

December 9, 2009

The meeting was called to order by Vice-Chairman Michael T. O'Brien.

The invocation was given by Rev. Piatt.

The Attendance Roll Call disclosed all Legislators present.

MR. SNYDER moved, seconded by Mr. Aiello that the minutes of the November 24, 2009 session be approved. Carried.

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COMMUNICATIONS:

Legislator Crystal J. Abers: Letter of resignation from the position of Legislator of District No. 1, effective 11:59 p.m., December 6, 2009.

Governor Paterson: Letter acknowledging receipt of Act Nos. 610-2009 and 611-2009.

New York State Department of State: Letter acknowledging receipt of Local Law Numbers 5, 6, and 7-2009 and the filing of the same.

New York State Department of Taxation and Finance: Letter acknowledging receipt of Act No. 462-2009.

New York State Department of Agriculture and Markets: Letter acknowledging receipt of Act No. 727-2009, review of the same, and the determination that Agricultural District No. 6 is eligible for districting.

Assembly Member Giglio: Letter acknowledging receipt of Act Nos. 610-2009 and 611-2009.

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Journal Clerk Giglio read a letter to Vice-Chairman O'Brien from Paula Snyder, Cattaraugus County Republican Chairman, recommending the appointment of Paula Stockman to fill the vacancy caused by Crystal Abers' resignation.

MR. VECCHIARELLA moved, seconded by Mr. Ellis to nominate Paula Stockman to fill the vacancy in Legislative District No. 1. Carried.

JUDGE HIMELEIN administered the oath of office to Mrs. Stockman.

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ACT NO. 636-2009 by Mr. O'Brien

**REVISING CATTARAUGUS COUNTY PURCHASING POLICY AND
RESCINDING ACT 432-2002**

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

WHEREAS, Act 432-2002 established a purchasing policy for Cattaraugus County, and

WHEREAS, Chapter 494 of the Laws of 2009 increased the bid limits for public works projects from \$20,000 to \$35,000, and

WHEREAS, the policy should be updated to reflect the aforementioned increase and other statutory changes, now, therefore, be it

RESOLVED, that Act 432-2002, and any previous purchasing policy, are hereby rescinded, effective December 10, 2009, and be it further

RESOLVED, that effective December 10, 2009, the following constitutes the Cattaraugus County Purchasing Policy:

Cattaraugus County Purchasing Policy

Section 1

Objectives

1.1 The objectives of the Cattaraugus County Purchasing Policy are as follows:

- Comply with the legal requirements of public purchasing
- Assure vendors of impartial and equal treatment
- Assure taxpayers that the County is receiving maximum dollar value
- Assure that departments have the necessary supplies needed for a specific task
- Keep purchases within budgetary limits by securing only those goods and services for which funds have been approved
- Participate in any and all cooperative purchasing programs that are statutorily permissible and approved for use by the County Legislature.

Section 2

General Guidelines

2.1 Application.

.1 This policy applies to contracts for the purchase of supplies, equipment, services and construction entered into by Cattaraugus County and its constituent departments and agencies, after the effective date of this policy.

.2 It shall apply to every expenditure of public funds by Cattaraugus County regardless of the source of the funds.

.3 When the purchase involves the expenditure of federal or state assistance or contract funds, the purchase shall be conducted in accordance with any mandatory applicable federal or state laws and regulations.

.4 Nothing in the policy shall prevent any public agency from complying with the terms and conditions of any grant, gift or bequest that is otherwise consistent with the law.

2.2 Planning.

.1 Planning for purchases should be done on both a short-term and long-term basis.

.2 Small orders and last minute purchases should be minimized, thereby increasing the capability of each department to purchase its goods and services in larger quantities which often offer discounts in payment terms.

.3 Planning will also minimize the amount of clerical and supervisory time spent on documenting purchases.

.4 Purchasing amounts larger than what will be needed in one fiscal year or what will not be used prior to the end of a material's shelf-life is discouraged.

.5 Large purchases or projects may require additional planning.

.1 In these instances, professional and/or technical assistance in preparing bid specifications and/or contract documents may be needed.

.2 The time needed to contact and secure the services of these types of resource people must be considered when in the planning stage.

.6 A further concern is the careful examination of applicable regulations in those cases where state or federal grant or loan funds are involved.

.1 These funds usually require recipients to meet specific bid requirements and specifications.

.2 Moreover, bids may need to be requested prior to confirmation that the grant or loan will be made to the County.

.3 The County and the bidder chosen must be aware of the additional record keeping and methods necessary to submit payment requests from the agency involved.

2.3 Overdrafts Prohibited.

.1 Purchases will not be authorized which would overdraw a budgetary account. Department Heads contemplating a purchase that may result in taking a line item over budget must contact the County Administrator.

2.4 Buying Proper Quality.

.1 Quality and service are just as important as price and it is the duty of the requisitioning department to secure the best quality for the purpose intended.

.2 Quality buying is the buying of goods or services that will meet, but not exceed, the requirements for which they are intended.

.3 In some instances, the primary consideration is durability.

.4 With other purchases, primary consideration may be immediate availability, ease of installation, frequency of repair or efficiency of operation.

.5 It is the responsibility of the Department Head to become familiar enough with the available goods or services to determine the appropriate quality required in order to develop specifications.

2.5 Local Buying.

.1 It is the desire of the County to purchase from local vendors whenever possible.

.2 This can be accomplished by assuring that local vendors who have goods or services which are needed by the County are included in the competitive shopping process which precedes most purchases.

.3 The County has a responsibility to its residents, however, to assure the maximum value is obtained for each public dollar spent.

2.6 Conflict of Interest.

.1 No County officer or employee will have an interest in any contract with the County of which he is an officer or employee, when such employee has the power or duty to:

.1 Negotiate, prepare, authorize or approve a contract or authorize or approve its payment.

.2 Audit bills or claims.

.3 Appoint an officer or employee who has any of the powers or duties set forth above.

.2 "Contract" in this context refers to any claim, demand against or agreement with the County, either express or implied.

.3 Any County officer or employee who has, will have, or acquires an interest in, any actual or proposed contract with the County of which he or she is an officer or employee, shall publicly disclose the nature and extent of such interest in writing to the County Legislature as soon as he or she has knowledge of an actual or prospective interest.

.4 This written disclosure will be made part of the official minutes of the County Legislature.

.5 If any officer or employee has reason to believe that he or she may have a conflict of interest, then the County Attorney should be contacted immediately.

2.7 Sales Tax.

.1 The County is exempt from paying New York State Sales Tax and Federal Excise taxes.

.2 The County Treasurer can provide the necessary exemption documents to any vendor upon request.

2.8 Public Access.

.1 Whenever any person outside the County requests information on a bid, prior to bid award, including cost estimates, refer the caller to the County Attorney or contact the County Attorney as to what information is acceptable to release.

.2 Trade secrets and confidential or proprietary information submitted by a bidder cannot be revealed to any person outside the County or to any County employee not involved in the bid or award process.

.3 Whenever in doubt, contact the County Attorney.

2.9 Endorsements.

.1 It is County policy to not endorse or in any way permit any employee's name, position or the County's name to be used and advertised as supporting a product or vendor.

.2 Firms may not use the County's name, supportive documentation or photographs of County projects they have participated in for promotional use without the approval of the Cattaraugus County Legislature.

2.10 Personal Purchases.

.1 Non-public purchases by employees of equipment or supplies through the County for personal use are prohibited.

.2 County employees are also prohibited from using the County's name or the employee's position to obtain special consideration in personal purchases.

2.11 Violation of Policy.

.1 Purchases made outside the approved procedures contained in this document will be considered void and not an obligation of Cattaraugus County.

.2 Employees making an unauthorized purchase may be held personally responsible for the purchase.

2.12 "Brand Name or Equal" Specification.

.1 The use of "brand name or equal" specification may be used when the Department Head determines that use of a "brand name or equal" specification is in the County's best interest.

.2 The Department Head shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit such sources to achieve whatever degree of price competition is practicable.

.3 If only one source can supply the requirement, then the procurement shall be made under Section 3.7 (Sole Source Procurement).

2.13 Non-Discrimination.

.1 Every contract or purchase order issued by Cattaraugus County shall be entered into under the provision which requires the contractor, subcontractor or vendor not to discriminate against any employee or applicant for employment because of his or her age, race, creed, color, national origin, sex, sexual preference or disability.

2.14 Recycling.

.1 In recognition of the continuing need to be environmentally responsible, recycled goods should be considered when deemed appropriate and fiscally responsible.

2.15 Prepayments.

.1 Prepayment should generally not be made using County funds.

.2 This policy is consistent with New York State General Municipal Law Section 369 and Opinions of the State Comptroller 81-83 and 81-90.

.3 Prepayment of the following items is permitted:

- .1 Dues to Professional Organizations
- .2 Subscriptions
- .3 Space Rental.

.4 The department should check with the County Administrator with regard to any other category of requests for prepayment.

2.16 Purchase Card.

.1 The County has implemented a Purchase Card Program to:

- .1 Reduce the volume of small dollar purchases.
- .2 Reduce the amount of paperwork involved in the regular voucher system.
- .3 Streamline the paperwork and reduce costs.

.2 The County Purchase Card should be used as the preferred method of payment for purchases at a level to be determined by the County Treasurer.

2.17 County Policies.

.1 Purchases are also subject to such other policies as may be promulgated by the County Legislature which include, but are not limited to:

- .1 corporate compliance;
- .2 ethics;
- .3 cellular telephones.

2.18 Standardization.

.1 The Cattaraugus County Legislature has, pursuant to the provisions of General Municipal Law Section 103(5), determined that for reasons of efficiency or economy, there is a need for standardization of the following equipment:

- .1 vehicle subassemblies 14-1987;
- .2 building control systems 308-2002;
- .3 sign post material 180-2006.

**Section 3
Purchasing Procedures**

3.1 The following grid summarizes the Cattaraugus County Purchasing Policy for: Commodities and Equipment; Public Works; Emergencies - Commodities and Equipment; Emergencies - Public Works; Services and Professional Services.

The definitions below pertain to the grid on the following page:

"Contract Execution" means the authorized signing of the document that binds the County and vendor.

"CoAdmin" means County Administrator.

"Chairman" means Chairman of County Legislature.

3.2 **Purchases and Contracts for Public Work.**

- .1 The term "Purchase" applies to the procurement of commodities.
- .2 The term "Contract for Public Work" encompasses contracts for services, labor or construction.
- .3 When a contract involves acquisition of both goods and services, such as a commodity which requires installation, the contract should be viewed as a purchase for purposes of the competitive bidding monetary threshold, if the services are minor, incidental or customarily provided by the vendor as a component of the purchase.
- .4 If the services are extensive, substantial or involve specialized skills, so that the acquisition of the commodity is incidental to the work, then the contract should be treated as a contract for public work, as set forth in Opinions of the State Comptroller No. 87-46.

3.3 **Emergency Purchases.**

- .1 An emergency exists when a dangerous condition develops or when supplies are needed for immediate work which may vitally affect the safety, health or welfare of the public.
- .2 Emergency purchasing may also occur after breakdown in machinery and/or a threatened termination of other necessary public services, including maintenance and repair of essential office equipment.
- .3 Department Heads faced with an emergency purchase are to notify the County Administrator as quickly as possible.

3.4 **Professional Services.**

- .1 Normal competitive bid procedures cannot be utilized in securing professional services such as doctors, attorneys, engineers, certified public accountants, and other professional people who, in keeping with the standards of their discipline, will not enter into a competitive bidding process.
- .2 A Request for Proposal (RFP) can be prepared much the same way as an Invitation to Bid.
- .3 RFPs should be submitted to the County Administrator for review and approval prior to distribution.
- .4 When the RFP for professional services is approved, a limited number of qualified professionals known to the County will be invited to submit a proposal, which sets forth their interest and qualifications, and explains how they can meet the County's needs.
- .5 In securing professional services, it is the primary goal of the County to obtain the services of a professional who has a proven record of providing, in a professional way, those services which are required.
- .6 A contract will be negotiated by the appropriate Department Head with the professional deemed to best meet the County's needs.
- .7 An RFP for professional services is encouraged, but not required.

3.5 **Split Purchases.**

.1 In determining the necessity for competitive bidding, the aggregate amount to be expended for an item, commodity or service to be purchased in a fiscal year must be considered.

.2 The bidding statutes may not be avoided by artificially splitting or breaking up contracts into lesser amounts for sums below the bidding dollar threshold.

.3 Competitive bidding is required when it is known or can be reasonably anticipated that the aggregate amount to be spent on purchases of an item will exceed the dollar thresholds over the course of a fiscal year, as set forth in the Opinions of the State Comptroller Nos. 87-4 and 9 Opinions of the State Comptroller 1953, page 421.

.4 As a general guide, items of the same or similar nature which are customarily handled by the same vendor should be treated as a single item for purposes in determining whether the dollar threshold will be exceeded.

3.6 **Trade-In Allowances.**

.1 A trade-in allowance is treated as an expenditure for purposes of the dollar threshold.

.2 The estimated gross cost of an item, without deduction for a trade-in allowance, determines whether the dollar threshold will be exceeded.

3.7 **Sole Source Procurement.**

.1 In the event there is only one vendor capable of providing a particular product or service, then the competitive bidding procedures outlined in this policy may be waived by the County Legislature; this documentation should be forwarded with the Resolution Request form to the County Attorney.

.2 Whenever a Department Head determines that they must purchase goods or services from a "sole source" vendor, the Department Head should document why only one company or individual is capable of providing the goods or services required.

3.8 **State Bid or Federal Bid.**

.1 General Municipal Law Section 104 authorizes the County to purchase materials, equipment and supplies through the state bid offered by the New York State Office of General Services or federal bid offered by the United States General Services Administration.

.2 A department may competitively bid an item and compare that bid with the state bid or federal bid price.

.3 The department must purchase from the vendor offering the lower of the County bid price, state bid price or federal bid price, unless the cost of transportation or delivery, when added to the bid price, changes the lowest total cost; in that event, the issue should be discussed with the County Administrator and the appropriate County Legislative Standing Committee.

.4 Purchases at the state bid price or federal bid price must be made from the vendor with the state contract or federal contract for that

item; a department cannot negotiate with another vendor to offer to sell an item to the County at the state bid price or federal bid price.

.5 Purchases can be made from the state bid vendor or federal bid vendor only if the department has sufficient funds budgeted for the purchase; if there are insufficient funds in the account, a budget transfer must be made by legislative resolution.

.6 Vendor-generated contracts, rather than County-generated contracts are used for state bid purchases or federal bid purchases; however, the vendor-generated contract must be approved by the County Attorney prior to execution.

.7 If the materials, equipment or supplies on state bid or federal bid do not meet the specifications of the County for, including quality, fitness for the particular purpose, or acquisition cost, then the department is not obliged to purchase the materials, equipment or supplies through the state bid or federal bid process.

3.9 Joint Purchases.

.1 County Department of Nursing Homes and departments operating nutrition programs that receive federal, state or local funding may purchase goods, supplies and services under Public Health Law Section 2803-a without competitive bidding.

.2 A department may competitively bid an item and compare that bid with the joint purchase price.

.3 The department must purchase from the vendor offering the lower of the County bid price or joint purchase price, unless the cost of transportation or delivery, when added to the joint purchase price, changes the lowest total cost; in that event, the issue should be discussed with the County Administrator and the appropriate County Legislative Standing Committee.

.4 Purchases at the joint purchase price must be made from the vendor with the contract for that item; a department cannot negotiate with another vendor to offer to sell an item to the County at the joint purchase price.

.5 Purchases can be made from the joint purchase vendor if the department has sufficient funds budgeted for the purchase; if there are insufficient funds in the account, a budget transfer must be made by legislative resolution.

.6 Vendor-generated contracts, rather than County-generated contracts are used for joint purchases; however, the vendor-generated contract must be approved by the County Attorney prior to execution.

3.10 Preferred Sources.

.1 New York State Finance Law Section 162 grants selected providers preferred source status for purposes of procurement, provided that the commodities and services meet the form, function and utility required by the County.

.2 Preferred status is granted to the following providers:

.1 Commodities produced by the Department of Correctional Services Correctional Industries Program, as described in New York State Correction Law Section 184;

.2 Commodities and services produced by any qualified charitable non-profit-making agency for the blind approved for such purposes by the New York State Commissioner of Social Services;

.3 Commodities and services produced by any special employment programs serving mentally ill persons which shall not be required to be incorporated and which is operated by facilities within the New York State Office of Mental Health and is approved for such purposes by the New York State Commissioner of Mental Health;

.4 Commodities and services produced by any qualified charitable non-profit-making agency for other severely disabled persons approved for such purposes by the New York State Commissioner of Education, or incorporated under the laws of the State of New York and approved for such purposes by the New York State Commissioner of Education; or

.5 Commodities and services produced by a qualified veterans workshop providing job and employment-skills training to veterans where such workshop is operated by the United States Department of Veterans Affairs and is manufacturing products or performing services within New York State and where such workshop is approved for such purposes by the New York State Commissioner of Education.

.3 Each department contemplating such a purchase or commodities or services should check with the County Department of Public Works Procurement Specialist as to whether the commodities or services meet the form, function and utility required by the particular department.

3.11 Installment Purchase Contracts.

.1 General Municipal Law Section 109-b authorizes installment contracts for the purchase of equipment, machinery and apparatus.

.2 For the purpose of Section 109-b, agreements calling for periodic payments, whether the agreements are titled installment purchases, leases, lease-purchases or leases with option to purchase, constitute installment purchase contracts when all or part of the periodic payments are applied toward the purchase of the equipment.

.3 An agreement will generally constitute an installment purchase contract under Section 109-b if title will pass to the County automatically or for a nominal consideration at the end of the term of the agreement, or if an option price is an amount less than the fair market value of the equipment at the time the option is exercised.

.4 The installment purchase contracts constitute purchase contracts for competitive bidding purposes and are subject to competitive bidding requirements if the total amount proposed to be paid over the term of the agreement exceeds the monetary threshold fixed in General Municipal Law Section 103 for purchases, which is currently \$10,000.

3.12 Purchases Under Another County's Bid Award Process.

.1 General Municipal Law Section 103(3) authorizes the County to make purchases or a contract for services, other than services subject to Article 8 or 9 of the Labor Law, through another county's bid award process.

.2 Prior to making such purchase or contract, the County department shall consider whether such contract will result in cost savings after all factors, including charges for service, material and delivery, have been considered.

.3 No such purchase or contract for services shall be made unless such purchase may be made or the contract for such services may be entered into upon these same terms, conditions and specifications at a lower price through the county.

.4 In addition, the County from whom the department is proposing to make the purchase or obtain the service had to include in that county's bid process a provision whereby purchases may be made, or such services may be obtained, under such contract by any other political subdivision or fire company or district, in accordance with New York State County Law Section 408-a(2).

Approved by 8 members of the Finance Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 637-2009 by Mr. Giardini
and Mr. Ellis

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ENERGY ENTERPRISES, INC. FOR NATURAL GAS SERVICES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the County Department of Public Works is desirous of contracting for the provision of bid assistance, consulting and auditing services for the purchase of natural gas, and

WHEREAS, Energy Enterprises, Inc., 3401 Rochester Road, P.O. Box 687, Lakeville, New York 14480, has agreed to provide the following services at the following rates:

- | | |
|--|-----------|
| a) Research natural gas accounts, assist in preparation of bid specifications and evaluation of bid results | \$650.00 |
| b) Monitor and audit monthly gas bills and compare with actual gas usage (per month) County Center | \$220.00 |
| c) Monitor and audit monthly gas bills and compare with actual gas usage (per month) County Little Valley DPW Facility | \$115.00 |
| d) Monitor and audit monthly gas bills and compare with actual gas usage (per month) Pines Healthcare & Rehabilitation Center - Machias Campus | \$115.00, |

now, therefore, be it

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

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

Adopted December 9, 2009 by voice vote.

ACT NO. 638-2009 by Mr. Giardini
and Mr. Ellis

**BID ACCEPTANCE FOR GASOLINE FOR ONOVILLE MARINA
(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 no-lead gasoline for the Onoville Marina, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was the bid of NOCO Energy Corp., 2440 Sheridan Drive, Tonawanda, New York 14150, at a cost of \$2.8615 per gallon, based on the November 5, 2009 Rack Price of \$2.2096 per gallon, plus a firm differential of \$0.0735 per gallon and tax of \$0.5784 per gallon, now, therefore, be it

RESOLVED, that the bid of NOCO Energy Corp., be, and the same hereby is, accepted, for a term commencing January 1, 2010 and terminating December 31, 2010.

No State Bid.

Four sets of specifications were sent out.

Three bids were received.

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

Adopted December 9, 2009 by voice vote.

ACT NO. 639-2009 by Mr. Giardini
and Mr. Burrell, Mr. Ellis, Ms. Vickman and Mr. Hebdon

**BID ACCEPTANCE FOR ASHFORD CULVERT NO. 34
PRECAST CONCRETE BOX CULVERT
(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 a precast concrete box culvert for

Ashford Culvert No. 34, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest base bid received meeting specifications was the bid of Binghamton Precast and Supply Corp., 18 Phelps Street, Binghamton, New York 13901, in the amount of \$13,470.84, for a term commencing on the date of the contract signing and terminating December 31, 2009, now, therefore, be it

RESOLVED, that the aforementioned bid be, and the same hereby is, accepted, 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.

Four sets of specifications were sent out.

Three bids were received.

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

Adopted December 9, 2009 by voice vote.

ACT NO. 640-2009 by Mr. Giardini
and Mr. Ellis

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT
WITH CHAUTAUQUA COUNTY FOR OUT-OF-COUNTY WASTE DISPOSAL SERVICES**

Pursuant to Section 226-b of the County Law and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 508-2004 authorized a contract with Chautauqua County for the out-of-county disposal of waste, the term of which expires December 31, 2009, and

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

WHEREAS, the County of Chautauqua has agreed to accept waste from the County of Cattaraugus for an amount in accordance with the following fee schedule, which is effective January 1, 2010:

<u>Commercial Rates at Landfill (per ton)</u>	
Municipal Solid Waste	\$27.00
Industrial (Permitted) Waste	\$27.00
Refractory/Annealing Sand	\$22.50
Sludge - Municipal (POTW)	\$27.00
Sludge - Industrial	\$32.00
Construction & Demolition	\$32.00
Contaminated Soil	\$26.00
Asbestos (ACM) - Non-Friable (NFACM)	\$65.00
Asbestos (ACM) - Friable [(FACM) \$400 minimum charge]	\$85.00
<u>Commercial Rates at Transfer Stations (per ton)</u>	
Municipal Solid Waste	\$36.00
Construction & Demolition	\$44.00

Other Charges

Excavate Load - Standard	\$30.00
Excavate Load - Large	\$60.00
Minimum Scale Charge	\$12.00

and

WHEREAS, sufficient funds are included in the 2010 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 Chautauqua County, for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2015, and may be renewed for an additional five (5) year term,¹ according to the above-described terms.

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

¹ MR. NEAL moved, seconded by Mr. Vecchiarella to amend Act No. 640-2009 as follows: In the Resolved, delete: "2014" and replace with: "2015" and add the following: "and may be renewed for an additional five (5) year term,". Carried.

Adopted, as amended, December 9, 2009 by voice vote.

ACT NO. 641-2009 by Mr. Giardini
and Mr. Ellis

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
E & M ENGINEERS AND SURVEYORS, P.C. FOR
BRIDGE AND MISCELLANEOUS ENGINEERING SERVICES**

Pursuant to Section 131-b of the Highway Law and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 93-2008 authorized a contract with E & M Engineers and Surveyors, P.C., 24 Derrick Road, Bradford, Pennsylvania 16701, for the provision of survey tasks and load rating analysis of the assigned bridge structures, the term of which expires December 31, 2009, and

WHEREAS, the New York State Department of Transportation (NYSDOT) prepares rating screen listings which require the owner to arrange for Level I Load Ratings which are then used to confirm the need for posting and determine a posting value, and

WHEREAS, NYSDOT requires that localities have New York State licensed professional engineers certify and provide acceptable documentation that each bridge on the rating screen listing is operating at a safe load level, and

WHEREAS, the Department of Public Works has a need for the review and certification of parcel maps prepared by its engineering division, by a licensed professional surveyor, and

WHEREAS, E & M Engineers and Surveyors, P.C. has submitted a proposal for the continuation of the load rating analysis of the assigned bridge structures and to perform the aforementioned survey services, at a cost not to exceed \$6,000 per year on an as-needed basis, and

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

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with E & M Engineers and Surveyors, P.C., for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2011, according to the above-described terms.

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

Adopted December 9, 2009 by voice vote.

ACT NO. 642-2009 by Mr. Giardini
and Mr. Ellis

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH HUNT ENGINEERS, ARCHITECTS & LAND SURVEYORS, P.C.
FOR SAWMILL RUN DEVELOPMENT OF ONOVILLE MARINA
ENGINEERING SERVICES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 250-2008 authorized a contract with Hunt Engineers, Architects & Land Surveyors, P.C., Airport Corporate Park, 100 Hunt Center, Horseheads, New York 14845, for the provision of engineering services necessary for the conceptual design and engineering report for the proposed Sawmill Run Development of the Onoville Marina, the term of which expires December 31, 2009, and

WHEREAS, engineering services are necessary to provide the overall detail site design and regulatory approval for the aforementioned expansion project, and

WHEREAS, Hunt Engineers, Architects & Land Surveyors, P.C., can provide the engineering services necessary for the detail site design and regulatory approval for the proposed Sawmill Run Development for an amount not to exceed \$50,000, as follows:

- I. Conceptual planning document review with County \$ 2,000.00
- II. Site plan, engineering report and submittals \$21,500.00
- III. Stormwater pollution prevention plan \$ 5,500.00
- IV. Bid Administration for Phase I including SWPPP \$ 5,000.00
- V. Construction administration for Phase I & SWPPP \$ 7,500.00
- VI. Construction inspection for Phase I & SWPPP by \$ 8,500.00
the hour as needed
- Disbursements will be billed as they are incurred,

and

WHEREAS, sufficient funds are included in the 2010 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 Hunt Engineers, Architects & Land Surveyors, P.C., for the provision of the above-described services, for a term commencing December 10, 2009 and terminating December 31, 2010, according to the above-described terms.

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

Adopted December 9, 2009 by voice vote.

ACT NO. 643-2009 by Mr. Giardini
and Mr. Ellis

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COUNTY SOIL & WATER CONSERVATION DISTRICT FOR
EMERGENCY STREAMBANK RESTORATION FOR
VARIOUS STREAMBANK PROTECTION PROJECTS**

Pursuant to Section 9 of the Soil and
Water Conservation Districts Law and
Section 450 of the County Law.

WHEREAS, administration services for eight (8) emergency streambank restoration projects resulting from the August 2009 flood are needed, and

WHEREAS, the Cattaraugus County Soil & Water Conservation District (SWCD), 8 Martha Street, P.O. Box 1765, Ellicottville, New York 14731, has agreed to provide the administration services necessary for the following projects for an amount not to exceed \$15,394, as follows:

▪ Otto Bridge No. 12	\$11,098.00
▪ Otto Bridge No. 7	\$ 6,240.00
▪ Persia Bridge No. 10	\$29,655.00
▪ County Road Nos. 32 & 55	\$27,625.00
▪ County Road No. 14	\$14,460.00
▪ East Otto Bridge No. 29	\$18,810.00
▪ County Road No. 21	\$38,650.00
▪ Hinsdale Bridge No. 63	\$ 7,405.00,

and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Cattaraugus County Soil & Water Conservation District, for the provision of the above-described streambank restoration and bank protection technical services, for a term commencing December 13, 2009 and terminating December 31, 2009, according to the above-described terms.

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

Adopted December 9, 2009 by voice vote.

ACT NO. 644-2009 by Mr. Giardini

and Mr. Ellis and Mr. Murphy

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH ABATE ASSOCIATES ENGINEERS & SURVEYORS, P.C. FOR
CONSTRUCTION INSPECTION SERVICES FOR OTTO BRIDGE NO. 14
TEMPORARY BRIDGE CONSTRUCTION PROJECT AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Public Works)**

Pursuant to Section 131-b of the Highway Law and
Sections 363, 366 and 450 of the County Law.

WHEREAS, Otto Bridge No. 14 was severely damaged during the August 9, 2009 flood and remains closed to traffic, and

WHEREAS, the County Department of Public Works is desirous of installing an on-site detour bridge structure for Otto Bridge No. 14 in an effort to reopen the road for local traffic, and

WHEREAS, the County Department of Public Works is desirous of obtaining on-site construction inspection services for the Otto Bridge No. 14 temporary bridge construction project, and

WHEREAS, Abate Associates Engineers & Surveyors, P.C., 4455 Genesee Street, P.O. Box 218, Buffalo, New York 14225-0218, can provide for a certified inspector for the provision of on-site construction inspection services for the Otto Bridge No. 14 temporary bridge construction project, for an amount not to exceed \$29,457, and

WHEREAS, various appropriation accounts must be adjusted in order to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Abate Associates Engineers & Surveyors, P.C., for the provision of the above-described services, for a term commencing December 23, 2009 and terminating March 31, 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:

Decrease Appropriation Account:

H.5198.688	Mansfield Bridge No. 51	\$20,000.00
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Increase Appropriation Account:

H.5198.691	Otto Bridge No. 14	\$20,000.00.
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Approved by 8 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 645-2009 by Public Works Committee:

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

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH LABELLA ASSOCIATES, P.C. FOR FEASIBILITY STUDY FOR
LOCK AND SECURITY SYSTEMS UPGRADES FOR CATTARAUGUS COUNTY JAIL AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Public Works)**

Pursuant to Sections 215, 363, 366 and 450 of the County Law.

WHEREAS, the lock and camera security systems at the County Jail need to be upgraded, and

WHEREAS, due to the complexity of the lock and security systems, a feasibility study is needed, and

WHEREAS, Labella Associates, P.C., 300 State Street, Suite 201, Rochester, New York 14614, can provide a survey and feasibility study to upgrade the aforementioned lock and camera security systems for an amount not to exceed \$20,000, which includes all expenses, and

WHEREAS, a transfer of funds is necessary in order to cover the cost 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 Labella Associates, P.C., for the provision of the above-described services, for a term commencing December 13, 2009 and terminating December 31, 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:

Decrease Appropriation Accounts:

A.4489	ARRA Medicaid Stimulus Aid	\$20,000.00
H.2810	Transfer from General Fund	\$20,000.00

Increase Appropriation Accounts:

A.9522.954	Transfer to Capital Projects Fund	\$20,000.00
H.1620.257	Camera/Security System	\$20,000.00.

Approved by 8 members of the Finance Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 646-2009 by Public Works Committee:

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

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH WENDEL DUCHSCHERER ARCHITECTS & ENGINEERS
FOR COUNTY-WIDE BUILDING/SPACE STUDY UPDATE AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Public Works)**

Pursuant to Sections 215, 363, 366 and 450 of the County Law.

WHEREAS, the County Department of Public Works is desirous of updating the county-wide building/space study, and

WHEREAS, Wendel Duchscherer Architects & Engineers, 140 John James Audubon Parkway, Suite 201, Amherst, New York 14228, can provide the aforementioned updated county-wide building/space study for an amount not to exceed \$67,000, which includes all expenses, and

WHEREAS, a transfer of funds is necessary in order to cover the cost 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 Wendel Duchscherer Architects & Engineers, for the provision of the above-described services, for a term commencing December 13, 2009 and terminating December 31, 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:

Decrease Appropriation Accounts:

A.4489	ARRA Medicaid Stimulus Aid	\$67,000.00
H.2810	Transfer from General Fund	\$67,000.00

Increase Appropriation Accounts:

A.9522.954	Transfer to Capital Projects Fund	\$67,000.00
H.1620.255	Long-Term Space Study	\$67,000.00.

Approved by 8 members of the Finance Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 647-2009 by Mr. Giardini
and Mr. Ellis and Mr. Murphy

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH HUNT ENGINEERS, ARCHITECTS & LAND SURVEYORS, P.C. FOR
ENGINEERING SERVICES FOR OTTO BRIDGE NO. 14 REPLACEMENT PROJECT
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works)**

Pursuant to Sections 363, 366 and 450 of the County Law.

WHEREAS, the County Department of Public Works is desirous of replacing Otto Bridge No. 14, located on North Otto Road over Waterman Brook in the Town of Otto, and

WHEREAS, Hunt Engineers, Architects & Land Surveyors, P.C., Airport Corporate Park, 100 Hunt Center, Horseheads, New York 14845-1019, can provide design services, contract and specification packages preparation, bid administration and construction administration services for the Otto Bridge No. 14 replacement project for an amount of \$42,050, plus an amount of \$2,000 for disbursements, as follows:

Part I	- Subsurface Investigation	\$ 2,850.00
Part II	- Survey	\$ 7,000.00
Part III	- Project Initiation Report	\$15,600.00
Part IV	- Design Development & Contract Documents	\$12,300.00
Part V	- Administration during Construction	\$ 4,300.00,

and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to cover the cost 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 Hunt Engineers, Architects & Land Surveyors, P.C., for the provision of the above-described services, for a term commencing December 13, 2009 and terminating December 31, 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:

Decrease Appropriation Account:

A.5198.105	Ashford Bridge No. 33	\$44,050.00
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Increase Appropriation Account:

H.5198.691	Otto Bridge No. 14	\$44,050.00.
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Approved by 8 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 648-2009 by Mr. Giardini
and Mr. Ellis

**BID ACCEPTANCE FOR FUEL MANAGEMENT SYSTEM AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Public Works)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the purchase and installation of an updated fuel management system to be installed at various County-owned locations and centrally connected to the main facility at 8810 Route 242 in Little Valley, according to specifications provided by the Public Works Committee, and

WHEREAS, the only bid received meeting specifications was the bid of The Pump Doctor, Inc., 10210 Boston Road, Eden, New York 14057, in the amount of \$98,405, and

WHEREAS, various appropriation accounts must be adjusted in order to cover the cost of the aforementioned services, now, therefore, be it

RESOLVED, that the bid of The Pump Doctor, Inc., be, and the same hereby is, accepted for a term commencing January 1, 2010 and terminating June 30, 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, and be it further

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

Decrease Appropriation Account:

DM.5130.405	Gas and Diesel Fuel	\$98,405.00
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Increase Appropriation Account:

DM.5130.299	Fuel Management System	\$98,405.00.
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No State Bid.

Seven sets of specifications were sent out

One bid was received.

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

Adopted December 9, 2009 by voice vote.

ACT NO. 649-2009 by Public Works Committee:

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

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

Pursuant to Sections 363, 366 and 450 of the County Law.

WHEREAS, the County has received American Recovery and Reinvestment Act of 2009 funding that can be used to replace Department of Public Works equipment, and

WHEREAS, the County Department of Public Works is desirous of replacing the following equipment:

one (1) road tractor for an amount not to exceed \$100,000,
three (3) recycling boxes for an amount not to exceed \$110,000,
two (2) one-ton dump trucks for an amount not to exceed \$124,000,
two (2) backhoes for an amount not to exceed \$105,000, and
one (1) utility truck with a crane for an amount not to exceed \$69,500,

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	\$501,000.00
DM.2810	Transfer from General Fund	\$298,500.00

Decrease Appropriation Account:

A.1990.445	Contingent Fund	\$ 7,500.00
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Increase Appropriation Accounts:

A.8160.250	(1)Tractor	\$100,000.00
A.8160.256	(3) Recycling Boxes	\$110,000.00
DM.5130.252	(2) 1 Ton Dump Trucks	\$124,000.00
DM.5130.253	(2) Backhoes	\$105,000.00
DM.5130.277	(1) Utility Truck with Crane	\$ 69,500.00
A.9522.952	Transfer to Road Machinery Fund	\$298,500.00.

Approved by 8 members of the Finance Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 650-2009 by Public Works Committee:

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

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

Pursuant to Sections 363, 366 and 450 of the County Law.

WHEREAS, the County has received American Recovery and Reinvestment Act of 2009 funding that can be used for energy conservation projects, and

WHEREAS, the County Department of Public Works is desirous of conducting energy conservation projects at the Little Valley County Center and the Olean Office Building, 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	\$524,083.00
H.2810	Transfer from General Fund	\$524,083.00

Increase Appropriation Accounts:

A.9522.954	Transfer to Capital Project Fund	\$524,083.00
H.1620.262	LV Energy Improvement Project	\$ 54,798.00
H.1623.262	Olean Energy Improvement Project	\$469,285.00.

Approved by 8 members of the Finance Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 651-2009 by Mr. Aiello and Mr. Snyder

AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
JUDITH GALLEGOS FOR TANF ELIGIBLE DRUG/ALCOHOL
SCREENING AND CASE MANAGEMENT

Pursuant to 29 USCS 1604 and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 683-2008 authorized a contract with Judith Gallegos, 6 North Academy Street, Franklinville, New York 14737, for the provision of drug/alcohol screening and comprehensive case management for all public assistance adult applicants/recipients for 35 hours per week, the term of which expires December 31, 2009, and

WHEREAS, the County Department of Social Services is required to provide the aforementioned services pursuant to the Welfare Reform Act of 1996, and

WHEREAS, Judith Gallegos has agreed to continue providing drug/alcohol screening and comprehensive case management for all public assistance adult applicants/recipients for 35 hours per week for an amount of \$30.31 per hour, for a total amount not to exceed \$55,170, and

WHEREAS, the aforementioned services are 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 Judith Gallegos for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 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 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 652-2009 by Mr. Aiello and Mr. Snyder
and Mr. Padlo and Mrs. Witte¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
JAMESTOWN COMMUNITY COLLEGE FOR TRAINING COORDINATOR SERVICES**

Pursuant to Section 112 of the Social Services Law and
Section 450 of the County Law.

WHEREAS, Act 744-2008 authorized a contract with Jamestown Community College, P.O. Box 5901, Olean, New York 14760-5901, for an employee education and training program, the term of which expires December 31, 2009, and

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

WHEREAS, Jamestown Community College has agreed to provide a full-time training coordinator who will provide the above-described staff development services to employees of the Cattaraugus County Department of Social Services, and

WHEREAS, the maximum amount for 2010 is \$92,860.90, of which \$65,002.63 is charged to the Cattaraugus County Department of Social Services, and

WHEREAS, this program is 100% reimbursable through state and federal funds, 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 Jamestown Community College, for the provision of the above-described employee education program, for a term commencing January 1, 2010 and terminating December 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 8 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 December 9, 2009 by voice vote.

ACT NO. 653-2009 by Mr. Aiello and Mr. Snyder
and Mrs. Witte¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT
WITH THE SALVATION ARMY
FOR DEPARTMENT OF SOCIAL SERVICES
EMERGENCY DISASTER ASSISTANCE**

Pursuant to P.L. 93-288, 36 USCS 2 and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 55-2009 authorized a contract with The Salvation Army, Divisional Headquarters, P.O. Box 148, Syracuse, New York 13206, for the provision of emergency disaster assistance, the term of which expires December 31, 2009, and

WHEREAS, the County Department of Social Services is desirous of contracting for the provision of such care, assistance and treatment that may be necessary to assure that persons are maintained in, or restored to, their domicile(s) with sufficient food and clothing to meet their needs pursuant to the New York State Social Services Law, which includes the responsibility for emergency assistance to recipients of public assistance, if made necessary as a result of disaster, and

WHEREAS, The Salvation Army has agreed to provide the aforementioned emergency assistance, and

WHEREAS, the County Department of Social Services is responsible for the payment of a shelter provided for a maximum of 3 days at reasonable cost, plus a 10% administrative fee based on the cost of the room, and

WHEREAS, it is economically and organizationally feasible for the County to contract with The Salvation Army for the provision of this assistance, 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 Salvation Army for the provision of the above-described emergency disaster assistance for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

¹ The following Legislator requested her name be listed as an additional sponsor: "Mrs. Witte".

Adopted December 9, 2009 by voice vote.

ACT NO. 654-2009 by Mr. Aiello and Mr. Snyder
and Mr. Padlo and Mrs. Witte¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
PARENT EDUCATION PROGRAM, INC., FOR PROTECTIVE/PREVENTIVE
SERVICES FOR CHILDREN AT RISK OF PLACEMENT**

Pursuant to P.L. 96-272, 18 NYCRR Parts 405, 407 and 423,
Sections 409 and 409-b of the Social Services Law and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 680-2008 authorized a contract with the Parent Education Program, Inc., 234 North Union Street, Olean, New York 14760, for the provision of "Families Together" and "Families First" services for families with children who may be placed in foster care, for an amount of \$59,740, the term of which expires December 31, 2009, and

WHEREAS, the County Department of Social Services is desirous of renewing the aforementioned contract and providing the following additional services:

- The Families Together Program will serve one (1) family at a time that is referred by the County, and
- The Families First Program will provide in-home parenting skills and related services to approximately 15 Cattaraugus County families per month,

and

WHEREAS, the Parent Education Program, Inc., has agreed to provide the above-described services for an amount of \$61,062, and

WHEREAS, this program is 63% state and 37% county funded, and

WHEREAS, sufficient funds are included in the 2010 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Parent Education Program, Inc., for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 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 8 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 December 9, 2009 by voice vote.

ACT NO. 655-2009 by Mr. Aiello and Mr. Snyder
and Mr. Teachman and Mrs. Witte¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT
WITH GREATER OLEAN, INC., FOR DEPARTMENT OF SOCIAL SERVICES
TANF ON-THE-JOB TRAINING SERVICES**

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

WHEREAS, Act 685-2008 authorized a contract with Greater Olean, Inc., for the provision of on-the-job training for TANF-eligible participants, the term of which expires December 31, 2009, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned on-the-job training for TANF-eligible participants, and

WHEREAS, Greater Olean, Inc., 120 North Union Street, Olean, New York 14760, has agreed to develop and manage on-the-job training for participants that are TANF-eligible for an amount not to exceed \$53,045, and

WHEREAS, this program is 100% federally funded, and

WHEREAS, sufficient funds are included in the 2010 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 Greater Olean, Inc., for a term commencing January 1, 2010 and terminating December 31, 2010, for the provision of the above-described services, 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 8 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 and Mrs. Witte".

Adopted December 9, 2009 by voice vote.

ACT NO. 656-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
CATTARAUGUS REHABILITATION CENTER, INC. FOR DEPARTMENT OF
SOCIAL SERVICES EMPLOYMENT PROGRAM FOR HARD-TO-PLACE RECIPIENTS**

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

WHEREAS, Act 125-2009 authorized a contract with Cattaraugus Rehabilitation Center, Inc., through The Employment Connection, for the provision of employment services for hard-to-place/serve recipients with significant barriers to obtain long-term independence, the term of which expires December 31, 2009, and

WHEREAS, the Department of Social Services has been awarded funding in the amount of \$70,000, for the provision of the above-described employment program, and

WHEREAS, The Employment Connection, a division of the Cattaraugus Rehabilitation Center, Inc., 1439 Buffalo Street, Olean, New York 14760, shall provide the aforementioned services to hard-to-place/serve recipients for an amount not to exceed \$70,000, payable in monthly installments of \$5,833.33, 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 the Cattaraugus Rehabilitation Center, Inc., for the provision of the aforementioned services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 657-2009 by Mr. Aiello and Mr. Snyder
and Mr. Teachman, Mr. McClune, Mr. Padlo and Mrs. Witte¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT
WITH CATTARAUGUS COMMUNITY ACTION, INC., FOR
RESIDENTIAL SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE**

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

WHEREAS, Act 684-2008 authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, P.O. Box 308, Salamanca, New York 14779, for the provision of necessary and available approved residential services to victims of domestic violence, the term of which expires December 31, 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 of \$69.77 per person per day, or at the 2010 rate as set by the New York State Office of Children and Family Services, and

WHEREAS, this program is 50% federal, 25% state and 25% county 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 administration of the above-described program, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms, and be it further

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

Approved by 8 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. McClune, Mr. Padlo and Mrs. Witte".

Adopted December 9, 2009 by voice vote.

ACT NO. 658-2009 by Mr. Aiello and Mr. Snyder
and Mr. McClune, Mr. Padlo and Mrs. Witte¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT
WITH CATTARAUGUS COMMUNITY ACTION, INC., FOR
NON-RESIDENTIAL SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE**

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

WHEREAS, Act 353-2009 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 December 31, 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 \$50,000, 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 Cattaraugus Community Action, Inc., for the administration of the above-described program, for a term commencing January 1, 2010 and terminating December 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 8 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, Mr. Padlo and Mrs. Witte".

Adopted December 9, 2009 by voice vote.

ACT NO. 659-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH THE BONADIO GROUP FOR ACCOUNTING SERVICES FOR
DEPARTMENT OF SOCIAL SERVICES CLIENT ACCOUNTS**

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

WHEREAS, Act 679-2008 authorized a contract with The Bonadio Group, 171 Sully's Trail, Pittsford, New York 14534, for the provision of accounting services for the Department of Social Services client accounts, the term of which expires December 31, 2009, and

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

WHEREAS, The Bonadio Group can provide the necessary accounting services for an amount of \$150 per hour, with no travel time or mileage paid, and

WHEREAS, the above-described services are 100% state 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 Bonadio Group for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 660-2009 by Mr. Aiello and Mr. Snyder
and Mrs. Witte¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ACCORD CORPORATION FOR MEDICAID REIMBURSABLE COMPREHENSIVE
CASE MANAGEMENT SERVICES TO YOUTH IN CATTARAUGUS COUNTY**

Pursuant to 42 CFR Section 435, Section 363 of the
Social Services Law and Section 450 of the County Law.

WHEREAS, Act 749-2008 authorized a contract with the Accord Corporation, 84 Schuyler Street, Belmont, New York 14813, for the provision of Teen Age Services Act (TASA) Medicaid reimbursable comprehensive case management services to youth in Cattaraugus County, the term of which expires December 31, 2009, and

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

WHEREAS, the Accord Corporation shall provide case management services to Medicaid-eligible individuals, pursuant to the Teen Age Services Act (TASA), for an amount of \$200,000, which is the same rate as the 2009 rate, and

WHEREAS, this program is 50% federal, 25% state and 25% county funded, and

WHEREAS, sufficient funds are included in the 2010 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 Accord Corporation, for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

¹ The following Legislator requested her name be listed as an additional sponsor: "Mrs. Witte".

Adopted December 9, 2009 by voice vote.

ACT NO. 661-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR DEPARTMENT OF SOCIAL SERVICES
SKILLED NURSING IN-HOME CARE SERVICES**

Pursuant to Section 3612 of the Public Health Law,
18 NYCRR Part 505, Section 636-a of the Executive Law, and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 688-2008 authorized contracts with Pediatric Home Care Services, Inc., 2829 Sheridan Drive, Tonawanda, New York 14150, and Aurora Home Care, Inc., 3527 Harlem Road, Cheektowaga, New York 14225, for the provision of mandated skilled nursing in-home care services for eligible residents of Cattaraugus County, when such services are medically necessary and ordered by a physician, the terms of which expire December 31, 2009, and

WHEREAS, the County Department of Social Services is desirous of continuing the above-described services, and

WHEREAS, Pediatric Home Care Services, Inc., and Aurora Home Care, Inc., have agreed to provide skilled nursing in-home care services in accordance with the following rate schedule, which is the same as the 2009 rate schedule:

<u>Skilled Nursing Service</u>	<u>Rates/Care Hour</u>
Licensed Practical Nurse	\$21.00
Licensed Practical Nurse (Premium)	\$24.00
Registered Nurse (Premium)	\$28.00,

and

WHEREAS, this program is 50% federal, 25% state and 25% 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 Pediatric Home Care Services, Inc., and Aurora Home Care, Inc., for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 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 8 members of the Finance Committee, 7 members of the Human Services Committee and 7 members of the Senior Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 662-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
COMMUNITY CARE OF WESTERN NEW YORK, INC. FOR ASSISTED
TRANSPORTATION SERVICES FOR MEDICAID RECIPIENTS**

Pursuant to 42 CFR Section 431.53, 18 NYCRR
Section 505.10, Section 365-a(2)(j) of the Social Services
Law and Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 689-2008 authorized a contract with Community Care of Western New York, Inc., 1225 West State Street, Olean, New York 14760, for the provision of assisted transportation services for Medicaid recipients, the term of which expires December 31, 2009, and

WHEREAS, the County Department of Social Services is mandated to provide assisted transportation services for Medicaid recipients, and

WHEREAS, Community Care of Western New York, Inc., has agreed to provide assisted transportation services at the following rates:

Transport Car - base rate	\$25.43 per one-way trip
Transport Car - mileage	\$ 1.42 per loaded mile
Transport Wheelchair Van - base rate	\$27.97 per one-way trip
Transport Wheelchair Van - mileage	\$ 1.54 per loaded mile
No mileage charged for services provided solely within the city limits of the City of Olean,	

and

WHEREAS, this program is 50% federal, 25% state and 25% county funded, and

WHEREAS, sufficient funds are included in the 2010 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 Community Care of Western New York, Inc., for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 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 automatically be abolished.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 663-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
ENRIQUE BARRERA FOR SPANISH INTERPRETER SERVICES**

Pursuant to 14 NYCRR Section 527.4 (a), (b) and (c) and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 604-2008 authorized a contract with Enrique Barrera for Spanish interpreter services for various County departments, the term of which expires December 31, 2009, and

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

WHEREAS, Enrique Barrera, 6750 Poverty Hill Road, Ellicottville, New York 14731, shall provide Spanish interpreter services at a rate not to exceed \$36 per hour, plus mileage at the County rate in effect at the time services are rendered, and

WHEREAS, this service may be paid through various funding streams ranging from 100% federal funds, down to 30% federal funds, 29% state funds, 36% county funds and 5% local funds, and

WHEREAS, sufficient funds are included in the 2010 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 Enrique Barrera, for the provision of the above-described Spanish interpreter services, for a term commencing January 1, 2010 and terminating December 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 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 664-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT
WITH GREATER BUFFALO CHAPTER OF THE AMERICAN RED CROSS
FOR EMERGENCY DISASTER ASSISTANCE**

Pursuant to P.L. 93-288, 36 USCS 2 and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 747-2008 authorized a contract with the Greater Buffalo Chapter of the American Red Cross for the provision of such care, assistance and treatment that may be necessary to assure that persons are maintained in, or restored to, their domicile(s) with sufficient food and clothing to meet their needs pursuant to the New York State Social Services Law, which includes the responsibility for emergency assistance to recipients of public assistance, if made necessary as a result of disaster, the term of which expires December 31, 2009, and

WHEREAS, the parties are desirous of continuing the provision of the aforementioned services, and

WHEREAS, the Greater Buffalo Chapter of the American Red Cross has agreed to continue providing the aforementioned emergency assistance, and

WHEREAS, the County Department of Social Services is responsible for the payment of emergency needs only, as follows:

Clothing:

Birth to 5 years	\$48.00 per individual
6 to 11 years	\$73.00 per individual
12 years to Adult	\$89.00 per individual

Food:

An allowance of \$10.00 per day per individual up to a maximum of 3 days

Shelter:

Shelter provided for a maximum of 3 days at reasonable cost,

and

WHEREAS, it is economically and organizationally feasible for the County to contract with the Greater Buffalo Chapter of the American Red Cross for the provision of this assistance, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Greater Buffalo Chapter of the American Red Cross for the provision of the above-described emergency disaster assistance for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 665-2009 by Mr. Aiello and Mr. Snyder
and Mr. Teachman, Mr. McClune and Mrs. Witte¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR NON-EMERGENT/EMERGENCY AMBULANCE
TRANSPORTATION SERVICES FOR MEDICAID-ELIGIBLE RECIPIENTS**

Pursuant to 42 CFR Section 431.53, 18 NYCRR
Section 505.10, Section 365-a(2)(j) of the Social Services Law and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 746-2008 authorized contracts with various entities
for the provision of non-emergent/emergency ambulance transportation services
to medical assistance recipients of Cattaraugus County, the terms of which
expire December 31, 2009, and

WHEREAS, the County Department of Social Services is required to
provide non-emergent/emergency ambulance transportation services to medical
assistance recipients of Cattaraugus County and is desirous of renewing the
aforementioned contracts, and

WHEREAS, the following various entities shall provide non-
emergent/emergency ambulance transportation services to medical assistance
recipients:

City of Olean
Municipal Building
Olean, NY 14760

City of Salamanca
225 Wildwood Avenue
Salamanca, NY 14779

Trans-Am Ambulance Service, Inc.
305 N. 8th Street
Olean, NY 14760

WCA Services, Inc.
207 Foote Avenue, PO Box 41
Jamestown, NY 14702,

and

WHEREAS, the above-described non-emergent/emergency ambulance
transportation services shall be provided at the following rates:

Basic Life Support	\$125.27
Advanced Life Support	\$176.43
Mileage (per loaded mile)	\$ 2.70
Oxygen (after 20 miles)	\$ 15.00

**NOTE - expenditures are based on utilization,
and

WHEREAS, in the event that, during any given quarter annual
period of the term of the contract, the price of fuel rises by 25% or more
above the price charged on November 1, 2005, as measured by the price for
DIESEL REG as shown in the New York State Office of General Services Fuel
Contract Pricing List, then during the following quarter annual period,
commencing January 1, 2010, a surcharge of \$.05 per mile will be deemed added
to the mileage charge in the preceding paragraph, and

WHEREAS, in the event that, during any given quarter annual
period of the term of the contract, the price of fuel declines by 25% or more
below the price charged on November 1, 2005, as measured by the price for
DIESEL REG as shown in the New York State Office of General Services Fuel
Contract Pricing List, then during the following quarter annual period,
commencing January 1, 2010, the mileage charge paid to the entity in the
preceding quarter shall be decreased by \$.05 cents per mile, and

WHEREAS, this program is 50% federal, 25% state and 25% 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 the above-listed various entities, for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 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 automatically be abolished.

Approved by 8 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. McClune and Mrs. Witte".

Adopted December 9, 2009 by voice vote.

ACT NO. 666-2009 by Mr. Aiello and Mr. Snyder
and Mr. Teachman¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR WHEELCHAIR AMBULETTE TRANSPORTATION SERVICES
FOR MEDICAID-ELIGIBLE RECIPIENTS**

Pursuant to 42 CFR Section 431.53, 18 NYCRR
Section 505.10, Section 365-a(2)(j) of the Social Services Law and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 745-2008 authorized contracts with various entities for wheelchair ambulette transportation services for Medicaid-eligible recipients, the terms of which expire December 31, 2009, and

WHEREAS, the County Department of Social Services is mandated to continue the aforementioned wheelchair ambulette transportation services for Medicaid-eligible recipients, and

WHEREAS, the following various entities shall provide ambulette services (wheelchair transport):

Trans-Am Ambulance Service, Inc.
305 N. 8th Street
Olean, NY 14760

Carrier Coach, Inc.
271 Buffalo Street
Gowanda, NY 14070,

WCA Services, Inc.
207 Foote Avenue, P.O. Box 41
Jamestown, NY 14702,

and

WHEREAS, the above-described ambulette services shall be provided at the following rates:

Base One Way	\$ 37.08
Mileage (per loaded mile)	\$ 1.85
Attendant (prior approved-max.2 hours)	\$ 15.00/hour,

and

WHEREAS, in the event that, during any given quarter annual period of the term of the contract, the price of fuel rises by 25% or more above the price charged on November 1, 2005, as measured by the price for GAS REG as shown in the New York State Office of General Services Fuel Contract Pricing List, then during the following quarter annual period, commencing January 1, 2010, a surcharge of \$.05 per mile will be deemed added to the mileage charge in the preceding paragraph, and

WHEREAS, in the event that, during any given quarter annual period of the term of the contract, the price of fuel declines by 25% or more below the price charged on November 1, 2005, as measured by the price for GAS REG as shown in the New York State Office of General Services Fuel Contract Pricing List, then during the following quarter annual period, commencing January 1, 2010, the mileage charge paid to the entity in the preceding quarter shall be decreased by \$.05 cents per mile, and

WHEREAS, VMC, Inc., in its capacity as Mobility Manager for Cattaraugus County, will facilitate the scheduling and prior approval process for the aforementioned service, and

WHEREAS, this program is funded with 50% federal funds, 25% state funds and 25% county funds, 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 January 1, 2010 and terminating December 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 automatically be abolished.

Approved by 8 members of the Finance Committee, 7 members of the Human Services Committee and 7 members of the Senior Services Committee.

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

Adopted December 9, 2009 by voice vote.

ACT NO. 667-2009 by Mr. Aiello and Mr. Snyder
and Mr. Teachman¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR ADVANCED LIFE SUPPORT INTERFACE SERVICES FOR
MEDICAID-ELIGIBLE RECIPIENTS**

Pursuant to 42 CFR Section 431.53, 18 NYCRR
Section 505.10, Section 365-a(2)(j) of the Social Services Law and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 748-2008 authorized contracts with various entities for the provision of advanced life support interface services for Medicaid-eligible recipients, the terms of which expire December 31, 2009, and

WHEREAS, the Department of Social Services is desirous of contracting with the following entities for the provision of advanced life support interface services to medical assistance recipients for an amount of \$84.46 per interface trip:

Trans-Am Ambulance Service, Inc.
305 North 8th Street
Olean, New York 14760

WCA Services, Inc.
207 Foote Avenue, P.O. Box 41
Jamestown, New York 14702,

and

WHEREAS, this program is 50% federal, 25% state and 25% county funded, now, therefore, be it

WHEREAS, sufficient funds are included in the 2010 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 contracts, on behalf of Cattaraugus County, with various entities, for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 8 members of the Finance Committee, 7 members of the Human Services Committee and 7 members of the Senior Services Committee.

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

Adopted December 9, 2009 by voice vote.

ACT NO. 668-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR DEPARTMENT OF SOCIAL SERVICES
CONSUMER DIRECTED PERSONAL CARE SERVICES**

Pursuant to Sections 363-A and 368-A of the Social Services Law,
18 NYCRR Part 505, Section 636-a of the Executive Law, and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 745-2007 authorized a contract with Community Care of Western New York, Inc., for the provision of consumer-directed personal care services for eligible residents of Cattaraugus County, when such services are medically necessary and ordered by a physician, the term of which expires December 31, 2009, and

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

WHEREAS, the following various entities have agreed to provide consumer directed personal care services at rates to be determined by the New York State Department of Health:

Community Care of Western New York, Inc.
1225 West State Street
Olean, New York 14760

Willcare, Inc.
Westgate Plaza
700 West State Street
Olean, New York 14760,

and

WHEREAS, this program is 50% federal, 25% state and 25% county funded, and

WHEREAS, sufficient funds are included in the 2010 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 contracts, on behalf of Cattaraugus County, with Community Care of Western New York, Inc. and Willcare, Inc., for the provision of the above-described services, for a term commencing January

1, 2010 and terminating December 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 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 669-2009 by Mr. Aiello and Mr. Snyder
and Mr. Teachman, Mr. Hebdon, Mr. McClune, Mr. Padlo,
Mr. Sprague and Mrs. Witte¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
SOUTHERN TIER HEALTH CARE SYSTEM, INC. FOR CHILD PROTECTION
SERVICES THROUGH SOUTHERN TIER CHILD ADVOCACY CENTER**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Department of Social Services is desirous of obtaining examinations and interviews for open child protection cases, and

WHEREAS, the Southern Tier Health Care System, Inc., One Blue Bird Square, Olean, New York 14760, through its Southern Tier Child Advocacy Center, can conduct the aforementioned examinations and interviews for an amount of \$15,000, to be paid on a quarterly basis, and

WHEREAS, sufficient funds are included in the 2010 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 Southern Tier Health Care System, Inc., for the provision of services through its Southern Tier Child Advocacy Center, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 8 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. Hebdon, Mr. McClune, Mr. Padlo, Mr. Sprague and Mrs. Witte".

Adopted December 9, 2009 by voice vote.

ACT NO. 670-2009 by Mr. Aiello and Mr. Snyder
and Mr. McClune, Mr. Sprague and Mrs. Witte¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
CENTER FOR FAMILY UNITY, INC., FOR CHILD ABUSE
SERVICES FOR DEPARTMENT OF SOCIAL SERVICES**

Pursuant to 42 USCS 1397, 18 NYCRR Parts 405, 407 and 423,
Article 6, Title 1 of the Social Services Law and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 682-2009 authorized a contract with the Center for Family Unity, Inc., 4039 Route 219, Salamanca, New York 14779, in cooperation with the National Exchange Club Foundation for the Prevention of Child Abuse, for the provision of a Child Abuse Prevention Program, the term of which expires December 31, 2009, and

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

WHEREAS, the Center for Family Unity, Inc., proposes to provide parent aid services, nurturing services and parent education programs for an amount of \$41,163, plus \$24 per hour for supervised visitation, and

WHEREAS, this program is 63% federal and state and 37% county funded, and

WHEREAS, sufficient funds are included in the 2010 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Center for Family Unity, Inc., for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms, and be it further

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

Approved by 8 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, Mr. Sprague and Mrs. Witte".

Adopted December 9, 2009 by voice vote.

ACT NO. 671-2009 by Mr. Aiello and Mr. Snyder
and Mr. Teachman¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
OLEAN MEDICAL GROUP, LLP FOR DEPARTMENT OF
SOCIAL SERVICES EMPLOYMENT UNIT PHYSICALS**

Pursuant to 29 USCS 1604 and Act 432-2002 of the
Cattaraugus County Legislature.

WHEREAS, Act 686-2008 authorized a contract with the Olean Medical Group, LLP, 533 Main Street, Olean, New York 14760, for the provision of employment unit physicals for applicants/recipients of temporary assistance, the term of which expires December 31, 2009, and

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

WHEREAS, the Olean Medical Group, LLP, has agreed to provide employment unit physicals for the County Department of Social Services employment program in accordance with the following fee schedule, which is the same as the 2008 rate:

Office Visit Level 1 (minimal)	\$ 28.00
Office Visit Level 2 (problem focus)	\$ 42.25
Office Visit Level 3 (expanded problem)	\$ 58.50

Office Visit Level 4 (detail-moderate) \$ 82.00
Office Visit Level 5 (comprehensive-high) \$131.00

**Charges for specific tests are as recommended by the physician and approved on a case-by-case basis by the chief social welfare examiner for the employment unit,

and

WHEREAS, sufficient funds are included in the 2010 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Olean Medical Group, LLP, for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 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 8 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. Teachman".

Adopted December 9, 2009 by voice vote.

ACT NO. 672-2009 by Mr. Aiello and Mr. Snyder
and Mrs. Witte¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
BERKSHIRE FARMS CENTER AND SERVICE FOR YOUTH FOR
DEPARTMENT OF SOCIAL SERVICES TRUANCY PREVENTION PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 42-2009, as amended by Act 201-2009, authorized a contract with Berkshire Farms Center and Service for Youth, for the provision of a home-based truancy prevention program, the term of which expires December 31, 2009, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned truancy prevention program in Cattaraugus County, and

WHEREAS, Berkshire Farms Center and Service for Youth, 845 Central Avenue, Albany, New York 12206, has agreed to conduct an attendance support plan in partnership with the County Department of Social Services for an amount not to exceed \$221,069, as follows:

Target Population:

- Elementary Grades 3-8 with flexibility if attendance problems are identified earlier or later

Overarching Goals:

- Reduction in truancy rates
- Improved academic success and achievement

- Strengthening family systems that support positive relationships with schools and improve for families the value of education

Key Solution Factors:

- Collaboration with schools, DSS, families and other agencies
- Early intervention and parental involvement/accountability
- Systemic and individualized approach to root causes of truancy

Strategies:

- Early parental notification
- Attendance expectations are made clear to students and parents before school year begins
- Prompt parental/child intervention that includes individualized goal setting
- Clear and enforceable sanctions and incentives are in place,

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 Berkshire Farms Center and Service for Youth, for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 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 8 members of the Finance Committee and 7 members of the Human Services Committee.

¹ The following Legislator requested her name be listed as an additional sponsor: "Mrs. Witte".

Adopted December 9, 2009 by voice vote.

ACT NO. 673-2009 by Mr. Aiello and Mr. Snyder
and Mr. Padlo and Mrs. Witte¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR DEPARTMENT OF SOCIAL SERVICES
MEDICAL AND TESTING SERVICES FOR CHILD PROTECTIVE SERVICES**

Pursuant to 45 CFR Parts 74 and 92 and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 691-2008 authorized contracts with various entities for the provision of medical and testing services for persons needing evaluations, the terms of which expire December 31, 2009, and

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

WHEREAS, the following various entities can provide medical and testing services for persons needing evaluations in accordance with the following rate schedules:

<u>Company</u>	<u>Test</u>	<u>Rates</u>
Cattaraugus County Council on Alcoholism and Substance Abuse, Inc. 201 South Union Street Olean, New York 14760	- 5 Panel Urine Drug Screen with Collection-Active Client	\$ 35.00
	- 5 Panel Urine Drug Screen with Collection-Non-Active Client	\$ 60.00
	- Psychological Evaluations (2 sessions) Cost per session	\$ 77.00
Occupational Health Services, Inc. 187 Center Street Salamanca, New York 14779	- Drug Screen (results within 48-72 hours)	\$ 45.00
	- Breathalyzer/Alcohol Testing	\$ 15.00
	- Drug/Alcohol Blood Screen	\$ 80.00
Olean General Hospital 515 Main Street P.O. Box 728 Olean, New York 14760	- Urine Drug Screen Confirmation for Positive Results with Medical Review Officer Present	\$ 90.00 (1 drug) \$130.00 (2 drugs) \$175.00 (3 drugs)
	- Pre-Employment History & Physical	\$ 69.00
	- 10 Panel Urine Drug Collection & Screen	\$ 84.00
	- Breath Alcohol Screen	\$ 27.00
	- Breath Alcohol Confirmation	\$ 27.00
TLC Health Network a/k/a Tri-County Memorial Hospital 100 Memorial Drive Gowanda, New York 14070	- Urine Toxicology Collection & Medical Review	\$ 42.00

and

WHEREAS, this program is 63% state and 37% 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 the above-listed various entities for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 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 8 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 December 9, 2009 by voice vote.

ACT NO. 674-2009 by Mr. Aiello and Mr. Snyder
and Mr. Padlo¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
AIMEE JOZWIAK FOR FOSTER PARENT TRAINING SERVICES**

Pursuant to 18 NYCRR Parts 386 and 443 and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 690-2008 authorized the Chair to execute a contract with Aimee Jozwiak, 917 Route 446, Hinsdale, New York 14743, for foster parent training services, the term of which expires December 31, 2009, and

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

WHEREAS, Aimee Jozwiak can provide the aforementioned foster parent training services for an amount of \$50 per session for a maximum of ten (10) sessions per class and two (2) classes per year, plus mileage at the County rate in effect at the time services are rendered, for a total program cost not to exceed \$2,200, and

WHEREAS, this program is 63% state and 37% County funded, and

WHEREAS, sufficient funds are included in the 2010 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 Aimee Jozwiak for the provision of the above-described foster parent training services for a term commencing January 1, 2010 and terminating December 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 8 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. Padlo".

Adopted December 9, 2009 by voice vote.

ACT NO. 675-2009 by Mr. Aiello and Mr. Snyder
and Mr. Padlo and Mrs. Witte¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR DEPARTMENT OF
SOCIAL SERVICES DAY CARE SERVICES**

Pursuant to Sections 410 and 410-a of the Social Services Law and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 687-2008 authorized contracts with various entities for the provision of Child Care Block Grant day care services to eligible recipients of Cattaraugus County, the terms of which expire December 31, 2009, and

WHEREAS, the County Department of Social Services is desirous of renewing the contracts for the provision of day care services to eligible recipients, in accordance with the following revised rate schedule:

CATTARAUGUS COUNTY- WEEKLY MARKET RATES
Effective October 1, 2007

Age of Child:	<u>Under 1½</u>	<u>1½ - 2</u>	<u>3 - 5</u>	<u>6 - 12</u>
DAY CARE CENTER				
Weekly	\$171.00	\$165.00	\$155.00	\$136.00
Daily	40.00	37.00	34.00	31.00
Part-Day	27.00	25.00	23.00	21.00
Hourly	5.44	5.06	5.25	5.23
SCHOOL AGE CHILD CARE				
Weekly	\$0	0	0	\$136.00
Daily	0	0	0	31.00
Part-Day	0	0	0	21.00
Hourly	0	0	0	5.23

****PLEASE NOTE**** The entity cannot charge the Department of Social Services at a higher rate than the entity charges non-DSS clients for the child care services the entity provides.,

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 various entities for the provision of the above-described day care services, for a term commencing January 1, 2010 and terminating December 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 8 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 December 9, 2009 by voice vote.

ACT NO. 676-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CORNELL COOPERATIVE EXTENSION OF CATTARAUGUS AND ALLEGANY COUNTIES
FOR FOOD STAMP NUTRITIONAL EDUCATION PROGRAM**

Pursuant to 7 CFR Part 227 and Section 450 of the County Law.

WHEREAS, Act 497-2009 authorized a contract with Cornell Cooperative Extension of Cattaraugus and Allegany Counties, 28 Parkside Drive, Suite A, Ellicottville, New York 14731, for the provision of the Food

Stamp Nutrition Educational Program, the term of which expired September 30, 2009, and

WHEREAS, the Food Stamp Nutritional Education Program is designed to target food stamp applicants and recipients, including: individuals, senior citizens, sheltered workshops participants, homeless individuals and youth at risk in Cattaraugus County, and

WHEREAS, the purpose of the aforementioned program is for participants to acquire knowledge, skills and desired practices which contribute to the health and well-being of themselves and/or their families, and

WHEREAS, after being approved by the local Department of Social Services, the federal amount of \$324,543 will flow directly to Cornell Cooperative Extension of Cattaraugus and Allegany Counties for the operation of the aforementioned program in both counties, and

WHEREAS, this program is partially federally funded, with the remainder being donated services by Cornell Cooperative Extension, 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 Cornell Cooperative Extension of Cattaraugus and Allegany Counties, for the provision of the above-described Food Stamp Nutritional Education Program, for a term commencing October 1, 2009 and terminating September 30, 2010, 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 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 677-2009 by Mr. Neal
and Mr. McClune and Mrs. Witte¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH P & NP COMPUTER SERVICES, INC. FOR
DEPARTMENT OF NURSING HOMES SOFTWARE MAINTENANCE SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 750-2008 authorized a contract with P & NP Computer Services, Inc., 66 North Main Street, Brockport, New York 14420-1649, for the provision of software maintenance services for the Department of Nursing Homes, the term of which expires December 31, 2009, and

WHEREAS, the Department of Nursing Homes still needs the maintenance services, and

WHEREAS, P & NP Computer Services, Inc., has agreed to provide the aforementioned maintenance services for a total amount of \$7,267.50, as follows:

Olean Campus	\$3,633.75
Machias Campus	\$3,633.75,

and

WHEREAS, sufficient funds are included in the 2010 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 P & NP Computer Services, Inc., for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 8 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 December 9, 2009 by voice vote.

ACT NO. 678-2009 by Mr. Neal
and Mrs. Witte¹

**AUTHORIZING CERTAIN CHARGE-OFFS OF CERTAIN ACCOUNTS
RECEIVABLE IN THE DEPARTMENT OF NURSING HOMES**

Pursuant to Section 153 of the County Law.

WHEREAS, the Department of Nursing Homes has accounts receivable in which there has been no recent action, and

WHEREAS, the New York State Department of Audit and Control has recommended that the County remove these bad debts from the records of the Department of Nursing Homes, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the removal of the following debts from the accounts receivable records of the Department of Nursing Homes:

Machias Facility		
King, Eva	\$ 115.22	
Neamon, Gale	\$ 131.34	
Hanson, Dennis	\$2,627.54	
Asher, Rosalie	\$1,577.52	
Winship, Irene	\$1,478.28	
Dudak, Betty	\$ 61.30	
Grotke, Alfred	\$ 15.53	
Westfall, Lucille	\$ 14.56	
Total Machias Facility		\$6,021.29
Olean Facility		
Bess, Frances A.	\$5,015.88	
Evans, Joan	\$ 673.24	
Reitano, Pasqualina	\$ 50.50	
Ruby, Louis	\$1,369.41	
Wilber, Suzanne	\$6,581.98	
Gengo, Teresa	\$ 56.26	
Total Olean Facility		<u>\$13,747.27</u>
	TOTAL	\$19,768.56.

Approved by 8 members of the Finance Committee and 7 members of the Senior Services Committee.

¹ The following Legislator requested her name be listed as an additional sponsor: "Mrs. Witte".

Adopted December 9, 2009 by voice vote.

ACT NO. 679-2009 by Mr. Neal

**BID ACCEPTANCE FOR LAUNDRY SERVICES
(Department of Nursing Homes)**

Pursuant to Section 103 of the General Municipal Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for laundry services for the Pines Healthcare and Rehabilitation Center - Olean and Machias Campuses, according to specifications provided by the Senior Services Committee, and

WHEREAS, the only bid received meeting specifications was the bid of Healthcare Services Group, Inc., 3220 Tillman Drive, Suite 300, Bensalem, Pennsylvania 19020, in the amount of \$187,714, and

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

RESOLVED, that the bid of Healthcare Services Group, Inc., be, and the same hereby is, accepted for a term commencing January 15, 2010 and terminating January 14, 2012, with the option to renew for two (2) additional two-year periods at the same bid prices, and be it further

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

No State Bid.

Seven sets of specifications were sent out

One bid was received.

Approved by 8 members of the Finance Committee and 7 members of the Senior Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 680-2009 by Mr. Neal and Mr. McClune

**AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENTS WITH
VARIOUS ENTITIES FOR DEPARTMENT OF AGING
SENIOR WELLNESS AND NUTRITION PROGRAM SITES**

Pursuant to Section 95-a of the General Municipal Law, Title III-C
of the Older Americans Act of 1965, as amended and
Sections 215 and 450 of the County Law.

WHEREAS, Act 662-2008 authorized lease agreements with various entities for the County Department of Aging Senior Wellness and Nutrition Program sites in the County, the terms of which expire December 31, 2009, and

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

WHEREAS, the following various entities have agreed to renew the aforementioned lease agreements, as follows:

<u>SITE</u>	<u>2009 RATE</u>	<u>2010 RATE</u>
Jeff Buncy 8101 Lakeshore Drive Caneadea, New York 14717	\$315/mo. plus \$155/mo. for utilities	\$315/mo. plus \$155/mo. for utilities
City of Salamanca 225 Wildwood Avenue Salamanca, New York 14779	\$600/mo.	\$600/mo.
Free Methodist Church 327 Pine Street P.O. Box 261 South Dayton, New York 14138,	\$235/mo.	\$235/mo.
Portville Lodge #579 F. & A.M. 14 Temple Street Portville, New York 14770	\$420/mo.	\$420/mo.
Village of Cattaraugus 14 Main Street Cattaraugus, New York 14719	\$270/mo.	\$270/mo.
Town of Randolph 72 Main Street Randolph, New York 14772	\$478/mo.	\$478/mo.
Cornell Cooperative Extension 28 Parkside Drive Ellicottville, New York 14731	\$1,690/quarter (\$8/sq. foot)	\$1,690/quarter (\$8/sq. foot)
Village of Little Valley Municipal Building Rock City Street Little Valley, New York 14755	\$210	\$210
The Presbyterian Church 25 South Main Street Franklinville, New York 14737	\$397/mo. plus \$10/mo for cleaning	\$409/mo. plus \$12.50/mo. for Cleaning ²

and

WHEREAS, this program is 90% federal and 10% county funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute lease agreements, on behalf of Cattaraugus County, with the above-listed various entities, for the leasing of Senior Wellness and Nutrition Program sites, for a term commencing January 1, 2010 and terminating December 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 8 members of the Finance Committee and 7 members of the Senior Services Committee.

¹ The following Legislator requested her name be listed as an additional sponsor: "Mrs. Witte".

² MR. NEAL moved, seconded by Mr. Vecchiarella to amend Act No. 680-2009 as follows: In the third Whereas, add the following:

"Village of Little Valley Municipal Building Rock City Street Little Valley, New York 14755	\$210	\$210
The Presbyterian Church 25 South Main Street Franklinville, New York 14737	\$397/mo. plus \$10/mo for cleaning	\$409/mo. plus \$12.50/mo. for Cleaning".

Adopted, as amended, December 9, 2009 by voice vote.

ACT NO. 681-2009 by Mr. Neal and Mr. McClune

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
DAMYANT PURI FOR CONSULTING DIETICIAN SERVICES 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 195-2009 authorized a contract with Damyant Puri for the provision of consulting dietician services for the Department of Aging, at a rate of \$40 per hour for an average of 12 hours per week, plus training costs of \$525, the term of which expires December 31, 2009, and

WHEREAS, the Department of Aging is desirous of continuing the aforementioned services, and

WHEREAS, Damyant Puri, 9 Barley Sheaf Road, Flemington, New Jersey 08822, has agreed to continue providing the aforementioned consulting dietician services at a rate of \$41 per hour for an average of 12 hours per week, plus training costs of \$600, and

WHEREAS, this program is funded through federal, state and county funds, and

WHEREAS, sufficient funds are included in the 2010 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 Damyant Puri for the provision of the above-described consulting dietician services, for a term commencing January 1, 2010 and terminating December 31, 2011, 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 8 members of the Finance Committee and 7 members of the Senior Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 682-2009 by Public Safety Committee:
Mr. Vecchiarella, Mr. Murphy, Mr. Aiello, Mr. Neal,
Mr. O'Brien, Mr. Hebdon and Mr. Padlo

**ABOLISHING ONE (1) POSITION OF STENOGRAPHER AND
ONE (1) POSITION OF KEYBOARD SPECIALIST II IN THE
DEPARTMENT OF PROBATION AND CORRECTIONAL ALTERNATIVES AND
CREATING ONE (1) POSITION OF PROBATION ASSISTANT AND
ONE (1) POSITION OF RECEPTION CLERK AND
ONE (1) POSITION OF KEYBOARD SPECIALIST IN THE DEPARTMENT OF PROBATION AND
CORRECTIONAL ALTERNATIVES AND
ESTABLISHING COMPENSATION FOR SAME**

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

WHEREAS, the Department of Probation and Correctional Alternatives is desirous of restructuring both its clerical and services units in order to be more effective and cost efficient in providing services, and

WHEREAS, this restructuring requires redistribution of staff, as well as changes in the essential functions, duties and responsibilities associated with certain positions which subsequently require the abolition of certain positions and 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 the titles in accordance with Section 22 of the Civil Service Law, now, therefore, be it

RESOLVED, that effective January 22, 2010 at 11:59 p.m., there is hereby abolished one (1) position of Stenographer in the Department of Probation and Correctional Alternatives, and be it further

RESOLVED, that effective January 23, 2010, there is hereby created one (1) position of Probation Assistant, in the Department of Probation and Correctional Alternatives, to be compensated at Grade 20 (\$18.55 - \$22.23 per hour) of the General Bargaining Unit Salary Schedule, and be it further

RESOLVED, that effective January 22, 2010 at 11:59 p.m., there is hereby abolished one (1) position of Keyboard Specialist II in the Department of Probation and Correctional Alternatives, and be it further

RESOLVED, that effective January 23, 2010, there is hereby created one (1) position of Reception Clerk to be filled on a part-time basis, in the Department of Probation and Correctional Alternatives, to be compensated at Grade 10 (\$9.86 per hour) of the Part-time Bargaining Unit Salary Schedule, and be it further

RESOLVED, that effective January 23, 2010, there is hereby created one (1) position of Keyboard Specialist to be filled, subject to approval, on a part-time basis, in the Department of Probation and Correctional Alternatives, to be compensated at Grade 11 (\$10.26 per hour) of the Part-time Bargaining Unit Salary Schedule.

Approved by 8 members of the Finance Committee and 5 members of the Labor Relations Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 683-2009 by Mr. McLarney and Mr. Ward

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH ACTUARIAL & TECHNICAL SOLUTIONS, INC.
FOR WORKERS' COMPENSATION ACTUARIAL CONSULTING SERVICES**

Pursuant to Section 64 of the Workers' Compensation Law and
Section 450 of the County Law.

WHEREAS, Act 635-2005 authorized a contract with Actuarial & Technical Solutions, Inc., 3555 Veterans Memorial Highway, Suite A, Ronkonkoma, New York 11779, for the provision of actuarial services for the County's self insurance workers' compensation program, the term of which expired, and

WHEREAS, the County Human Resources Department is in need of the aforementioned services, and

WHEREAS, Actuarial & Technical Solutions, Inc., can provide actuarial consulting services for an amount not to exceed \$14,000, and

WHEREAS, sufficient funds are included in the 2010 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 Actuarial & Technical Solutions, Inc., for the provision of the above-described services, for a term commencing January 1, 2010 and terminating April 31, 2010, according to the above-described terms.

Approved by 8 members of the Finance Committee and 5 members of the Labor Relations Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 684-2009 by Mr. McLarney and Mr. Ward

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
EXPRESS SCRIPTS, INC., FOR MANAGED PRESCRIPTION DRUG PROGRAM**

Pursuant to Section 92-a of the General Municipal Law and
Section 450 of the County Law.

WHEREAS, Act 227-2007, as amended by Act 706-2008, authorized a contract with Express Scripts, Inc., for the provision of prescription drug benefits, including pharmacy network management, claims processing, mail service pharmacy, specialty injectables, formulary development and rebate management for the Cattaraugus County Health Plan, the term of which expires December 31, 2009, and

WHEREAS, the parties are desirous of extending the term of the aforementioned contract to December 31, 2010, and

WHEREAS, sufficient funds are included in the 2010 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 extension, on behalf of Cattaraugus County, with Express Scripts, Inc., for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 8 members of the Finance Committee and 5 members of the Labor Relations Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 685-2009 by Mr. McLarney and Mr. Ward

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
MARSH USA, INC. FOR BROKER OF RECORD SERVICES FOR
COUNTY INSURANCE PROGRAM**

Pursuant to Sections 52 and 78 of the General Municipal Law and
Sections 215 and 450 of the County Law.

WHEREAS, Act 707-2008 authorized a contract with Marsh USA, Inc., 300 South State Street, Suite 300, Syracuse, New York 13202, for the provision of those services required to serve as Insurance Broker of Record for the County's Property, Boiler & Machinery, Excess Public Entity Liability, Commercial Crime, Excess Workers' Compensation & Employer's Liability, and Pines Fidelity Bond insurance coverage, the term of which expires December 31, 2009, and

WHEREAS, the County Human Resources Department is desirous of continuing the aforementioned insurance coverage and services, and

WHEREAS, Marsh USA, Inc., has agreed to continue providing brokerage services for the County's insurance program for an amount of \$30,000, and

WHEREAS, sufficient funds are included in the 2010 budget to cover the cost 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 Marsh USA, Inc., for the provision of the above-described services and insurance coverage, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 8 members of the Finance Committee and 5 members of the Labor Relations Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 686-2009 by Mr. McLarney and Mr. Ward

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT
WITH EBS-RMSCO, INC. FOR GASB 45
ACTUARIAL, CONSULTING AND ADMINISTRATIVE SERVICES**

Pursuant to Section 1860D-22 of the Social Security Act,
42 CFR Section 423.880, 42 USC Section 1395w-101 and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 146-2008 authorized a contract with EBS Benefit Solutions, Inc., 30 Perinton Hills Mall, Fairport, New York 14450, for the provision of GASB 45 actuarial services for the Cattaraugus County Health Plan, the term of which expired, and

WHEREAS, the County is desirous of obtaining actuarial, consulting and administrative services for postretirement medical benefits valuations for the fiscal year ending December 31, 2009, and

WHEREAS, EBS-RMSCO, Inc., 30 Perinton Hills Mall, Fairport, New York 14450, has been recommended to provide the aforementioned services for fiscal year ending December 31, 2009, for an amount of \$7,350, and

WHEREAS, sufficient funds are included in the 2010 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 EBS-RMSCO, Inc., for the provision of the above-described services, for a term commencing January 1, 2010 and terminating May 1, 2010, according to the above-described terms.

Approved by 8 members of the Finance Committee and 5 members of the Labor Relations Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 687-2009 by Mr. McLarney and Mr. Ward

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
EBS-RMSCO, INC. FOR THIRD-PARTY ADMINISTRATION OF
CATTARAUGUS COUNTY HEALTH PLAN, MEDICARE D AND
VISION SERVICE PLAN BENEFITS**

Pursuant to Section 92-a of the General Municipal Law and Section 450 of the County Law.

WHEREAS, Act 705-2008 authorized a contract with RMSCO, Inc., for the third-party administration of the Cattaraugus County Health Plan and the County Flexible Benefits Plan, the term of which expires December 31, 2009, and

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

WHEREAS, EBS-RMSCO, Inc., 30 Perinton Hills Malls, Fairport, New York 14450, can administer specified employee health benefits in accordance with the following fee schedule:

<u>Description</u>	<u>ADMINISTRATIVE SERVICES</u>			
	<u>Expiring Rate</u>	<u>1/1/2010 - 12/31/2010</u>	<u>1/1/2011 - 12/31/2011</u>	<u>1/1/2012 - 12/31/2012</u>
Medical Claim Processing	\$26.25 PEPM	\$26.50 PEPM	\$26.50 PEPM	\$27.00 PEPM
VSP	\$ 0.82 PEPM	\$ 0.88 PEPM	\$ 0.88 PEPM	\$ 0.88 PEPM
Retroactive Benefit Changes	\$25.00/claim	\$25.00/claim	\$25.00/claim	\$25.00/claim
ID Cards (Special Requests)	\$ 1.95/card	\$ 1.95/card	\$ 1.95/card	\$ 1.95/card
Out-of-Network Negotiations	25% of savings	25% of savings	25% of savings	25% of savings
Travel Network	25% of savings	25% of savings	25% of savings	25% of savings
Subrogation	20% of recoveries	20% of recoveries	20% of recoveries	20% of recoveries
Negotiation				

Administration Fee Notes: Rate includes medical processing, primary network access, utilization review, forms, ID cards, HCRA administration and management reports.

MEDICARE PART D SERVICE FEE*

<u>Description</u>	<u>Fee</u>
Creditable Coverage Determination - Required	
Creditable Coverage Determination**	\$1,500 - \$3,000/plan
Data Transmission to Actuaries (UBOI)	\$325/transmission
Re-Programming due to Coverage Changes	\$650 1 st plan
	\$325 each additional plan
Annual 2-page Disclosure Notices to Beneficiaries	\$1.80/notice

Subsidy Process

Actuarial Attestation**	\$2,000 - \$4,000/plan
Subsidy Application Assistance (10 hours)	\$560/plan
Eligibility Data Transmissions (Monthly)	\$205/transmission
Annual Utilization Subsidy Request & Reconciliation	\$975/request

and

WHEREAS, sufficient funds are included in the 2010 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 RMSCO, Inc. for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2012, according to the above-described terms.

Approved by 8 members of the Finance Committee and 5 members of the Labor Relations Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 688-2009 by Mr. McLarney and Mr. Ward

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
EBS-RMSCO, INC. FOR THIRD-PARTY ADMINISTRATION OF
CATTARAUGUS COUNTY FLEXIBLE BENEFITS PLAN**

Pursuant to Section 92-a of the General Municipal
Law and Section 450 of the County Law.

WHEREAS, Act 705-2008 authorized a contract with RMSCO, Inc., for the third-party administration of the Cattaraugus County Flexible Benefits Plan, the term of which expires December 31, 2009, and

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

WHEREAS, EBS-RMSCO, Inc., FSA Customer Service Department, 30 Perinton Hills Mall, Fairport, New York 14450, can administer the County's Flexible Benefits Plan for an amount of \$3.20 per participant per month or \$55 per month, whichever is greater, not to exceed \$5,400, and

WHEREAS, sufficient funds are included in the 2010 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 RMSCO, Inc. for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 8 members of the Finance Committee and 5 members of the Labor Relations Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 689-2009 by Human Services Committee:

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

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
BELFAST CENTRAL SCHOOL DISTRICT FOR
YOUTH BUREAU AMERICORPS START PROGRAM**

Pursuant to 42 USCS Section 12501 and
Section 450 of the County Law.

WHEREAS, Act 585-2008 authorized a contract with the Belfast Central School District for the implementation of the AmeriCorps START Program, the term of which expired October 12, 2009, and

WHEREAS, the County Youth Bureau is desirous of continuing the AmeriCorps START Program in the Belfast Central School, and

WHEREAS, Belfast Central School District has agreed to provide services for the AmeriCorps START Program by contributing an amount of \$1,900 for one (1) part-time member, and

WHEREAS, the continuation of the aforementioned contract is contingent upon the receipt of funding from the New York State Commission on National and Community Service, 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 Belfast Central School District, for the implementation of the AmeriCorps START Program, for a term commencing October 13, 2009 and terminating November 7, 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 8 members of the Finance Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 690-2009 by Human Services Committee:

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

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE DOCUMENTS
REGARDING YOUTH PROGRAMS FOR 2010**

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

WHEREAS, Act 700-2008 authorized the County Administrator to execute such agreements, applications and other documents to effect the establishment of the various youth programs in 2009, and

WHEREAS, a sum not to exceed \$194,000 will be used for various youth-related projects in Cattaraugus County during 2010, and

WHEREAS, it is necessary for the County to enter into various contracts with the individual sponsoring agencies throughout 2010 to comply with New York State Office of Children & Family Services' requirements, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute such contracts, applications and other documents, on behalf of Cattaraugus County, as deemed necessary to effect the establishment of the various youth programs in 2010, and be it further

RESOLVED, that prior to entering into any contract for youth programs for 2010, such programs shall be approved, in writing, by the Cattaraugus County Youth Bureau Board of Directors, and be it further

RESOLVED, that any such contracts, applications, or other documents are further contingent upon subsequent approval by the New York State Office of Children & Family Services of the program and program budgeting and are null and void until and unless such approval is obtained, and be it further

RESOLVED, that the County's participation in any of the various programs will be to reimburse the sponsoring agency 50% for the Youth Development and Delinquency Prevention (YDDP) Program and 100% for the Special Delinquency Prevention (SDPP) Program of reimbursable expenditures as defined under the New York State Office of Children & Family Services Guidelines and approved by the Cattaraugus County Youth Bureau with reimbursement set forth infra, and be it further

RESOLVED, that all reimbursement to the sponsoring agency by the County of Cattaraugus up to the maximum of the approved program cost for fiscal year 2010 will take effect after the sponsoring agency has filed appropriate state aid forms with the Cattaraugus County Youth Bureau, and the Youth Bureau has approved those forms, and be it further

RESOLVED, that any such contract entered into between the County and a sponsoring agency shall provide, inter alia, a provision that, in the event the State of New York fails to reimburse the County as contractually outlined, the sponsoring agency shall reimburse the County for the total amount of funds provided by the County pursuant hereto, and be it further

RESOLVED, that upon reduction or termination of either state or federal funding for this program, then any of the programs affected by this resolution shall be automatically abolished.

Approved by 8 members of the Finance Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 691-2009 by County Operations:
Mr. Marsh, Mr. Padlo, Mr. McLarney, Mr. Neal,
Mr. Teachman, Mr. Vecchiarella, Mr. Sprague

**CREATING TWO POSITIONS OF INDEX CLERK IN OFFICE OF COUNTY CLERK
TO BE FILLED ON A TEMPORARY BASIS AND
ESTABLISHING COMPENSATION FOR SAME**

Pursuant to Sections 204 and 205 of the County Law and
Sections 22 and 64 of the Civil Service Law.

WHEREAS, the Office of the County Clerk has received a grant in the amount of \$75,000 for purposes of scanning and indexing older deed records, and

WHEREAS, scanning will be accomplished by an outside vendor, and

WHEREAS, these scanned documents will still require indexing, which will require the addition of two temporary Index Clerks, and

WHEREAS, Civil Service Law provides for the creation of temporary positions for a period not to exceed six months wherein such positions are not expected to last longer than such six month period, and

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

RESOLVED, that effective January 1, 2010, there are hereby created two temporary positions of Index Clerk in the Office of the County Clerk to be compensated at Grade 14 (\$11.42 per hour), temporary salary schedule, and be it further

RESOLVED, that effective June 30, 2010, these positions shall automatically be abolished, and be it further

RESOLVED, that should external funding not otherwise be available to cover the cost of these positions, or should the second payment of \$37,500 not be received, then these positions shall be abolished effective March 30, 2010.

Approved by 8 members of the Finance Committee and 5 members of the Labor Relations Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 692-2009 by Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH SYSTEMS DEVELOPMENT GROUP, INC.
FOR REAL PROPERTY TAX SERVICES
IMAGE MATE ONLINE SUPPORT AGREEMENT AND
IMAGE MATE GIS SUPPORT AGREEMENT**

Pursuant to Section 1532 of the Real Property Tax Law and
Section 450 of the County Law.

WHEREAS, Act 652-2008 authorized a contract with Systems Development Group, Inc., 441 Trenton Avenue, Utica, New York 13502, for the provision of imaging software and services for the County Real Property

Services Department online support, the term of which expires December 31, 2009, and

WHEREAS, the County Real Property Services Department is desirous of continuing the aforementioned technical support for the Image Mate online, and

WHEREAS, Systems Development Group, Inc., can provide the necessary online support of the Image Mate Online System for an amount of \$7,000, and

WHEREAS, sufficient funds are included in the 2010 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 Systems Development Group, Inc., for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

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

Adopted December 9, 2009 by voice vote.

ACT NO. 693-2009 by Mr. Murphy
and Mr. Aiello and Mr. McClune¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT AND GRANT DOCUMENTS WITH
NEW YORK STATE DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES FOR
PROBATION-ELIGIBLE FELONY OFFENDER DIVERSION INITIATIVE**

Pursuant to Chapter 54 of the Laws of 1996 and
Section 450 of the County Law.

WHEREAS, Act 400-2009 authorized the Chair to execute contract with the New York State Division of Probation and Correctional Alternatives for the Probation-Eligible Felony Offender Diversion Initiative, the term of which expires December 31, 2009, and

WHEREAS, \$31,396 is available to the County Probation Department for the aforementioned program for the 2010 program year, and

WHEREAS, a grant application must be filed with the New York State Division of Probation and Correctional Alternatives in order to apply for the aforementioned grant funding, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents and a contract, on behalf of Cattaraugus County, with the New York State Department of Probation and Correctional Alternatives, in order to apply for, and accept, funding for the above-described 2010 program year, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 8 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 and Mr. McClune".

Adopted December 9, 2009 by voice vote.

ACT NO. 694-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HEALTH RESEARCH, INC. FOR PUBLIC HEALTH
PREPAREDNESS AND RESPONSE TO BIOTERRORISM**

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

WHEREAS, Act 568-2008, as amended by Act 307-2009, authorized a contract with the New York State Department of Health in order to receive funding for the development of a terrorism emergency response and preparedness plan, the term of which expired August 9, 2009, and

WHEREAS, Health Research, Inc., Riverview Center, 150 Broadway, Suite 560, Menands, New York 12204, has awarded an amount of \$273,533 to the County Health Department for the next phase of the terrorism emergency response and preparedness plan, and

WHEREAS, a contract is necessary with the Health Research, Inc., in order to accept the aforementioned funding, and

WHEREAS, this program is 100% state 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 Health Research, Inc., for the provision of the above-described services, for a term commencing August 10, 2009 and terminating August 9, 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 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 695-2009 by Mr. Aiello and Mr. Snyder
and Mrs. Witte¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH CORNELL COOPERATIVE EXTENSION
FOR HEALTH DEPARTMENT LPN HOME CARE SERVICES**

Pursuant to 10 NYCRR Part 40-1 and Section 450 of the County Law.

WHEREAS, Act 665-2008 authorized a contract with Cornell Cooperative Extension, 28 Parkside Drive, Ellicottville, New York 14731, for the provision of licensed practical nursing (LPN) services for the County Health Department's home care program, the term of which expires December 31, 2009, and

WHEREAS, Cornell Cooperative Extension has agreed to continue the provision of the aforementioned services for a total amount not to exceed \$42,744, which includes mileage and other approved work-related expenses, and

WHEREAS, sufficient funds are included in the 2010 budget to cover the cost 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 Cornell Cooperative Extension, for the provision of the above-

described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

¹ The following Legislator requested her name be listed as an additional sponsor: "Mrs. Witte".

Adopted December 9, 2009 by voice vote.

ACT NO. 696-2009 by Mr. Aiello and Mr. Snyder
and Mrs. Witte¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR HEALTH DEPARTMENT WIC CLINIC SPACE**

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

WHEREAS, Act 669-2008 authorized contracts with various entities for the utilization of space for the Health Department's WIC Program, the terms of which expire December 31, 2009, and

WHEREAS, the County Health Department is desirous of continuing the WIC program in various areas of Cattaraugus County, and

WHEREAS, the entities listed below have agreed to allow the County Health Department to utilize space in their facilities for WIC clinics:

	<u>2009 Rate</u>	<u>2010 Rate</u>
Franklinville Free Methodist Church 41 South Main Street Franklinville, New York 14737	\$300/year	\$300/year
Gowanda Free Methodist Church 149 West Main Street Gowanda, New York 14070	\$60/day of use	\$60/day of use
Roberts Memorial Free Methodist Church 111 South Street Cattaraugus, New York 14719	\$100/year	\$100/year
Town of Randolph 72 Main Street Randolph, New York 14772,	No Cost	No Cost

and

WHEREAS, this program is 100% state 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 utilization of the aforementioned space, for a term commencing January 1, 2010 and terminating December 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 8 members of the Finance Committee and 7 members of the Human Services Committee.

¹ The following Legislator requested her name be listed as an additional sponsor: "Mrs. Witte".

Adopted December 9, 2009 by voice vote.

ACT NO. 697-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
WESTERN NEW YORK PHYSICAL & OCCUPATIONAL THERAPY GROUP, PLLC
FOR HEALTH DEPARTMENT HOME HEALTH CARE PROGRAM
PHYSICAL AND OCCUPATIONAL THERAPY SERVICES**

Pursuant to 10 NYCRR 763.3, Section 3602 of the Public Health Law and Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 677-2008 authorized a contract with Western New York Physical & Occupational Therapy Group, PLLC, 6301 Transit Road, Depew, New York 14043, for the provision of physical and occupational therapy services to patients of the County Health Department Home Health Care Program, the term of which expires December 31, 2009, and

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

WHEREAS, Western New York Physical & Occupational Therapy Group, PLLC, has agreed to provide physical therapy and occupational therapy visits at a rate of \$73 per visit, with the stipulation that it not refuse any physical therapy or occupational therapy cases referred to it, and

WHEREAS, if Western New York Physical & Occupational Therapy Group, PLLC, refuses any physical therapy homecare cases or occupational therapy visits during the term of the 2010 contract, then the rates for such services shall revert back as follows for the duration of the contract:

Physical Therapy Services	Base Rate of \$68/visit
Occupational Therapy Services	Base Rate of \$68/visit
Physical Therapy Assistant Services	Base Rate of \$45/visit,

and

WHEREAS, Western New York Physical & Occupational Therapy Group, PLLC, has agreed to provide physical and occupational therapy services to Cattaraugus County Health Department patients at the following rates:

Service	2009 Rate	2010 Rate
Physical Therapist	\$73/visit	\$73/visit
Physical Therapist Aides	\$55/visit	\$55/visit
Occupational Therapist	\$73/visit	\$73/visit
Occupational Therapist Aides	\$55/visit	\$55/visit
Attendance at Meetings	\$28/hour	\$28/hour
Office Visits:		
- per standard visit (any combination of modalities and/or procedures; CHAA or patient to provide all dressings and ointments)	\$50/visit	\$50/visit
- per short visit (less than 15 minutes)	\$22/visit	\$22/visit
Evaluations	\$73/visit	\$73/visit,

and

WHEREAS, sufficient funds are included in the 2010 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 Western New York Physical & Occupational Therapy Group, PLLC, for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 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 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 698-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
HARLAN J. WEST FOR HEALTH DEPARTMENT SPEECH THERAPIST SERVICES**

Pursuant to 10 NYCRR 763.3, Section 3602 of the Public Health Law and Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 671-2008 authorized a contract with Harlan J. West, 104 Seymour Street, Fredonia, New York 14063, for the provision of speech therapist services for the County Health Department's home health care programs, the term of which expires December 31, 2009, and

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

WHEREAS, Harlan J. West has agreed to provide the aforementioned services for an amount as follows, which is the same rate as 2009:

\$75/visit

\$28.00/hour for attendance at meetings (inclusive)

Recruitment & Retention (to be determined by NYSDOH),

and

WHEREAS, this program is funded through a variety of sources, including, but not limited to, state and federal funding, private pay, private and third-party insurance and the County, 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 Harlan J. West for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 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 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 699-2009 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, Act 341-2009 authorized a contract with Kerry Mihalko, 255 Maple Avenue, Cassadaga, New York 14718, for the provision of Nutritionist services for the Health Department home health care program, the term of which expires December 31, 2009, and

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

WHEREAS, Kerry Mihalko 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 a rate of \$28 per hour for attendance at meetings, and

WHEREAS, this program is funded through federal, state and county funds, and

WHEREAS, sufficient funds are included in the 2010 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 January 1, 2010 and terminating December 31, 2010, 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 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 700-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH HEATHER L. RAMSEY
FOR HEALTH DEPARTMENT HOME HEALTH AIDE SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 84-2009 authorized a contract with Heather L. Ramsey, 320 Maplecree Avenue, Lakewood, New York 14750, for the provision of home health aide services for the County Health Department home health care program, the term of which expires December 31, 2009, and

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

WHEREAS, Heather L. Ramsey can provide home health aide services for the County Health Department's home health care program for an amount of \$18 per hour, and

WHEREAS, sufficient funds are included in the 2010 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 Heather L. Ramsey for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 701-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN GENERAL HEALTHCARE SYSTEMS, LLC FOR
HEALTH DEPARTMENT HOME HEALTH CARE
PROGRAM RESPIRATORY THERAPY SERVICES**

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

WHEREAS, Act 152-2009 authorized a contract with Olean General Healthcare Systems, LLC, 234 Homer Street, Olean, New York 14760, for the provision of respiratory therapy services for patients of the County Health Department Home Health Care Program, the term of which expires December 31, 2009, and

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

WHEREAS, Olean General Healthcare Systems, LLC, has agreed to provide respiratory therapy visits at a rate of \$70.00 per visit, with the stipulation that it not refuse any respiratory therapy cases referred to it, and \$28.00 per hour for attendance at meetings, and

WHEREAS, if Olean General Healthcare Systems refuses any occupational therapy homecare case during the term of the 2010 contract, then the rate for respiratory therapy services shall revert back to the base rate of \$68 per visit, and

WHEREAS, this program is funded through a variety of sources, including, but not limited to, state and federal funding, private pay, private and third-party insurance and the County, 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 Olean General Healthcare Systems, LLC, for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms, and be it further

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

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 702-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT
WITH JAMESTOWN REHAB SERVICES, PT, OT, SLP, PLLC FOR
HEALTH DEPARTMENT HOME HEALTH CARE PROGRAM
THERAPY SERVICES**

Pursuant to 10 NYCRR 763.3, Section 3602 of the Public Health Law and Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 672-2008 authorized a contract with Jamestown Rehab Services, PT, OT, SLP, PLLC, 4482 Kathleen Street, Hamburg, New York 14075, for the provision of various therapy services for the patients of the Health Department Home Health Care Program, the term of which expires December 31, 2009, and

WHEREAS, the County Department of Health is desirous of continuing the provision of physical, occupational and speech therapy services, and

WHEREAS, if Jamestown Rehab Services, PT, OT, SLP, PLLC, refuses any physical therapy homecare cases, occupational therapy visits or speech therapy services during the term of the 2010 contract, then the rates for such services shall revert back as follows for the duration of the contract:

Physical Therapy Services	Base Rate of \$68/visit
Occupational Therapy Services	Base Rate of \$68/visit
Speech Therapy Services	Base Rate of \$68/visit
Physical Therapy Assistant Services	Base Rate of \$45/visit,

and

WHEREAS, Jamestown Rehab Services, PT, OT, SLP, PLLC, has agreed to provide physical, occupational and speech therapy services to Cattaraugus County Health Department patients at the following rates:

<u>Service</u>	<u>2009 Rate</u>	<u>2010 Rate</u>
Physical Therapist	\$70/visit	\$70/visit
Occupational Therapist	\$70/visit	\$70/visit
Speech Therapist	\$70/visit	\$70/visit
Physical Therapy Assistant	\$55/visit	\$55/visit
Attendance at Meetings	\$28/hour	\$28/hour
Evaluations	\$70/visit	\$70/visit
PT only admission visit		\$80/visit
Recruitment & Retention (to be determined by NYSDOH),		

and

WHEREAS, this program is funded through a variety of sources, including, but not limited to, state and federal funding, private pay, private and third-party insurance and the County, 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 Jamestown Rehab Services, PT, OT, SLP, PLLC, for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms, and be it further

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

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 703-2009 by Mr. Aiello and Mr. Snyder
and Mr. McClune and Mrs. Witte¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
LIFELINE SYSTEMS AND VISITING NURSING ASSOCIATION OF
WESTERN NEW YORK, INC. FOR PERSONAL EMERGENCY RESPONSE UNITS AND
MONITORING FOR DEPARTMENTS OF HEALTH, AGING AND SOCIAL SERVICES**

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

WHEREAS, Act 674-2008 authorized a contract with Lifeline Systems, 111 Lawrence Street, Framingham, Massachusetts 01702, and Visiting Nursing Association of Western New York, Inc., 2100 Wehrle Drive, Williamsville, New York 14221, for the provision of various services to the County Departments of Health, Aging and Social Services, the term of which expires December 31, 2009, and

WHEREAS, the County Departments of Health, Aging and Social Services are desirous of continuing the aforementioned services, and

WHEREAS, Lifeline Systems and Visiting Nursing Association of Western New York, Inc., have agreed to provide services to the County Departments of Health, Aging and Social Services, as follows:

<u>Category of Service</u>	<u>2009 Rate</u>	<u>2010 Rate</u>
<u>HEALTH DEPARTMENT</u>		
Installation of PERS units	\$25/unit (one time charge)	\$25/unit (one time charge)
PERS Monitoring	NYS Approved Rate (currently \$23/month/unit)	NYS Approved Rate (currently \$23/month/unit)
<u>SOCIAL SERVICES</u>		
Installation of PERS units	NYS Approved Medicaid Rate	NYS Approved Medicaid Rate
PERS Monitoring	NYS Approved Medicaid Rate	NYS Approved Medicaid Rate
<u>DEPARTMENT OF AGING</u>		
Installation of PERS units	\$25/unit	\$25/unit
PERS Monitoring	\$15/month	\$15/month
Replacement of Pendants (lost/damaged/broken)	\$40/unit	\$40/unit
PERS related cost of approved repairs/ maintenance	Approved Cost	Approved Cost

and

WHEREAS, this program is 75% state and 25% County funded for the Department of Aging's portion of expenses, and

WHEREAS, sufficient funds are included in the 2010 budget to cover the cost 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 Lifeline Systems and Visiting Nursing Association of Western New York, Inc., for the provision of the above-described services for a term commencing January 1, 2010 and terminating December 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 8 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 December 9, 2009 by voice vote.

ACT NO. 704-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
VIC VENA PHARMACY, INC. FOR PHARMACY CONSULTANT SERVICES**

Pursuant to 10 NYCRR Section 752.5 and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 673-2008 authorized a contract with Vic Vena Pharmacy, Inc., 1322 West State Street, Olean, New York 14760, for the provision of a pharmacy consultant for assistance in the development of policies and procedures related to the provision of drugs and vaccines and advising professional and para-professional staff on drug interactions, side effects, and recall procedures as required by Article 28 of the Public Health Law, the term of which expires December 31, 2009, and

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

WHEREAS, Vic Vena Pharmacy, Inc. has agreed to continue providing the aforementioned services at the rate of \$70.00 per hour, and

WHEREAS, sufficient funds are included in the 2010 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 Vic Vena Pharmacy, Inc., for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 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 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 705-2009 by Mr. Aiello and Mr. Snyder
and Mrs. Witte¹

**AUTHORIZING HEALTH DEPARTMENT TO EXECUTE CONTRACT WITH
DAVID PORTER FOR ADMINISTRATIVE HEARING OFFICER SERVICES**

Pursuant to Section 309 of the Public Health Law and
Part 9 of the Cattaraugus County Sanitary Code.

WHEREAS, Act 756-2008 authorized a contract with David Porter, 1180 Four Mile Road, Allegany, New York 14706, for Administrative Hearing Officer services for the County Health Department, at the rate of \$20.00 per hour, plus meal cost during Board of Health meetings, the term of which expires December 31, 2009, and

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

WHEREAS, David Porter has agreed to act as Administrative Hearing Officer for the Cattaraugus County Health Department at the rate of \$20.00 per hour, which includes mileage, plus meal cost during Board of Health meetings, and

WHEREAS, the County Health Department is eligible to receive 36% state aid for the aforementioned services, and

WHEREAS, sufficient funds are included in the 2010 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the Health Department to execute a contract, on behalf of Cattaraugus County, with David Porter for the provision of the Administrative Hearing Officer Services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

¹ The following Legislator requested her name be listed as an additional sponsor: "Mrs. Witte".

Adopted December 9, 2009 by voice vote.

ACT NO. 706-2009 by Mr. Aiello and Mr. Snyder
and Mrs. Witte¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH NEW YORK STATE DEPARTMENT OF HEALTH
FOR IMMUNIZATION PROGRAM**

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

WHEREAS, \$20,000 of American Recovery & Reinvestment Act funding is available through the New York State Department of Health Bureau of Immunization to assist with costs associated with immunization education, public awareness and clinics, and

WHEREAS, a contract is necessary with the New York State Department of Health in order to accept the aforementioned funding, and

WHEREAS, this program is 100% funded through the American Recovery & Reinvestment Act of 2009, 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 Department of Health, for the provision of the above-described services, for a term commencing October 1, 2009 and terminating March 31, 2011, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

¹ The following Legislator requested her name be listed as an additional sponsor: "Mrs. Witte".

Adopted December 9, 2009 by voice vote.

ACT NO. 707-2009 by Mr. Aiello and Mr. Snyder
and Mr. Padlo¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
REHABILITATION TODAY, PT, OT, REGISTERED NURSING, PLLC FOR
HEALTH DEPARTMENT HOME HEALTH CARE PROGRAM PHYSICAL THERAPY SERVICES
AND OCCUPATIONAL SERVICES**

Pursuant to 10 NYCRR 763.3, Section 3602 of the Public Health Law and Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 676-2008 authorized a contract with Rehabilitation Today, PT, OT, Registered Nursing, PLLC, 2416 Constitution Avenue, Olean, New York 14760, for the provision of physical therapy services, occupational therapy visits, and speech therapy visits, to patients of the County Health Department Home Health Care Program, the term of which expires December 31, 2009, and

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

WHEREAS, Rehabilitation Today, PT, OT, Registered Nursing, PLLC, has agreed to provide occupational therapy services to Cattaraugus County Health Department patients at the following rates:

<u>Service</u>	<u>2009 Rate</u>	<u>2010 Rate</u>
Occupational Therapist	\$73 per visit	\$73 per visit
Attendance at Meetings	\$28 per hour	\$28 per hour
Office Visits:		
per standard visit - (any combination of modalities and/or procedures; CHAA or patient to provide all dressings and ointments)	\$50 per visit	\$50 per visit
per short visit - (less than 15 minutes)	\$22 per visit	\$22 per visit
Office Visit Evaluations	\$72.50 per visit	\$72.50 per visit
Recruitment & Retention (to be determined by NYSDOH),		

and

WHEREAS, this program is funded through a variety of sources, including, but not limited to, state and federal funding, private pay, private and third-party insurance and the County, 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 Rehabilitation Today, PT, OT, Registered Nursing, PLLC, for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms, and be it further

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

Approved by 8 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. Padlo".

Adopted December 9, 2009 by voice vote.

ACT NO. 708-2009 by Mr. Aiello and Mr. Snyder
and Mr. Padlo¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN GENERAL HOSPITAL FOR HEALTH DEPARTMENT
PHYSICAL THERAPY, OCCUPATIONAL AND SPEECH THERAPY SERVICES**

Pursuant to 10 NYCRR Section 763.3 and Section 450 of the County Law.

WHEREAS, Act 675-2008 authorized the Chair to execute a contract with the Olean General Hospital, 535 Main Street, Olean, New York 14760, for the provision of outpatient physical therapy services for patients in the Health Department's Home Care Program, the term of which expires December 31, 2009, and

WHEREAS, the Health Department is desirous of continuing the aforementioned contract, and

WHEREAS, the Olean General Hospital can provide physical therapy, occupational and speech therapy services, as follows, which are the same rates as in 2009:

OUTPATIENT

Outpatient Physical Therapy	\$48/standard office visit
	\$21/short office visit
	(less than 15 min.)

HOME VISITS

Physical Therapy Home Visits	\$68/visit
Occupational Therapy Home Visits	\$68/visit
Speech Therapy Home Visits	\$68/visit
Nutritionist	\$68/visit
Nutritionist Evaluations (Physical Therapy, Occupational Therapy or Speech Therapy)	\$70/visit

CONSULTING SERVICES

Qualified Medical Record Practitioner	\$68/hour
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MEETINGS

Attendance at meetings	\$28/hour,
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and

WHEREAS, sufficient funds are included in the 2010 budget to cover the cost 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 Olean General Hospital, for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 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 8 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. Padlo".

Adopted December 9, 2009 by voice vote.

ACT NO. 709-2009 by Mr. Aiello and Mr. Snyder
and Mr. Padlo¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT
WITH CAROLYN C. RUFFNER, P.T. FOR HEALTH DEPARTMENT
PHYSICAL THERAPY SERVICES**

Pursuant to 10 NYCRR Section 763.3,
Section 3602 of the Public Health Law and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 670-2008 authorized a contract with Carolyn C. Ruffner, 3676 Buffalo Road, Allegany, New York 14706, for the provision of physical therapy services for the patients of the County Health Department's Long-Term Home Health Care Program, the term of which expires December 31, 2009, and

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

WHEREAS, Carolyn C. Ruffner, P.T., has agreed to renew the aforementioned contract for an amount as follows:

<u>Service</u>	<u>2009 Rate</u>	<u>2010 Rate</u>
Physical Therapist	\$68 per visit	\$68 per visit
Evaluations	\$70 per evaluation	\$70 per evaluation
PT only admission visit	\$77 per visit	\$80 per visit
Attendance at Meetings	\$28 per hour	\$28 per hour
Recruitment & Retention	to be determined by NYSDOH,	

and

WHEREAS, this program is funded through a variety of sources, including, but not limited to, state and federal funding, private pay, private and third-party insurance and the County, 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 Carolyn C. Ruffner for the provision of the above-described physical therapy services, for a term commencing January 1, 2010 and

terminating December 31, 2010, according to the above-described terms, and be it further

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

Approved by 8 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. Padlo".

Adopted December 9, 2009 by voice vote.

ACT NO. 710-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING HEALTH DEPARTMENT TO EXECUTE CONTRACT WITH
ROBERT BUBBS FOR SUBSTITUTE ADMINISTRATIVE
HEARING OFFICER SERVICES**

Pursuant to Section 309 of the Public Health Law and
Part 9 of the Cattaraugus County Sanitary Code.

WHEREAS, Act 668-2008 authorized a contract with Robert Bubbs, 5918 Phyllis Lou Circle, Port Orange, Florida 32127, for the provision of services of an Administrative Hearing Officer to preside over administrative hearings on behalf of the Cattaraugus County Board of Health, as the governing body of the Cattaraugus County Health Department, which has the responsibility of ensuring that all persons found in violation of the State and/or County Sanitary Code are provided an opportunity for a fair hearing, the term of which expires December 31, 2009, and

WHEREAS, the County Health Department is in need of a substitute Administrative Hearing Officer, and

WHEREAS, Robert Bubbs has agreed to act as substitute Administrative Hearing Officer for the Cattaraugus County Health Department at the rate of \$20.00 per hour, plus meal cost during Board of Health meetings, on an as-needed basis only when David Porter is unavailable, and

WHEREAS, the County Health Department is eligible to receive 36% state aid for the aforementioned services, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the Health Department to execute a contract, on behalf of Cattaraugus County, with Robert Bubbs for the provision of substitute Administrative Hearing Officer Services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 711-2009 by Mr. Aiello and Mr. Snyder
and Mrs. Witte¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS
WITH VARIOUS INDIVIDUALS FOR HEALTH DEPARTMENT
NURSE PRACTITIONER SERVICES**

Pursuant to 10 NYCRR Section 766.10 and Section 450 of the County Law.

WHEREAS, Act 151-2009, as amended by Act 226-2009, authorized contract with various individuals for the provision of nurse practitioner services for the County Health Department Family Planning and Sexually Transmitted Disease Clinics, the terms of which expire December 31, 2009, and

WHEREAS, the County Health Department is desirous of contracting with various individuals for the provision of the aforementioned services at the rate of \$40 per hour for up to 28 hours per week for each Nurse Practitioner, 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 individuals, for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

¹ The following Legislator requested her name be listed as an additional sponsor: "Mrs. Witte".

Adopted December 9, 2009 by voice vote.

ACT NO. 712-2009 by Mr. Aiello and Mr. Snyder
and Mrs. Witte¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW DIRECTIONS YOUTH & FAMILY SERVICES, INC.
FOR FAMILY PLANNING SERVICES**

Pursuant to 14 NYCRR Sections 587.9(d)(6) and 587.9(e)(1) and (2) and Section 450 of the County Law.

WHEREAS, Act 68-2009 authorized a contract with New Directions Youth & Family Services, Inc., 6395 Old Niagara Road, Lockport, New York 14094, for the provision of basic reproductive health services, routine family planning/GYN care (which includes cancer screening), patient education, STD screening and treatment, HIV counseling and testing and any other medically indicated services as deemed necessary, the term of which expires December 31, 2009, and

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

WHEREAS, New Directions Youth & Family Services, Inc., has agreed to allow the County Health Department to provide the aforementioned services to residents of the facility located at 356 Main Street, ER, Randolph, New York 14772, in accordance with family planning clinic negotiated rates, and

WHEREAS, sufficient funds are included in the 2010 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 New Directions Youth & Family Services, Inc., for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

¹ The following Legislator requested her name be listed as an additional sponsor: "Mrs. Witte".

Adopted December 9, 2009 by voice vote.

ACT NO. 713-2009 by Mr. Aiello and Mr. Snyder
and Mr. Teachman¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN MEDICAL GROUP, LLP FOR HEALTH DEPARTMENT
FAMILY PLANNING MEDICAL CONSULTANT**

Pursuant to 10 NYCRR Part 40-1 and
Section 450 of the County Law.

WHEREAS, Act 649-2007 authorized a contract with the Olean Medical Group, LLP, 535 Main Street, Olean, New York 14760, for the provision of family planning services through its Family Planning and Reproductive Health programs, the term of which expires December 31, 2009, and

WHEREAS, the County Health Department is required to have medical direction, preceptorship and collaboration by a physician who specializes in obstetrics and gynecology, and

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

WHEREAS, the Olean Medical Group, LLP, has agreed to continue providing the aforementioned family planning services on a consultant basis for an amount of \$400 per month, which is the same rate as the previous contract, and

WHEREAS, sufficient funds are included in the 2010 budget to cover the cost 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 Olean Medical Group, LLP, for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2011, according to the above-described terms.

Approved by 8 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. Teachman".

Adopted December 9, 2009 by voice vote.

ACT NO. 714-2009 by Mr. Aiello and Mr. Snyder
and Mr. Teachman¹

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

Pursuant to Section 352 of the Public Health Law and
Section 450 of the County Law.

WHEREAS, Act 742-2008 authorized a contract with the Olean Medical Group, LLP, 535 Main Street, Olean, New York 14760, for the provision of a contingent medical director, in the event the County Health Department's medical director is unavailable, the term of which expires December 31, 2009, and

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

WHEREAS, the Olean Medical Group, LLP, can provide the aforementioned medical director services, in the event the County Health Department's current medical director is unavailable, for an amount of \$160 per hour, and

WHEREAS, sufficient funds are included in the 2010 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 an amended contract, on behalf of Cattaraugus County, with the Olean Medical Group, LLP, for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 8 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. Teachman".

Adopted December 9, 2009 by voice vote.

ACT NO. 715-2009 by Mr. Aiello and Mr. Snyder
and Mrs. Witte¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ALLEGANY COUNTY FOR HEALTH DEPARTMENT
LEAD RISK ASSESSMENT SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 666-2008 authorized a contract with Allegany County for the provision of lead risk assessment services for the County Health Department, the term of which expires December 31, 2009, and

WHEREAS, the County Health Department is responsible for investigating possible lead poisoning situations, and

WHEREAS, Allegany County, County Office Building, 7 Court Street, Belmont, New York 14813, has personnel trained for the provision of lead risk assessment services, and

WHEREAS, the County Health Department is desirous of contracting with Allegany County for the provision of the aforementioned services, and

WHEREAS, Allegany County can perform the aforementioned lead risk assessment services, on an as-needed basis, for an amount of \$26.65 per hour plus work-related mileage at the IRS rate in effect at the time services are provided, not to exceed \$3,000, plus equipment usage for an amount of \$150 per each completed assessment, and

WHEREAS, this program is 100% state 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 Allegany County, for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 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 8 members of the Finance Committee and 7 members of the Human Services Committee.

¹ The following Legislator requested her name be listed as an additional sponsor: "Mrs. Witte".

Adopted December 9, 2009 by voice vote.

ACT NO. 716-2009 by Mr. Aiello and Mr. Snyder
and Mrs. Witte¹

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

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

WHEREAS, Act 129-2009 authorized a contract with Cornell Cooperative Extension, 28 Parkside Drive, Ellicottville, New York 14731, for the provision of services of a Reproductive Health Educator for the County Health Department Family Planning Clinics, the term of which expires December 31, 2009, and

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

WHEREAS, Cornell Cooperative Extension has agreed to perform the aforementioned reproductive health educator services for the Family Planning Clinics, for a total amount not to exceed \$44,560, which includes mileage and other approved work-related expenses, and

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

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Cornell Cooperative Extension for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms, and be it further

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

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

¹ The following Legislator requested her name be listed as an additional sponsor: "Mrs. Witte".

Adopted December 9, 2009 by voice vote.

ACT NO. 717-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH CORNELL COOPERATIVE EXTENSION
FOR HEALTH DEPARTMENT WATER RESOURCE SPECIALIST**

Pursuant to Sections 224 (8)(e) and 450 of the County Law.

WHEREAS, Act 491-2008 authorized a contract with Cornell Cooperative Extension, 28 Parkside Drive, Ellicottville, New York 14731, for the provision of a Water Resource Specialist to coordinate the public water supply inspection, monitoring and surveillance program and ensure fulfillment of all NYS drinking water enhancement grant work plan deliverables, the term of which expires December 31, 2009, and

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

WHEREAS, Cornell Cooperative Extension can provide a Water Resource Specialist to provide the aforementioned services for a total amount not to exceed \$55,500, which includes mileage and other approved work-related expenses, and

WHEREAS, this program is 100% state 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 Cornell Cooperative Extension, for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 718-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH HOUGHTON COLLEGE FOR COUNTY HEALTH DEPARTMENT
PARTICIPATION IN CHALLENGE ROPES COURSE**

Pursuant to Section 450 of the County Law.

WHEREAS, Houghton College, 1 Willard Avenue, Houghton, New York 14744, conducts the Challenge Ropes Course, for the purpose of learning team

building skills, such as cooperation, problem solving, communication and leadership, and

WHEREAS, the County Health Department is desirous of providing the opportunity for eligible individuals in the Family Planning Reproductive Health Program to participate in the overnight ropes course at Houghton College, and

WHEREAS, Houghton College can allow the County Health Department to utilize its Challenge Ropes Course for an amount of \$1,584, 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 Houghton College for the provision of the above-described services, for a term commencing September 25, 2009 and terminating October 3, 2009, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 719-2009 by Mr. Aiello and Mr. Snyder
and Mr. Padlo¹

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

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

WHEREAS, Act 723-2008 authorized the Chair to execute a contract with Willcare, Inc. for the provision of home health care services, the term of which expires December 31, 2009, and

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

WHEREAS, Willcare, Inc., Westgate Plaza, 700 West State Street, Olean, New York 14760, has agreed to provide home health care services to Cattaraugus County in accordance with the following rate limits and terms:

Level of Care:	2009 rate limits**	2010 rate limits**
Home Attendant/Housekeeper (Personal Care 1)	\$ 18.37/hr.	\$18.37/hr.
Personal Care Aide (Personal Care 2)	\$ 18.84/hr.	\$18.84/hr.
Shared Aide - ¼ hour (Personal Care 1)	\$ 4.59/¼ hr.	\$ 4.59/¼ hr.
Shared Aide - ¼ hour (Personal Care 2)	\$ 4.71/¼ hr.	\$ 4.71/¼ hr.
Certified Home Health Aide	\$ 19.40/hr.	\$19.40/hr.
Licensed Practical Nurse (LPN) (DSS)	\$ 21.00/hr.	\$21.00/hr.
Licensed Practical Nurse (LPN) (Health Dept)	\$ 26.25/hr.	\$26.25/hr.
Registered Nurse (RN) (Health Dept)	\$ 37.30/hr.	\$37.30/hr.
Registered Nurse (RN) (Social Services Dept)	\$ 26.00/hr.	\$26.00/hr.
Nursing Supervision Visit	\$ 62.87/hr.	\$62.87/hr.
Immediate Care clients (HHA)	\$ 22/visit	

**Actual base Medicaid rates as initially established by the State Department of Health to be billed, if lower than caps to all Departments. In addition to the base rate, any recruitment and retention add-on established by the State

Department of Health shall be billed to the Department of Social Services only. Cattaraugus County Department of Health has applied for recruitment and retention add-on funds for 2009.

Assumptions:

- In the event the initial Medicaid rates for 2010 as established by the State Department of Health exceed the County rate limits set forth above, the Contractor agrees to submit rate revision requests to the NYSDOH and request the rate(s) be lowered to comply with the Cattaraugus County rate limits set forth above.
- Rates billed to the Medicaid Management Information System (MMIS) for the DSS personal care program are subject to any limitations of the MMIS and will reflect the requirements of 18 NYCRR 505.14.
- At least 75% of the 2010 increase will be paid by Willcare, Inc., and Community Care of Western New York, Inc., to its direct care staff for salaries and fringe benefits.,

and

WHEREAS, sufficient funds are included in the 2010 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 Willcare, Inc. for the provision of the above-described services for a term commencing January 1, 2010 and terminating December 31, 2010, 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 8 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. Padlo".

Adopted December 9, 2009 by voice vote.

ACT NO. 720-2009 by Mr. Aiello and Mr. Snyder

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

Pursuant to Section 450 of the County Law.

WHEREAS, Act 275-2009 authorized the Chair to execute a contract with the Wyoming County Department of Health for the provision of environmental laboratory testing services, the term of which expires December 31, 2009, and

WHEREAS, the Wyoming County Department of Health, 5362 Mungers Hill Road, Building A, Silver Springs, New York 14550, is still in need of these services, and

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

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

now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Wyoming County Department of Health, for the provision of the above-described environmental laboratory water testing services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 721-2009 by Mr. Aiello and Mr. Snyder
and Mrs. Witte¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
WELCO, LKA, INC. FOR HEALTH DEPARTMENT
CLEAN INDOOR AIR ACT COMPLIANCE CHECKS**

Pursuant to Article 13-F of the Public Health Law,
Section 1399-hh(3) of the Public Health Law and
Section 450 of the County Law.

WHEREAS, Act 664-2008 authorized a contract with WELCO, LKA, Inc., 1869 Camp Street Ext., Jamestown, New York 14701, for the provision of Clean Indoor Air Act compliance checks on bars and restaurants within Cattaraugus County, the term of which expired October 31, 2009, and

WHEREAS, the County Health Department is desirous of continuing the aforementioned services for bars only, unless a complaint is received on a facility that is not a bar, and

WHEREAS, WELCO, LKA, Inc., has agreed to continue performing the aforementioned compliance checks on bars, at sites to be determined by the Cattaraugus County Board of Health, for an amount of \$22 per site, plus mileage and meals, not to exceed an amount of \$5,500, and

WHEREAS, this program is 100% state 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 WELCO, LKA, Inc., for the provision of the above-described services, for a term commencing January 1, 2010 and terminating September 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 8 members of the Finance Committee and 7 members of the Human Services Committee.

¹ The following Legislator requested her name be listed as an additional sponsor: "Mrs. Witte".

Adopted December 9, 2009 by voice vote.

ACT NO. 722-2009 by Mr. Aiello and Mr. Snyder
and Mrs. Witte¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR DEPARTMENTS OF HEALTH, COMMUNITY SERVICES AND
NURSING HOMES ANCILLARY SERVICES**

Pursuant to Section 4405 of the Public Health Law and
Section 450 of the County Law.

WHEREAS, the County Department of Health is desirous of providing homecare services, early intervention services, family planning services, home infusion services and laboratory services to individuals enrolled with Independent Health Association, Inc., and each of its subsidiaries and affiliates, and

WHEREAS, the County Department of Community Services is desirous of providing out-patient clinical services to individuals enrolled with Independent Health Association, Inc., and each of its subsidiaries and affiliates, and

WHEREAS, the County Department of Nursing Homes is desirous of providing skilled nursing services to individuals enrolled with Independent Health Association, Inc., and each of its subsidiaries and affiliates, and

WHEREAS, Independent Health Association, Inc., 511 Farber Lakes Drive, Buffalo, New York 14221, and each of its subsidiaries and affiliates, is desirous of obtaining ancillary services for individuals enrolled in the aforementioned County programs and other public programs in the County's service area, and

WHEREAS, Independent Health Association, Inc., and each of its subsidiaries and affiliates, has agreed to reimburse the County Departments of Health, Community Services and Nursing Homes in accordance with negotiated fee schedules, for the provision of ancillary services to Independent Health members, 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 Independent Health Association, Inc., and each of its subsidiaries and affiliates, for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 8 members of the Finance Committee, 7 members of the Human Services Committee and 7 members of the Senior Services Committee.

¹ The following Legislator requested her name be listed as an additional sponsor: "Mrs. Witte".

Adopted December 9, 2009 by voice vote.

ACT NO. 723-2009 by Mr. Marsh and Mr. Padlo

APPOINTMENT OF DIRECTOR OF INFORMATION SERVICES

Pursuant to Local Law Number 17-2002 and
Sections 204 and 205 of the County Law.

RESOLVED, that Peter Wallen of Olean, New York, be, and hereby is, appointed Director of Information Services, for a term of four (4) years commencing January 1, 2010, at such salary as has heretofore been, or may hereafter be, established.

Approved by 8 members of the Finance Committee, 7 members of the County Operations Committee and 5 members of the Labor Relations Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 724-2009 by Mr. Giardini and Mr. Ellis

**BID ACCEPTANCE FOR PRINTING SERVICES
(Various Departments)**

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 printing services for various County departments, according to specifications provided by the County Operations Committee, and

WHEREAS, the lowest bid received meeting specifications was the bid of RPJ Ready Print, Inc., 2410 Constitution Avenue, Olean, New York 14760, as follows:

LETTERHEAD:

<u>Item</u>	<u>Price</u> <u>Per 250</u>	<u>Price</u> <u>Per 500</u>	<u>Price</u> <u>Per 1000</u>	<u>Price</u> <u>Per 5000</u>	<u>Per</u> <u>Additional</u> <u>1000</u>
LHD-A1	\$20.00	\$27.00	\$ 46.00	\$198.00	\$37.00
LHD-A2	\$38.00	\$58.00	\$ 86.00	\$258.00	\$47.00
LHD-A3	\$62.00	\$79.00	\$122.00	\$298.00	\$57.00
LHD-B1	\$26.00	\$29.00	\$ 41.00	\$166.00	\$33.00
LHD-B2	\$41.00	\$55.00	\$ 82.00	\$242.00	\$39.00
LHD-B3	\$44.00	\$69.00	\$110.00	\$282.00	\$53.00

FORMS/NCR FORMS:

<u>Item</u>	<u>Price</u> <u>Per 250</u>	<u>Price</u> <u>Per 500</u>	<u>Price</u> <u>Per 1000</u>	<u>Price</u> <u>Per 5000</u>	<u>Per</u> <u>Additional</u> <u>1000</u>
FRM-A1	\$17.00	\$ 21.00	\$ 41.00	\$135.00	\$ 24.00
FRM-A1a	\$48.00	\$ 68.00	\$ 82.00	\$164.00	\$ 31.00
FRM-A1b	\$28.00	\$ 39.00	\$ 67.00	\$170.00	\$ 33.00
FRM-A1c	\$74.00	\$ 94.00	\$128.00	\$252.00	\$ 43.00
FRM-A1d	\$84.00	\$ 98.00	\$140.00	\$270.00	\$ 47.00
FRM-A2	\$38.00	\$ 44.00	\$ 87.00	\$352.00	\$ 67.00
FRM-A3	\$62.00	\$ 72.00	\$144.00	\$530.00	\$102.00
FRM-A4	\$70.00	\$108.00	\$198.00	\$792.00	\$177.00
FRM-A5	\$98.00	\$116.00	\$234.00	\$1180.00	\$212.00

ENVELOPES:

<u>Item</u>	<u>Price</u> <u>Per 500</u>	<u>Price</u> <u>Per 1000</u>	<u>Price</u> <u>Per 2500</u>	<u>Price</u> <u>Per 5000</u>	<u>Price</u> <u>Per 10000</u>
ENV.A1	\$36.00	\$ 42.00	\$102.00	\$198.00	\$350.00
ENV.A2	\$38.00	\$ 45.00	\$108.00	\$208.00	\$370.00
ENV.B3	\$59.00	\$ 75.00	\$112.00	\$278.00	\$456.00
ENV.C	\$40.00	\$ 57.00	\$128.00	\$224.00	\$360.00
ENV.C1	\$36.00	\$ 40.00	\$ 98.00	\$190.00	\$344.00
ENV.C1a	\$49.00	\$ 66.00	\$138.00	\$220.00	\$358.00
ENV.C1b	\$70.00	\$ 94.00	\$190.00	\$296.00	\$426.00
ENV.C1c	\$90.00	\$132.00	\$232.00	\$448.00	\$732.00
ENV.C2	\$38.00	\$ 42.00	\$ 99.00	\$194.00	\$356.00
ENV.C2a	\$62.00	\$ 85.00	\$172.00	\$254.00	\$396.00
ENV.C2b	\$72.00	\$ 99.00	\$218.00	\$352.00	\$498.00
ENV.C2c	\$80.00	\$112.00	\$240.00	\$452.00	\$758.00
ENV.D1	\$46.00	\$ 72.00	\$152.00	\$262.00	\$445.00
ENV.D2	\$52.00	\$ 78.00	\$164.00	\$280.00	\$468.00
ENV.E1	\$56.00	\$ 80.00	\$170.00	\$286.00	\$484.00

MANILA ENVELOPES:

<u>Item</u>	<u>Price</u> <u>Per 250</u>	<u>Price</u> <u>Per 500</u>	<u>Price</u> <u>Per 1000</u>
ENV.M1	\$ 64.00	\$ 81.00	\$122.00
ENV.M2	\$ 54.00	\$ 73.00	\$ 98.00
ENV.M3	\$ 45.00	\$ 59.00	\$ 69.00
ENV.M4	\$ 50.00	\$ 71.00	\$ 99.00
ENV.M5	\$ 76.00	\$ 85.00	\$114.00
ENV.M6	\$ 49.00	\$ 63.00	\$ 99.00
ENV.M7	\$ 56.00	\$ 67.00	\$105.00
ENV.M8	\$ 84.00	\$126.00	\$150.00
ENV.M9	\$138.00	\$214.00	\$322.00

BUSINESS CARDS:

<u>Item</u>	<u>Price</u> <u>Per 100</u>	<u>Price</u> <u>Per 250</u>	<u>Price</u> <u>Per 500</u>	<u>Price</u> <u>Per 1000</u>
BUS.01	\$12.00	\$17.00	\$20.00	\$21.00
BUS.02	\$24.00	\$36.00	\$40.00	\$45.00
BUS.03	\$21.00	\$30.00	\$34.00	\$38.00

BOOKLETS:

<u>Item</u>	<u>Price</u> <u>Per 150</u>	<u>Price</u> <u>Per 1000</u>	<u>Price</u> <u>Per 2500</u>	<u>Price Per</u> <u>Additional 100</u>
BKT-TEL		\$626.00		
BKT-GOV1			\$2270.00	
BKT-GOV2				

EXTRA COSTS:

<u>Item</u>	<u>Price</u> <u>Per 500</u>	<u>Price</u> <u>Per 1000</u>	<u>Price</u> <u>Per 2500</u>	<u>Price</u> <u>Per 5000</u>	<u>Price Per</u> <u>Additional 1000</u>
EXT-CL1	\$ 1.90	\$ 3.70	\$ 8.45	\$19.60	\$ 4.10
EXT-CL2	\$ 2.95	\$ 5.80	\$14.45	\$30.90	\$ 6.20
EXT-CLR	\$ 8.20	\$18.70	\$43.00	\$86.00	\$18.40
EXT-CUT	\$ 1.30	\$ 2.40	\$ 5.00	\$ 9.20	\$ 1.45
EXT-GLU	\$ 2.45	\$ 4.60	\$ 9.70	\$17.50	\$ 2.55
EXT-NUM	\$21.20	\$26.30	\$41.50	\$62.00	\$10.20
EXT-PAD 8½ x 11	\$ 3.40	\$ 7.60	\$14.40	\$26.50	\$ 4.90
EXT-PER	\$21.20	\$23.40	\$41.00	\$64.40	\$ 8.15

EXT-PUN	\$ 5.90	\$10.20	\$17.20	\$31.50	\$ 5.80
EXT-SET	\$24.00/hr				
EXT-STA	\$.04 each				
EXT-TRK	Quoted Per Job				

MISC:

Extra Proofs Per Print Job \$4.00,

now, therefore, be it

RESOLVED, that the bid of RPJ Ready Print, Inc., be, and the same hereby is, accepted for the term January 1, 2010 through December 31, 2010, with a one (1) year extension at the same bid prices at the sole option of the County, and be it further

RESOLVED, that the vouchers accordingly certified by the County Administrator be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Ten sets of specifications were sent out.

Three bids were received, with only two bids meeting specifications.

Approved by 8 members of the Finance Committee and 7 members of the County Operations Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 725-2009 by Mr. Aiello and Mr. Snyder
and Mr. Padlo and Mrs. Witte¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
SOUTHERN TIER ENVIRONMENTS FOR LIVING, INC. FOR
SOCIAL WORKER/MENTAL HEALTH THERAPIST FOR DEPARTMENT
OF COMMUNITY SERVICES CONTINUING DAY TREATMENT CENTER**

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

WHEREAS, Act 728-2008 authorized a contract with Southern Tier Environments for Living, Inc. (STEL), 715 Central Avenue, Dunkirk, New York 14048, for the provision of social worker/mental health therapist services for the Continuing Day Treatment Center (Guidepost), the term of which expires December 31, 2009, and

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

WHEREAS, Southern Tier Environments for Living, Inc. (STEL), can provide social worker/mental health therapist services for an annual amount of \$56,100, and

WHEREAS, sufficient funds are included in the 2010 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 Southern Tier Environments for Living, Inc., for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 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 8 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 December 9, 2009 by voice vote.

ACT NO. 726-2009 by Mr. Aiello and Mr. Snyder
and Mr. McClune and Mrs. Witte¹

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

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

WHEREAS, Act 717-2008 authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, for the provision of two (2) social worker/mental health therapists for the Children's Mental Health Clinic, the term of which expires December 31, 2009, and

WHEREAS, Act 359-2009 authorized a contract with Cattaraugus Community Action, Inc., for the provision of one (1) social worker/mental health therapist for the Adult Mental Health Clinic, the term of which expires December 31, 2009, and

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

WHEREAS, Cattaraugus Community Action, Inc., can provide social worker/mental health therapists for the Mental Health Clinics for a total amount of \$175,305, as follows:

Children's Mental Health Clinic	\$116,870.00
Adult Mental Health Clinic	\$ 58,435.00,

and

WHEREAS, sufficient funds are included in the 2010 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 January 1, 2010 and terminating December 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 8 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 December 9, 2009 by voice vote.

ACT NO. 727-2009 by Mr. Aiello and Mr. Snyder
and Mrs. Witte¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
VARIOUS SCHOOL DISTRICTS FOR
MENTAL HEALTH SOCIAL WORKER SERVICES**

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

WHEREAS, Act 717-2007 authorized a contract with the Pioneer Central School District, P.O. Box 639, Yorkshire, New York 14173, for the placement of a social worker in the Pioneer Central School District for the provision of mental health services, the term of which expires December 31, 2009, and

WHEREAS, Act 716-2007 authorized a contract with the Gowanda Central School, 10674 Prospect Street, Gowanda, New York 14070, for the placement of a social worker in the Gowanda Central School District for the provision of mental health services, the term of which expires December 31, 2009, and

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

WHEREAS, contracts with the following school districts, outlining the mental health services to be provided by the County's staff social worker, is necessary:

Pioneer Central School District	No Cost
P.O. Box 639	
Yorkshire, New York 14173	

Gowanda Central School District	No Cost
10674 Prospect Street	
Gowanda, New York 14070	

Franklinville Central School District	\$10,000
North Main Street	
Franklinville, New York 14737,	

and

WHEREAS, Pioneer Central School District and Gowanda Central School District shall provide an office, a family meeting room, a phone line and furniture, as well as wrap-around monies for parent enrichment and special equipment for the County's staff social worker at no cost to the County, and

WHEREAS, Franklinville Central School District shall provide an office, a family meeting room, a phone line and furniture for the County's staff social worker at no cost to the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with the above-listed school districts, for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2011, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

¹ The following Legislator requested her name be listed as an additional sponsor: "Mrs. Witte".

Adopted December 9, 2009 by voice vote.

ACT NO. 728-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
MILESTONE PPS, PC FOR DEPARTMENT OF COMMUNITY SERVICES
MEDICAL DIRECTOR SERVICES**

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

WHEREAS, Act 380-2008 authorized a contract with Milestone PPS, PC, 23 Main Street, Suite 102, Hornell, New York 14843, for the provision of medical director services to oversee the provision of medical services in the Department of Community Service's mental health clinics, the term of which expires December 31, 2009, and

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

WHEREAS, Milestone PPS, PC, shall provide the services of Medical Director through Raja V. Rao, M.D., at the Department of Community Services mental health clinics, for an amount of \$16,000, and

WHEREAS, sufficient funds are included in the 2010 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 Milestone PPS, PC, for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 729-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT
WITH RAJA RAO, M.D. FOR DEPARTMENT OF
COMMUNITY SERVICES PSYCHIATRIC MEDICAL SERVICES**

Pursuant to 14 NYCRR Section 587.8(d)(3) and (i) and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 716-2008 authorized contracts with various individuals and entities for the provision of psychiatric medical services for the Department of Community Services, the terms of which expire December 31, 2009, and

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

WHEREAS, Raja Rao, M.D., 15 Pleasant Street, Hornell, New York 14843, shall provide psychiatric medical services for the Department of Community Services mental health clinic, through Julianna M. Zei, M.D. and Hardish K. Singh, M.D., at a rate of rate of \$135 per hour of direct care for a maximum of 162 hours per month, plus \$50 per hour for travel, not to exceed 6 hours per month, and

WHEREAS, this program is funded through federal, state and local 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 Raja Rao, M.D., for the provision of the above-described psychiatric medical services, for a term commencing January 1, 2010 and terminating December 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 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 730-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
OSCAR LOPEZ, M.D. FOR PSYCHIATRIC SERVICES FOR
DEPARTMENT OF COMMUNITY SERVICES**

Pursuant to 14 NYCRR Part 585 and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 715-2008 authorized a contract with Oscar Lopez, M.D., 230 Bewley Building, Lockport, New York 14094, for the provision of psychiatric services for the patients and families of the County Department of Community Services, the term of which expires December 31, 2009, and

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

WHEREAS, Oscar Lopez, M.D., has agreed to provide the aforementioned psychiatric services for an amount of \$165 per hour for direct care, not to exceed 400 hours annually, plus \$50 per hour for travel, not to exceed \$10,000 annually, and

WHEREAS, the aforementioned services are funded through federal, state and local 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 Oscar Lopez, M.D., for the provision of the above-described psychiatric services, for a term commencing January 1, 2010 and terminating December 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 7 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 731-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT
WITH RAJAN GULATI PHYSICIAN, P.C. FOR DEPARTMENT OF
COMMUNITY SERVICES MEDICAL SERVICES**

Pursuant to 14 NYCRR Section 587.8(d)(3) and (i) and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 714-2008 authorized a contract with Rajan Gulati, M.D., for the provision of medical services for the Department of Community Services, the term of which expires December 31, 2009, and

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

WHEREAS, Rajan Gulati Physician, P.C., 45 West Main Street, Cuba, New York 14727, shall provide medical services for the Department of Community Services mental health clinic, at a rate of \$130 per hour of direct care for a maximum of 15 hours per month, plus \$50 per hour for travel not to exceed 1.5 hours per week, for a total not to exceed \$27,300, and

WHEREAS, this program is funded through federal, state and local 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 Rajan Gulati Physician, P.C., for the provision of the above-described medical services, for a term commencing January 1, 2010 and terminating December 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 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 732-2009 by Mr. Aiello and Mr. Snyder
and Mrs. Witte¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT
WITH SADIQ H. AL-SAMARRAI, M.D. FOR DEPARTMENT OF
COMMUNITY SERVICES PSYCHIATRIC SERVICES**

Pursuant to 14 NYCRR Section 587.8(d)(3) and (i) and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 79-2009 authorized a contract with Sadiq H. Al-Samarrai, M.D., 8 Woodview Court, Olean, New York 14760, for the provision of psychiatric services for clients of the Department of Community Services, the term of which expires December 31, 2009, and

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

WHEREAS, Sadiq H. Al-Samarrai, M.D., has agreed to provide psychiatric services for the Department of Community Services mental health clinic at a rate of \$130 per hour of direct care for up to 85 hours per month, for a total amount not to exceed \$132,600, and

WHEREAS, this program is funded through federal, state and local 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 Sadiq H. Al-Samarrai, M.D., for the provision of the above-described psychiatric services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms, and be it further

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

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

¹ The following Legislator requested her name be listed as an additional sponsor: "Mrs. Witte".

Adopted December 9, 2009 by voice vote.

ACT NO. 733-2009 by Mr. Aiello and Mr. Snyder
and Mrs. Witte¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
NEW DIRECTIONS YOUTH & FAMILY SERVICES, INC. FOR
RESPIRE/CASE MANAGEMENT SERVICES**

Pursuant to 14 NYCRR Sections 587.9(d)(6) and 587.9(e)(1) and (2) and Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 718-2008 authorized a contract with New Directions Youth & Family Services, Inc., 356 Main Street, Randolph, New York 14772, for the provision of short-term respite placement and case management services for youth who need a "cooling off" period from their families, the term of which expires December 31, 2009, and

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

WHEREAS, New Directions Youth & Family Services, Inc., through its Global Village Community Services, has agreed to provide therapeutic foster care respite homes and case management services for youth in foster care placement for an amount of \$55 per day, not to exceed \$25,246, and

WHEREAS, this program is 80% state and 20% county 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 New Directions Youth & Family Services, Inc., for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 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 8 members of the Finance Committee and 7 members of the Human Services Committee.

¹ The following Legislator requested her name be listed as an additional sponsor: "Mrs. Witte".

Adopted December 9, 2009 by voice vote.

ACT NO. 734-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT
WITH CATTARAUGUS REHABILITATION CENTER, INC. FOR
DEPARTMENT OF COMMUNITY SERVICES RESPITE SERVICES**

Pursuant to Section 41.55 of the Mental Hygiene Law and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 720-2008 authorized a contract with Cattaraugus Rehabilitation Center, Inc., 1439 Buffalo Street, Olean, New York 14760, for the provision of respite services for case management clients, the term of which expires December 31, 2009, and

WHEREAS, the County Department of Community Services is desirous of utilizing respite services for ICM and SCM clients, and

WHEREAS, Cattaraugus Rehabilitation Center, Inc., has agreed to provide the aforementioned respite services for an amount not to exceed \$25,246, as follows:

Respite through DSS 65/35 Program	not to exceed \$13,394/yr.
OMH Respite	not to exceed \$11,852/yr.

Out-of-Home Respite Services
(other than North Union Street Community Residence)

First 48 hours of services provided	\$ 8.23/hr
Services provided in excess of 48 hours	\$ 5.07/hr
In-Home Respite Services	\$13.58/hr

North Union Street Community Residence

• **RESPITE**

Hourly

First 4 hours	\$40.00
Each hour after 4 hours up to 16 hours	\$10.00/hr
<u>Daily</u>	
One day - anything over 16 hours not to exceed 24 hours	\$ 170.00
<u>Weekly</u>	
5 - 7 consecutive days	\$ 850.00

• **1:1 RESPITE**

Hourly

First 4 hours	\$ 100.00
Each hour after 4 hours up to 16 hours	\$ 25.00/hr
<u>Daily</u>	
One day - anything over 16 hours not to exceed 24 hours	\$ 410.00
<u>Weekly</u>	
5 - 7 consecutive days	\$2,050.00

Note: The 1st respite stay will include a \$20 additional assessment fee.,

and

WHEREAS, this program is 80% state and 20% County 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 Cattaraugus Rehabilitation Center, Inc., for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 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 automatically be abolished.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 735-2009 by Mr. Aiello and Mr. Snyder
and Mrs. Witte¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH DEAF ADULT SERVICES, INC. FOR INTERPRETER SERVICES**

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

WHEREAS, Act 101-2009 authorized a contract with Deaf Adult Services, Inc., 2495 Main Street, #347, Buffalo, New York 14214, for the provision of interpreter services for deaf clients, the term of which expires December 31, 2009, and

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

WHEREAS, Deaf Adult Services, Inc., can provide the aforementioned interpreter services for an amount not to exceed \$5,980, in accordance with the following rates:

Standard Rate

\$115.00 Minimum charge covering first two hours of service
\$ 55.00 Each additional hour, billed in ½ hour increments

Premium Rate

\$138.00 Minimum charge covering first two hours of service
\$ 66.00 Each additional hour, billed in ½ hour increments

* Premium Rate applies when arrangements are made through the 24-hour emergency service at crisis services, or when requests are made with less than one full business days notice., and

WHEREAS, this program is 50% state and 50% 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 Deaf Adult Services, Inc., for the provision of the above-described services, for a term commencing February 1, 2010 and terminating January 31, 2011, 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 8 members of the Finance Committee and 7 members of the Human Services Committee.

¹ The following Legislator requested her name be listed as an additional sponsor: "Mrs. Witte".

Adopted December 9, 2009 by voice vote.

ACT NO. 736-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
MENTAL HEALTH ASSOCIATION IN CATTARAUGUS COUNTY, INC.
FOR SKILL BUILDING AND MENTORING SERVICES**

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

WHEREAS, Act 572-2008, as amended by Act 158-2009, authorized a contract with Mental Health Association in Cattaraugus County, Inc., 102 North Clinton Street, Olean, New York 14760, for the provision of skill-building and mentoring services for children, youth and adults, the term of which expires December 31, 2009, and

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

WHEREAS, the Mental Health Association in Cattaraugus County, Inc., can provide the aforementioned skill-building and mentoring services for children, youth and adults for an amount of \$30 per hour, and a total contract amount not to exceed \$15,000, and

WHEREAS, sufficient funds are included in the 2010 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 Mental Health Association in Cattaraugus County, Inc., for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 737-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE INDUSTRIES FOR THE DISABLED, INC. FOR
JANITORIAL SERVICES FOR DEPARTMENT OF COMMUNITY SERVICES
GUIDEPOST AND CASE MANAGEMENT OFFICES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 740-2007, as amended by Act 160-2009, authorized the Chair to execute a contract with the New York State Industries for the Disabled, Inc., for the provision of janitorial services for the Guidepost

Facility and Case Management Offices located at 203 Laurens Street, Olean, New York 14760, the term of which expires December 31, 2009, and

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

WHEREAS, the New York State Industries for the Disabled, Inc., through SubCon Industries, Inc., has agreed to provide janitorial services, for the Guidepost Facility and Case Management Offices located at 203 Laurens Street, Olean, New York 14760, for an amount of \$1,602.07 per month, not to exceed \$19,212.87 per year, and

WHEREAS, sufficient funds are included in the 2010 budget to cover the cost 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 New York State Industries for the Disabled, Inc., for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

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

Adopted December 9, 2009 by voice vote.

ACT NO. 738-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT
WITH ACCUMEDIC COMPUTER SYSTEMS, INC. FOR
DEPARTMENT OF COMMUNITY SERVICES ACCUMED SOFTWARE SYSTEM
AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Community Services)**

Pursuant to Section 41.07 of the Mental Hygiene Law and
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 598-2009 authorized a contract with Accumedic Computer Systems, Inc., for the provision of the AccuMed Software System, including licenses for the AccuMed System, the QuicDoc System, and the Scheduler and Patient Accounts modules, the term of which expires December 31, 2011, and

WHEREAS, the Department of Community Services is desirous of obtaining training on the aforementioned software system, and

WHEREAS, Accumedic Computer Systems, Inc., 11 Grace Avenue, Suite 401, Great Neck, New York 11021, can provide training for an amount not to exceed \$1,000, and

WHEREAS, various appropriation accounts must be adjusted in order to cover the cost of the aforementioned training, 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 Accumedic Computer Systems, Inc., for the provision of the above-described training, for a term commencing January 1, 2009 and terminating December 31, 2011, according to the above-described terms, and be it further

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

Decrease Appropriation Account:

A.4310.441	Commitments	\$1,000.00
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Increase Appropriation Account:

A.4338.469	Training	\$1,000.00.
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Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 739-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH COORDINATED CARE SERVICES, INC.
FOR FINANCIAL SOFTWARE PACKAGE AND ADJUSTING
VARIOUS APPROPRIATION AND ESTIMATED REVENUE ACCOUNTS
(Department of Community Services)**

Pursuant to Section 41.07 of the Mental Hygiene Law and Sections 363, 366 and 450 of the County Law.

WHEREAS, the Department of Community Services is in need of customized financial software tools to manage accounts receivable, revenue and productivity statistics, including consultation to implement and support the aforementioned software tools, and

WHEREAS, Coordinated Care Services, Inc., 1099 Jay Street, Rochester, New York 14611, can provide the aforementioned financial software package for a total amount not to exceed \$9,000, and

WHEREAS, this program is 100% federally funded, and

WHEREAS, various appropriation and estimated 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 Coordinated Care Services, Inc., for the provision of the above-described software tools and services, for a term commencing December 1, 2009 and terminating December 31, 2009, 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.4490	Federal Salary Sharing	\$9,000.00
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Increase Appropriation Account:

A.4342.445	FSS Consultant Services	\$9,000.00.
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Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 740-2009 by Mr. Murphy
and Mr. Aiello¹

**AUTHORIZING THE CHAIR TO APPROVE SUBMISSION OF SERVICE
PLAN UPDATE AND EXECUTE CONTRACT WITH NEW YORK STATE DIVISION OF
PROBATION AND CORRECTIONAL ALTERNATIVES FOR ALTERNATIVES
TO INCARCERATION PROGRAM**

Pursuant to Article 13-A of the Executive Law and
Section 450 of the County Law.

WHEREAS, Act 192-2009 authorized a contract with the New York State Division of Probation and Correctional Alternatives for an Alternatives to Incarceration Program for the 2009 program year, the term of which expires December 31, 2009, and

WHEREAS, the County is desirous of submitting the Service Plan Update for renewal for the 2010 program year, and

WHEREAS, the Alternatives to Incarceration Program consists of both a pre-trial release and a community service component with a total 2010 program cost of \$12,784, to be allocated as follows:

a)	Pre-Trial Release	\$7,426.00
b)	Community Service	\$5,358.00,

and

WHEREAS, the Pre-Trial Release Program provides for the screening and, for eligible cases, background evaluation on all individuals admitted to the county jail, provides the courts with sufficient information and recommendations for possible release on recognizance pending resolution of the case in court, helps relieve overcrowding in the jail, and allows the jail to operate with a simplified classification system, and

WHEREAS, the Community Service Program offers the courts an opportunity to impose an intermediate sanction on eligible non-violent offenders in lieu of jail and requires them, as a condition of probation or conditional release, to perform a specified number of hours of community service, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to approve the submission of the Service Plan Update and execute a contract, on behalf of Cattaraugus County, with New York State Division of Probation and Correctional Alternatives, for the provision of the above-described program, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

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

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

Adopted December 9, 2009 by voice vote.

ACT NO. 741-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH HOUSING OPTIONS MADE EASY, INC.
FOR PEER SPECIALISTS FOR THE PROS PROGRAM**

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 desirous of contracting for the services of two (2) part-time peer specialists for the Personalized Recovery Oriented Services (PROS) program, and

WHEREAS, the purpose of the PROS program is to integrate elements of support, rehabilitation and treatment in an individualized manner to aid in the recovery of a person with a mental illness, and

WHEREAS, effective April 1, 2010, the PROS program will replace the continuing day treatment (Guidepost) program, and

WHEREAS, Housing Options Made Easy, Inc., 75 Jamestown Street, Gowanda, New York 14070, can provide two (2) part-time peer specialists for the PROS program for an amount not to exceed \$30,200, and

WHEREAS, sufficient funds are included in the 2010 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 Housing Options Made Easy, Inc., for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 742-2009 by Mr. McLarney and Mr. Ward

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
EMPLOYEE SERVICES, INC., FOR EMPLOYEE ASSISTANCE PROGRAM**

Pursuant to Section 205 of the County Law and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 608-2008, authorized a contract with Employee Services, Inc., 111 West Pearl Street, Wellsville, New York 14895, for the provision of an Employee Assistance program, the term of which expires December 31, 2009, and

WHEREAS, Employee Services, Inc. has advised the County that a new rate of \$23.71 per non-public safety employee and \$35.78 per public safety employee will be charged effective January 1, 2010, for a total not to exceed \$24,254.84, based on a combined total of 968 covered employees, and

WHEREAS, the total number of covered employees may increase or decrease up to, and including, five percent without affecting the total value of the agreement, and

WHEREAS, if the number of covered employees increases or decreases by more than five percent, then the total agreement value may be revised quarterly to reflect the changes in employees covered, 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 Employee Services, Inc., for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 8 members of the Finance Committee and 5 members of the Labor Relations Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 743-2009 by Mr. McLarney

ABOLISHING CERTAIN UNFILLED POSITIONS

Pursuant to Section 204 of the County Law.

WHEREAS, Act 680-2003 established policies and guidelines for certain vacant positions, and

WHEREAS, these guidelines require that any position left vacant for one (1) year will be eliminated January 1st of the following year after the vacancy occurred, and

WHEREAS, certain positions have been identified as meeting this criteria, now, therefore, be it

RESOLVED, effective January 1, 2010, the following vacant positions are hereby abolished:

<u>POSITION TITLE AND NUMBER</u>	<u>DATE LAST FILLED</u>
<u>Community Services</u>	
Community Mental Health Worker #3	12/15/2007
Mental Health Therapist #4	12/1/2008
<u>County Clerk</u>	
Motor Vehicle Representative #8	6/3/2007
<u>Public Health</u>	
Nutrition Program Assistant #2	9/26/2008
Public Health Sanitarian #2	1/7/2008
<u>Public Works</u>	
Road Section Supervisor #4	1/6/2007
<u>Social Services</u>	
Eligibility Worker #8	12/10/2008

Approved by 8 members of the Finance Committee, 8 members of the Public Works Committee, 7 members of the County Operations Committee, 7 members of the Human Services Committee and 5 members of the Labor Relations Committee.

Adopted December 9, 2009 by voice vote.

ACT NO. 744-2009 by Mr. O'Brien
who asks immediate consideration

**LEVY UPON REAL PROPERTY IN SEVERAL TOWNS
FOR HIGHWAY, HEALTH, GENERAL HOSPITAL AND
SPECIAL DISTRICT FUNDS**

Pursuant to Section 900 of the Real Property Tax Law.

WHEREAS, there has been presented to the County Legislature a duly certified copy of the annual budget of each of the several towns of the County of Cattaraugus for the fiscal year beginning January 1, 2010, now, therefore, be it

RESOLVED, that there shall be, and hereby is, assessed and levied upon and collected from the taxable real property situate in the following towns outside of any incorporated village wholly or partially located therein, the amount indicated for Highway Fund Item 1, and for part town purposes, as specified in the budgets of the respective towns as shown on the items of the general tax levy set forth below, and be it further

RESOLVED, that the amounts to be raised for all other purposes as specified in those annual budgets present shall be, and hereby are, assessed and levied upon and collected from all the taxable property in the towns as shown on the items of the general tax levy set forth below, except as otherwise provided by law, and be it further

RESOLVED, that there shall be, and hereby is, assessed and levied upon and collected from the real property, liable therefore within the respective fire, fire protection, fire alarm and improvement district in the following towns as specified in the respective annual budgets and as shown on the items of the general tax levy set forth below:

TOWN OF ALLEGANY - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	\$682,535.00	
GENERAL-OUTSIDE VILLAGE	0.00	
HIGHWAY-TOWN-WIDE	625,273.00	
HIGHWAY-OUTSIDE VILLAGE	0.00	
TOTAL OF TOWN ITEMS		\$1,307,808.00
DS200- DELINQUENT SEWER		5,269.11
DW201- DELINQUENT WATER		6,757.85
SD201- SEWER DISTRICT		0.00
SD203- SEWER DISTRICT		8,090.00
SU201- SEWER/WATER USE		0.00
WD201- WATER DISTRICT		54,883.00
WD205- FIRST STREET WATER DISTRICT		2,968.00
FD201- FIRE DISTRICT 1		457,000.00
LT201- LIGHT DISTRICT 1		3,900.00
TOTAL PAYMENT TO SUPERVISOR		1,846,675.96

TOWN OF ASHFORD - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	0.00	
GENERAL-OUTSIDE VILLAGE	0.00	
HIGHWAY-TOWN-WIDE	217,139.00	
HIGHWAY-OUTSIDE VILLAGE	0.,0	
TOTAL OF TOWN ITEMS		217,139.00
FD221- WEST VALLEY FIRE		167,092.54
LD221- ASHFORD LIGHT		2,261.50
LD226- WEST VALLEY LIGHT		9,288.50
TOTAL PAYMENT TO SUPERVISOR		395,781.54

TOWN OF CARROLLTON - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	146,949.00	
GENERAL-OUTSIDE VILLAGE	0.00	
HIGHWAY-TOWN-WIDE	94,430.00	
HIGHWAY-OUTSIDE VILLAGE		
TOTAL OF TOWN ITEMS		241,379.00
DS240- DELINQUENT SEWER		6,619.00
FD240- FIRE DISTRICT		107,607.00
FF242- SEWER FR FTG		5,672.50
SW242- SEWER DIST 1		5,672.50
TOTAL PAYMENT TO SUPERVISOR		366,950.00

TOWN OF COLD SPRING - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	2,223.00	
GENERAL-OUTSIDE VILLAGE	0.00	
HIGHWAY-TOWN-WIDE	62,915.00	
HIGHWAY-OUTSIDE VILLAGE	0.00	
TOTAL OF TOWN ITEMS		65,138.00
RW281- RELEVIED WATER		0.00
FP260- FIRE PROTECTION		38,750.00
TOTAL PAYMENT TO SUPERVISOR		103,888.00

TOWN OF CONEWANGO - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	131,135.00	
GENERAL-OUTSIDE VILLAGE	400.00	
HIGHWAY-TOWN-WIDE	57,338.00	
HIGHWAY-OUTSIDE VILLAGE	85,014.00	
TOTAL OF TOWN ITEMS		273,887.00
RW281- RELEVIED WATER		88.00
FD280- FIRE		77,222.00
FD281- FIRE (CONE/RAND)		
FD282- FIRE (CONE/E RAND)		
LD282- ELLINGTON LIGHT DIST.		537.93
LD283- CONEWANGO LIGHT		2,475.00
FD760- RANDOLPH FIRE DIST.		8,411.91
TOTAL PAYMENT TO SUPERVISOR		362,621.84

TOWN OF DAYTON - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	99,100.00	
GENERAL-OUTSIDE VILLAGE	0.00	
HIGHWAY-TOWN-WIDE	112,200.00	
HIGHWAY-OUTSIDE VILLAGE	52,700.00	
TOTAL OF TOWN ITEMS		264,000.00
FD300- FIRE		50,962.00
FD301- SOUTH DAYTON FIRE DISTRICT		50,683.00
LD300- LIGHT		4,700.00
TOTAL PAYMENT TO SUPERVISOR		370,345.00

TOWN OF EAST OTTO - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	32,708.00	
GENERAL-OUTSIDE VILLAGE	0.00	
HIGHWAY-TOWN-WIDE	359,746.00	
HIGHWAY-OUTSIDE VILLAGE	0.00	
TOTAL OF TOWN ITEMS		392,454.00
FD320- FIRE		44,525.00
FP320- FIRE PROTECTION		9,775.00
LD320- LIGHT		4,000.00
TOTAL PAYMENT TO SUPERVISOR		450,754.00

TOWN OF ELLICOTTVILLE - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	564,532.00	
GENERAL-OUTSIDE VILLAGE	0.00	
HIGHWAY-TOWN-WIDE	4,461.00	
HIGHWAY-OUTSIDE VILLAGE	0.00	
TOTAL OF TOWN ITEMS		568,993.00
DS370- DELINQUENT SEWER		12,289.01
DW361- DELINQUENT WATER		1,997.49
DV369- DISTRICT VALUE		484.00
FD360- ELLICOTTVILLE FIRE		278,928.00
FF367- FRONT FOOTAGE		
SP368- SEWAGE PROPERTY		18,838.00
WB360- WATER BENEFIT		66,686.00
WD361- WATER 1		1,718.00
DD360- Ellicottville Drainage Dist		
TOTAL PAYMENT TO SUPERVISOR		949,933.50

TOWN OF FARMERSVILLE - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	161,840.00	
GENERAL-OUTSIDE VILLAGE	0.00	
HIGHWAY-TOWN-WIDE	328,780.00	
HIGHWAY-OUTSIDE VILLAGE	0.00	
TOTAL OF TOWN ITEMS		490,620.00
FD380- FIRE		57,970.00
LD380- LIGHT		4,000.00
TOTAL PAYMENT TO SUPERVISOR		552,590.00

TOWN OF FRANKLINVILLE - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	271,130.00	
GENERAL-OUTSIDE VILLAGE	25,545.00	
HIGHWAY-TOWN-WIDE	286,300.00	
HIGHWAY-OUTSIDE VILLAGE	80,700.00	
TOTAL OF TOWN ITEMS		663,675.00
DW400- DELINQUENT WATER		2,040.65
DS400- DELINQUENT SEWER		190.74
FD400- FIRE DISTRICT		135,000.00
TOTAL PAYMENT TO SUPERVISOR		800,906.39

TOWN OF FREEDOM - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	136,872.00	
GENERAL-OUTSIDE VILLAGE	0.00	
HIGHWAY-TOWN-WIDE	288,100.00	
HIGHWAY-OUTSIDE VILLAGE	0.00	
TOTAL OF TOWN ITEMS		424,972.00
FD421- ARCADE FIRE		43,453.00
FD422- DELEVAN FIRE		7,000.00
FD423- FARMERSVILLE		14,492.00
LD420- LIGHT		2,500.00
TOTAL PAYMENT TO SUPERVISOR		492,417.00

TOWN OF GREAT VALLEY - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	245,629.00	
GENERAL-OUTSIDE VILLAGE	0.00	
HIGHWAY-TOWN-WIDE	357,480.00	
HIGHWAY-OUTSIDE VILLAGE	0.00	
TOTAL OF TOWN ITEMS		603,109.00
DS440- DELINQUENT SEWER		696.75
DS442- DELINQUENT WATER		300.00
SD441- FAIRVIEW LANDS		1,850.00
DS443- DELINQUENT ELLICOTTVILLE SEWER		231.28
DW444- DELINQUENT ELLICOTTVILLE WATER		102.00
FD444- GREAT VALLEY FIRE		95,240.00
FD445- KILLBUCK FIRE		51,498.00
LD444- KILLBUCK LIGHT		6,000.00
SC442- HIGHLAND SEWER #5 & STW CC		0.00
SD440- BONNE VAL SEWER DISTRICT #2		115.00
SD442- HIGHLAND SEWER #5		3,050.00
SW441- SNOWPINE SEWER DISTRICT #1		2,500.00
WB440- SNOWPINE WATER DISTRICT #2		5,700.00
WC443- HIGHLAND WATER #5 & STW CC		0.00
WD442- BONNE VAL WATER DISTRICT #3		11,366.00
WD443- HIGHLAND WATER #4		1,310.00
WD446- KILLBUCK WATER		1,700.00
TOTAL PAYMENT TO SUPERVISOR		784,768.03

TOWN OF HINSDALE - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	38,411.00	
GENERAL-OUTSIDE VILLAGE	0.00	
HIGHWAY-TOWN-WIDE	380,739.00	
HIGHWAY-OUTSIDE VILLAGE	0.00	
TOTAL OF TOWN ITEMS		419,150.00
DW460- DELINQUENT WATER		7,043.14
FD460- FIRE		83,855.00
WD465- WATER		8,400.00
TOTAL PAYMENT TO SUPERVISOR		518,448.14

TOWN OF HUMPHREY - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	46,344.00	
GENERAL-OUTSIDE VILLAGE	0.00	
HIGHWAY-TOWN-WIDE	204,184.00	
HIGHWAY-OUTSIDE VILLAGE	0.00	
TOTAL OF TOWN ITEMS		250,528.00
FD480- FIRE DISTRICT		69,561.00
TOTAL PAYMENT TO SUPERVISOR		320,089.00

TOWN OF ISCHUA - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS	
GENERAL FUND		18,395.00	
GENERAL-OUTSIDE VILLAGE		0.00	
HIGHWAY-TOWN-WIDE		88,500.00	
HIGHWAY-OUTSIDE VILLAGE		0.00	
TOTAL OF TOWN ITEMS			106,895.00
CD450- CUBA LAKE DIST			1,596.00
FD500- FIRE			52,000.00
LD500- LIGHT			3,700.00
TOTAL PAYMENT TO SUPERVISOR			164,191.00

TOWN OF LEON - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS	
GENERAL FUND	79,100.00		
GENERAL-OUTSIDE VILLAGE	0.00		
HIGHWAY-TOWN-WIDE	267,390.00		
CEMETERY FUND	8,960.00		
TOTAL OF TOWN ITEMS			355,450.00
OT521- OMITTED TAX			0.00
FD520- FIRE			37,000.00
LD520- LIGHT			2,300.00
TOTAL PAYMENT TO SUPERVISOR			394,750.00

TOWN OF LITTLE VALLEY - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS	
GENERAL FUND	190,656.00		
GENERAL-OUTSIDE VILLAGE			
HIGHWAY-TOWN-WIDE	231,944.00		
HIGHWAY-OUTSIDE VILLAGE	133,902.00		
TOTAL OF TOWN ITEMS			556,502.00
DS540- DELINQUENT SEWER			404.33
DW540- DELINQUENT WATER			307.13
FD540- FIRE			58,844.00
TOTAL PAYMENT TO SUPERVISOR			616,057.46

TOWN OF LYNDON - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS	
GENERAL FUND	85,578.00		
GENERAL-OUTSIDE VILLAGE	0.00		
HIGHWAY-TOWN-WIDE	137,573.00		
HIGHWAY-OUTSIDE VILLAGE	0.00		
TOTAL OF TOWN ITEMS			223,151.00
FD560- FIRE			48,800.00
TOTAL PAYMENT TO SUPERVISOR			271,951.00

TOWN OF MACHIAS - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	105,875.00	
GENERAL-OUTSIDE VILLAGE	0.00	
HIGHWAY-TOWN-WIDE	419,055.00	
HIGHWAY-OUTSIDE VILLAGE	0.00	
PUBLIC LIBRARY	0.00	
TOTAL OF TOWN ITEMS		524,930.00
DW580- DELINQUENT WATER		19,458.30
FD580- FIRE		129,000.00
LD580- LIGHT		18,000.00
TOTAL PAYMENT TO SUPERVISOR		691,388.30

TOWN OF MANSFIELD - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	70,582.00	
GENERAL-OUTSIDE VILLAGE	0.00	
HIGHWAY-TOWN-WIDE	334,500.00	
HIGHWAY-OUTSIDE VILLAGE	0.00	
TOTAL OF TOWN ITEMS		405,082.00
FD600- FIRE		83,000.00
TOTAL PAYMENT TO SUPERVISOR		488,082.00

TOWN OF NAPOLI - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	55,213.00	
GENERAL-OUTSIDE VILLAGE	0.00	
HIGHWAY-TOWN-WIDE	324,509.38	
HIGHWAY-OUTSIDE VILLAGE	0.00	
TOTAL OF TOWN ITEMS		379,722.38
RW281-RELEVIED WATER		74.78
FD620- FIRE		38,380.00
TOTAL PAYMENT TO SUPERVISOR		418,177.16

TOWN OF NEW ALBION - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	203,200.00	
GENERAL-OUTSIDE VILLAGE	9,875.00	
HIGHWAY-TOWN-WIDE	99,300.00	
HIGHWAY-OUTSIDE VILLAGE	108,000.00	
TOTAL OF TOWN ITEMS		420,375.00
FD640- FIRE		92,400.00
TOTAL PAYMENT TO SUPERVISOR		512,775.00

TOWN OF OLEAN - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	0.00	
GENERAL-OUTSIDE VILLAGE	0.00	
HIGHWAY-TOWN-WIDE	287,500.00	
HIGHWAY-OUTSIDE VILLAGE	0.00	
TOTAL OF TOWN ITEMS		287,500.00
DS660- DELINQUENT SEWER		0.00
DW660- DELINQUENT WATER		0.00
OT661- OMITTED TAX		2,172.77
SD660- E OLEAN SEWER DIST		20,843.66
SD662- S OLEAN SEWER DIST		25,232.00
SD663- DUGAN E SEWER DIST		6,336.00
FD667- OLEAN FIRE 1		35,500.00
FD668- WESTONS FIRE		32,263.00
FP661- HINSDALE FIRE PROTECTION		15,000.00
FP662- OLEAN FIRE PROTECTION		5,500.00
FP663- WESTONS FIRE PROTECTION		25,000.00
LD665- HILLCREST LIGHT		850.00
LD669- MCCANN LIGHT		983.00
TOTAL PAYMENT TO SUPERVISOR		457,180.43

TOWN OF OTTO - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	87,248.00	
GENERAL-OUTSIDE VILLAGE	0.00	
HIGHWAY-TOWN-WIDE	415,769.00	
HIGHWAY-OUTSIDE VILLAGE	0.00	
TOTAL OF TOWN ITEMS		503,017.00
DS680- DELINQUENT SEWER		13,800.00
FD680- FIRE		27,140.00
FP680- FIRE PROTECTION		46,700.00
LD680- LIGHT		3,600.00
WD685- WATER		13,700.00
TOTAL PAYMENT TO SUPERVISOR		607,957.00

TOWN OF PERRYSBURG - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	203,500.00	
GENERAL-OUTSIDE VILLAGE	0.00	
HIGHWAY-TOWN-WIDE	221,600.00	
HIGHWAY-OUTSIDE VILLAGE	21,100.00	
TOTAL OF TOWN ITEMS		446,200.00
OT701- OMITTED TAX		0.00
WD700- VERSAILLES WATER DISTRICT		3,525.00
WD701- PROSPECT STREET WATER DISTRICT		11,375.00
WD702- PERRYSBURG CENTRAL WATER		36,594.00
DW701- DELINQUENT PROSPECT WATER		1,299.74
DW700- DELINQUENT VERSAILLES WATER		4,215.75
DW702- DELINQUENT PERRYSBURG CENTRAL WATER		3,691.90
FD702- PERRYSBURG FIRE		78,219.00
LD700- LIGHT		5,000.00
TOTAL PAYMENT TO SUPERVISOR		590,120.39

TOWN OF PERSIA - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	129,818.00	
GENERAL-OUTSIDE VILLAGE	12,136.00	
HIGHWAY-TOWN-WIDE	26,105.00	
HIGHWAY-OUTSIDE VILLAGE	55,050.00	
TOTAL OF TOWN ITEMS		223,109.00
FP724- FIRE PROTECTION 1		10,297.00
FP725- FIRE PROTECTION 2		7,748.00
FP726- FIRE PROTECTION 3		5,500.00
TOTAL PAYMENT TO SUPERVISOR		246,654.00

TOWN OF PORTVILLE - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	61,661.00	
GENERAL-OUTSIDE VILLAGE	139,184.00	
HIGHWAY-TOWN-WIDE	0.00	
HIGHWAY-OUTSIDE VILLAGE	309,154.00	
TOTAL OF TOWN ITEMS		509,999.00
DS740- DELINQUENT SEWER		2,167.49
SD741- HAPPY HOLLOW SEWER		9,337.88
FD746- PORTVILLE FIRE 1		120,490.00
FD749- WESTONS FIRE 2		97,112.00
LD740- HAPPY HOLLOW LIGHT		2,880.00
LD741- WESTONS LIGHT		4,896.00
TOTAL PAYMENT TO SUPERVISOR		746,882.37

TOWN OF RANDOLPH - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	177,900.00	
GENERAL-OUTSIDE VILLAGE	2,600.00	
HIGHWAY-TOWN-WIDE	326,055.00	
HIGHWAY-OUTSIDE VILLAGE	178,347.00	
TOTAL OF TOWN ITEMS		684,902.00
DW761- DELINQUENT WATER		814.00
RW281- REL WATER		418.45
FD760- FIRE PROTECTION		144,497.00
TOTAL PAYMENT TO SUPERVISOR		830,631.45

TOWN OF RED HOUSE - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	13,781.00	
GENERAL-OUTSIDE VILLAGE	0.00	
HIGHWAY-TOWN-WIDE	11,650.00	
COMMUNITY TAX	600.00	
HIGHWAY-OUTSIDE VILLAGE	0.00	
TOTAL OF TOWN ITEMS		26,031.00
FP780- FIRE PROTECTION		14,000.00
TOTAL PAYMENT TO SUPERVISOR		40,031.00

TOWN OF SALAMANCA - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	73,170.00	
GENERAL-OUTSIDE VILLAGE	0.00	
HIGHWAY-TOWN-WIDE	88,350.00	
HIGHWAY-OUTSIDE VILLAGE	0.00	
TOTAL OF TOWN ITEMS		161,520.00
TOTAL PAYMENT TO SUPERVISOR		161,520.00

TOWN OF SOUTH VALLEY - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	61,000.00	
GENERAL-OUTSIDE VILLAGE	0.00	
HIGHWAY-TOWN-WIDE	76,240.00	
HIGHWAY-OUTSIDE VILLAGE	0.00	
TOTAL OF TOWN ITEMS		137,240.00
FD820- FIRE		0.00
TOTAL PAYMENT TO SUPERVISOR		137,240.00

TOWN OF YORKSHIRE - FOR THE YEAR 2010

TOWN ITEMS	LEVY ITEMS	WARRANT ITEMS
GENERAL FUND	178,651.00	
GENERAL-OUTSIDE VILLAGE		
HIGHWAY-TOWN-WIDE	256,101.00	
HIGHWAY-OUTSIDE VILLAGE		
TOTAL OF TOWN ITEMS		434,752.00
DW840- DELINQUENT WATER		3,292.06
WD841- WATER DISTRICT #1 (YORKSHIRE)		21,093.82
WD842- WATER DISTRICT #2 (GROVE)		6,058.00
OT841- OMITTED TAX		
FD841- YORKSHIRE FIRE		73,735.00
FP840- FIRE PROTECTION		75,018.00
LD840- LIGHT		5,200.00
TOTAL PAYMENT TO SUPERVISOR		619,148.88

2010 STATE AID FOR TOWNS

Allegany	\$241,200
Ashford	\$115,464
Carrollton	\$ 57,830
Coldspring	\$ 43,797
Conewango	\$ 93,000
Dayton	\$ 64,000
East Otto	\$ 90,070
Ellicottville	\$222,000
Farmersville	\$ 75,000
Franklinville	\$ 15,384
Freedom	\$ 93,658
Great Valley	\$126,800
Hinsdale	\$ 96,000
Humphrey	\$ 83,250
Ischua	\$ 43,500
Leon	\$105,195
Little Valley	\$ 61,700
Lyndon	\$ 75,200
Machias	\$ 34,425
Mansfield	\$436,799
Napoli	\$ 84,569
New Albion	\$ 99,973
Olean (Town)	\$ 83,000
Otto	\$ 84,600
Perrysburg	\$ 73,058
Persia	\$ 52,480
Portville	\$129,000
Randolph	\$129,180
Red House	\$ 1,548
Salamanca (Town)	\$ 10,500
South Valley	\$ 38,100
Yorkshire	\$ 83,000.

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

Adopted December 9, 2009 by voice vote.

ACT NO. 745-2009 by Mr. Burrell and Mr. Boser
who ask immediate consideration

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR EMPIRE STATE DEVELOPMENT
CORPORATION COMMUNITY DEVELOPMENT BLOCK GRANT**

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

WHEREAS, Act 98-2009 authorized contracts with various entities for the administration of the Microenterprise Development Revolving Loan Fund, the terms of which expire December 31, 2009, and

WHEREAS, the County is the recipient of Empire State Development Corporation Community Development Block Grant Program funds and has an existing Microenterprise Revolving Loan Fund portfolio to maintain, and

WHEREAS, the NYS Small Cities Community Development Block Grant was obtained for the purpose of establishing and continuing a Microenterprise Development Revolving Loan Fund, Microenterprise Outreach Program and Microenterprise Business Education Program, and

WHEREAS, the County shall administer the Microenterprise Development Revolving Loan Fund portfolio with the assistance of the following contractors:

Cattaraugus County Business Development Corp.
214 Main Street
Little Valley, New York 14755

Nicholas DiCerbo, Jr.
410 Community Bank Building
Olean, New York 14760

H. Sicherman & Company, Inc.
5852 Forest Creek Drive
East Amherst, New York 14051,

and

WHEREAS, the County Department of Economic Development, Planning and Tourism, in conjunction with the County Treasurer, shall administer the aforementioned grant program, on behalf of the County, as follows:

1. An amount not to exceed 30,000 to the Cattaraugus County Business Development Corporation to provide specialized technical assistance, education, computer training and development of business plans.
2. An amount not to exceed \$2,000 to Nicholas DiCerbo, Jr. for legal fees and other legal incidentals.
3. An amount not to exceed \$3,000 to H. Sicherman and Company to provide technical assistance on program administration, loan reviews and credit analyses for the loan committee.
4. Unused balances of previous Community Development Block Grant funds, as well as program income from loan repayments, will be used for the Microenterprise Loan Fund for the microenterprises in the County, less administrative expenses identified above.

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 administration and management of the above-referenced grant application, for a term commencing January 1, 2010 and terminating December 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.

MR. GIARDINI moved, seconded by Mr. Snyder to waive Rule 12. Carried.

Adopted December 9, 2009 by voice vote.

ACT NO. 746-2009 by Mr. Burrell and Mr. Boser
who ask immediate consideration

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR HUD SMALL CITIES COMMUNITY
DEVELOPMENT BLOCK GRANT**

Pursuant to 42 USCS 5303 and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 96-2009 authorized contracts with various entities for assistance in the administration of the Microenterprise Revolving Loan Fund, the terms of which expires December 31, 2009, and

WHEREAS, the County is the recipient of United States Department of Housing and Urban Development (HUD) Small Cities Community Development Block Grant funds and has an existing Microenterprise Revolving Loan Fund portfolio to maintain, and

WHEREAS, the Small Cities Community Development Block Grant was obtained for the purpose of establishing and continuing a Microenterprise Development Revolving Loan Fund, Microenterprise Outreach Program and Microenterprise Business Education Program, and

WHEREAS, the County shall administer the Microenterprise Development Revolving Loan Fund portfolio with the assistance of the following contractors:

Cattaraugus County Business Development Corp.
214 Main Street
Little Valley, New York 14755

H. Sicherman & Co., Inc.
5852 Forest Creek Drive
East Amherst, New York 14051-2980

Nicholas DiCerbo, Jr.
410 Community Bank Building
Olean, New York 14760,

and

WHEREAS, the County Department of Economic Development, Planning and Tourism, in conjunction with the County Treasurer, shall administer the aforementioned grant program, on behalf of the County, as follows:

1. An amount not to exceed \$90,000 to the Cattaraugus County Business Development Corporation to provide technical assistance, education, computer training and development of business plans.
2. An amount not to exceed \$7,000 to H. Sicherman and Company to provide technical assistance on program administration, loan reviews and credit analyses for the loan committee.
3. An amount not to exceed \$7,000 to Nicholas DiCerbo, Jr. for legal fees and other legal incidentals.
4. Unused balances of previous Community Development Block Grant funds, as well as program income from loan repayments, will be used for the Microenterprise Loan Fund for the microenterprises in the County, less administrative expenses identified above.,

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 administration and management of the above-referenced grant application, for a term commencing January 1, 2010 and terminating December 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.

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

Adopted December 9, 2009 by voice vote.

ACT NO. 747-2009 by Mr. Burrell and Mr. Boser
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
H. SICHERMAN & COMPANY, INC. FOR
GRANT WRITING TECHNICAL ASSISTANCE**

Pursuant to Title I of the Housing and Community Development
Act of 1974, as amended, and Section 450 of the County Law.

WHEREAS, Act 97-2009 authorized a contract with H. Sicherman & Company, Inc., 5852 Forest Creek Drive, East Amherst, New York 14051-2980, for the provision of technical assistance for grant writing for various programs for an amount not to exceed \$10,000, the term of which expires December 31, 2009, and

WHEREAS, the Department of Economic Development, Planning and Tourism is desirous of continuing the aforementioned grant writing technical assistance services, and

WHEREAS, H. Sicherman & Company, Inc., can continue providing technical assistance for grant writing services for an amount not to exceed \$10,000, which will be billed at the following rates:

Harry Sicherman	\$138/hour
Robert E. Deemer, Jr.	\$106/hour
Richard W. Lippold	\$ 87/hour
Other Professionals	\$ 78/hour
Rate in Travel Status	\$ 56/hour (all personnel),

and

WHEREAS, sufficient funds are included in the 2010 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 H. Sicherman and Company, Inc., for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

MR. GIARDINI moved, seconded by Mr. Snyder to waive Rule 12. Carried.

Adopted December 9, 2009 by voice vote.

ACT NO. 748-2009 by Mr. Burrell and Mr. Boser
who ask immediate consideration

**ESTABLISHING 2008 ECONOMIC DEVELOPMENT SPENDING PLAN
FOR CASINO REVENUE FUND AND ADJUSTING VARIOUS
APPROPRIATION AND REVENUE ACCOUNTS
(Department of Economic Development, Planning & Tourism)**

Pursuant to Section 99-h of the State Finance Law and
Sections 362, 363 and 366 of the County Law.

WHEREAS, Section 99-h of the New York State Finance Law establishes a tribal-state compact revenue account, which consists of all revenues resulting from tribal-state compacts executed pursuant to Article 2 of the New York State Executive Law, and

WHEREAS, Act 682-2007 authorized a contract with the City of Salamanca for the formula distribution for the minimum of 25% of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact, and

WHEREAS, a spending plan for the distribution of these funds to Cattaraugus County has been approved by the Empire State Development Corporation, and

WHEREAS, this fund utilizes a budgetary basis, whereby the original authorization will not lapse, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned casino funds, now, therefore, be it

RESOLVED, that the 2008 Economic Development Spending Plan for casino revenue fund is hereby established, and be it further

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

Increase Estimated Revenue Account:

ED.2388	2008 Casino Proceeds	\$292,041.00
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Increase Appropriation Accounts:

ED.6988.501	Tourism Advertising	\$ 50,000.00
ED.6988.502	I-86, Festival & Intern Staffing	\$ 25,000.00
ED.6988.505	Tourism Promotion PR & Education	\$ 25,041.00
ED.6988.508	Ag & Farmland Protection Plan	\$ 15,000.00
ED.6988.510	ED Advertising & Promotion	\$ 20,000.00
ED.6988.515	Equine Initiative	\$ 2,000.00
ED.6988.516	Economic Development Fund	\$130,000.00
ED.6988.517	Recreational Trail	\$ 25,000.00.

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

MR. WARD moved, seconded by Mr. Sprague to send Act No. 748-2009 to the Development and Agriculture Committee. After discussion on the floor, the motion and second were withdrawn.

Adopted December 9, 2009 by voice vote.

ACT NO. 749-2009 by Mr. Burrell and Mr. Boser
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COUNTY BUSINESS DEVELOPMENT CORPORATION FOR
SMALL BUSINESS ASSISTANCE PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 108-2009 authorized a contract with the Cattaraugus County Business Development Corporation for the provision of administrative and technical services for the Cattaraugus County Small Business Assistance Program, the term of which expires December 31, 2009, and

WHEREAS, the Cattaraugus County Business Development Corporation, 214 Main Street, Little Valley, New York 14755, has designed a comprehensive Small Business Assistance Program in response to the diverse needs of the growing number of entrepreneurs and small business enterprises struggling to succeed in Cattaraugus County, and

WHEREAS, the aforementioned program shall be provided through a unique partnership of existing Cattaraugus County business assistance agencies at the following locations: Little Valley and Olean County Centers, St. Bonaventure University, and BOCES at Olean and Ellicottville, and

WHEREAS, the Cattaraugus County Business Development Corporation will provide the aforementioned services for an amount of \$82,000, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2010 with Cattaraugus County Business Development Corporation for the provision of the above-described services for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

MR. GIARDINI moved, seconded by Mr. Snyder to waive Rule 12. Carried.

Adopted December 9, 2009 by voice vote.

ACT NO. 750-2009 by Mr. Aiello, Mr. Burrell, Mr. Ellis,
Mr. Marsh, Mr. McLarney, Mr. Murphy, Mr. Neal,
Mr. O'Brien, Mr. Snyder, Mrs. Stockman, Mr. Teachman,
Mr. Vecchiarella, Ms. Vickman, Mr. Boser, Mr. Giardini,
Mr. Hebdon, Mr. Sprague, Mr. Ward and Mrs. Witte
who ask immediate consideration

ESTABLISHING SHERIFF SALARY

Pursuant to Sections 201 and 205 of the County Law.

RESOLVED, that the salary for the Sheriff of Cattaraugus County be, and the same hereby is, established as follows:

2010	\$86,000
2011	\$89,000
2012	\$91,670
2013	\$94,420.

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

Adopted December 9, 2009 by voice vote.

ACT NO. 751-2009 by Mr. Vecchiarella
who asks immediate consideration

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
SARAH BARTZ SMITH FOR TONSORIAL SERVICES FOR COUNTY JAIL**

Pursuant to 9 NYCRR Part 7005 and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 708-2008 authorized a contract with Sarah Bartz Smith, 6209 Valley Drive, Great Valley, New York 14741, for the provision of tonsorial services for the inmates of the County Jail at the rate of \$8.50 per head, the term of which expires December 31, 2009, and

WHEREAS, the County Sheriff's Department is desirous of renewing the aforementioned contract, and

WHEREAS, Sarah Bartz Smith has agreed to provide the aforementioned services at a rate of \$9.00 per head, and

WHEREAS, sufficient funds are included in the 2010 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 Sarah Bartz Smith, for the provision of the aforementioned services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

MR. GIARDINI moved, seconded by Mr. Snyder to waive Rule 12. Carried.

Adopted December 9, 2009 by voice vote.

ACT NO. 752-2009 by Mr. Vecchiarella
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COUNTY AGRICULTURAL SOCIETY, INC. FOR
SHERIFF'S DEPARTMENT SECURITY SERVICES AND SPACE RENTAL**

Pursuant to Sections 215, 450 and 650 of the County Law.

WHEREAS, Act 711-2008 authorized the Chair to execute a contract with the Cattaraugus County Agricultural Society, Inc., P.O. Box 182, Little Valley, New York 14755, for the provision of security services at various events at the County Fairgrounds, including the annual Cattaraugus County Fair, the term of which expires December 31, 2009, and

WHEREAS, it is proposed that the Cattaraugus County Sheriff provide security services at the Cattaraugus County Fairgrounds during the 2010 year, and

WHEREAS, the Agricultural Society will reimburse the County on an hourly basis for the provision of these services, except for the first \$500 in services to be provided by the Sheriff's Office in 2010, and

WHEREAS, the Agricultural Society will charge the County the following rental costs:

Tourism Booths	\$400
Emergency Services Booths	\$400
Health Department Booths	\$600
Stop DWI Space	\$600
Board of Elections	\$150
Youth Bureau	\$175
Storage	\$200/boat
Civil Service	\$100/testing day,

and

WHEREAS, sufficient funds are included in the 2010 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Cattaraugus County Agricultural Society, Inc., for the rental of the above-described space, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

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

Adopted December 9, 2009 by voice vote.

ACT NO. 753-2009 by Mr. Vecchiarella
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
VARIOUS MUNICIPALITIES FOR SOUTHERN TIER TASK
FORCE DRUG ENFORCEMENT PROGRAM**

Pursuant to Section 119-o of the General Municipal Law and
Section 450 of the County Law.

WHEREAS, Act 234-2008 authorized a contract with the County of Chautauqua, County of Allegany, County of Cattaraugus, City of Olean and City of Salamanca, for the provision of the Southern Tier Task Force Drug Enforcement Program, the term of which expired March 31, 2009, and

WHEREAS, the Cattaraugus County Sheriff's Office desires to continue its participation in the aforementioned program, and

WHEREAS, there are pooled monies for operational expenditure to all respective drug task force participants, excluding Chautauqua County, in an estimated amount of \$11,046.54 for Cattaraugus County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with various municipalities for the provision of the above-described program, for a term commencing April 1, 2008 and terminating December 31, 2009, according to the above-described terms.

MR. GIARDINI moved, seconded by Mr. Snyder to waive Rule 12. Carried.

Adopted December 9, 2009 by voice vote.

ACT NO. 754-2009 by Mr. Vecchiarella
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH CHAUTAUQUA COUNTY AND NEW YORK STATE
DIVISION OF CRIMINAL JUSTICE SERVICES FOR
SOUTHERN TIER TASK FORCE DRUG ENFORCEMENT PROGRAM**

Pursuant to Section 119-o of the General Municipal Law and
Section 450 of the County Law.

WHEREAS, Act 233-2008 authorized contracts with Chautauqua County and the New York State Division of Criminal Justice Services for a grant award for the Southern Tier Task Force Drug Enforcement Program, the term of which expired March 31, 2009, and

WHEREAS, a contract is necessary with Chautauqua County, whereby Cattaraugus County will be reimbursed for expenses related to this program in an estimated amount of \$34,195.67 for the period April 1, 2008 through March 31, 2009, 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 Chautauqua County and the New York State Division of Criminal Justice Services for the provision of the Southern Tier Task Force Drug Enforcement Program, for a term commencing April 1, 2008 and terminating December 31, 2009, according to the above-described terms.

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

Adopted December 9, 2009 by voice vote.

ACT NO. 755-2009 by Mr. Vecchiarella
who asks immediate consideration

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
OLEAN MEDICAL GROUP, LLP FOR JAIL PHYSICIAN SERVICES**

Pursuant to Section 501 of the Correction Law,
9 NYCRR Part 7010 and Act 432-2002 of the
Cattaraugus County Legislature.

WHEREAS, Act 710-2008 authorized a contract with the Olean Medical Group, LLP, 535 Main Street, Olean, New York 14760, for the provision of jail physician services at the rate of \$160 per hour, including mileage, the term of which expires December 31, 2009, and

WHEREAS, the County Sheriff's Department is desirous of continuing the aforementioned services, and

WHEREAS, the Olean Medical Group, LLP, can provide the aforementioned jail physician services at the rate of \$160 per hour, including mileage, for the year 2010, and

WHEREAS, sufficient funds are included in the 2010 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 Olean Medical Group, LLP, for the provision of the above-

described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

MR. GIARDINI moved, seconded by Mr. Snyder to waive Rule 12. Carried.

Adopted December 9, 2009 by voice vote.

ACT NO. 756-2009 by Mr. Vecchiarella
who asks immediate consideration

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Sheriff's Department)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, the Sheriff's Department is desirous of purchasing patrol vehicles from State bid, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to purchase the aforementioned patrol vehicles, now, therefore, be it

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

Increase Estimated Revenue Account:

A.2391	Jail Prisoner Housing	\$74,142.00
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Increase Appropriation Account:

A.3110.201	Automobiles	\$74,142.00.
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MR. SNYDER moved, seconded by Mr. Giardini to waive Rule 12. Carried.

Adopted December 9, 2009 by voice vote.

ACT NO. 757-2009 by Mr. Vecchiarella
who asks immediate consideration

**AUTHORIZING PURCHASE OF PROPERTY AND IMPROVEMENTS THEREON LOCATED
IN TOWN OF YORKSHIRE FROM NORTH COLLINS CYLINDER GAS CO., INC.**

Pursuant to Article 3 of the Eminent Domain Procedure Law.

WHEREAS, Act 452-2007 authorized the Chairman of the Cattaraugus County Legislature to acquire lands for the public purpose of operating the County's radio tower by condemnation pursuant to Articles 2 and 3 of the Eminent Domain Procedure Law, and

WHEREAS, Act 454-2007 authorized the County Attorney make an offer to purchase the aforementioned property and improvements thereon, known as Tax Map Parcel No. 21.001-1-9.9, and more fully described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Yorkshire, County of Cattaraugus, State of New York, being part of Lot 42, Town 6, Range 5 of the Holland Land Company's survey bounded and described as follows:

BEGINNING at the southwest corner of Lot 42, said point being the intersection of the westerly bounds of Lot 42 and the centerline of Town Line Road;

THENCE N 1° 01' 20" W along the westerly bounds of Lot 42 (also the westerly bounds of the lands of the North Collins Cylinder Gas Co., Inc.) a distance of 320.76 feet, passing through two found rebar, to a found rebar;

THENCE N 86° 32' 02" E a distance of 217.22 feet to a found rebar;

THENCE S 0° 59' 20" E a distance of 320.14 feet, passing through a rebar found on line and a rebar set on the northerly bounds of Town Line Road to the centerline of the same;

THENCE S 86° 23' 11" W along the centerline of Town Line Road a distance of 217.06 feet to the POINT OF BEGINNING, Containing 1.469 acres of land, more or less.

Being the same premises conveyed to the North Collins Cylinder Gas Co., Inc. by Henry and Delores Wielkie by a deed dated August 26, 1996 and recorded in the Cattaraugus County Clerk's office on September 17, 1996 in Liber 959 at Page 228.,

and

WHEREAS, an amount of \$60,000 should be offered to purchase the aforementioned property and improvements thereon, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute transfer documents, on behalf of Cattaraugus County, with North Collins Cylinder Gas Co., Inc., in order to purchase the above-described property and improvements thereon, according to the above-described terms.

MR. GIARDINI moved, seconded by Mr. Snyder to waive Rule 12. Carried.

Adopted December 9, 2009 by voice vote.

ACT NO. 758-2009 by Mr. Neal and Mr. McClune
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENT WITH
ST. PAUL'S UNITED METHODIST CHURCH FOR DEPARTMENT OF AGING
SENIOR WELLNESS AND NUTRITION PROGRAM SITE**

Pursuant to Section 95-a of the General Municipal Law, Title III-C
of the Older Americans Act of 1965, as amended and
Sections 215 and 450 of the County Law.

WHEREAS, Act 662-2008 authorized a lease agreement with various entities for the County Department of Aging Senior Wellness and Nutrition Program sites, the terms of which expire December 31, 2009, and

WHEREAS, the County Department of Aging is desirous of renewing the lease agreement with the St. Paul's United Methodist Church, and

WHEREAS, the St. Paul's United Methodist Church, 9372 Route 240, West Valley, New York 14171, can provide a Senior Wellness and Nutrition Program site in the West Valley area, as follows:

<u>SITE</u>	<u>2009 RATE</u>	<u>2010 RATE</u>	<u>2011 RATE</u>
St. Paul's United Methodist Church 9372 Route 240 West Valley, New York 14171	\$400/mo.	\$400/mo.	\$415/mo.

and

WHEREAS, this program is 90% federal and 10% county funded, 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 St. Paul's United Methodist Church, for the leasing of a Senior Wellness and Nutrition Program site, for a term commencing January 1, 2010 and terminating December 31, 2011, 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.

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

Adopted December 9, 2009 by voice vote.

ACT NO. 759-2009 by Mr. Neal and Mr. McClune
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENT EXTENSION
WITH GOWANDA FREE METHODIST CHURCH FOR DEPARTMENT OF AGING
SENIOR WELLNESS AND NUTRITION PROGRAM SITE**

Pursuant to Section 95-a of the General Municipal Law, Title III-C
of the Older Americans Act of 1965, as amended and
Sections 215 and 450 of the County Law.

WHEREAS, Act 662-2008 authorized a lease agreement with various entities for the County Department of Aging Senior Wellness and Nutrition Program sites, the terms of which expire December 31, 2009, and

WHEREAS, the County Department of Aging is desirous of extending the term of the lease agreement with the Gowanda Free Methodist Church until January 31, 2010, with additional month-to-month lease extensions, as needed, and

WHEREAS, the Gowanda Free Methodist Church, 149 Main Street, Gowanda, New York 14070, can provide a Senior Wellness and Nutrition Program site in the Gowanda area, as follows:

<u>SITE</u>	<u>2009 RATE</u>	<u>2010 RATE</u>
Gowanda Free Methodist Church 149 West Main Street Gowanda, New York 14070	\$550/mo.	\$550/mo.

and

WHEREAS, this program is 90% federal and 10% county funded, 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 Gowanda Free Methodist Church, for the leasing of a Senior Wellness and Nutrition Program site, for a term commencing January 1, 2010 and terminating January 31, 2010, to continue on a month-to-month basis thereafter until terminated by the County, 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.

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

Adopted December 9, 2009 by voice vote.

ACT NO. 760-2009 by Mr. Neal and Mr. McClune
who ask immediate consideration

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING
THROUGH CORPORATION FOR NATIONAL SERVICE FOR
DEPARTMENT OF AGING FEDERAL RETIRED & SENIOR VOLUNTEER PROGRAM**

Pursuant to Section 536-a of the Executive Law and
Section 450 of the County Law.

WHEREAS, Act 451-2006 authorized the Chairman to apply for funding through the Corporation for National Service for retired and senior volunteer program (RSVP) funds, and

WHEREAS, up to \$133,800 is available through the Corporation for National Service, National Senior Service Corporation, 801 Arch Street, Suite 103, Philadelphia, Pennsylvania 19107-2416, for the Retired & Senior Volunteer Program to support the efforts of RSVP Volunteers in Cattaraugus County, and

WHEREAS, the Department of Aging is desirous of filing grant applications with the Corporation for National Service in order to obtain this federal funding, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant applications, on behalf of Cattaraugus County, with the Corporation for National Service, to apply for and receive the aforementioned grant funding for the fiscal year commencing January 1, 2010 and terminating December 31, 2012, according to the above-described terms.

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

Adopted December 9, 2009 by voice vote.

ACT NO. 761-2009 by Mr. Neal and Mr. McClune
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE OFFICE FOR THE AGING FOR VARIOUS PROGRAMS FOR
DEPARTMENT OF AGING**

Pursuant to Title III of the Older Americans Act of 1965,
as amended, Section 541 of the Executive Law and
Section 95-a of the General Municipal Law.

WHEREAS, Acts 252-2008, 341-2008, 370-2008 and 658-2008
authorized the Chairman to apply for, and accept, funding through the New
York State Office for the Aging for the 2009 program year for various
programs, the terms of which expire March 31, 2010, and

WHEREAS, funding is available for various programs through the
New York State Office for the Aging for the 2010 program year, and

WHEREAS, the County Department of Aging is desirous of applying
for the following program funding:

Community Services for the Elderly (CSEP)	\$105,964.00
Expanded In-Home Services for the Elderly	\$238,155.00
Congregate Services Initiative (CSI)	\$ 3,669.00
Caregiver Resource Center (CRC)	\$ 19,611.00
Supplemental Nutrition Assistance Program (SNAP)	\$228,358.00
Transportation	\$ 4,605.00
HIICAP	\$ 29,901.00
Weatherization Referral and Packaging (WRAP)	\$ 36,909.00,

and

WHEREAS, a contract is necessary with the New York State Office
for the Aging in order to accept the aforementioned funds, and

WHEREAS, sufficient funds are included in the budget to cover the
cost of the County's portion of the aforementioned programs, 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 Office for the Aging, in order to apply for,
and accept, the aforementioned funds, for a term commencing April 1, 2010 and
terminating March 31, 2011, 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.

MR. GIARDINI moved, seconded by Mr. Snyder to waive Rule 12. Carried.

Adopted December 9, 2009 by voice vote.

ACT NO. 762-2009 by Mr. Neal and Mr. McClune
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE OFFICE FOR THE AGING FOR FUNDING UNDER
VARIOUS TITLES OF THE OLDER AMERICANS ACT OF 1965, AS AMENDED**

Pursuant to Titles III-B, III-C1, III-C2, III-D and III-E
of the Older Americans Act of 1965, as amended,
Section 541 of the Executive Law and
Section 95-a of the General Municipal Law.

WHEREAS, Act 657-2008 authorized the Chairman to apply for funding through the New York State Office for the Aging for the 2009 program year, and

WHEREAS, federal funding is again available through the New York State Office for the Aging under Titles III-B, III-C1, III-C2, III-D and III-E of the Older Americans Act of 1965, as amended, for the 2010 program year, for the following programs:

- Title III-B - direct services to the senior citizens of Cattaraugus County,
- Title III-C - congregate and home delivered services and other related services to the senior citizens of Cattaraugus County,
- Title III-D - preventative services to senior citizens of Cattaraugus County, and
- Title III-E - family caregiver support program,

and

WHEREAS, it is necessary to file grant applications with the New York State Office for the Aging to obtain this funding, and

WHEREAS, the above-described programs are funded as follows:

Title III-B - 90% federally funded	\$ 87,559.00
Title III-C1 - 90% federally funded	\$112,255.00
Title III-C2 - 90% federally funded	\$ 52,353.00
Title III-D - 90% federally funded	\$ 5,443.00
Title III-E - 75% federally funded	\$ 41,371.00,

and

WHEREAS, sufficient funds are included in the 2010 budget to cover the County's portion of 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 the necessary grant applications, on behalf of Cattaraugus County, with the New York State Office for the Aging in order to apply for, and accept, funding under Titles III-B, III-C1, III-C2, III-D and III-E for the 2010 program year, 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.

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

Adopted December 9, 2009 by voice vote.

ACT NO. 763-2009 by Public Works Committee:
Mr. Giardini, Mr. Ellis, Mr. Burrell, Mr. Marsh, Mr. O'Brien,
Mr. Teachman, Mr. Boser, Mr. Hebdon and Mr. McClune
and Senior Services Committee:
Mr. Neal, Mr. McClune, Mr. Ellis, Mr. Murphy,
Ms. Vickman, Mr. Boser and Mrs. Witte
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
WENDEL DUCHSCHERER ARCHITECTS & ENGINEERS, P.C. FOR
YEAR-FOUR CAPITAL IMPROVEMENTS FOR
DEPARTMENT OF NURSING HOMES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 337-2009 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 interior design and planning services for the 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 year-four capital improvements for the Pines Healthcare and Rehabilitation Center - Olean Campus, and

WHEREAS, Wendel Duchscherer Architects & Engineers, P.C., will provide design services, services for construction procurement and services during construction for an amount of \$97,500, plus reimbursables, and

WHEREAS, sufficient funds are included in the 2010 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 December 13, 2009 and terminating December 31, 2010, according to the above-described terms.

MR. GIARDINI moved, seconded by Mr. Snyder to waive Rule 12. Carried.

Adopted December 9, 2009 by voice vote.

ACT NO. 764-2009 by Senior Services Committee:
Mr. Neal, Mr. McClune, Mr. Ellis, Mr. Murphy,
Ms. Vickman, Mr. Boser and Mrs. Witte
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
KENT A. LIEBER, M.D. FOR PINES HEALTHCARE &
REHABILITATION CENTER-MACHIAS CAMPUS MEDICAL DIRECTOR SERVICES**

Pursuant to 10 NYCRR Section 415.15 and
Section 450 of the County Law.

WHEREAS, Act 606-2008 authorized a contract with Kent A. Lieber, M.D., 38 Hallam Road, Buffalo, New York 14216, for the provision of medical director and staff physician services at The Pines Healthcare and Rehabilitation Center in Machias, the term of which expires December 31, 2009, and

WHEREAS, the Department of Nursing Homes is desirous of renewing the aforementioned contract, and

WHEREAS, Kent A. Lieber, M.D., shall provide the services of Medical Director at The Pines Healthcare & Rehabilitation Center-Machias Campus, for an amount as follows:

1/1/2010 - 12/31/2010	\$40,000.00
1/1/2011 - 12/31/2011	\$40,000.00
1/1/2012 - 3/31/2013	\$41,200.00,

and

WHEREAS, sufficient funds are included in the budget to cover the cost 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 Kent A. Lieber, M.D., for the provision of the above-described services, for a term commencing January 1, 2010 and terminating March 31, 2013, according to the above-described terms.

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

Adopted December 9, 2009 by voice vote.

ACT NO. 765-2009 by Senior Services Committee:
Mr. Neal, Mr. McClune, Mr. Ellis, Mr. Murphy,
Ms. Vickman, Mr. Boser and Mrs. Witte
and Mr. Sprague¹
who ask immediate consideration

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT
WITH UNITED STATES DEPARTMENT OF VETERANS AFFAIRS FOR
NURSING HOME CARE SERVICES**

Pursuant to 41 USCS 252(c)(4) and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 513-2008 authorized a contract with the United States Department of Veterans Affairs, 3495 Bailey Avenue, Buffalo, New York 14215, for the provision of nursing home services to veterans for the Pines

Healthcare and Rehabilitation Center - Machias and Olean Campuses, the term of which expired October 31, 2009, and

WHEREAS, a new contract is necessary with the federal government, whereby the County will provide nursing home services at the Machias and Olean facilities to the Department of Veterans Affairs, as follows:

Machias Facility	\$255 per day
Olean Facility	\$220 per day,

**NOTE: A) Rates above include the following:

- ◆ Prescription Drugs
- ◆ Dental Services
- ◆ Oxygen
- ◆ Physical Therapy
- ◆ Occupational Therapy
- ◆ Speech Therapy

B) Rates above do not include the following:

- ◆ Specialized Medical Equipment
- ◆ Specialized Medical Procedures (MRI, CT Scan, Cardiac Cath)
- ◆ Physician Services
- ◆ Laboratory & X-Ray Services
- ◆ Transportation Services
- ◆ Prescription Drugs in excess of 8.5% per day,

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 United States Department of Veterans Affairs for the provision of the above-described services, for a term commencing November 1, 2009 and terminating October 31, 2010, according to the above-described terms.

MR. GIARDINI moved, seconded by Mr. Snyder to waive Rule 12. Carried.

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

Adopted December 9, 2009 by voice vote.

ACT NO. 766-2009 by Mr. O'Brien
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
TOSKI, SCHAEFER & CO., P.C. FOR AUDITING SERVICES**

Pursuant to Sections 210 and 450 of the County Law.

WHEREAS, Act 567-2006 authorized a contract with the firm of Toski, Schaefer & Co., P.C., 555 International Drive, Williamsville, New York 14221, for the provision of certain auditing services for Cattaraugus County

for fiscal years 2006, 2007 and 2008, the term of which expires December 31, 2009, and

WHEREAS, the County Treasurer is desirous of continuing the aforementioned services, and

WHEREAS, the firm of Toski, Schaefer & Co., P.C., 555 International Drive, Williamsville, New York 14221, can prepare an audit for the County for an amount as follows:

December 31, 2009	\$49,000
December 31, 2010	\$50,000
December 31, 2011	\$51,000,

and

WHEREAS, the aforementioned amounts include all out-of-pocket expenses incurred by Toski, Schaefer & Co., P.C., 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 firm of Toski, Schaefer & Co., P.C., for the provision of the above-described auditing services, for a term commencing January 1, 2010 and terminating December 31, 2012, according to the above-described terms.

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

Adopted December 9, 2009 by voice vote. Mr. McClune, Mr. Padlo, Mr. Ward and Mrs. Witte voting no.

ACT NO. 767-2009 by Mr. Marsh
who asks immediate consideration

**SALE OF TAX TITLE PROPERTY
(Town of Perrysburg)**

Pursuant to Section 215 of the County Law and Rule 40 of the Rules of Order of the Cattaraugus County Legislature.

WHEREAS, Cattaraugus County has tax title to certain property situate in Cattaraugus County, as described below, and

WHEREAS, the property was exposed to bid at public auction as required by Rule 40 of the Rules of Order of the Cattaraugus County Legislature, and

WHEREAS, the highest bid received for the property was the bid listed below, now, therefore, be it

RESOLVED, that if the tender by the high bidder of the total purchase price is not made within 30 days after the adoption hereof, then the acceptance of that individual's bid shall thereafter be void and of no further effect, as of course, and the bid deposit shall be forfeited pursuant to Rule 40.8 of the Rules of Order, and be it further

RESOLVED, that the County Treasurer be, and hereby is, authorized and directed to execute a County Treasurer's Deed conveying the property to the following individuals, at the bid price listed:

TOWN OF PERRYSBURG

PARCEL NO.	TAX MAP NO.	HIGH BIDDER	ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
279	16.021-4-14	Richard J. Roth Mary Maxwell	2276 Orchard Park Rd. Collins, NY 14034	\$7,410.67	\$1,800
Totals				\$7,410.67	\$1,800.

MR. GIARDINI moved, seconded by Mr. Snyder to waive Rule 12. Carried.

Adopted December 9, 2009 by voice vote.

ACT NO. 768-2009 by Mr. Marsh
who asks immediate consideration

**BID ACCEPTANCE FOR BOOK TO IMAGE PROJECT AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(County Clerk)**

Pursuant to Section 103 of the General Municipal Law,
Section 57.35 of the Arts and Cultural Affairs Law and
Sections 363, 366, 408, 408-a and 450 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for a Book to Image Services for the Cattaraugus County Clerk's Office, according to specifications provided by the Cattaraugus County Clerk's Office, and

WHEREAS, the lowest bid received meeting specifications was the bid of IDS Virtual Depot, Inc., 443 Buffalo Street, Jamestown, New York 14701, at a rate as follows:

Scanning Per Page	\$0.68 per image
Re-indexing/Tagging Images Per Page	Included
Linking and Loading Per Page	Included

for approximately 590,074 images, for a term commencing December 14, 2009 and terminating June 30, 2010, and

WHEREAS, the project is 100% state funded through the New York State Education Department Local Government Records Management Improvement Fund grant, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned grant, now, therefore, be it

RESOLVED, that the aforementioned bid be, and the same hereby is, accepted, and be it further

RESOLVED, that the vouchers accordingly certified by the County Clerk be audited by the Auditor and paid by the County Treasurer, and be it further

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

Increase Estimated Revenue Account:	
A.3062	LGRMIF \$41,000.00

Increase Appropriation Account:

A.1461.445 Contracted Services \$41,000.00.

No State Bid.

Four bids were received.

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

Adopted December 9, 2009 by voice vote.

ACT NO. 769-2009 by Human Services Committee:

Mr. Snyder, Mr. Aiello, Mr. Marsh,
Ms. Vickman, Mr. Giardini, Mr. Ward and Mrs. Witte
who ask immediate consideration

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING
THROUGH NEW YORK STATE COMMISSION ON NATIONAL AND
COMMUNITY SERVICE FOR AMERICORPS START PROGRAM**

Pursuant to 42 USCS Section 12501 and
Section 450 of the County Law.

WHEREAS, Act 583-2008 authorized the Chair to apply for funding through the New York State Commission on National and Community Service for the 2009-2010 Southern Tier Americorps Resource Team (START) Program, and

WHEREAS, funding in an approximate amount of \$203,700 is available through the New York State Commission on National and Community Service for the 2010-2011 Southern Tier Americorps Resource Team (START) Program, and

WHEREAS, the County should apply to the New York State Commission on National and Community Service for the aforementioned funding, and

WHEREAS, the aforementioned funding, if received, will be used to provide 12 full-time, 6 part-time and 25 minimum-time AmeriCorps members to contracted school districts and agencies as youth mentors and community service providers, and

WHEREAS, the aforementioned program is 70% funded through the NYS Office of Children and Family Services/NYS Commission on National and Community Service and a 30% match to be provided through school/agency funding and in-kind services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a grant application, on behalf of Cattaraugus County, with the New York State Commission on National and Community Service, in order to apply for funding for the 2010-2011 Americorps START Program, according to the above-described terms.

MR. GIARDINI moved, seconded by Mr. Snyder to waive Rule 12. Carried.

Adopted December 9, 2009 by voice vote.

ACT NO. 770-2009 by Mr. O'Brien
who asks immediate consideration

**TRANSFER OF FUNDS
(Contingent Fund - Legal Defense to Indigents)**

Pursuant to Sections 363 and 365 of the County Law.

WHEREAS, due to a shortfall in the Legal Defense to Indigents appropriations, a transfer must be made from the Contingent Fund, now, therefore, be it

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

Decrease Appropriation Account:		
A.1990.445	Contingent Fund	\$17,492.00

Increase Appropriation Account:		
A.1172.445	Family Court	\$17,492.00.

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

Adopted December 9, 2009 by voice vote. Mr. Padlo voting no.

ACT NO. 771-2009 by Mr. O'Brien
who asks immediate consideration

REPEALING UNEXPENDED BOND AUTHORIZATIONS

Pursuant to Section 41.00 of the Local Finance Law.

WHEREAS, various objects or purposes for which serial bonds have been authorized and unissued have now been funded using ARRA Medicaid Stimulus Aid, and

WHEREAS, the aforementioned serial bonds remain authorized but unissued for such projects in amounts that exceed the actual costs thereof, and

WHEREAS, it is the desire of this legislature to now repeal the unexpended authorization for each of such bonds or purposes, now, therefore, be it

RESOLVED, by the Cattaraugus County Legislature, as follows:

Section 1. In accordance with Section 41.00 of the Local Finance Law, the County Legislature of the County of Cattaraugus, New York, hereby repeals the unexpended serial bond authorizations:

- (a) of the \$500,000 serial bond authorized by Bond Resolution dated November 29, 2009 (Act No. 722-2000) to fund the County's purchase of a new software financial program - \$500,000 serial bond.

Section 2. This resolution shall not affect any indebtedness which has been contracted or encumbrances made for the objects or purposes identified in the resolutions set forth in Section 1 hereof.

Section 3. This resolution shall take effect immediately.

MR. GIARDINI moved, seconded by Mr. Snyder to waive Rule 12. Carried.

Adopted December 9, 2009 by voice vote.

ACT NO. 772-2009 by Mr. Burrell and Mr. Boser
and Mr. Aiello, Mr. Snyder, Mr. Teachman, Mr. Padlo and Mrs. Witte¹
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CITY OF OLEAN FOR OLEAN MUNICIPAL AIRPORT
CAPITAL IMPROVEMENTS**

Pursuant to Section 119-s of the General Municipal Law and
Section 450 of the County Law.

WHEREAS, the City of Olean has requested funding in an amount up to \$17,800 for capital improvements at the Olean Municipal Airport, and

WHEREAS, the 2009 County budget provides for the payment of up to \$17,800 to the City of Olean for such capital improvements, and

WHEREAS, the City of Olean proposes to use the grant funding for the following:

- installation of a 6'x12' insulated steel door and a 36" entrance door,
- filling and sealing the expansion joints and cracks on the runway,
- installation of gutters for the front of the building to eliminate ice-related safety hazards on the sidewalk,
- installation of a concrete floor for the heavy equipment storage building, and
- insulation for the heavy equipment storage building,

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 the payment to the City of Olean of an amount up to \$17,800, for a term commencing January 1, 2009 and terminating December 31, 2009, according to the above-described terms.

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

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

Adopted December 9, 2009 by voice vote.

ACT NO. 773-2009 by Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Murphy, Mr. Neal, Mr. O'Brien, Mr. Snyder, Mrs. Stockman, 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 RANDOLPH CARDINALS FOOTBALL TEAM FOR
WINNING 2009 NEW YORK STATE CLASS D CHAMPIONSHIP**

Pursuant to Section 153 of the County Law.

WHEREAS, the Randolph Central School Cardinals football team won the 2009 New York State Class D football championship on Friday November 28, 2009 by defeating Moriah at the Carrier Dome on the campus of Syracuse University, and

WHEREAS, the Cardinals won the title by defeating Moriah by a score of 41 - 0, and

WHEREAS, this is the Cardinals second state title, and

WHEREAS, this win was the second shutout for the year for the Cardinals, and the 12th straight victory, and

WHEREAS, the Cardinals won over Groton in the State semi-finals by a score of 61-8 on Friday, November 20, 2009 in Rochester, and

WHEREAS, the Randolph Cardinals beat the Dundee Scotsmen for the Class D Far West Regional championship in Rochester on Friday, November 13, 2009 by a score of 14 - 6, and

WHEREAS, the Cardinals defeated the defending state champion Maple Grove by a score of 21 - 20 in the Section 6 Class D championship on Friday, November 6, 2009, and

WHEREAS, the Cardinals closed the season with a record of 12 - 1, 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 Cattaraugus County Legislature hereby congratulates Coach Pat Slater and the Randolph Central School District Cardinals Football Team on the 2009 New York State Class D football championship, and be it further

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

MR. GIARDINI moved, seconded by Mr. Snyder to waive Rule 12. Carried.

Adopted December 9, 2009 by voice vote.

ACT NO. 774-2009 by Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Murphy, Mr. Neal, Mr. O'Brien, Mr. Snyder, Mrs. Stockman, Mr. Teachman, Mr. Vecchiarella, Ms. Vickman, Mr. Boser, Mr. Giardini, Mr. Hebdon, Mr. McClune, Mr. Padlo, Mr. Sprague, Mr. Ward and Mrs. Witte

**CONGRATULATING ROLLAND CORBIN ON HIS
RETIREMENT FROM CATTARAUGUS COUNTY**

Pursuant to Section 153 of the County Law.

WHEREAS, Rolland L. Corbin of Limestone, New York, is retiring as a Senior Audit Clerk with Cattaraugus County, effective December 29, 2009, and

WHEREAS, Rolland was drafted into the United States Army for a two-year term commencing September 1965, with a one-year deferment while he attended Olean Business Institute, and

WHEREAS, upon completion of boot camp and training at Fort Dix, New Jersey, Mr. Corbin was stationed in Korea in the Infantry Division, and

WHEREAS, Rolland was reassigned to administration, and

WHEREAS, after serving 13 months overseas, Mr. Corbin returned to Fort Dix to complete his period of assignment and was honorably discharged as a Specialist Fifth Class in September 1967, and

WHEREAS, he returned to Olean Business Institute to complete his accounting course in June, 1968, and

WHEREAS, Rolland was employed by Clark Brothers in Olean for 4 ½ years, and

WHEREAS, Mr. Corbin began working for the County under the Emergency Employment Act Program in June, 1972 in the Auditor's Office as an Account Clerk, under the direction of C. William Baker, County Auditor, and

WHEREAS, thereafter Mr. Corbin worked under the direction of William C. Baker as County Auditor until July, 1986, when Donald Furman became County Administrator in July, 1986, and

WHEREAS, Mr. Corbin was promoted to Senior Audit Clerk in April, 1995, and

WHEREAS, Mr. Corbin now works for Jack Searles, County Administrator, and

WHEREAS, for the past 37 years, Rolland has been an extremely conscientious, dedicated employee and has provided invaluable service to the taxpayers of Cattaraugus County, having served with loyalty, integrity and perseverance in his job duties, and

WHEREAS, Rolland has proven himself to be a great asset to the County, and will be missed by his many friends and co-workers, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby expresses its deepest gratitude to Rolland L. Corbin for his years of service to Cattaraugus County and its citizens, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby congratulates Rolland L. Corbin upon the occasion of his retirement, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Rolland Corbin.

MR. GIARDINI moved, seconded by Mr. Snyder to waive Rule 12. Carried.

Adopted December 9, 2009 by voice vote.

ACT NO. 775-2009 by Mr. Aiello and Mr. Snyder
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH COMMUNITY CARE OF WESTERN NEW YORK, INC.
FOR HOME HEALTH CARE SERVICES**

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

WHEREAS, Act 755-2008 authorized the Chair to execute a contract with Community Care of Western New York, Inc., for the provision of home health care services, the term of which expires December 31, 2009, and

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

WHEREAS, Community Care of Western New York, Inc., 1225 West State Street, Olean, New York 14760, has agreed to provide home health care services to Cattaraugus County, in accordance with the following rate limits and terms:

Level of Care:	2009 rate limits**	2010 rate limits**
Home Attendant/Housekeeper (Personal Care 1)	\$ 18.37/hr.	\$18.37/hr.
Personal Care Aide (Personal Care 2)	\$ 18.84/hr.	\$18.84/hr.
Shared Aide - ¼ hour (Personal Care 1)	\$ 4.59/¼ hr.	\$ 4.59/¼ hr.
Shared Aide - ¼ hour (Personal Care 2)	\$ 4.71/¼ hr.	\$ 4.71/¼ hr.
Certified Home Health Aide	\$ 19.40/hr.	\$19.40/hr.
Licensed Practical Nurse (LPN) (DSS)	\$ 21.00/hr.	\$21.00/hr.
Licensed Practical Nurse (LPN) (Health Dept)	\$ 26.25/hr.	\$26.25/hr.
Registered Nurse (RN) (Health Dept)	\$ 37.30/hr.	\$37.30/hr.
Registered Nurse (RN) (Social Services Dept)	\$ 26.00/hr.	\$26.00/hr.
Nursing Supervision Visit	\$ 62.87/hr.	\$62.87/hr.

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

Assumptions:

- In the event the initial Medicaid rates for 2010 as established by the State Department of Health exceed the County rate limits set forth above, the Contractor agrees to submit rate revision requests to the NYSDOH and request the rate(s) be lowered to comply with the Cattaraugus County rate limits set forth above.
- Rates billed to the Medicaid Management Information System (MMIS) for the DSS personal care program are subject to any limitations of the MMIS and will reflect the requirements of 18 NYCRR 505.14.
- At least 75% of the 2010 increase will be paid by Community Care of Western New York, Inc., to its direct care staff for salaries and fringe benefits.,

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 Community Care of Western New York, Inc., for the provision of

the above-described services for a term commencing January 1, 2010 and terminating March 31, 2010.

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

Adopted December 9, 2009 by voice vote.

ACT NO. 776-2009 by Mr. Aiello and Mr. Snyder
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE MEMORANDUM OF UNDERSTANDING
WITH THE SENECA NATION OF INDIANS FOR
EMERGENCY PHARMACEUTICAL DISPENSING OR VACCINATION CLINIC**

Pursuant to Section 450 of the County Law.

WHEREAS, the Seneca Nation of Indians is desirous of outlining the terms under which the Nation's Health Clinic facility may be dedicated for use as a Point of Dispensing (POD) of assets from New York State's stockpile or the Strategic National Stockpile (SNS), in the event of a public health emergency, and to establish an emergency pharmaceutical dispensing or vaccination clinic, and

WHEREAS, the County Health Department will be responsible for asset delivery to the aforementioned site at no additional cost to the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a Memorandum of Understanding, on behalf of Cattaraugus County, with the Seneca Nation of Indians, for the provision of the above-described services, for a term commencing December 1, 2009 and terminating December 31, 2010, according to the above-described terms.

MR. GIARDINI moved, seconded by Mr. Snyder to waive Rule 12. Carried.

Adopted December 9, 2009 by voice vote.

ACT NO. 777-2009 by Mr. Aiello and Mr. Snyder
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE LICENSE AGREEMENT
WITH YOST ENGINEERING, INC., FOR EP-STAFF CHECK SOFTWARE ACCESS**

Pursuant to Section 450 of the County Law.

WHEREAS, the federal and state governments are imposing additional requirements on checking Medicare and Medicaid providers with regard to disqualifications from provision of services, based on state and federal exclusion lists, and

WHEREAS, the EP-Staff Check software can provide the County with access to the exclusion lists, and

WHEREAS, Yost Engineering, Inc., 630 Second Street, Portsmouth, Ohio 45662, can provide the aforementioned software for an amount of \$755, and

WHEREAS, sufficient funds are included in the 2010 budget to cover the costs of the aforementioned software, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute license agreement, on behalf of Cattaraugus County, with Yost Engineering, Inc., for access to EP-Staff Check software, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

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

Adopted December 9, 2009 by voice vote.

ACT NO. 778-2009 by Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh,
Mr. McLarney, Mr. Murphy, Mr. Neal,
Mr. O'Brien, Mr. Snyder, Mrs. Stockman, 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 COUNTY EMPLOYEES ON THEIR RETIREMENT

Pursuant to Section 153 of the County Law.

WHEREAS, the following County employees have dedicated many years of service to the County of Cattaraugus in various positions and capacities:

NAME

Karen Anderson
Mark Batesky
Ellen Bathurst
Judy Carr
Lou Chapman
Rolland Corbin
Jeanne Diffenderfer
Walter Eddy
Theresa Ellman
Mariann Graczyk
Barbara Hastings
Jon Jacek
Karen Kolasinski
Bryon Liskow
Robert Martin
JoAnne McGraw

NAME

Vicky McKinney
Paula Mohr
Deidre Murray
Rose Nuszowski
Allan Ormond
Mary Oyer
Ray Paladino
Wesley Pangborn
Robert Payne
George Reitz
Thomas Samol
Sandra Spehar
Cloette Steffenhagen
Velma Tanner
Constance Walker

and

WHEREAS, the above-listed County employees are retiring from County service and should be congratulated, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature does hereby express its deepest gratitude to the above-listed County employees for all that they have done for Cattaraugus County, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to each of the above-listed employees.

MR. GIARDINI moved, seconded by Mr. Snyder to waive Rule 12. Carried.

Adopted December 9, 2009 by voice vote.

ACT NO. 779-2009 by Mr. O'Brien
who asks immediate consideration

AUTHORIZATION FOR ORGANIZATIONAL MEETING

Pursuant to Section 151 of the County Law.

RESOLVED, that the organizational meeting of the Cattaraugus County Legislature shall be held in the Legislature's Chambers, County Office Building, 303 Court Street, Little Valley, New York on the 6th day of January, 2010, at 3:00 p.m., and be it further

RESOLVED, that the Clerk of the Legislature shall serve upon each member a notice stating the time, place and date of such meeting to organize the Legislature, and that the Chairman will then be elected; such notice shall be in writing and shall be served by mail addressed to each member to his or her last known post office address at least 48 hours before the date of the meeting.

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

Adopted December 9, 2009 by voice vote.

ACT NO. 780-2009 by Mr. Aiello, Mr. Burrell, Mr. Ellis,
Mr. Marsh, Mr. McLarney, Mr. Murphy, Mr. Neal,
Mr. O'Brien, Mr. Snyder, Mrs. Stockman, 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

MEMORIALS

Pursuant to Section 211 of the County Law.

WHEREAS, death has taken individuals during the year 2009 who have heretofore served Cattaraugus County, now, therefore, be it

RESOLVED, that the passing of such individuals be here noted upon the minutes as follows:

James R. Elling	former County Legislator
Maynard W. Timme	former County Legislator
Theresa K. Simon	Community Services Board Member
John Sliviak	County DPW Employee
Father William E. Frankhauser	former County Jail and Legislative Chaplain
Sheriff Dennis B. John	County Sheriff
Joseph Ward	former Fire Advisory Board Member
The Honorable Judge Paul Kelly	former County Judge.

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

Adopted December 9, 2009 by voice vote.

**MOTION TO ADJOURN IN MEMORY OF
THE HONORABLE JUDGE PAUL B. KELLY**

WHEREAS, The Honorable Judge Paul B. Kelly, 87, of Allegany, passed away on November 26, 2009, and

WHEREAS, Judge Kelly served as Cattaraugus County Judge from May 1985 until his retirement in 1991, and

WHEREAS, Judge Kelly graduated from Batavia High School in 1940 and attended Canisius College in Buffalo, and

WHEREAS, Judge Kelly served his country with the United States Army from 1945 - 1946, then attended New York Law School in New York City, graduating with an LLB degree in October 1951, and

WHEREAS, Judge Kelly was admitted to the bar in 1953 and started his own law practice in Allegany and later was joined by Michael Nenno, forming the law partnership of Kelly and Nenno, and

WHEREAS, upon his retirement, Judge Kelly was appointed to the position of judicial hearing officer until 2008, and

WHEREAS, Judge Kelly was a member of the Cattaraugus County Bar Association and was a current member and former trustee of the Allegany Area Historical Association, and

WHEREAS, Judge Kelly will always be remembered as a skilled and compassionate guardian of the rights of children, families and individuals, and was guided in his decisions by his admiration for Abraham Lincoln and Charles Dickens, and

WHEREAS, Judge Kelly is survived by his wife, Doris; five daughters: Kathleen of Kitchener, Ontario, Canada; Cecilia Ladd and Mary Burns, both of Batavia, New York; Bridget Bertoldo, of Attica, New York and Monica Kelly of Maine, New York; a sister-in-law, Sheila Kelly of Washington, DC; nine grandchildren; and several nieces and nephews, and

WHEREAS, the loss of his presence will be sadly felt by his many friends and colleagues in Cattaraugus County, now, therefore, Legislator O'Brien hereby

MOVES, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of The Honorable Judge Paul B. Kelly, and this Motion be seconded by the rest of the Legislature, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, until its next meeting, unless specially convened, in memory of The Honorable Judge Paul B. Kelly, and be it further

RESOLVED, that the Clerk of the Legislature be, and hereby is, directed to forward a certified copy of this Motion to his wife.

MR. SNYDER moved, seconded by Mr. Giardini to adjourn until January 6, 2010 at 3:00 p.m. Carried.

Meeting adjourned at 4:30 p.m.

Ann M. Giglio
Journal Clerk