

June 24, 2009

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

The invocation was given by Rev. Piatt.

The Attendance Roll Call disclosed one Legislator absent - Mr. Murphy.

MR. GIARDINI moved, seconded by Mr. Aiello that the minutes of the June 10, 2009 session be approved. Carried.

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COMMUNICATIONS:

William J. Aiello: Letter of Disclosure.

Dear Legislators:

This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #10 of the Cattaraugus County Legislature.

It is to further advise you that my son-in-law, Casey Austin, is employed by Cattaraugus County as a Part-Time Deputy Sheriff in the Sheriff's Office.

This letter is intended as a written disclosure of my official capacities as required by Section 803 of the General Municipal Law.

Sincerely,

William J. Aiello, County Legislator

NYS Department of Environmental Conservation: Copies of letters sent to Mr. Maurice Carmody, Mr. Douglas Ceisner and Ms. Marianne Harbeck regarding Freshwater Wetland FR-7 Map Amendment in the Town of Farmersville. These individuals own property within, or adjacent, to Wetland FR-7.

Olean Area Senior Citizens Clubs, Salamanca Area Senior Center, Great Valley Senior Citizens, Allegany 60 Plus Club and David Biscup: Letters supporting the passage of Local Law No. 4-2009.

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CHAIRMAN ABERS granted privilege of the floor to Ms. Vickman who introduced Lonnie Lewis, Representative of CSEA, who spoke against Act No. 359-2009. The Union wants the position kept "in-house", not contracted out. Sherry Ambuske, a Union Representative from the Department of Community Services, spoke against this position being filled by a contract agency and not by a union employee.

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APPOINTMENTS:

Workforce Investment Board:
Term to expire December 31, 2009

Sherry Grugel, Executive Director
Allegany County Chamber of Commerce
6087 State Road 19N
Belmont, New York 14813
(to fill the vacancy of Vonnie Walker who resigned)

Karen Knight, Human Resource Director
Olean General Hospital
515 Main Street
Olean, New York 14760
(to fill the vacancy of Jason Huffman who resigned)

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CHAIRMAN ABERS announced this is the time and place called for a public hearing on **Act No. 310-2009**, Local Law Number 3-2009, A Local Law Prohibiting the Use of Wireless Handsets to Compose, Read or Send Text Messages While Operating a Motor Vehicle in Cattaraugus County, asked that it be read and anyone wishing to speak for or against this local law, may now do so.

There being no one wishing to speak, CHAIRMAN ABERS declared the hearing closed.

Approved by 6 members of the Finance Committee and 5 members of the Public Safety Committee.

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Neal, Mr. Teachman and Ms. Vickman".

MR. O'BRIEN moved, seconded by Mr. McLarney to refer Act No. 310-2009 to the Finance Committee and the Public Safety Committee.

CHAIRMAN ABERS requested a Roll Call Vote to refer Act No. 310-2009 back to the Finance Committee and the Public Safety Committee which disclosed as follows:

Ayes: Burrell 1.0915, Marsh 1.0843, McLarney 1.0632, Neal 1.0843, O'Brien 1.0632, Sprague 1.0530, Vecchiarella 0.8834, Abers 1.0265 - 8.3494.

Nays: Aiello 0.8772, Boser 1.0094, Ellis 1.0875, Giardini 1.0094, Hebdon 1.0915, McClune 0.8834, Padlo 0.8772, Snyder 0.8772, Teachman 0.8772, Vickman 1.0915, Ward 1.0043, Witte 0.8772 - 11.563.

Motion failed.

CHAIRMAN ABERS requested a Roll Call Vote to adopt Act No. 310-2009 which disclosed as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Ellis 1.0875, Giardini 1.0094, Hebdon 1.0915, McClune 0.8834, McLarney 1.0632, Neal 1.0843, O'Brien 1.0632, Padlo 0.8772, Snyder 0.8772, Sprague 1.0530, Teachman 0.8772, Vecchiarella 0.8834, Vickman 1.0915, Witte 0.8772, Abers 1.0265 - 16.7323.

Nays: Burrell 1.0915, Marsh 1.0843 - 2.1758.

Act No. 310-2009, having received the majority vote of the Legislature, was declared Adopted.

CHAIRMAN ABERS announced this is the time and place called for a public hearing on **Act No. 312-2009**, 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), asked that it be read and anyone wishing to speak for or against this local law, may now do so.

There being no one wishing to speak, CHAIRMAN ABERS declared the hearing closed.

Approved by 5 members of the Finance Committee, 5 members of the Senior Services Committee and 5 members of the County Operations Committee.

CHAIRMAN ABERS requested a Roll Call Vote to adopt Act No. 312-2009 which disclosed as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Giardini 1.0094, McClune 0.8834, Neal 1.0843, Padlo 0.8772, Snyder 0.8772, Sprague 1.0530, Teachman 0.8772, Vecchiarella 0.8834, Vickman 1.0915, Witte 0.8772- 11.4004.

Nays: Burrell 1.0915, Ellis 1.0875, Hebdon 1.0915, Marsh 1.0843, McLarney 1.0632, O'Brien 1.0632, Abers 1.0265 - 7.5077.

Act No. 312-2009, having received the majority vote of the Legislature, was declared Adopted.

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ACT NO. 334-2009 by Mr. Giardini
and Mr. Ellis

BID ACCEPTANCE FOR PURCHASE OF NATURAL GAS
(Department of Public Works)

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the purchase of natural gas for the County Center building, the DPW Facility in Little Valley and the Pines Healthcare and Rehabilitation Center in Machias, according to specifications provided by the Public Works Committee, and

WHEREAS, Energy Enterprises, Inc., energy consultant for the County, has reviewed the bids submitted as well as the performance history of the bidders and has recommended that the County accept the bid of National Fuel Resources, Inc., 165 Lawrence Bell Drive, Suite 120, Williamsville, New York 14221-7817, for Method #1 - Firm Index Based Pricing with Trigger Option, as follows:

Basis Pricing shall be the difference between the monthly NYMEX, Henry Hub settlement price, as reported in the Wall Street Journal and the total price to the LDC. Each month this non-changing basis will be added to the appropriate monthly NYMEX settlement figure or the fixed NYMEX upon fixing.

Basis including shrinkage, upstream transportation, margin, etc. \$0.7050

The price can be fixed anytime during the contract term at the current NYMEX + Basis. Notice will be given to the marketer by noon of the day which the price shall be fixed.,

now, therefore, be it

RESOLVED, that the bid of National Fuel Resources, Inc., be, and the same hereby is, accepted for a term commencing September 1, 2009 and terminating August 31, 2010, and be it further

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.

Eight sets of specifications were sent out.

Two bids were received meeting specifications.

Approved by 9 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted June 24, 2009 by voice vote.

ACT NO. 335-2009 by Mr. Giardini
and Mr. Ellis

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH INTEGRYS ENERGY SERVICES OF NEW YORK, INC. FOR
PARTICIPATION IN UNFORCED CAPACITY ENERGY
CURTAILMENT PROGRAM**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the County Department of Public Works is desirous of participating in the unforced capacity energy curtailment program, and

WHEREAS, the purpose of the energy curtailment program is to reduce electrical demand during potential brownout/blackout events, and

WHEREAS, the County shall turn off various equipment, located in the two nursing homes, the DPW facility and the Olean Office Building, during peak electric usage periods as requested by Energy Curtailment Specialists, Inc., and in turn be paid for the amount of electricity saved, and

WHEREAS, IntegrYS Energy Services of New York, Inc., 3556 Lake Shore Road, Suite 420, Buffalo, New York 14219, shall reimburse the County an amount based on the amount of kilowatt hours that are reduced by the County reducing its Grid draw and going onto its generators in accordance with the current market rate for electricity per kilowatt hour, and

WHEREAS, there is no cost to the County for participating in the aforementioned energy curtailment program, 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 IntegrYS Energy Services of New York, Inc., for the provision of the above-described services, for a term commencing June 11, 2009 and continuing in full force and effect until terminated by either party hereto, according to the above-described terms.

Approved by 9 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted June 24, 2009 by voice vote.

ACT NO. 336-2009 by Mr. Giardini
and Mr. Ellis

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
WASTEWATER TECHNOLOGIES, INC. FOR OPERATION AND MAINTENANCE
SERVICES FOR PINES HEALTHCARE AND REHABILITATION
CENTER - MACHIAS CAMPUS ADVANTEX TREATMENT SYSTEM**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 337-2007 authorized a contract with Wastewater Technologies, Inc., P.O. Box 171, Three Mile Bay, New York 13693, for the provision of services for the operation and maintenance of the Advantex Treatment System at the Pines Healthcare and Rehabilitation Center - Machias Campus, the term of which expires June 14, 2009, and

WHEREAS, maintenance services are necessary to maintain the effluent quality of the system, and

WHEREAS, Wastewater Technologies, Inc., (WTI) shall provide operation and maintenance services for the Pines Healthcare and Rehabilitation Center - Machias Campus Advantex Treatment System, as follows:

- Year 1 - Quarterly Inspections:
 - WTI shall visit the site approximately once every quarter for the purpose of inspecting, cleaning and performing general O&M services;
 - WTI shall monitor the system using the existing TCOMM monitoring system;
 - Monthly inspections and emergency work are excluded;
- Year 2 - Quarterly Inspections & Training - Local Service Provider:
 - WTI shall visit the site approximately once every quarter for the purpose of inspecting, cleaning, performing general O&M services, and training a local service provider to take over on-site responsibilities;
 - WTI shall monitor the system using the existing TCOMM monitoring system;
 - Monthly inspections and emergency work are excluded and will be performed by the local service provider trained by WTI;
- Year 3 and Beyond - TCOMM Monitoring:
 - TCOMM monitoring will be provided by WTI until otherwise requested,

and

WHEREAS, Wastewater Technologies, Inc., can provide the above-described services in accordance with the following rate schedule:

7/1/2009 - 6/30/2010	\$7,500.00
7/1/2010 - 6/30/2011	\$8,400.00
7/1/2011 - 6/30/2012	\$1,200.00 annually thereafter,

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 Wastewater Technologies, Inc., for the provision of the above-described services, for a term commencing July 1, 2009 to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

Approved by 9 members of the Finance Committee, 8 members of the Public Works Committee and 7 members of the Senior Services Committee.

Adopted June 24, 2009 by voice vote.

ACT NO. 337-2009 by Mr. Ellis, Mr. Neal, Ms. Vickman,
Mr. Boser, Mr. McClune and Mrs. Witte

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
WENDEL DUCHSCHERER ARCHITECTS & ENGINEERS, P.C. FOR
INTERIOR FINISHING DESIGN SERVICES FOR
DEPARTMENT OF NURSING HOMES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 512-2006, as amended by Acts 162-2007, 314-2007, 107-2008 and 644-2008, authorized a contract with Wendel Duchscherer Architects & Engineers, P.C., 140 John James Audubon Parkway, Suite 201, Amherst, New York 14228, for the provision of professional services for capital improvement projects at the Pines Healthcare and Rehabilitation Center - Olean Campus, and

WHEREAS, the County Department of Public Works is desirous of completing the interior finishes of the Pines Healthcare and Rehabilitation Center - Olean Campus, and

WHEREAS, Wendel Duchscherer Architects & Engineers, P.C., will team with Jane Seibert of Roche & Company, to provide interior design and planning services for the Pines Healthcare and Rehabilitation Center - Olean Campus, for an amount of \$19,500, plus expenses for additional copies of documents and photocopies, postage and shipping expenses in connection with the services provided under this contract, and

WHEREAS, sufficient funds are included in the 2009 budget to cover the cost of the aforementioned projects, 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 Wendel Duchscherer Architects & Engineers, P.C., for the provision of the above-described services, for a term commencing June 25, 2009 and terminating December 31, 2010, according to the above-described terms.

Approved by 7 members of the Finance Committee, 5 members of the Public Works Committee and 6 members of the Senior Services Committee.

Adopted June 24, 2009 by voice vote.

ACT NO. 338-2009 by Mr. Neal

**AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENT
WITH HASLER FINANCIAL SERVICES LLC FOR
DEPARTMENT OF NURSING HOMES MAIL EQUIPMENT**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 566-2003 authorized a lease agreement with Ascom Hasler Leasing, 3400 Bridge Parkway Suite 201, Redwood City, California 94065, for mail equipment for the Pines Healthcare & Rehabilitation Center-Olean Campus, and

WHEREAS, the current mail equipment has become outdated and needs to be replaced, and

WHEREAS, Ascom Hasler Leasing has agreed to provide the following replacement equipment and maintenance for the Pines Healthcare & Rehabilitation Center-Olean Campus at the following State Bid price:

Hasler IM330 Digital Mailing System

- integrated 5 lb. Weight platform with all USPS rates,
- prints postage directly on envelopes or on self-adhesive postage labels,
- process up to 40 letters per minute with automatic moistening,
- integrated digital scale weighs envelopes & parcels up to 5 lbs and automatically sets the postage value,
- tracks postage transaction for up to 100 accounts,
- accounting data can be printed to a USB port, and
- Tele meter setting for easy postage replenishment

63 month lease \$39.49/month

- Fair market value purchase option at lease end

LTFY106 Total Funds Postage Meter \$35.00/month

- includes all postage downloads & USPS rate changes
- meter rental rate locked in for full lease term
- added to lease payment

Full Service Maintenance Agreement \$12.50/month

- includes all service to mailing system & interfaced scale
- added to lease payment

TOTAL LEASE PAYMENT \$86.99/month
(includes all of above items),

and

WHEREAS, various lease documents must be executed in connection with the leasing of the aforementioned equipment, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a lease agreement, on behalf of Cattaraugus County, with Hasler Financial Services, LLC, and related financing documents, for the leasing of the above-described equipment, for a term of 63 months commencing June 28, 2009 and terminating September 30, 2014, according to the above-described terms.

Approved by 9 members of the Finance Committee and 7 members of the Senior Services Committee.

Adopted June 24, 2009 by voice vote.

ACT NO. 339-2009 by Mr. Boser
and Mr. Aiello, Mr. Burrell, Mr. Neal, Mr. Teachman and Mr. Padlo¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
M. MARK HOWDEN FOR HUD SMALL CITIES COMMUNITY DEVELOPMENT
BLOCK GRANT AND EMPIRE STATE DEVELOPMENT CORPORATION
COMMUNITY DEVELOPMENT BLOCK GRANT LEGAL SERVICES**

Pursuant to 42 USCS 5301 and 5303, 24 CFR Part 570 and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 336-2008 authorized a contract with M. Mark Howden for the HUD Small Cities Community Development Block Grant and the Empire State Development Corporation Community Development Block Grant, the term of which expires July 31, 2009, and

WHEREAS, the Department of Economic Development, Planning and Tourism is desirous of renewing the aforementioned contract, and

WHEREAS, the Law Office of M. Mark Howden, Suite 615-616, Community Bank Building, 201 North Union Street, Olean, New York 14760, has agreed to provide specialized legal services on a limited basis as directly relating to delinquencies and collections, on behalf of Cattaraugus County, for an amount of \$150 per hour, for a total amount not to exceed \$4,000 for each program, plus costs and expenses, for legal fees and other legal incidentals, including court filings, court proceedings, court appearances, and all activities involved with garnishment of wages/collections for delinquent accounts of the above-described loan programs, and

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

RESOLVED, that the County Administrator be, and hereby is, authorized to execute a contract, on behalf of Cattaraugus County, with M. Mark Howden, for a term commencing August 1, 2009 and terminating July 31, 2010, 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 9 members of the Finance Committee and 7 members of the Development and Agriculture Committee.

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

Adopted June 24, 2009 by voice vote.

ACT NO. 340-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT
WITH HEALTHNOW NEW YORK, INC. D/B/A BLUE CROSS & BLUE SHIELD
OF WESTERN NEW YORK FOR HOME HEALTH SERVICES**

Pursuant to Article 44 of the Public Health Law and
Section 450 of the County Law.

WHEREAS, HealthNow New York, Inc., d/b/a Blue Cross & Blue Shield of Western New York, P.O. Box 80, Buffalo, New York 14240-0080, is organized and licensed to operate as a health service corporation and health maintenance organization, and

WHEREAS, Act 543-1999 authorized a contract for the County Health Department to participate as a provider of home health services covered under HealthNow New York, Inc., d/b/a Blue Cross & Blue Shield of Western New York, and

WHEREAS, HealthNow New York, Inc., d/b/a Blue Cross & Blue Shield of Western New York, has amended its rate schedule, effective August 1, 2009, as follows:

Rates as of 8/1/2009

<u>Home Health Care Service</u>	<u>Per Visit Rate</u>	<u>Hourly Rate</u>
Skilled Nursing	\$92.65	N/A
Physical Therapy	\$81.75	N/A
Occupational Therapy	\$81.75	N/A
Speech Therapy	\$92.65	N/A
Social Service ²	\$65.40	N/A

Home Health Aid	N/A	\$28.34
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Rates as of 8/1/2010

Skilled Nursing	\$99.14	N/A
Physical Therapy	\$87.47	N/A
Occupational Therapy	\$87.47	N/A
Speech Therapy	\$99.14	N/A
Social Service ²	\$69.98	N/A
Home Health Aid	N/A	\$30.32

Rates as of 1/1/2011

Skilled Nursing	\$106.08	N/A
Physical Therapy	\$93.59	N/A
Occupational Therapy	\$93.59	N/A
Speech Therapy	\$106.08	N/A
Social Services ²	\$74.88	N/A
Home Health Aid	N/A	\$32.44

² Social Services are only Covered Services for the Medicare + Choice HMO Coverage Plan.,
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 HealthNow New York, Inc., d/b/a Blue Cross & Blue Shield of Western New York, for the provision of the above-described services, for a term commencing August 1, 2009 and terminating December 31, 2011, with the option to renew the contract and renegotiate rates thereafter, according to the above-described terms.

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted June 24, 2009 by voice vote.

ACT NO. 341-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
KERRY MIHALKO FOR NUTRITIONIST SERVICES FOR
DEPARTMENT OF HEALTH**

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

WHEREAS, the Department of Health is in need of nutritionist services for its home health care program, and

WHEREAS, Kerry Mihalko, 255 Maple Avenue, Cassadaga, New York 14718, has agreed to provide the aforementioned nutritionist services at a rate of \$70 per initial visit and a rate of \$68 per visit thereafter, and

WHEREAS, this program is funded through federal, state and 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 Chairman of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Kerry Mihalko, for the provision of the above-described

nutritionist services, for a term commencing July 1, 2009 and terminating December 31, 2009, according to the above-described terms, and be it further

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

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted June 24, 2009 by voice vote.

ACT NO. 342-2009 by Mr. Neal and Mr. McClune

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
HARMONY INFORMATION SYSTEMS, INC. SYNERGY SOFTWARE TECHNOLOGIES FOR
DATA COLLECTION SYSTEM FOR DEPARTMENT OF AGING**

Pursuant to Section 95-a of the General Municipal Law and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 306-2008 authorized a contract with Synergy Software Technologies, Inc., 25 New England Drive, Essex Junction, Vermont 05452, for the implementation of a comprehensive data collection system to meet federal and state requirements, the term of which expires June 30, 2009, and

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

WHEREAS, Harmony Information Systems, Inc., Synergy Software Technologies, 25 New England Drive, Essex Junction, Vermont 05452, shall continue providing the aforementioned comprehensive data collection system, technical support and training for an amount of \$9,975, which includes the addition of I & R package, and

WHEREAS, sufficient funds are included in the 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 Synergy Software Technologies, Inc., 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.

Approved by 9 members of the Finance Committee and 7 members of the Senior Services Committee.

Adopted June 24, 2009 by voice vote.

ACT NO. 343-2009 by Mr. Vecchiarella
and Mr. Aiello, Mr. Ellis, Mr. Neal, Mr. O'Brien, Mr. Teachman,
Ms. Vickman, Mr. McClune, Mr. Padlo and Mr. Sprague¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK STATE
DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES FOR
PROBATION DEPARTMENT SORA RISK LEVELS 2 AND 3 SEX OFFENDER SUPERVISION**

Pursuant to 9 NYCRR Part 345 and Section 450 of the County Law.

WHEREAS, Act 302-2008, as amended by Act 576-2008, authorized a contract with the New York State Division of Probation and Correctional Alternatives for the SORA Levels 2 and 3 Sex offender supervision, the term of which expired March 31, 2009, and

WHEREAS, funding up to \$23,436 is available through the New York State Division of Probation and Correctional Alternatives for the provision of enhanced probation supervision to individuals classified as Sex Offender Registration Act (SORA) Risk Levels 2 and 3 Sex Offenders, and

WHEREAS, the Probation Department is desirous of obtaining the aforementioned funding to provide the enhanced probation supervision, and

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

Approved by 9 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. Ellis, Mr. Neal, Mr. O'Brien, Mr. Teachman, Ms. Vickman, Mr. McClune, Mr. Padlo and Mr. Sprague".

Adopted June 24, 2009 by voice vote.

ACT NO. 344-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CENTER FOR FAMILY UNITY, INC. FOR
DEPARTMENT OF SOCIAL SERVICES SUPERVISED VISITATION
FOR CHILDREN IN FOSTER CARE**

Pursuant to 42 U.S.C. 1397, et seq., and Section 450 of the County Law.

WHEREAS, Act 344-2008 authorized a contract with the Center for Family Unity, Inc., 4039 Route 219, Salamanca, New York 14779, for the provision of supervised visitation for children in foster care situations, in an effort to have the children returned to their homes, the term of which expires June 30, 2009, and

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

WHEREAS, the Center for Family Unity, Inc., can provide a staff person for approximately 20 hours per week for the provision of the aforementioned supervised visitation services for an amount not to exceed \$36,696, and

WHEREAS, this program is 100% federally funded, 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 Center for Family Unity, Inc., 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 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 9 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted June 24, 2009 by voice vote.

ACT NO. 345-2009 by Mr. Aiello and Mr. Snyder
and Mr. Teachman, Mr. Padlo and Mrs. Witte¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH CITY OF OLEAN FOR REIMBURSEMENT FOR OATS BUS SERVICE**

Pursuant to Public Law 104-1993, Section 119-o of the
General Municipal Law and Section 450 of the County Law.

WHEREAS, Act 496-2008 authorized a contract with the City of Olean for the operation of the O.A.T.S. bus service within the City, the term of which expired May 31, 2009, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned bus service within the City of Olean, and

WHEREAS, the County is desirous of reimbursing the City of Olean an amount of \$30,000 for transportation services provided to DSS-eligible recipients, and

WHEREAS, the City of Olean has agreed to provide the O.A.T.S. bus transportation services to DSS-eligible recipients, and

WHEREAS, these services are 100% federally funded, 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 City of Olean, for reimbursement for the provision of transportation services to DSS-eligible recipients, for a term commencing June 1, 2009 and terminating May 31, 2010, according to the above-described terms.

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

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

Adopted June 24, 2009 by voice vote.

ACT NO. 346-2009 by Mr. Aiello and Mr. Snyder
and Mr. Padlo and Mrs. Witte¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE
CONTRACT WITH OLEAN CITY SCHOOL DISTRICT FOR YOUTH
PLACEMENT PREVENTION PROGRAMMING**

Pursuant to 9 NYCRR Subpart 165-1, Section 501 of the Executive Law, and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 342-2008 authorized a contract with the Olean City School District, 410 West Sullivan Street, Olean, New York 14760, for the continuation of a placement prevention program to reduce the number of Cattaraugus County youth that are court-ordered to placement due to a history of PINS and/or juvenile delinquency behavior, the term of which expires June 30, 2009, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned program, and

WHEREAS, the Olean City School District, through its Community School Program, has agreed to continue the aforementioned placement prevention program for an amount up to \$52,553, and

WHEREAS, this program is 65% federal and 35% state funded, 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 City School District, for the provision of the above-described Youth Placement Prevention Programming, for a term commencing July 1, 2009 and terminating June 30, 2010, 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 9 members of the Finance Committee and 7 members of the Human Services Committee.

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Padlo and Mrs. Witte".

Adopted June 24, 2009 by voice vote.

ACT NO. 347-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS
WITH VARIOUS ENTITIES FOR DEPARTMENT OF SOCIAL SERVICES
PSYCHOLOGICAL EVALUATIONS AND ASSESSMENTS**

Pursuant to Section 251 of the Family Court Act and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 291-2008 authorized contracts with various entities for psychological evaluation and assessment services, which consist of interviews with clients, consultation with other care providers and case managers and preparation of reports, including recommendations for placement, treatment or custody/visitation, the terms of which expire June 30, 2009, and

WHEREAS, contracts are needed with various entities for the provision of the above-described services, with a maximum rate based on the current highest acceptable rate within the service area which are as follows:

<u>Position</u>	<u>Rate</u>
Doctor of Psychiatry	Not to Exceed \$185 per session
Psychologist	Not to Exceed \$185 per session
Licensed Mental Health Counselor	Not to Exceed \$110 per session
Family Counseling	Not to Exceed \$ 90 per session
Preparation & Court Testimony	Not to Exceed \$175 per hour
Testing	Not to Exceed \$160,

and

WHEREAS, if these services are needed in another state or in-state outside of Cattaraugus County, then the County will pay the state-approved rate for that provider in that jurisdiction, and

WHEREAS, this program is 65% state and 35% county funded, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with various entities, for the provision of the aforementioned court-ordered psychological assessments and evaluations, for a term commencing July 1, 2009 and terminating June 30, 2010, according to the above-described terms.

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted June 24, 2009 by voice vote.

ACT NO. 348-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS
WITH VARIOUS ENTITIES FOR RESIDENTIAL
INSTITUTIONAL FOSTER CARE**

Pursuant to 18 NYCRR Part 405 and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 292-2008 authorized contracts with various residential foster care institutions throughout New York State for the provision of residential-therapeutic foster care services in accordance with a New York State approved fee schedule for the approved listing of residential institutions throughout New York State, the terms of which expire June 30, 2009, and

WHEREAS, the County Department of Social Services has the responsibility of placing children at risk into foster care, and

WHEREAS, the County Department of Social Services is desirous of renewing the aforementioned contracts with various residential foster care institutions in accordance with a New York State fee schedule for the approved listing of residential institutions throughout New York State, and

WHEREAS, this program is 65% state and 35% county funded, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with various residential foster care institutions 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

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

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted June 24, 2009 by voice vote.

ACT NO. 349-2009 by Mr. Aiello and Mr. Snyder
and Ms. Vickman and Mr. Padlo¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
EVERYWOMAN OPPORTUNITY CENTER, INC. FOR DEPARTMENT OF
SOCIAL SERVICES TANF SERVICES GRANT FUNDING**

Pursuant to Public Law 104-1993 and Act 432-2002
of the Cattaraugus County Legislature.

WHEREAS, Act 374-2008 authorized a contract with Everywoman Opportunity Center, Inc., 132 North Union Street, Suite 107, Olean, New York 14760, for the provision of comprehensive pre-employment related and supportive services to TANF-eligible recipients and 200% TANF-eligible recipients, the term of which expired June 30, 2009, and

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

WHEREAS, Everywoman Opportunity Center, Inc., has agreed to continue the provision of the above-described services for TANF recipients for an amount of \$12,000, and

WHEREAS, this program is 100% federally funded through the Flexible Fund for Family 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 Everywoman Opportunity Center, Inc., 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.

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

¹ The following Legislators requested their names be listed as additional sponsors: "Ms. Vickman and Mr. Padlo".

Adopted June 24, 2009 by voice vote.

ACT NO. 350-2009 by Mr. Aiello and Mr. Snyder

and Mr. McClune and Mrs. Witte¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT
WITH CATTARAUGUS COMMUNITY ACTION, INC., FOR YOUTH
PLACEMENT PREVENTION PROGRAMMING**

Pursuant to 9 NYCRR Subpart 165-1, Section 501 of the Executive Law, and Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 343-2008 authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, P.O. Box 398, Salamanca, New York 14779, through its "Families and Schools Together Program", for the provision of a placement prevention program to reduce the number of Cattaraugus County youth that are court-ordered to placement due to a history of PINS and/or juvenile delinquency behavior, the term of which expires June 30, 2009, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned program, and

WHEREAS, Cattaraugus Community Action, Inc., through its "Families and Schools Together Program", will target specific school districts mutually agreed upon by both parties, except the Olean City School District, and has agreed to continue the aforementioned placement prevention program for an amount of \$160,606, and

WHEREAS, this program is 65% federal and 35% state funded, 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 Cattaraugus Community Action, Inc., for the provision of the above-described Youth Placement Prevention Programming, for a term commencing July 1, 2009 and terminating June 30, 2010, 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 9 members of the Finance Committee and 7 members of the Human Services Committee.

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. McClune and Mrs. Witte".

Adopted June 24, 2009 by voice vote.

ACT NO. 351-2009 by Mr. Aiello and Mr. Snyder
and Mr. McClune and Mrs. Witte¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COMMUNITY ACTION, INC. FOR
DEPARTMENT OF SOCIAL SERVICES TRUANCY PREVENTION PROGRAM**

Pursuant to Public Law 104-193 and
Section 450 of the County Law.

WHEREAS, Act 203-2009 authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, P.O. Box 308, Salamanca, New York 14779, for the implementation of a truancy prevention program in

Cattaraugus County, in an attempt to reduce the percentage of poor attendance and chronic absenteeism in area school districts, the term of which expires June 30, 2009, and

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

WHEREAS, Cattaraugus Community Action, Inc., has agreed to provide a truancy prevention program in Cattaraugus County for an amount not to exceed \$158,282, and

WHEREAS, this program is 100% federally funded, 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 Cattaraugus Community Action, Inc., 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.

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. McClune and Mrs. Witte".

Adopted June 24, 2009 by voice vote.

ACT NO. 352-2009 by Mr. Aiello and Mr. Snyder
and Mr. Teachman and Mrs. Witte¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT
WITH OLEAN YMCA FOR YMCA MEMBERSHIPS FOR FAMILIES WITH
CHILDREN AT RISK OF PLACEMENT**

Pursuant to 9 NYCRR Sections 771.6 and 771.7,
Public Law 104-193 and Act 432-2002 of the
Cattaraugus County Legislature.

WHEREAS, Act 39-2009 authorized a contract with the Olean YMCA, 130 South Union Street, Olean, New York 14760, for the provision of YMCA memberships for family activities for at-risk youth and families in an effort to reduce at-risk factors and out-of-home placement, for an amount of \$12,000, the term of which expires June 30, 2009, and

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

WHEREAS, the Olean YMCA has agreed to continue the provision of the above-described services for an amount of \$12,000, and

WHEREAS, this program is 100% federally funded, 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, 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

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

Approved by 9 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. Teachman and Mrs. Witte".

Adopted June 24, 2009 by voice vote.

ACT NO. 353-2009 by Mr. Aiello and Mr. Snyder
and Mr. Neal, Ms. Vickman, Mr. McClune and Mrs. Witte¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT
WITH CATTARAUGUS COMMUNITY ACTION, INC., FOR
NON-RESIDENTIAL SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Social Services)**

Pursuant to 18 NYCRR Parts 408 and 452.2(b), Article 6-A of the Social Services Law, Sections 363 and 366 of the County Law and Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 678-2008 authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, P.O. Box 308, Salamanca, New York 14779, for the provision of mandated approved non-residential services to victims of domestic violence, the term of which expires June 30, 2009, and

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

WHEREAS, Cattaraugus Community Action, Inc., has agreed to administer the aforementioned program at a cost not to exceed \$25,000, and

WHEREAS, this program is 100% federally funded, and

WHEREAS, various appropriation and revenue accounts must be adjusted, 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 Cattaraugus Community Action, Inc., for the administration of the above-described program, for a term commencing July 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, and be it further

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

Increase Estimated Revenue Account:

A.4618	FFFS	\$25,000.00
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Increase Appropriation Account:

A.6018.513	CCA Non-Residential DV	\$25,000.00.
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Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Neal, Ms. Vickman, Mr. McClune and Mrs. Witte".

Adopted June 24, 2009 by voice vote.

ACT NO. 354-2009 by Mr. Aiello and Mr. Snyder
and Mr. McClune and Mrs. Witte¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS
WITH VARIOUS ENTITIES FOR DEPARTMENT OF SOCIAL SERVICES
FAMILY GROUP CONFERENCING PROGRAM**

Pursuant to 18 NYCRR Parts 405 and 423 and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 525-2008 authorized contracts with various entities for a family group conferencing program in Cattaraugus County, the terms of which expire June 30, 2009, and

WHEREAS, the object of the family group conferencing program is to keep children safe and support family well-being, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned program, and

WHEREAS, various entities have agreed to develop and implement the above-described family group conferencing program, as follows:

Center for Family Unity, Inc. \$9,000.00
4039 Route 219
Salamanca, New York 14779

Cattaraugus Community Action, Inc. \$9,000.00
25 Jefferson Street
Salamanca, New York 14779

Parent Education Program, Inc. \$9,000.00
234 North Union Street
Olean, New York 14760,

and

WHEREAS, this program is 100% federally funded, now, therefore,
be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with the above-listed various entities, 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.

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. McClune and Mrs. Witte".

Adopted June 24, 2009 by voice vote.

ACT NO. 355-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS REHABILITATION CENTER, INC. FOR
DEPARTMENT OF SOCIAL SERVICES JOB READINESS PROGRAM AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Social Services)**

Pursuant to 42 U.S.C. 1397 et seq. and
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 307-2007 authorized a contract with the Cattaraugus Rehabilitation Center, Inc., 1439 Buffalo Street, Olean, New York 14760, for the provision of an instructor for the operation of the Rehabilitation Research and Training Institute (RRTI) job readiness program, the term of which expires June 30, 2009, and

WHEREAS, the County Department of Social Services has received FFFS funding for the continued operation of the aforementioned job readiness program, and

WHEREAS, Cattaraugus Rehabilitation Center, Inc., shall provide an instructor for the operation of the aforementioned job readiness program for an amount not to exceed \$10,200, and

WHEREAS, this program is 100% federally funded, and

WHEREAS, various appropriation and revenue accounts must be adjusted, 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 Cattaraugus Rehabilitation Center, Inc., 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

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

Increase Estimated Revenue Account:

A.4618	FFFS	\$5,100.00
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Increase Appropriation Account:

A.6018.506	Catt Rehabilitation Center	\$5,100.00.
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Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted June 24, 2009 by voice vote.

ACT NO. 356-2009 by Human Services Committee:

Mr. Snyder, Mr. Aiello, Mr. Marsh,
Ms. Vickman, Mr. Giardini, Mr. Ward and Mrs. Witte

**ABOLISHING ONE (1) POSITION OF COMPUTER OPERATOR AND
ONE (1) POSITION OF CLAIMS MANAGER IN DEPARTMENT OF
SOCIAL SERVICES AND CREATING ONE (1) POSITION OF DATA ENTRY OPERATOR AND
ONE (1) POSITION OF PRINCIPAL ACCOUNT CLERK IN THE DEPARTMENT OF
SOCIAL SERVICES AND ESTABLISHING COMPENSATION FOR SAME**

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

WHEREAS, the Department of Social Services is desirous of restructuring both its Systems Support Unit and its Accounting Unit in order to be more effective and cost efficient in providing its services, and

WHEREAS, this restructuring requires the redistribution of its staff as well as changes in the essential functions, duties and responsibilities associated with certain positions which subsequently requires the abolition of certain positions and additionally requires the creation of certain other positions, and

WHEREAS, the New Position Duties Statements associated with these proposed new positions have been submitted to the Cattaraugus County Civil Service Commission, which has approved their titles in accordance with Section 22 of the Civil Service Law, now, therefore, be it

RESOLVED, that effective July 5, 2009 at 11:59 p.m., there is hereby abolished one (1) position of Computer Operator, in the Department Of Social Services, and be it further

RESOLVED, that effective July 6, 2009, there is hereby created one (1) position of Data Entry Operator, in the Department of Social Services, to be compensated at Grade 14 (\$14.32 - \$16.90 per hour) of the General Bargaining Unit Salary Schedule, and be it further

RESOLVED, that effective August 2, 2009 at 11:59 p.m., there is hereby abolished one (1) position of Claims Manager, in the Department Of Social Services, and be it further

RESOLVED, that effective August 3, 2009, there is hereby created one (1) position of Principal Account Clerk, in the Department Of Social Services, to be compensated at Grade 19 (\$16.90 - \$20.18 per hour) of the General Bargaining Unit Salary Schedule.

Approved by 9 members of the Finance Committee and 4 members of the Labor Relations Committee.

MR. VECCHIARELLA moved, seconded by Mr. Neal to refer Act No. 356-2009 to the Human Services Committee, the Labor Relations Committee and the Finance Committee.

CHAIRMAN ABERS requested a Roll Call Vote to refer Act No. 356-2009 back to the Human Services Committee, the Labor Relations Committee and the Finance Committee which disclosed as follows:

Ayes: Boser 1.0094, Ellis 1.0875, Giardini 1.0094, Hebdon 1.0915, Marsh 1.0843, McClune 0.8834, Padlo 0.8772, Sprague 1.0530, Teachman 0.8772, Vecchiarella 0.8834, Vickman 1.0915, Witte 0.8772 - 11.825.

Nays: Aiello 0.8772, Burrell 1.0915, McLarney 1.0632, Neal 1.0843, O'Brien 1.0632, Snyder 0.8772, Abers 1.0265 - 7.0831.

Motion carried.

ACT NO. 357-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
THE REHABILITATION CENTER, INC. FOR DEPARTMENT OF
COMMUNITY SERVICES MEDICAID RISK ANALYSIS SERVICES**

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

WHEREAS, the County Department of Community Services is in need of Medicaid risk analysis and related consultant services for its mental health clinic and continuing day treatment programs, and

WHEREAS, Act 159-2009 authorized a contract with The Bonadio Group, 171 Sully's Trail, Pittsford, New York 14534, for the provision of Medicaid risk analysis services, and

WHEREAS, The Rehabilitation Center, Inc., 1439 Buffalo Street, Olean, New York 14760, can provide consulting services related to the development and implementation of corporate compliance procedures as recommended by The Bonadio Group's risk analysis feedback, for an amount not to exceed \$2,000, 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 Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with The Rehabilitation Center, Inc., for the provision of the above-described services, for a term commencing June 25, 2009 and terminating December 31, 2009, according to the above-described terms.

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted June 24, 2009 by voice vote.

ACT NO. 358-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
TOTAL SENIOR CARE, INC. FOR
THERAPEUTIC AND PSYCHIATRIC SERVICES
TO PACE PARTICIPANTS**

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

WHEREAS, Total Senior Care, Inc., is authorized by New York State Department of Health and the Centers for Medicare and Medicaid Services to operate a Program for All Inclusive Care for the Elderly (PACE Program) as a comprehensive program of services to participants, and

WHEREAS, Total Senior Care, Inc., 519 North Union Street, Olean, New York 14760, is desirous of obtaining therapeutic and psychiatric services

from the County Department of Community Services for PACE Program participants, and

WHEREAS, the Department of Community Services has agreed to provide therapeutic and psychiatric services to PACE Program participants in accordance with NYS Medicaid approved rates, 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 Total Senior Care, Inc., for the provision of the above-described therapeutic and psychiatric services, for a term commencing June 25, 2009 and terminating December 31, 2009, according to the above-described terms.

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted June 24, 2009 by voice vote.

ACT NO. 359-2009 by Mr. Aiello and Mr. Snyder
and Mr. McClune¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COMMUNITY ACTION, INC. FOR
SOCIAL WORKER/MENTAL HEALTH THERAPIST FOR DEPARTMENT OF
COMMUNITY SERVICES ADULT MENTAL HEALTH CLINIC**

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

WHEREAS, the County Department of Community Services is in need of social worker/mental health therapist services for the Adult Mental Health Clinic, and

WHEREAS, Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, can provide a social worker/mental health therapist for the Adult Mental Health Clinic for an amount of \$31,958, 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 Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Cattaraugus Community Action, Inc., for the provision of the above-described services, for a term commencing June 15, 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 9 members of the Finance Committee and 7 members of the Human Services Committee.

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

Adopted June 24, 2009 by voice vote.

ACT NO. 360-2009 by Mrs. Abers

APPOINTMENTS TO COMMUNITY SERVICES BOARD

Pursuant to Section 41.11 of the Mental Hygiene Law.

RESOLVED, that the following individuals are appointed to the Community Services Board:

Terms to expire December 31, 2009:

Laura Elliott-Engel, Executive Director	Cathleen Wright, Vice-President
Council on Addiction Recovery Services, Inc.	Patient Care Services
201 South Union Street	515 Main Street
Olean, New York 14760	Olean, New York 14760
(replacing Lesley Nephew)	(replacing Timothy Finan)

Term to expire December 31, 2011:

Matthew Bull
4122 Riceville Road
Machias, New York 14101
(replacing Theodore Gundlah)

Term to expire December 31, 2012:

Christopher Gruver
132 Adams Street
Olean, New York 14760
(replacing Theresa K. Simon).

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted June 24, 2009 by voice vote.

ACT NO. 361-2009 by Mr. Neal and Mr. McClune

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
VILLAGE OF LITTLE VALLEY FOR DEPARTMENT OF AGING
MEAL DELIVERIES**

Pursuant to Section 119-o of the General Municipal Law and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, the County Department of Aging is desirous of obtaining transportation for the delivery of meals to the homebound at the rate of \$1.25 per meal delivered within a six-mile radius of Little Valley, and

WHEREAS, the Department of Aging shall compensate the transportation fund maintained by the Village of Little Valley at the rate of \$1.25 per meal delivered within a six-mile radius of Little Valley, and

WHEREAS, this program is funded with 90% federal funds and 10% county funds, 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 Village of Little Valley for the provision of the above-described services, for a term commencing January 1, 2009 to continue in full

force and effect until terminated by either party hereto, according to the above-described terms, and be it further

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

Approved by 9 members of the Finance Committee and 7 members of the Senior Services Committee.

Adopted June 24, 2009 by voice vote.

ACT NO. 362-2009 by Mr. O'Brien
and Mr. Aiello and Mr. Teachman¹

**AMENDING ACT 431-2002 REGARDING
CATTARAUGUS COUNTY TRAVEL POLICY**

Pursuant to Section 104-b of the General Municipal Law.

WHEREAS, Act 431-2002 established a Cattaraugus County Travel Policy, and

WHEREAS, a new fee imposed by airlines when traveling is a luggage fee, and

WHEREAS, the County's Travel Policy should be modified to allow reimbursement for the luggage fees imposed by airlines, now, therefore, be it

RESOLVED, that Act 431-2002 is hereby amended as follows: In Section 3.4, add the following: ".5 Luggage fees imposed by airlines shall be a reimburseable expense."

Approved by 9 members of the Finance Committee and 6 members of the County Operations Committee.

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

Adopted June 24, 2009 by voice vote.

ACT NO. 363-2009 by Mrs. Abers
who asks immediate consideration

**APPOINTMENTS TO COMMUNITY SERVICES BOARD
ALCOHOL & SUBSTANCE ABUSE SUBCOMMITTEE**

Pursuant to Section 41.11 of the Mental Hygiene Law.

RESOLVED, that the following individuals are appointed to the Community Services Board Alcohol & Substance Abuse Subcommittee with terms to expire December 31, 2012:

Wendy Bourgeois, Commissioner
Department of Social Services
1 Leo Moss Drive
Olean, New York 14760

Christopher Gruver
132 Adams Street
Olean, New York 14760

Timothy Whitcomb, Undersheriff
County Sheriff's Office
301 Court Street
Little Valley, New York 14755

Gerald Zimmerman, Director
Probation Department
1 Leo Moss Drive
Olean, New York 14760,

and be it further

RESOLVED, that the following individual is appointed to the Community Services Board Alcohol & Substance Abuse Subcommittee with a term to expire December 31, 2009:

Laura Elliott-Engel, Executive Director
Council on Addiction Recovery Services, Inc.
201 South Union Street
Olean, New York 14760.

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

Adopted June 24, 2009 by voice vote.

ACT NO. 364-2009 by Mrs. Abers
who asks immediate consideration

**APPOINTMENT TO COMMUNITY SERVICES BOARD MENTAL
RETARDATION/DEVELOPMENTAL DISABILITIES SUBCOMMITTEE**

Pursuant to Section 41.11 of the Mental Hygiene Law.

RESOLVED, that the following individual is appointed to the Community Services Board Mental Retardation/Developmental Disabilities Subcommittee with a term to expire December 31, 2012:

Charles Ried
104 Clarence Street
Allegany, New York 14706.

MR. VECCHIARELLA moved, seconded by Mr. Boser to waive Rule 12. Carried.

Adopted June 24, 2009 by voice vote.

ACT NO. 365-2009 by Mrs. Abers
who asks immediate consideration

**APPOINTMENTS TO COMMUNITY SERVICES BOARD
MENTAL HEALTH SUBCOMMITTEE**

Pursuant to Section 41.11 of the Mental Hygiene Law.

RESOLVED, that the following individuals are appointed to the Community Services Board Mental Health Subcommittee with terms to expire December 31, 2012:

Dodi McIntyre

Theresa Wells

124 North 11th Street
Olean, New York 14760

917 Delaware Avenue
Olean, New York 14760

and be it further

RESOLVED, that the following individual is appointed to the Community Services Board Mental Health Subcommittee with a term to expire December 31, 2011:

Matthew Bull
4122 Riceville Road
Machias, New York 14101,

and be it further

RESOLVED, that the following individual is appointed to the Community Services Board Mental Health Subcommittee with a term to expire December 31, 2009:

Cathleen Wright, Vice-President
Patient Care Services
Olean General Hospital
515 Main Street
Olean, New York 14760.

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

Adopted June 24, 2009 by voice vote.

ACT NO. 366-2009 by Mrs. Abers
who asks immediate consideration

**APPOINTMENT TO JAMESTOWN COMMUNITY COLLEGE
REGIONAL BOARD OF TRUSTEES**

Pursuant to Section 6310(1-a) of the Education Law.

RESOLVED, that the following individual is hereby appointed to the Jamestown Community College Regional Board of Trustees until June 30, 2016:

James Joseph Snyder, Jr.
5241 South Burt Hill Road
Cuba, New York 14727,

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the President's Office of Jamestown Community College, 525 Falconer Street, Jamestown, New York 14702.

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

Adopted June 24, 2009 by voice vote.

ACT NO. 367-2009 by Senior Services Committee:

Mr. Neal, Mr. McClune, Mr. Ellis, Mr. Murphy,
Ms. Vickman, Mr. Boser and Mrs. Witte
who ask immediate consideration

**ABOLISHING ONE (1) POSITION OF LEISURE TIME ACTIVITIES AIDE IN
DEPARTMENT OF NURSING HOMES AND CREATING ONE (1) POSITION OF
ASSISTANT LEISURE TIME ACTIVITIES DIRECTOR IN
DEPARTMENT OF NURSING HOMES AND
ESTABLISHING COMPENSATION FOR SAME**

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

WHEREAS, the Department of Nursing Homes is desirous of
restructuring its Leisure Time Activities Unit at the Pines-Olean Campus, and

WHEREAS, this restructuring would allow the Leisure Time
Activities Director to focus on required charting, completing required
minimum data set (MDS) documentation as well as allow for more adequate
resident care plan meetings with both the interdisciplinary care team and
resident families, and

WHEREAS, this restructuring would also provide for the Assistant
Leisure Time Activities Director to organize, arrange and conduct leisure
time activities on behalf of the Leisure Time Activities Director, thereby
providing enhanced quality of services to the residents of the facility, and

WHEREAS, sufficient funds exist in the current budget to cover
the cost of this restructuring, and

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

RESOLVED, that effective immediately, there is hereby abolished
one (1) position of full time Leisure Time Activities Aide in the Department
of Nursing Homes, Pines-Olean Campus, and be it further

RESOLVED, that effective immediately, there is hereby created one
(1) position of full time Assistant Leisure Time Activities Director, in the
Department of Nursing Homes, Pines-Olean Campus, to be compensated at Grade
19 (\$15.62 - \$17.32 per hour, per 40 hour work week) of the General
Bargaining Unit.

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

Adopted June 24, 2009 by voice vote.

ACT NO. 368-2009 by Public Safety Committee:

Mr. Vecchiarella, Mr. Murphy, Mr. Aiello,
Mr. Neal, Mr. O'Brien, Mr. Hebdon and Mr. Padlo
who ask immediate consideration

**CREATING ONE (1) TEMPORARY POSITION OF SENIOR PROBATION OFFICER IN
DEPARTMENT OF PROBATION AND CORRECTIONAL ALTERNATIVES AND
ESTABLISHING COMPENSATION FOR SAME**

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

WHEREAS, the Department of Probation and Correctional
Alternatives has received funding from the NYS Department of Probation for

purposes of providing additional staff training in the area of cognitive, intervention, employment and program management, and

WHEREAS, this grant funding also provides for Cattaraugus County Jail and Prison Diversion and Re-Entry project program monitoring and evaluation, and

WHEREAS, these services will increase the efficiency and effectiveness of the Department of Probation and Correctional Alternatives at no cost to the County, and

WHEREAS, the New Position Duties Statement has been submitted to the Civil Service Commission, which has certified the title in accordance with Section 22 of the Civil Service law, now, therefore be it

RESOLVED, that effective immediately, there is hereby created one (1) position of Senior Probation Officer in the Department of Probation and Correctional Alternatives to be compensated at Grade 27 (\$19.94) of the part-time non-bargaining unit salary schedule, and be it further

RESOLVED, that effective December 31, 2009, this position shall automatically be abolished.

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

Adopted June 24, 2009 by voice vote.

ACT NO. 369-2009 by Mr. Aiello and Mr. Snyder
and Mrs. Abers, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McLarney,
Mr. Neal, Mr. O'Brien, 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

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR
PUBLIC ACCESS TO DEFIBRILLATION DEMONSTRATION PROJECT**

Pursuant to Section 313 of the Public Health Service Act,
42 U.S.C. Section 245 and Section 450 of the County Law.

WHEREAS, funding up to \$180,000 over a three (3) year period is available through the U.S. Department of Health and Human Services Office of Rural Health Policy for the Public Access to Defibrillation Demonstration Project, and

WHEREAS, the purpose of the grant program is to purchase automatic external defibrillators (AEDs), provide basic life training in the usage of AEDs, provide information to the local emergency medical services system regarding the placement of AEDs in unique settings, and to develop strategies to improve access to AEDs in public places, and

WHEREAS, the County Health Department will act as the grant recipient for the aforementioned project, and

WHEREAS, the County Health Department will also enter into a collaboration agreement with Chautauqua County, Allegany County, and the Seneca Nation of Indians for the purpose of sharing information and training regarding the use and placement of AEDs, and

WHEREAS, the County should apply for the aforementioned grant, and

WHEREAS, this grant program is 100% federally funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the U.S. Department of Health and Human Services, in order to apply for the Public Access to Defibrillation Demonstration Project Grant, according to the above-described terms.

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

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

Adopted June 24, 2009 by voice vote.

ACT NO. 370-2009 by Mr. Padlo
who asks immediate consideration

**ESTABLISHING COMPENSATION FOR ELECTION INSPECTORS,
ELECTION CHAIRS, ELECTION INSPECTOR COORDINATORS AND
POLLING SITE COORDINATORS FOR 2009**

Pursuant to Section 3-420 of the Election Law.

WHEREAS, the Election Consolidation and Improvement Act of 2005 requires that the County Legislature establish the compensation for Election Inspectors, Election Chairs and Election Coordinators, effective January 1, 2006, and

WHEREAS, the Commissioners of the Board of Elections recommend the following compensation schedule:

<u>Service</u>	<u>Election Inspectors</u>	<u>Election Chairs</u>	<u>Election Inspector Return Supplies</u>	<u>Election Inspector Coordinators</u>	<u>Polling Site Coordinators</u>
Training	\$25-\$40* per day	\$25-\$40* per day		\$25-\$40* per day	--
Primary Election	\$90 per day	\$10 extra	\$10 extra	\$90** per day	\$30/machine & \$10 additional machine
General Election	\$145 per day	\$10 extra	\$10 extra	\$145** per day	\$30/machine & \$10 additional machine
Local Day Registration	\$9 per hour				

*per meeting, depending on length of training session

**this fee may be paid where polling sites have been consolidated and contain four or more election districts

Note: whoever returns voting supplies to the County Board of Elections following elections and local day registrations will be reimbursed @ \$.505 per mile, and

WHEREAS, sufficient funds are included in the 2009 Board of Elections budget to cover these costs, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby establishes the above-described payment schedule for the above-described individuals for elections in Cattaraugus County during the year 2009.

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

Adopted June 24, 2009 by voice vote.

ACT NO. 371-2009 by Mr. Padlo
who asks immediate consideration

ESTABLISHING COMPENSATION FOR ELECTION CUSTODIANS FOR 2009 ELECTIONS

Pursuant to Section 3-302(6) of the Election Law.

WHEREAS, the Election Consolidation and Improvement Act of 2005 requires that the County Legislature establish the compensation for Election Custodians effective November 15, 2005, and

WHEREAS, the Commissioners of the Board of Elections recommend the following compensation schedule for lever machines:

<u>Service</u>	<u>Election Custodian</u>
Program Voting Machine	\$50.00 per machine
Verify and Certify Voting Machine	\$15.00 per machine
Training Session	\$25.00 per session
Mileage	\$.505 per mile*

*excluding mileage from home to first polling site and from last polling site to home and excluding training session mileage.
and

WHEREAS, the Commissioners of the Board of Elections recommend that election custodians be compensated at a rate of \$14 per hour for lever machines and Plan B machines, and

WHEREAS, the job duties and responsibilities of the voting machine custodians for Plan A and B are as follows:

- Receipt of all Sequoia Optical Scan Voting Machines,
- Physical inspection of all machines, according to checklist,
- Acceptance control of Mechanical Voting Machines and Sequoia Optical Scan Voting Machines,
- Inventory control of Mechanical Voting Machines and Sequoia Optical Scan Voting Machines,
- Inventory and storage of all ballots used,
- Transportation of Sequoia Optical Scan Voting Machines to and from poll sites in 2008 (Plan B),
- Maintain security at storage warehouse,
- Determine warehouse layout to be the most cost effective in terms of storage per square foot,
- Perform mandated quarterly testing of Optical Scan Voting Machines, and
- Any other duties deemed necessary.,

and

WHEREAS, sufficient funds are included in the 2009 Board of Elections budget to cover these costs, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby establishes the above-described payment schedule for the above-described individuals for the September 2009 primary and November 2009 general elections in Cattaraugus County.

MR. AIELLO moved, seconded by Mr. Boser to waive Rule 12. Carried.

Adopted June 24, 2009 by voice vote.

ACT NO. 372-2009 by Mr. Marsh and Mr. Padlo
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR ELECTION POLLING PLACES**

Pursuant to Section 4-104 of the Election Law and
Section 450 of the County Law.

WHEREAS, the Board of Elections, in consultation with each city, town and village in Cattaraugus County, has designated various polling places in each election district in which the meetings for the registration for voters and for any election may be held, and

WHEREAS, those polling places are needed for the primary election on September 15, 2009 and the general election on November 3, 2009, and

WHEREAS, those entities shall not charge Cattaraugus County for allowing the primary and general elections to be held at those polling places, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with various entities providing polling places designated by the Cattaraugus County Board of Elections for the above-described primary and general elections.

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

Adopted June 24, 2009 by voice vote.

ACT NO. 373-2009 by Mr. Aiello and Mr. Snyder
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS THROUGH
THE NEW YORK STATE OFFICE OF MENTAL HEALTH AND
THE NEW YORK STATE DEPARTMENT OF LABOR FOR FUNDING FOR
EDUCATION AND EMPLOYMENT OF MENTAL HEALTH RECIPIENTS**

Pursuant to American Recovery and Reinvestment Act of 2009 and
Section 450 of the County Law.

WHEREAS, American Recovery and Reinvestment Act funding is available through the New York State Office of Mental Health and the New York State Department of Labor to subsidize community college tuition for Mental

Health recipients who will be employed as peer-staff within the Mental Health system, and

WHEREAS, the purpose of the aforementioned funding is to promote the education and employment of Mental Health recipients, and

WHEREAS, the County should apply for the above-described funding, and

WHEREAS, this program is provided through 100% federal and state funding, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the New York State Office of Mental Health and the New York State Department of Labor, in order to apply for, and receive, the aforementioned funding, for a term commencing July 1, 2009 and terminating June 30, 2010, according to the above-described terms.

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

Adopted June 24, 2009 by voice vote.

ACT NO. 374-2009 by Mrs. Abers

and Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McLarney, 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

**REQUESTING GOVERNOR PATERSON TO IMMEDIATELY INVESTIGATE THE
JUVENILE OFFENDER PLACEMENT PROCEDURES UTILIZED BY THE
NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES**

Pursuant to Section 153 of the County Law.

WHEREAS, the incidents involving violent behavior among troubled youth, who are placed in residential treatment facilities and group homes in Western New York, is increasing at an alarming rate, and

WHEREAS, the following are a few examples of the violent behavior that has occurred recently:

- Renee Greco of Buffalo was allegedly beaten to death by two Rochester teens at the Avenue House in Lockport;
- A teenager in NYS Office of Children and Family Services Aftercare allegedly shot a Rochester police officer in the back of the head;
- There have been numerous police responses to the Gateway-Longview youth facility in Amherst where a youth counselor was allegedly assaulted;
- A Wyndham Lawn teen resident allegedly threatened to kill a youth worker and damaged her vehicle in Lockport; and
- Twelve teens at the Randolph Children's Home in Cattaraugus County ran away and later fought with staff and police causing a riotous situation, forcing authorities to use pepper spray to quell the melee,

and

WHEREAS, in light of the above-described rising violence, and noting the general direction toward placement of our most troublesome youth in contracted voluntary agencies, which precipitated the decision by the NYS Office of Children and Family Services to close the Great Valley and Limestone Detention facilities in Cattaraugus County, an immediate investigation and examination of the procedures used by the New York State Office of Children and Family Services to place juvenile offenders in residential treatment facilities and group homes should be conducted, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby requests Governor Paterson to order an immediate investigation and examination of the juvenile offender placement procedures utilized by the New York State Office of Children and Family Services, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby requests Governor Paterson conduct a thorough review of the entire juvenile justice system in New York State, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward copies of this resolution to Governor Paterson, Senators Maziarz, Stachowski, Thompson, Volker, Winner, and Young, Assembly Speaker Silver, Assembly Members Bacalles, Burling, Cole, DelMonte, Gabryszak, Giglio, Hawley, Hayes, Hoyt, Parment, Peoples, Quinn, Schimminger, Schroeder, and Gladys Carrion, Esq., Commissioner of NYS Office of Children and Family Services.

MR. MARSH moved, seconded by Mrs. Witte 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. 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 June 24, 2009 by voice vote.

ACT NO. 375-2009 by Mr. Aiello, Mr. Burrell, Mr. Ellis,
Mr. Marsh, Mr. McLarney, Mr. O'Brien, Mr. Snyder,
Ms. Vickman, Mr. Boser and Mr. Giardini
and Mr. Padlo¹
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
TOWN OF ALLEGANY FOR WATER AND SEWER LINE EXTENSION**

Pursuant to Section 119-o of the General Municipal Law,
Section 99-h of the State Finance Law and
Section 450 of the County Law.

WHEREAS, the Interstate 86 exit in the Town of Allegany has the potential for substantial development, and

WHEREAS, the area is lacking water and sewer lines which need to be extended from the Village of Allegany, and

WHEREAS, it is proposed that the County grant to the Town of Allegany the sum of \$200,000 to be used for extensions of the water and sewer lines from the Village of Allegany, along Route 417 to the West Five Mile Road at the Interstate 86 exit in the Town of Allegany, and

WHEREAS, the Town of Allegany should construct the water and sewer lines to be of sufficient capacity so that future development in the area could utilize the new infrastructure, and

WHEREAS, the County will grant the funds, provided that the water and sewer line extension is substantially completed by December 31, 2009, and

WHEREAS, it is estimated that the total project cost is slightly under \$1,000,000, and

WHEREAS, the Town of Allegany will seek funding from other sources for the balance of the project costs, and

WHEREAS, sufficient funds are included in the economic development fund from casino proceeds for the County grant portion, 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 Town of Allegany, according to the above-described terms, for a term commencing July 1, 2009 and terminating December 31, 2009.

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

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

Adopted June 24, 2009 by voice vote.

ACT NO. 376-2009 by Mr. Ellis and Mr. Murphy
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
VILLAGE OF CATTARAUGUS FOR FEASIBILITY STUDY FOR
REUSE OF OLD CATTARAUGUS SCHOOL**

Pursuant to Section 119-o of the General Municipal Law,
Section 99-h of the State Finance Law and
Section 450 of the County Law.

WHEREAS, the County is in the process of foreclosing on the old school property on Jefferson Street in the Village of Cattaraugus, and

WHEREAS, the Village of Cattaraugus is interested in acquiring the old school property in the Village of Cattaraugus from the County, and

WHEREAS, the Village is in need of \$6,500 to conduct a feasibility study to determine the feasibility of converting the school into apartments, and

WHEREAS, the Village has requested that the County provide the \$6,500 from the casino funds for the study, and

WHEREAS, sufficient funds are available in the economic development fund from the casino proceeds for this study, 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 Village of Cattaraugus, for the above-described purposes, according to the above-described terms, for a term commencing July 1, 2009 and terminating December 31, 2009.

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

MR. ELLIS moved, seconded by Mr. Boser to refer Act No. 376-2009 to the Development and Agriculture Committee and the Finance Committee. Carried.

ACT NO. 377-2009 by Mr. Snyder
and Mr. Aiello, Mr. Neal, Mr. Teachman, Mr. Boser, Mr. Giardini,
Mr. Padlo and Mr. Sprague¹
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
RECOGNITION STRATEGIC MARKETING COMMUNICATIONS, INC.,
D/B/A BULLPEN PR, FOR TOURISM PROMOTION IN CATTARAUGUS COUNTY**

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

WHEREAS, the County Department of Economic Development, Planning and Tourism is desirous of promoting tourism in Cattaraugus County, and

WHEREAS, Recognition Strategic Marketing Communications, Inc., d/b/a Bullpen PR, 431 St. Marie Street, Collingwood, Ontario Canada L9Y 3L1, can provide a public relations program consisting of a strong emphasis on media relations, as well as copywriting support, for the promotion of tourism in Cattaraugus County for an amount of \$20,000, and

WHEREAS, the cost for the aforementioned services will be paid for from casino proceeds, 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 Recognition Strategic Marketing Communications, Inc., d/b/a Bullpen PR, for the provision of the above-described services, for a term commencing June 25, 2009 and terminating December 31, 2009, according to the above-described terms.

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

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

Adopted June 24, 2009 by voice vote.

ACT NO. 378-2009 by Mr. O'Brien
who asks immediate consideration

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, various County roads are deteriorating and in need of repair, and

WHEREAS, the County is in receipt of ARRA Medicaid Stimulus Aid which can be used in whatever discretionary manner the County elects, and

WHEREAS, the County has elected to designate \$500,000 of the aforementioned stimulus aid to the milling and paving of County roads, and

WHEREAS, various appropriation and revenue accounts must be adjusted, now, therefore, be it

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

Increase Estimated Revenue Accounts:

A.4489	ARRA Medicaid Stimulus Aid	\$500,000.00
D.2810	Transfer from General Fund	\$500,000.00

Increase Appropriation Accounts:

A.9522.950	Transfer to County Road Fund	\$500,000.00
D.5110.459	Road Materials	\$500,000.00.

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

Adopted June 24, 2009 by voice vote.

ACT NO. 379-2009 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 GOWANDA CENTRAL SCHOOL'S CLIFF NEILSON ON
WINNING 2009 SECTION 6 DIVISION II 1,600 METER TRACK AND FIELD TITLE**

Pursuant to Section 153 of the County Law.

WHEREAS, Cliff Neilson placed first in the 2009 Section 6 Division II 1,600 meter competition on Saturday, June 6, 2009, at Pioneer Central School, and

WHEREAS, Cliff's winning time was 4:29.47, and

WHEREAS, Cliff should be commended for his hard work and dedication to his sport, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby congratulates Gowanda Central School District's Cliff Neilson for his 2009 Section 6 Division II 1,600 meter title, 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 Charles Rinaldi, Coach Zach Palcic, and Cliff Neilson.

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

Adopted June 24, 2009 by voice vote.

ACT NO. 380-2009 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 OLEAN CITY SCHOOL'S MATT ALLEN,
MATT JOHNSTON AND CHRIS RHINEHART ON WINNING 2009 SECTION 6
DIVISION II TRACK AND FIELD TITLES**

Pursuant to Section 153 of the County Law.

WHEREAS, Matt Allen placed first in the 2009 Section 6 pole vault competition on Saturday, June 6, 2009, at Pioneer Central School, and

WHEREAS, Matt's winning vault was 12 feet 6 inches, and

WHEREAS, Matt Johnston captured the top spot in the 110 meter hurdles race, and

WHEREAS, Matt's winning time was :15.08 seconds, and

WHEREAS, Chris Rhinehart took first place in the 400 meter race on the same day, and

WHEREAS, Chris's winning time was 49:99, and

WHEREAS, Matt Allen, Matt Johnston and Chris Rhinehart should be commended for their hard work and dedication to their sports, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby congratulates Olean City School District's Matt Allen, Matt Johnston and Chris Rhinehart for their 2009 Section 6 Division II track and field titles, 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 Colleen Taggerty, Coach Paul Ksionzyk, and Matt Allen, Matt Johnston and Chris Rhinehart.

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

Adopted June 24, 2009 by voice vote.

ACT NO. 381-2009 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 CENTRAL SCHOOL'S SPENCER LEFORT ON
WINNING 2009 SECTION 6 DIVISION II PENTATHLON TITLE**

Pursuant to Section 153 of the County Law.

WHEREAS, Pioneer Central School District's Spencer Lefort placed first in the 2009 Section 6 Division II pentathlon competition on Saturday, June 6, 2009, at Pioneer Central School, and

WHEREAS, Spencer finished the competition with a total of 3,156 points, and

WHEREAS, Spencer should be commended for his hard work and dedication to his sport, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby congratulates Pioneer Central School District's Spencer Lefort for his 2009 Section 6 Division II pentathlon title, 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, Coach Jim Dupre and Spencer Lefort.

MR. VECCHIARELLA moved, seconded by Mr. Boser to waive Rule 12. Carried.

Adopted June 24, 2009 by voice vote.

ACT NO. 382-2009 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 PORTVILLE CENTRAL SCHOOL'S JON JONES AND DEVON PEACE ON WINNING 2009 SECTION 6 DIVISION II TRACK AND FIELD TITLES

Pursuant to Section 153 of the County Law.

WHEREAS, Jon Jones placed first in the 2009 Section 6 Division II shot put competition on Saturday, June 6, 2009, at Pioneer Central School, and

WHEREAS, Jon's winning throw was 46 feet 6 inches, and

WHEREAS, Devon Peace placed first in the girls triple jump competition on the same day, and

WHEREAS, Devon's winning distance was 36 feet 5 $\frac{1}{4}$ inches, and

WHEREAS, Devon Peace broke a 20 year school record at the New York State Track and Field meet, jumping 37 feet 7 inches three times, and

WHEREAS, Jon and Devon should be commended for their hard work and dedication to their sports, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby congratulates Portville Central School District's Jon Jones and Devon Peace for their 2009 Section 6 Division II titles, 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 Thomas Simon, Coaches Charles Backus, Christina Matz and Kristie Keller, and Jon Jones and Devon Peace.

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

Adopted June 24, 2009 by voice vote.

ACT NO. 383-2009 by Mrs. Abers, Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Murphy,

Mr. Neal, Mr. O'Brien, Mr. Snyder, Mr. Teachman, Ms. Vickman,
Mr. Boser, Mr. Giardini, Mr. Hebdon, Mr. McClune, Mr. Padlo,
Mr. Sprague, Mr. Vecchiarella, Mr. Ward and Mrs. Witte
who ask immediate consideration

**CONGRATULATING RANDOLPH LADY CARDINALS SOFTBALL TEAM ON
WINNING 2009 CLASS C FAR WEST REGIONAL CHAMPIONSHIP**

Pursuant to Section 153 of the County Law.

WHEREAS, the second-seeded Randolph Lady Cardinals softball team beat the No. 1 seeded Cassadaga Valley Lady Cougars by 3-0 in the Section 6 Class C championship game on Friday, June 5, 2009, at Dunkirk's Prommenschenkell Stadium, and

WHEREAS, the Randolph Lady Cardinals softball team also beat the Perry Lady Yellowjackets on Tuesday, June 9, 2009, in Olean by a score of 10-4 to clinch the Far West Regional Championship, and

WHEREAS, the Randolph Lady Cardinals finished the season with a record of 18-2, and

WHEREAS, the team and coach should be commended for their hard work and dedication, which led to a successful season, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby congratulates Coach Robin Maycock and the Randolph Lady Cardinals softball team for their 2009 Class C Far West Regional Championship, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Kimberly Moritz, Superintendent of Schools, and Coach Robin Maycock.

MR. AIELLO moved, seconded by Mr. Giardini to waive Rule 12. Carried.

Adopted June 24, 2009 by voice vote.

ACT NO. 384-2009 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 ALLEGANY-LIMESTONE SCHOOL'S KAYLA STAYER,
STEPHANIE FOSTER, MALLORY CLARK AND MEGAN GRACE ON
WINNING 2009 SECTION 6 DIVISION II TRACK AND FIELD TITLES**

Pursuant to Section 153 of the County Law.

WHEREAS, Kayla Stayer, Stephanie Foster, Mallory Clark and Megan Grace placed first in the 2009 Section 6 Division II 400-meter run competition on Saturday, June 6, 2009, at Pioneer Central School, and

WHEREAS, the team's winning run was :50.89 seconds, and

WHEREAS, Mallory also placed first in the 200 meter event, and

WHEREAS, Mallory's winning time in that event was :26.42 seconds,

and

WHEREAS, Kayla Stayer, Stephanie Foster, Mallory Clark and Megan Grace should be commended for their hard work and dedication to their sport, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby congratulates Allegany-Limestone Central School District's Kayla Stayer, Stephanie Foster, Mallory Clark and Megan Grace for their 2009 Section 6 Division II titles, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Superintendent of Schools Diane Munro, Coaches Kathy Stamets and Brian Rohrabacher, and Kayla Stayer, Stephanie Foster, Mallory Clark and Megan Grace.

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

Adopted June 24, 2009 by voice vote.

MR. VECCHIARELLA moved, seconded by Mr. O'Brien to adjourn until July 22, 2009 at 3:00 p.m. Carried.

Meeting adjourned at 5:06 p.m.

Ann M. Giglio
Journal Clerk