of \$89,000 for 2009, and at any such annual salary as may hereafter be established.

MR. MARSH moved, seconded by Mr. Padlo to waive Rule 12. Carried.

Adopted March 11, 2009 by voice vote.

MR. AIELLO moved, seconded by Mr. Boser to adjourn until March 25, 2009 at 3:00 p.m. Carried.

Meeting adjourned at 4:18 p.m.

Ann M. Giglio
Journal Clerk