



January 27, 2010

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

The invocation was given by Rev. Piatt.

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

MR. MARSH moved, seconded by Mr. Hebdon that the minutes of the January 6, 2010 session be approved. Carried.

\* \* \* \* \*

**COMMUNICATIONS:**

Senator Young: Letter acknowledging receipt of Acts 582-2009, 610-2009 and Act 611-2009.

Cattaraugus County Treasurer, Joseph Keller: 2009 Dog Licensing Report.

Letter of Disclosure From:  
Mrs. Paula J. Stockman

*Dear Legislators:*

*This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #1 of the Cattaraugus County Legislature.*

*It is to further advise you that my daughter, Kendra Stockman, is employed by Cattaraugus County as a Caseworker in the Department of Social Services.*

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

*Sincerely,  
Paula J. Stockman, County Legislator*

\* \* \* \* \*

**APPOINTMENTS:**

**Aging Advisory Council:**  
**One-year terms to expire December 31, 2010**

Nancy Allen  
3522 Buffalo Road  
Allegany, New York 14706

Betty McDonald  
3045 Cherry Street  
Olean, New York 14760

Diane Boser  
97 North First Street  
Allegany, New York 14706

James Boser  
97 North First Street  
Allegany, New York 14706

William Button  
60 Portville-Ceres Road  
Portville, New York 14770

Doris Heath  
8564 Mill Street  
South Dayton, New York 14138

Kathy Hamed, Olean Senior Center  
112 North Barry Street  
Olean, New York 14760

Elizabeth Doyle  
3974 Route 517, Lot 52  
Allegany, New York 14706

Marilyn Piepho  
1979 Dugan Road  
Olean, New York 14760

Marion Sticek  
9772 Cottage-Nashville Road  
South Dayton, New York 14138

Maureen Stone  
PO Box 35  
Sheridan, New York 14135

Peggy Ann Taylor  
75 Perry Street, Apt. B, PO Box 5  
Gowanda, New York 14070

MaryAnn Chamberlain  
167 Columbia Avenue  
Salamanca, New York 14779

Dr. Kevin Watkins  
Public Health Director  
1 Leo Moss Drive, Suite 4010  
Olean, New York 14760

Helen Crowley  
5440 Robbins Road  
Ellicottville, New York 14731

**Agriculture & Farmland Protection Board:**  
***Coterminous with Position***

Crystal J. Abers, Director  
Department of Economic Development,  
Planning & Tourism  
303 Court Street  
Little Valley, New York 14755

E. James Ellis, Chairman  
Soil & Water Conservation District  
7869 Ellis Road  
Cattaraugus, New York 14719

Robert E. Neal  
County Legislator  
222 Spring Street  
Randolph, New York 14772-9428

**Criminal Justice Advisory Council:**  
***Term to expire December 31, 2011***

Lori P. Rieman  
County District Attorney  
303 Court Street  
Little Valley, New York 14755  
(replacing Edward Sharkey)

**Director/Coordinator of Civil Preparedness:**  
***Indefinite Term***

Christopher Baker  
50 Brooklyn Street, P.O. Box 206  
Portville, New York 14770

**Fair Housing Officer:**  
***Indefinite Term***

Crystal J. Abers, Director  
Department of Economic Development,  
Planning & Tourism  
303 Court Street  
Little Valley, New York 14755

**Fish & Wildlife Management Board:**  
**Two-Year Terms to expire December 31, 2011**

Thomas Vanderbosch  
"Federated Sportsmen" Representative  
7932 Utley Road  
East Otto, New York 14729

Charles F. Hebdon  
"Legislature" Alternate Representative  
6028 Beaver Meadows  
West Valley, New York 14171

Vergilio "Dick" Giardini  
"Legislature" Representative  
4050 Mediterranean Drive  
Allegany, New York 14706

**Long-Term Care Advisory Council:**  
***Pursuant to Act 218-2007***  
***Ex-Officio***

Michael T. O'Brien, Chairman  
Cattaraugus County Legislature  
303 Court Street  
Little Valley, New York 14755

Donna M. Vickman, Chairman  
Senior Services Committee  
971 Back Street  
Farmersville, New York 14060

**Memorial Museum Board:**  
***Five-year term to expire December 31, 2014***

Bradley L. Parker  
9460 Maple Avenue  
Machias, New York 14101

**Microenterprise Development Loan Fund Committee:**  
***Pursuant to MDLF Policy Guidelines & Operating Plan***  
***(Act 641-2006, amended by Act 580-2008)***  
***Indefinite Terms***

Jeffrey Walker  
104 Broad Street  
Salamanca, New York 14779  
(replacing Nancy Barney)

**Route 219 Corridor Planning Committee:**  
***Terms to expire December 31, 2011***

Crystal J. Abers, Director  
Department of Economic Development,  
Planning & Tourism  
303 Court Street  
Little Valley, New York 14755  
(replacing Thomas Livak)

Meme Yanetkso, CEO  
Greater Olean Chamber of Commerce  
120 North Union Street  
Olean, New York 14760  
(replacing John Sayegh)

Seneca Trail RC&D Project  
*Three-Year Term to expire December 31, 2012*

Carl George, Jr.  
"Alternate" Representative  
10365 Maple Grove Road  
Delevan, New York 14042

*Terms to expire December 31, 2010*

Charles Krause  
"Soil & Water" Representative  
6116 Fairview Lane  
Great Valley, New York 14741  
(replacing Vernon Klein)

E. James Ellis  
"Legislature" Representative  
7869 Ellis Road  
Cattaraugus, New York 14719

Arson Task Force:  
*Term to expire December 31, 2011*  
*Pursuant to Act 757-2008*

Lori Rieman  
District Attorney  
303 Court Street  
Little Valley, New York 14755  
(replacing Edward Sharkey)

**STANDING COMMITTEES APPOINTED BY CHAIRMAN:**

*\*Chair \*\*Vice-Chair*

**FINANCE:** Vecchiarella\*, Ward\*\*, Marsh, Snyder, Burrell, McLarney, Sprague, Giardini, McClune

**PUBLIC WORKS:** Giardini\*, Ellis\*\*, Marsh, Burrell, McLarney, Teachman, McClune, Boser, Hebdon

**DEVELOPMENT & AGRICULTURE:** McLarney\*, Boser\*\*, Snyder, Burrell, Ellis, Giardini, Padlo

**SENIOR SERVICES:** Vickman\*, McClune\*\*, Murphy, Neal, Ellis, Boser, Nenno

**STRATEGIC PLANNING:** Aiello\*, Sprague\*\*, Vickman, McLarney, Murphy, Stockman, Ward, Hebdon, Nenno

**PUBLIC SAFETY:** Murphy\*, Teachman\*\*, Vecchiarella, Aiello, Neal, Hebdon, Padlo

**COUNTY OPERATIONS:** Marsh\*, Padlo\*\*, Ellis, Stockman, Teachman, Vecchiarella, Sprague

**HUMAN SERVICES:** Snyder\*, Neal\*\*, Aiello, Stockman, Vickman, Ward, Nenno

**LABOR RELATIONS:** McLarney\*, Ward\*\*, Aiello, Vecchiarella, Boser

LEGISLATIVE REPRESENTATIVES

AGRICULTURE & FARMLAND PROTECTION BOARD: Neal

COMMUNITY SERVICES BOARD: McClune

CRIMINAL JUSTICE ADVISORY: Neal, Aiello, O'Brien

EMPIRE ZONE: O'Brien

EXTENSION SERVICE: Teachman, Sprague

FEDERATED SPORTSMEN'S ASSOCIATION: Giardini, Murphy

FIRE ADVISORY BOARD: Murphy, Giardini, Hebdon

FLEET MANAGEMENT: O'Brien, Ellis, Burrell, Giardini, Sprague

FOREST PRACTICE BOARD: Ellis

FRIENDS OF THE NURSING HOME: Boser

HEALTH BOARD: Snyder

NURSING HOME QUALITY ASSURANCE: Vickman, Stockman

REGION 9 FISH & WILDLIFE MANAGEMENT BOARD: Giardini, Hebdon (Alternate)

SENECA TRAIL RC&D: Ellis

SOIL CONSERVATION: Ellis, Neal

TOWN SUPERVISORS ASSOCIATION: Vecchiarella, Murphy

VILLAGE OFFICIALS ASSOCIATION: Marsh, McLarney

YOUTH BOARD: Aiello

\* \* \* \* \*

CHAIRMAN O'BRIEN called up **Act No. 40-2010**, Establishing Modified List of Approved Professional Organizations, and asked that it be read.

<sup>1</sup> MR. VECCHIARELLA moved, seconded by Mr. Ward to amend Act No. 40-2010 as follows: In the Resolved, from Risk Management, delete: "New York State Self Insurers Association"; from Sheriff, delete: "Law Enforcement Training Directors Association, National Sheriff's Association, New York State County Corrections Directors Association". Carried.

<sup>2</sup> MR. VECCHIARELLA moved, seconded by Mr. Ellis to amend Act No. 40-2010 as follows: In the Resolved, from Public Defender, delete: "American Bar Association, National Association of Criminal Defense Lawyers, National Defender's Investigator Association"; from County Attorney, delete: "American Bar Association"; from Human Resources, delete: "American Payroll Association, National Safety Council"; from Public Works, delete: "American Institute of Professional Geologists, National Conference on Weights and Measures"; from Nursing Homes, delete: "American Health Information Management Association"; from Sheriff, delete: "National Emergency Number

Association, FBI-NAA-NYS & E. Canada, International Association of Arson Investigators"; from Emergency Services, delete: "National Fire Prevention Association, International Association of Arson Investigators"; from Health, delete: "California Family Health Council"; from Economic Development, delete: "American Planning Association"; from Aging, delete: "Meals on Wheels Association of America". Carried.

Adopted, as amended, January 27, 2010 by voice vote.

\* \* \* \* \*

**ACT NO. 44-2010** by Mr. O'Brien

**APPOINTMENTS TO BOARD OF HEALTH**

Pursuant to Section 343 of the Public Health Law.

RESOLVED, that the following individuals are appointed to the Board of Health with six-year terms to expire December 31, 2015:

Thomas Thrasher  
39 Orchard Place  
Gowanda, New York 14070

Joseph K. Eade  
604 West Sullivan Street  
Olean, New York 14760.

Adopted January 27, 2010 by voice vote.

**ACT NO. 45-2010** by Mr. O'Brien

**APPOINTMENTS TO CATTARAUGUS COUNTY FIRE ADVISORY BOARD**

Pursuant to Section 225-a of the County Law.

RESOLVED, that the following individuals are appointed to the Cattaraugus County Fire Advisory Board for a term of three (3) years to expire on December 31, 2012:

Fred Weaver  
PO Box 63  
Leon, New York 14751

Edward Jennings  
1518 North Union Street  
Olean, New York 14760

Daniel Parr  
14 Maple Avenue, PO Box 631  
Portville, New York 14770

William Smith  
1918 Melody Lane  
Olean, New York 14760

Crystal J. Abers  
9822 Mosher Road  
South Dayton, New York 14138  
(replacing Kevin Duntley)

Robert Hilliman  
2101 Dutch Hill Road  
Little Valley, New York 14755  
(replacing William Ellis)

Adopted January 27, 2010 by voice vote.

**ACT NO. 46-2010** by Mr. O'Brien

**AMENDING ACT 436-1998, AS AMENDED, REGARDING APPOINTMENT OF  
MEMBERS TO DEFERRED COMPENSATION COMMITTEE**

Pursuant to Section 457 of the Internal Revenue Law and  
26 USCA Section 457.

WHEREAS, Act 436-1998, as amended, amended the Deferred Compensation Plan for Cattaraugus County, and appointed members to the committee, and

WHEREAS, due to a vacancy created in the committee by Crystal J. Abers' resignation from the legislature, Michael T. O'Brien should be named to replace her as a committee member, now, therefore, be it

I. RESOLVED, that Act 436-1998, as amended, is hereby amended as follows: In the tenth Whereas, delete: "Crystal J. Abers", and replace with: "Michael T. O'Brien", and be it further

RESOLVED, that Act 436-1998, as amended, is hereby further amended as follows: In the ninth Whereas, delete: "Michael T. O'Brien", and replace with: "Carmen Vecchiarella", and be it further

RESOLVED, that Act 436-1998, as amended, is hereby further amended as follows: In the ninth Whereas, delete: "Vergilio L. Giardini, Jr.", and replace with: "Mark Ward".

Adopted January 27, 2010 by voice vote.

**ACT NO. 47-2010** by Mr. O'Brien

**APPOINTMENT OF MEMBERS TO THE CHAUTAUQUA, CATTARAUGUS,  
ALLEGANY AND STEUBEN SOUTHERN TIER EXTENSION RAILROAD AUTHORITY**

Pursuant to Section 2642-C(4) of the Public Authorities Law.

RESOLVED, that the following individuals shall be Cattaraugus County voting members on the Chautauqua, Cattaraugus, Allegany and Steuben Southern Tier Extension Railroad Authority:

Terry Everetts, Traffic Manager  
Dresser-Rand  
1666 Haskell Road  
Olean, New York 14760  
(term expires 9/12/2012),

Joseph K. Eade  
604 West Sullivan Street  
Olean, New York 14760  
(term expires 9/12/2010)

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Chautauqua, Cattaraugus, Allegany and Steuben Southern Tier Extension Railroad Authority.

Adopted January 27, 2010 by voice vote.



**ACT NO. 48-2010** by Mr. Giardini  
and Mr. Ellis, Mr. Marsh and Mr. Neal

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH  
FOIT-ALBERT ASSOCIATES FOR CONSTRUCTION ADMINISTRATION SERVICES  
FOR NAPOLI BRIDGE NO. 8 REHABILITATION PROJECT**

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

WHEREAS, Act 295-2009 authorized a contract with Foit-Albert Associates, 763 Main Street, Buffalo, New York 14203, for the provision of construction administration services for the Napoli Bridge No. 8 rehabilitation project, the term of which expired December 31, 2009, and

WHEREAS, an extension of the aforementioned contract until June 30, 2010, is needed in order to complete the post-construction record plans, and

WHEREAS, Foit-Albert Associates, 763 Main Street, Buffalo, New York 14203, has agreed to complete the required post-construction record plans 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 contract extension, on behalf of Cattaraugus County, with Foit-Albert Associates, for the provision of the above-described services, for a term commencing January 1, 2010 and terminating June 30, 2010, according to the above-described terms.

Adopted January 27, 2010 by voice vote.

**ACT NO. 49-2010** by Mr. Neal, Ms. Vickman and Mr. McClune

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH MORRISON MANAGEMENT SPECIALISTS, INC.  
FOR DIETICIAN AND NUTRITION CONSULTANT SERVICES**

Pursuant to 10 NYCRR Section 415.14 and  
Section 450 of the County Law.

WHEREAS, Act 583-2009 authorized a contract with Morrison Management Specialists, Inc., 5801 Peachtree Dunwoody Road, Atlanta, Georgia 30342, for the provision of dietician and nutrition consultant services for the Department of Nursing Homes, the term of which expires January 31, 2010, and

WHEREAS, the County Department of Nursing Homes is required to provide dietician services for its residents, and

WHEREAS, Morrison Management Specialists, Inc., can provide dietician and nutrition consultant services for the Department of Nursing Homes for an amount of \$42 per hour for a total of 18 hours per week, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Morrison Management Specialists, Inc., for the provision of the above-described services, for a term commencing February 1, 2010 and terminating March 31, 2015, according to the above-described terms.

Adopted January 27, 2010 by voice vote.

**ACT NO. 50-2010** by Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH  
NEW YORK STATE DEPARTMENT OF HEALTH  
FOR DRINKING WATER SUPPLY PROTECTION PROGRAM**

Pursuant to 10 NYCRR Part 53, 21 NYCRR Part 2604 and  
Section 450 of the County Law.

WHEREAS, Act 245-2009 authorized a contract with the New York State Department of Health for the provision of a drinking water supply protection program for an amount of \$133,574, the term of which expires March 31, 2010, and

WHEREAS, the County Health Department has been notified that there has been a reduction in funding for the aforementioned program to \$116,877, and

WHEREAS, an amended contract with the New York State Department of Health is necessary in order to receive the aforementioned funding, 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 New York State Department of Health for the aforementioned grant, for a term commencing April 1, 2009 and terminating March 31, 2010, according to the above-described terms, and be it further

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

Adopted January 27, 2010 by voice vote.

**ACT NO. 51-2010** by Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH WILLCARE, INC. FOR HOME HEALTH CARE SERVICES  
AND RESCINDING ACT 719-2009**

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 expired 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 Rates**	2010 Rates**
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 -1/4 hour (Personal Care 1)	\$ 4.59/¼ hr.	\$ 4.59/¼ hr.
Shared Aide -1/4 hour (Personal Care 2)	\$ 4.71/¼ hr.	\$ 4.71/¼ hr.
Certified Home Health Aide	\$19.40/hr.	\$19.40/hr.
Registered Nurse (RN) (Health Dept)	\$37.30/hr.	\$37.30/hr.++
Registered Nurse (RN) (DSS)	\$26.00/hr.	\$26.00/hr.

Licensed Practical Nurse (LPN) (Health Dept)	\$26.25/hr.	\$26.25/hr.++
Licensed Practical Nurse (LPN) (DSS)	\$21.00/hr.	\$21.00/hr.
Nursing Supervision Visit	\$62.87/hr.	\$62.87/hr.

++Initial Visit which is less than, or equal to, 1 hour will be billed at 1 hour rate

\*\*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, and be it further

RESOLVED, that Act 719-2009 is hereby rescinded.

Adopted January 27, 2010 by voice vote.

**ACT NO. 52-2010** by Mr. Snyder

#### **AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH THE LAMAR COMPANIES FOR DEPARTMENT OF HEALTH FAMILY PLANNING PROGRAM**

Pursuant to Section 2526 of the Public Health Law and  
Section 450 of the County Law.

WHEREAS, Act 225-2009 authorized a contract with The Lamar Companies for a billboard advertisement for the County's family planning

program, at a cost of \$12,000, the term of which expired December 31, 2009, and

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

WHEREAS, The Lamar Companies, 289 Exchange Street, Buffalo, New York 14204, can provide two (2) large billboard displays each month, for a 12-month period, to be located at various locations throughout the County, at an amount of \$992.33 per month, for a total amount of \$11,908, 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 Lamar Companies, for the provision of the above-described services, for a term commencing January 11, 2010 and terminating January 9, 2011, according to the above-described terms.

Adopted January 27, 2010 by voice vote.

**ACT NO. 53-2010** by Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH  
UNITED METHODIST CHURCH OF LITTLE VALLEY  
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 696-2009 authorized contracts with various entities for the utilization of space for the Health Department's WIC Program, the terms of which expire December 31, 2010, and

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

WHEREAS, the United Methodist Church of Little Valley, 109 Court Street, Little Valley, New York 14755, has agreed to allow the County Health Department to utilize space in its facilities for a WIC clinic for an amount of \$50 per month, 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 a contract, on behalf of Cattaraugus County, with the United Methodist Church of Little Valley for the utilization of the aforementioned space, for a term commencing February 1, 2010 and terminating April 30, 2010, with an option to continue the contract until 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.

Adopted January 27, 2010 by voice vote.

**ACT NO. 54-2010** by Mr. Snyder  
and Mr. Aiello, Mr. Neal, Mr. Vecchiarella and Ms. Vickman<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH HEALTHY COMMUNITY ALLIANCE, INC. FOR  
HEALTHY COMMUNITIES CAPACITY BUILDING INITIATIVE PROJECT AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Health Department)**

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

WHEREAS, the County Health Department is desirous of promoting physical activity and improving nutrition for the residents of Cattaraugus County through the Healthy Community Capacity Building Initiative Project, and

WHEREAS, Healthy Community Alliance, Inc., 26 Jamestown Street, Gowanda, New York 14070, can provide the staff and work needed to implement services and activities through the Healthy Community Capacity Building Initiative Project, for an amount not to exceed \$34,000, as follows:

Staff Time/Coordination/Facilitation	\$17,920.00
Print Materials/Supplies	\$ 898.00
Meetings/Refreshments	\$ 700.00
(30) Gardening Kits	\$ 1,500.00
Community Garden	\$ 1,000.00
Pedestrian/Physical Activity Equipment	\$ 3,500.00
(2) Fit & Fun Family Nights	\$ 1,500.00
Travel Expenses to required meetings	\$ 1,982.00
Community Mini-Grants	\$ 5,000.00
Total	\$34,000.00,

and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Healthy Community Alliance, Inc., for the provision of the above-described services, for a term commencing August 1, 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:

Increase Estimated Revenue Account:	
A.3407	Healthy Communities Grant \$34,000.00

Increase Appropriation Account:	
A.4019.476	Healthy Communities Grant \$34,000.00.

<sup>1</sup> The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Mr. Neal, Mr. Vecchiarella and Ms. Vickman".

Adopted January 27, 2010 by voice vote.

**ACT NO. 55-2010** by Mr. Snyder  
and Mr. Vecchiarella and Mr. Mr. McClune<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
SALAMANCA CITY CENTRAL SCHOOL DISTRICT FOR  
HEALTH DEPARTMENT TRANSPORTATION SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 718-2009 authorized a contract with Houghton College for the purpose of participating in the Challenge Ropes Course, and

WHEREAS, transportation services were required to transport eligible individuals in the Family Planning Reproductive Health Program to Houghton College, and

WHEREAS, Salamanca City Central School District, 50 Iroquois Drive, Salamanca, New York 14779, provided transportation to Houghton College on September 25, September 28 and October 3, 2009 for the aforementioned ropes course, for an amount of \$1,737.36, 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 Salamanca City Central School District, 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.

<sup>1</sup> The following Legislators requested their names be listed as additional sponsors: "Mr. Vecchiarella and Mr. McClune".

Adopted January 27, 2010 by voice vote.

**ACT NO. 56-2010** by Mr. Murphy  
and Mr. Aiello, Mr. Burrell, Mr. Neal, Mr. Teachman and Mr. Vecchiarella<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CRAIG ZUCKERMAN FOR SHERIFF'S OFFICE  
PRE-EMPLOYMENT PSYCHOLOGICAL SCREENING SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, the Sheriff's Office is in need of pre-employment psychological evaluations of prospective candidates, and

WHEREAS, Craig Zuckerman, D.Ed., Licensed Psychologist, 784 Main Street, Olean, New York 14760, has agreed to provide pre-employment psychological evaluations of prospective candidates using the enhanced 16PF, and the Protective Services Report, Plus as the basis for written reports and recommendations for an amount of \$125 per report, 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 be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Craig Zuckerman, 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.

<sup>1</sup> The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Mr. Burrell, Mr. Neal, Mr. Teachman and Mr. Vecchiarella".

Adopted January 27, 2010 by voice vote.

**ACT NO. 57-2010** by Ms. Vickman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH THE WAL-MART FOUNDATION AND THE  
MEALS ON WHEELS ASSOCIATION OF AMERICA, INC. FOR THE  
WAL-MART IMPACT GRANT PROGRAM AND  
TRANSFER OF FUNDS  
(Contingent Fund - Department of Aging)**

Pursuant to Section 95-a of the General Municipal Law and Sections 363, 365 and 450 of the County Law.

WHEREAS, funding is available through the Wal-Mart Foundation Impact Grant Program for the purchase of items and equipment for the Meals on Wheels Program, and

WHEREAS, the Meals on Wheels Association of America, Inc., shall administer the aforementioned grant, and

WHEREAS, the County Department of the Aging has been awarded an amount of \$13,500 through the Wal-Mart Impact Grant Program, for the purchase of computer equipment for the Meals on Wheels Program sites in Cattaraugus County, and

WHEREAS, there is a 10% County match in order to receive the aforementioned grant funding, and

WHEREAS, a transfer of funds is necessary in order to cover the 10% match, 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 Wal-Mart Foundation and the Meals on Wheels Association of America, Inc., to receive the above-described grant, for a term commencing January 1, 2010 and terminating June 30, 2010, according to the above-described terms, and be it further

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

Decrease Appropriation Account:	
A.1990.445 Contingent Fund	\$ 1,500.00
Increase Estimated Revenue Account:	
A.2714 Wal-Mart Impact Grant	\$13,500.00
Increase Appropriation Accounts:	
A.6789.203 Computer Equipment/Software	\$ 8,500.00
A.6789.446 Office Supplies	\$ 3,500.00
A.6789.490 Small Equipment	\$ 3,000.00.

Adopted January 27, 2010 by voice vote.

**ACT NO. 58-2010** by Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT  
WITH TLC HEALTH NETWORK FOR RESIDENTIAL DRUG-FREE PROGRAM**

Pursuant to Section 41.55 of the Mental Hygiene Law, and  
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 76-2009, as amended by Act 156-2009, authorized a contract with TLC Health Network for the operation of a residential drug-free program in Cattaraugus County, the term of which expired December 31, 2009, and

WHEREAS, the County Department of Community Services is desirous of continuing the operation of the aforementioned residential drug-free program, and

WHEREAS, the New York State Office of Alcoholism and Substance Abuse Services has awarded \$579,374 to Cattaraugus County for the operation of a Residential Drug-Free Program for the 2010 fiscal year, and

WHEREAS, TLC Health Network, Lake Shore Health Care Center, 845 Routes 5 & 20, Irving, New York 14081, shall operate a Residential Drug-Free Program in Cattaraugus County for an amount of \$579,374, 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 TLC Health Network for the operation of the above-described Residential Drug-Free 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.

Adopted January 27, 2010 by voice vote.

**ACT NO. 59-2010** by Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
COUNCIL ON ADDICTION RECOVERY SERVICES, INC.  
FOR SUBSTANCE ABUSE PROGRAM FUNDS**

Pursuant to Articles 1, 19, 23 and 25 of the Mental  
Hygiene Law and Section 450 of the County Law.

WHEREAS, Act 62-2009 authorized a contract with Cattaraugus County Council on Alcoholism and Substance Abuse, Inc., for the provision of a substance abuse program in the County, the term of which expired December 31, 2009, and

WHEREAS, New York State has approved funding for the program in the amount of \$1,121,329 for the period January 1, 2010 through December 31, 2010, and

WHEREAS, the net County cost for the provision of this program shall not exceed \$24,210 in County funds, and

WHEREAS, this program is 25% federally, 72.9% state and 2.1% county funded, 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 the



Council on Addiction Recovery 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 termination of either state or federal funding for this program, then this program shall be automatically abolished.

Adopted January 27, 2010 by voice vote.

**ACT NO. 60-2010** by Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH  
CATHOLIC CHARITIES OF BUFFALO NEW YORK FOR  
INTENSIVE CASE MANAGEMENT SERVICES FOR CHILDREN**

Pursuant to Section 41.07 of the Mental Hygiene Law,  
Sections 363 and 366 of the County Law and  
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 70-2009 authorized a contract with Catholic Charities of Buffalo New York for the provision of case management services for Cattaraugus County children and the operation of a Psychosocial Club for Cattaraugus County adults, the term of which expired December 31, 2009, and

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

WHEREAS, Catholic Charities of Buffalo New York, 525 Washington Street, Buffalo, New York 14203, can provide case management services to children and operate a Psychosocial Club for Adults for an amount not to exceed \$97,875, to be paid quarterly, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract for the year 2010 with Catholic Charities of Buffalo New York, for the provision of case management services for children and the operation of a Psychosocial Club for adults, 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.

Adopted January 27, 2010 by voice vote.

**ACT NO. 61-2010** by Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COMMUNITY ACTION, INC. FOR  
EMPLOYMENT SPECIALIST AND CASE MANAGER**

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

WHEREAS, Act 102-2009 authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, for the provision of a part-time employment specialist and a full-time case manager to assist youth with emotional/behavioral difficulties in employment preparation and the acquisition of employment-related skills, the term of which expired December 31, 2009, and

WHEREAS, the County Department of Community Services is desirous of continuing the provision of services for individuals 14 to 21 years old who face a mental health problem to prevent school drop-out and assist with employability, and

WHEREAS, Cattaraugus Community Action, Inc., can provide a part-time employment specialist and a full-time case manager to assist youth with emotional/behavioral difficulties in employment preparation and the acquisition of employment-related skills, for an amount not to exceed \$98,099 to be paid quarterly during 2010, and

WHEREAS, this program is 100% funded through the New York State Office of Mental Health through the Innovative Projects Fund, for the year 2010, 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.

Adopted January 27, 2010 by voice vote.

**ACT NO. 62-2010** by Mr. Snyder  
and Mr. Teachman and Mr. Padlo<sup>1</sup>

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH  
DIRECTIONS IN INDEPENDENT LIVING, INC. FOR  
MENTAL HEALTH CONSUMER ADVOCACY AND TRAINING PROGRAM**

Pursuant to Section 75.13 of the Mental Hygiene Law and  
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 71-2009 authorized a contract with Directions in Independent Living, Inc., 514 West State Street, Olean, New York 14760, for the provision of advocacy and training programs for consumers of mental health services, the term of which expired December 31, 2009, and

WHEREAS, New York State has approved funding for the program in the amount of \$49,947 for the period January 1, 2010 through December 31, 2010, and

WHEREAS, the 2010 County budget provides for the payment of an amount not to exceed \$49,947 to Directions in Independent Living, Inc. from Account Nos. A.4328.445 and A.4328.455 for this program, 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 Directions in Independent Living, Inc., for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

<sup>1</sup> The following Legislators requested their names be listed as additional sponsors: "Mr. Teachman and Mr. Padlo".

Adopted January 27, 2010 by voice vote.

ACT NO. 63-2010 by Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT  
WITH HEALTHY COMMUNITY ALLIANCE FOR DEPARTMENT OF  
COMMUNITY SERVICES AWARE NEWSLETTER**

Pursuant to Section 41.07 of the Mental Hygiene Law and  
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 72-2009 authorized a contract with Healthy Community Alliance, 26 Jamestown Street, P.O. Box 27, Gowanda, New York 14070, for the provision of a toll-free youth suicide information and prevention telephone line, and Aware newsletter, the term of which expired December 31, 2009, and

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

WHEREAS, Healthy Community Alliance has agreed to continue to provide a toll-free youth suicide information, prevention telephone line, and continue the distribution of the Mental Health informational Aware newsletter, for an amount not to exceed \$2,060, 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 Healthy Community Alliance, 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.

Adopted January 27, 2010 by voice vote.

ACT NO. 64-2010 by Mr. Snyder  
and Mr. Aiello and Mr. Teachman<sup>1</sup>

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH  
OLEAN CHILD DAY CARE CENTER, INC. FOR DAY CARE SERVICES FOR  
DEPARTMENT OF COMMUNITY SERVICES CONTINUING DAY TREATMENT CLIENTS  
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Community Services)**

Pursuant to Section 41.07 of the Mental Hygiene Law,  
Sections 363 and 366 of the County Law and  
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 719-2008 authorized a contract with Olean Child Day Care Center, Inc., 212 Laurens Street, Olean, New York 14760, for the provision of day care services to continuing day treatment clients with children, in order to allow clients to attend programs more regularly, the term of which expired December 31, 2009, and

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

WHEREAS, Olean Child Day Care Center, Inc., has agreed to provide the aforementioned day care services for an amount not to exceed a total program amount of \$6,000, in accordance with the Olean Child Day Care Center's current rate schedule, and

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

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

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Olean Child Day Care 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 be automatically abolished, and be it further

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

Increase Estimated Revenue Account:

A.1569	DSS-Placement Prevention	\$6,000.00
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Increase Appropriation Account:

A.4332.445	Contracted Services	\$6,000.00.
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<sup>1</sup> The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello and Mr. Teachman".

Adopted January 27, 2010 by voice vote.

**ACT NO. 65-2010** by Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT  
WITH ACCUMEDIC COMPUTER SYSTEMS, INC. FOR  
DEPARTMENT OF COMMUNITY SERVICES ACCUMED SOFTWARE SYSTEM**

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

WHEREAS, Act 598-2009, as amended by Act 738-2009, 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 and training, and

WHEREAS, the term of the aforementioned contract should be amended, and

WHEREAS, the Department of Community Services is desirous of continuing the customer support for the aforementioned software system, and

WHEREAS, Accumedic Computer Systems, Inc., 11 Grace Avenue, Suite 401, Great Neck, New York 11021, can provide continued customer support for the AccuMed Software System for an amount not to exceed \$12,821.40, plus an amount not to exceed \$1,000 for training, 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 Accumedic Computer Systems, Inc., for the provision of the above-described training, for a term commencing December 1, 2009 and terminating November 30, 2010, according to the above-described terms.

Adopted January 27, 2010 by voice vote.

**ACT NO. 66-2010** by Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH  
HOUSING OPTIONS MADE EASY, INC. FOR DEPARTMENT OF  
COMMUNITY SERVICES SUPPORTED HOUSING PROGRAMS AND  
TELEPHONE "WARM" LINE**

Pursuant to Sections 41.47 and 41.55 of the Mental Hygiene Law and  
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 77-2009 authorized a contract with Housing Options Made Easy, Inc., 75 Jamestown Street, Gowanda, New York 14070, for the relocation of the supported housing for mentally ill people and the homeless, the provision of a consumer operated client systems advocacy service, and the operation of a telephone "warm" line, the term of which expired December 31, 2009, and

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

WHEREAS, Housing Options Made Easy, Inc., can provide supported housing beds for an amount of \$280,289, and

WHEREAS, the 2010 County budget provides for the payment of \$280,289 to Housing Options Made Easy, Inc., for the aforementioned programs, and

WHEREAS, the above programs are funded through 100% state funds with a net County cost of zero, 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 Housing Options Made Easy, Inc., for the provision of the above-mentioned 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.

Adopted January 27, 2010 by voice vote.

**ACT NO. 67-2010** by Mr. Snyder

*and Mr. Aiello, Mr. Neal, Mr. Teachman and Mr. Padlo<sup>1</sup>*

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH  
MENTAL HEALTH ASSOCIATION IN CATTARAUGUS  
COUNTY, INC., FOR VARIOUS PROGRAMS**

Pursuant to Article 75 of the Mental Hygiene Law and  
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 63-2009 authorized a contract with the Mental Health Association in Cattaraugus County, Inc., 502 North Union Street, Olean, New York 14760, for the provision of community support services through its Compeer and Family Support Programs and a summer camp program, prevention and education services for the public, and other services, the term of which expired December 31, 2009, and

WHEREAS, the Mental Health Association in Cattaraugus County, Inc., has agreed to provide the following programs for a total amount of \$261,026, according to the following cost schedule:

OMH PsychoSocial Club	\$144,747.00
OMH Children and Youth Family Support Program	\$ 71,257.00
OMH Adult Advocacy/Support Program	\$ 44,413.00
Case Management	\$ 609.00,

and

WHEREAS, the above program is funded through state aid and the Mental Health Association in Cattaraugus County, Inc., contributions for a net County cost of zero, 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 Mental Health Association in Cattaraugus County, Inc., 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, and be it further

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

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

Adopted January 27, 2010 by voice vote.

**ACT NO. 68-2010** by Mr. Snyder  
and Mr. Aiello, Mr. Teachman, Ms. Vickman and Mr. Boser<sup>1</sup>

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COUNTY CHAPTER OF THE NEW YORK STATE ASSOCIATION FOR  
RETARDED CHILDREN, INC. AND THE REHABILITATION CENTER, INC.  
FOR PROVISION OF SERVICES**

Pursuant to Section 75.13 of the Mental Hygiene Law and  
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, 73-2009 authorized a contract with the Cattaraugus County Chapter of the New York State Association for Retarded Children, Inc., and The Rehabilitation Center, Inc., 1439 Buffalo Street, Olean, New York 14760, for the provision of comprehensive programs and service facilities for the mentally retarded, mentally ill, developmentally disabled, and physically handicapped residents of Cattaraugus County, the term of which expired December 31, 2009, and

WHEREAS, New York State has approved funding for the program in the amount of \$604,285 for the period January 1, 2010 through December 31, 2010, and

WHEREAS, the net County cost for the provision of these services shall not exceed \$40,500, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract with the Cattaraugus County Chapter of the New York State Association for Retarded Children, Inc., and The Rehabilitation Center, 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 payment of the aforementioned amount be made to the Cattaraugus County Chapter of the New York State Association for Retarded Children, Inc., and The Rehabilitation Center, Inc., in monthly installments upon submission of vouchers for payment certified by the Chair of the

Legislature, audited by the County Administrator, and paid by the County Treasurer, 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.

<sup>1</sup> The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Mr. Teachman, Ms. Vickman and Mr. Boser".

Adopted January 27, 2010 by voice vote.

**ACT NO. 69-2010** by Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH  
SUBURBAN ADULT SERVICES, INC. FOR MENTAL HEALTH SERVICES**

Pursuant to Section 75.13 of the Mental Hygiene Law  
and Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 78-2009 authorized a contract with Suburban Adult Services, Inc., Route 39, P.O. Box 526, Sardinia, New York 14134-0526, for the provision of sheltered workshop training for the mentally and physically handicapped, plus the provision of occupational therapy, physical therapy and speech therapy as needed by the clients, the term of which expired December 31, 2009, and

WHEREAS, New York State has approved funding for the program in the amount of \$17,629 for the period January 1, 2010 through December 31, 2010, and

WHEREAS, the net County cost for the provision of these services shall not exceed \$9,224, and

WHEREAS, the 2010 County budget provides for the payment of \$26,853 to Suburban Adult Services, Inc. for these services, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract with Suburban Adult Services, Inc., 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.

Adopted January 27, 2010 by voice vote.

**ACT NO. 70-2010** by Mr. Snyder  
and Mr. Vecchiarella and Mr. McClune<sup>1</sup>

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT  
WITH SENECA NATION OF INDIANS FOR CASE MANAGEMENT SERVICES  
FOR HOMELESS/MICA CLIENTS**

Pursuant to 14 NYCRR 587.8(g) and  
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 74-2009 authorized a contract with the Seneca Nation of Indians for case management services to the Homeless/Mentally Ill Chemical Abuser (MICA) clients, the term of which expired December 31, 2009, and

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

WHEREAS, the Seneca Nation of Indians, P.O. Box 231, 3582 Center Road, Salamanca, New York 14779, has proposed to continue the aforementioned program of case management services for the Homeless/MICA population on the Seneca Nation Reservations, for an amount not to exceed \$46,548, 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 a contract, on behalf of Cattaraugus County, with the Seneca Nation of Indians 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.

<sup>1</sup> The following Legislators requested their names be listed as additional sponsors: "Mr. Vecchiarella and Mr. McClune".

Adopted January 27, 2010 by voice vote.

**ACT NO. 71-2010** by Mr. Snyder  
and Mr. Aiello, Mr. Neal, Mr. Teachman, Ms. Vickman and Mr. Padlo<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
SOUTHERN TIER HEALTH CARE SYSTEM, INC. FOR SOCIAL WORKER/MENTAL  
HEALTH THERAPIST FOR MENTAL HEALTH CLINIC THROUGH THE  
SOUTHERN TIER CHILD ADVOCACY CENTER AND  
ADJUSTING VARIOUS APPROPRIATION AND 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 County Department of Community Services is in need of a social worker/mental health therapist for the mental health clinic to serve abuse victims and their families who are present at the Child Advocacy Center, 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 provide the aforementioned social worker/mental health therapist for an amount of \$58,435, to be paid on a monthly basis, 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 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, and be it further

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



## Increase Estimated Revenue Accounts:

A.1618	Medicaid Fees	\$14,024.00
A.1620	MH Clinic Fees	\$44,411.00

## Increase Appropriation Account:

A.4329.445	Professional Services	\$58,435.00.
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<sup>1</sup> The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Mr. Neal, Mr. Teachman, Ms. Vickman and Mr. Padlo".

Adopted January 27, 2010 by voice vote.

**ACT NO. 72-2010** by Mr. Snyder

**AUTHORIZING CERTAIN CHARGE-OFFS OF CERTAIN ACCOUNTS  
RECEIVABLE IN THE DEPARTMENT OF COMMUNITY SERVICES**

Pursuant to Section 153 of the County Law.

WHEREAS, the Department of Community Services 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 Community Services, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the removal of the debts from the accounts receivable records of the Department of Community Services in an amount of \$12,540.43.

Adopted January 27, 2010 by voice vote.

**ACT NO. 73-2010** by Mr. O'Brien and Mr. Vecchiarella

**RECOVERY ZONE DESIGNATION RESOLUTION DATED  
JANUARY 27, 2010**

WHEREAS, the American Recovery and Reinvestment Act of 2009 ("ARRA") authorizes the County to issue recovery zone economic development bonds in an amount up to \$2,338,000 pursuant to a suballocation of the national volume cap for Recovery Zone Bonds provided by the federal Treasury Department, and

WHEREAS, recovery zone economic development bonds are entitled to a direct federal subsidy of 45% of the interest thereon; and

WHEREAS, the County is required to designate a recovery zone prior to issuing such bonds, and

WHEREAS, any such bonds must be for expenditures for property located within the recovery zone or otherwise promote economic activity therein, and

WHEREAS, the term recovery zone is defined to mean (1) any area designated by the County as having significant poverty, unemployment, rate of home foreclosures, or general distress; (2) any area designated by the County as economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990; and (3) any area for which a designation as an empowerment zone or renewal community is in effect as of February 17, 2009, and

WHEREAS, it is now desired to designate the County of Cattaraugus as a recovery zone under ARRA, now, therefore, be it

RESOLVED, by the affirmative vote of the County Legislature of the County of Cattaraugus, New York, as follows:

Section 1. The County of Cattaraugus is hereby designated as a recovery zone for purposes of ARRA as a result of significant unemployment, home foreclosure rates and general distress as the current recession has had and continues to have a significant adverse impact on the County as a whole.

Section 2. This resolution takes effect immediately.

Adopted January 27, 2010 by voice vote.

**ACT NO. 74-2010** by Mr. O'Brien and Mr. Vecchiarella  
and Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McLarney,  
Mr. Murphy, Mr. Neal, Mr. Snyder, Mrs. Stockman, Mr. Teachman,  
Ms. Vickman, Mr. Boser, Mr. Giardini, Mr. Hebdon, Mr. McClune,  
Mr. Nenno, Mr. Padlo, Mr. Ward<sup>1</sup>

**A RESOLUTION DESIGNATING A RECOVERY ZONE PURSUANT TO THE AMERICAN  
RECOVERY AND REINVESTMENT TAX ACT OF 2009 FOR THE PURPOSE OF  
ISSUING RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS AND ASSIGNING  
RECOVERY ZONE FACILITY BOND VOLUME CAP TO THE CATTARAUGUS COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY PURSUANT TO THE AMERICAN RECOVERY  
AND REINVESTMENT TAX ACT OF 2009 FOR THE PURPOSE OF ISSUING  
RECOVERY ZONE FACILITY BONDS**

Pursuant to American Recovery and Reinvestment Tax Act of 2009  
(Public Law 111-5).

WHEREAS, pursuant to the American Recovery and Reinvestment Tax Act of 2009, codified in Title 26 of the United States Code ("ARRA") and Internal Revenue Service, Notice 2009-50, issued on June 12, 2009, Cattaraugus County (the "County") has received (1) an allocation of the national Recovery Zone Economic Development Bonds limitation in the amount of \$2,338,000 (the "Recovery Zone Economic Development Bond Allocation") and (2) an allocation of the national Recovery Zone Facility Bonds limitation in the amount of \$3,507,000 (the "Recovery Zone Facility Bond Allocation"), and

WHEREAS, Section 1400U-1 of the Internal Revenue Code of 1986, as amended (the "Code"), authorizes the County, as the issuer of the Recovery Zone Economic Development Bonds issued pursuant to the Recovery Zone Economic Development Bond Allocation, to designate an area within the County that the County will determine has a significant level of one or more of the following factors: poverty, unemployment, home foreclosures, or general distress and designate as a "recovery zone" for the purpose of issuing Recovery Zone Economic Development Bonds under Section 1400U-2 of the Code (the "Economic Development Bond Recovery Zone"), and

WHEREAS, the County understands that (1) Cattaraugus County Industrial Development Agency (the "Agency") desires to use the Recovery Zone Facility Bond Allocation to issue Recovery Zone Facility Bonds pursuant to Section 1400U-3 of the Code, (2) accordingly, the Agency is requesting that the County assign the County's Recovery Zone Facility Bond Allocation to the Agency, and (3) if such assignment is made to the Agency, Section 1400U-1 of the Code authorizes the Agency, as the issuer of the Recovery Zone Facility Bonds issued pursuant to the Recovery Zone Facility Bond Allocation, to designate an area within the County that the Agency will determine has a significant level of one or more of the following factors: poverty,

unemployment, home foreclosures, or general distress and designate as a "recovery zone" for the purpose of issuing Recovery Zone Facility Bonds under Section 1400U-3 of the Code (the "Facility Bond Recovery Zone"), and

WHEREAS, the County understands that, pursuant to the provisions of ARRA, both the Recovery Zone Economic Development Bonds and the Recovery Zone Facility Bonds must be issued prior to January 1, 2011, and

WHEREAS, the County understands that the Agency will use the proceeds of the Recovery Zone Facility Bonds to finance expenditures for recovery zone property, within the meaning of Code Section 1400U-3(c), with respect to the Facility Bond Recovery Zone, and

WHEREAS, the County is authorized by applicable federal, state and local law to assign the Recovery Zone Facility Bond Allocation, in whole or in part, to the Agency for the purposes provided herein, now therefore, be it

RESOLVED, as follows:

Section 1. The entire County of Cattaraugus may be designated a recovery zone because the County has an unemployment rate exceeding 8.1% in October, 2009, an estimated poverty rate of 16.7% in calendar year 2007, a rate of home mortgage delinquency that has increased in the third quarter of calendar year 2009, and is generally economically distressed by these factors. These conditions are a consequence of the recent housing market collapse, the impact of the national recession, and the fiscal crisis experienced by the State of New York and local communities. Accordingly, for purposes of Sections 1400U-1 and 1400U-2 of the Code, the County hereby designates the entire County of Cattaraugus as a recovery zone. The recovery zone shall be identified as the "Cattaraugus County Recovery Zone."

Section 2. The Board of Legislators of the County in good faith hereby assigns and transfers \$3,507,000 of the County's Recovery Zone Facility Bond Allocation to the Agency in order that the Agency may issue Recovery Zone Facility Bonds in order to finance expenditures for recovery zone property, within the meaning of Code Section 1400U-3(c), with respect to the Facility Bond Recovery Zone to be designated by the Agency for purposes of Sections 1400U-1 and 1400U-3 of the Code.

Section 3. The appropriate staff and officers of the County are authorized and directed to take all necessary steps and do such acts to execute, acknowledge and deliver all such documents as may in their discretion be deemed necessary or desirable in order to carry out or comply with the terms and provisions of this resolution in connection with assigning the County's Recovery Zone Facility Bond Allocation to the Agency.

Section 4. This Resolution shall take effect immediately.

<sup>1</sup> The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Murphy, Mr. Neal, Mr. Snyder, Mrs. Stockman, Mr. Teachman, Ms. Vickman, Mr. Boser, Mr. Giardini, Mr. Hebdon, Mr. McClune, Mr. Nenno, Mr. Padlo and Mr. Ward".

Adopted January 27, 2010 by voice vote.

**ACT NO. 75-2010** by Mr. McLarney

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
FORECON, INC. FOR FOREST MANAGEMENT SERVICES**

Pursuant to Sections 215, 219 and 450 of the County Law.

WHEREAS, Act 61-2009, authorized a contract with Forecon, Inc., 100 East Second Street, Jamestown, New York 14701, for the provision of forest management services for the County's reforestation property, the term of which expired December 31, 2009, and

WHEREAS, the County is in need of forest management services for its reforestation property for 2010, and

WHEREAS, Forecon, Inc., has agreed to perform the forest management and regeneration services for the County for the following amounts, which includes all salaries, fringe benefits, mileage, forestry supplies, telephone charges, office supplies, and postage:

2010 Forest Management Services	(not to exceed)	\$19,000.00
Regeneration Program	(not to exceed)	\$ 7,000.00,

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 Forecon, Inc., for the provision of forest management services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

MR. McLARNEY moved, seconded by Mr. Burrell to refer Act No. 75-2010 to the Development and Agriculture Committee and the Finance Committee. Carried.

#### **ACT NO. 76-2010 by Mr. McLarney**

#### **ESTABLISHING CATTARAUGUS COUNTY EXCESSIVE FORCE POLICY**

Pursuant to 24 CFR Section 91.225(b)(5).

WHEREAS, Cattaraugus County has been awarded funding under the Federal Community Development Block Grant Program for septic system replacements, and

WHEREAS, one of the requirements for receipt of funding under that program is the establishment of a policy regarding use of excessive force, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby adopts the Cattaraugus County Excessive Force Policy as follows:

#### **Excessive Force Policy**

Cattaraugus County prohibits the use of excessive force by law enforcement agencies within Cattaraugus County against any individuals engaged in non-violent civil rights demonstrations.

Cattaraugus County has a policy of enforcing applicable state and local laws against physically barring entrance to or exits from, a facility or location that is the subject of non-violent civil rights demonstrations within its jurisdiction.

MR. McLARNEY moved, seconded by Mr. Burrell to refer Act No. 76-2010 to the Development and Agriculture Committee, the Human Services Committee, the County Operations Committee and the Finance Committee. Carried.

**ACT NO. 77-2010** by Mr. McLarney

**ESTABLISHING CATTARAUGUS COUNTY RELOCATION AND ANTI-DISPLACEMENT PLAN**

Pursuant to 24 CFR Section 91.225 (b)(5).

WHEREAS, Cattaraugus County has been awarded funding under the Federal Community Development Block Grant Program for septic system replacements, and

WHEREAS, one of the requirements for receipt of funding under that program is the establishment of a policy regarding anti-displacement or relocation, now, therefore, be it,

RESOLVED, that the Cattaraugus County Legislature hereby adopts the Cattaraugus County Relocation and Anti-Displacement Plan as follows:

**Relocation and Anti-Displacement Plan**

Cattaraugus County does not believe it will temporarily or permanently dislocate or displace any residents of the area to be served by the proposed sewer line. In the unlikely event that the County does have to dislocate or displace any residents, the County will attempt to minimize such displacement and will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (24 CFR 570.606(c)) governing the residential anti-displacement and relocation assistance and the relocation requirements of 24 CFR 570.606(d) governing optional relocation assistance under Section 105(a)(11) of the Act.

MR. McLARNEY moved, seconded by Mr. Aiello to refer Act No. 77-2010 to the Development and Agriculture Committee, the Human Services Committee, the County Operations Committee and the Finance Committee. Carried.

**ACT NO. 78-2010** by Mr. O'Brien

**APPOINTMENT TO INDUSTRIAL DEVELOPMENT AGENCY BOARD OF DIRECTORS**

Pursuant to Section 856 of the General Municipal Law.

RESOLVED, that the following individual is appointed to the Industrial Development Agency Board of Directors:

Brent Driscoll  
1005 Kingston Drive  
Olean, New York 14760  
(replacing James Stitt, who resigned).

Adopted January 27, 2010 by voice vote.

**ACT NO. 79-2010** by Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH  
S.T.E.L., INC., FOR VARIOUS MENTAL HEALTH PROGRAMS**

Pursuant to Section 75.13 of the Mental Hygiene Law and  
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 75-2009 authorized a contract with S.T.E.L., Inc., 715 Central Avenue, Dunkirk, New York 14048, for the provision of employment assistance, intensive case management and supportive case management for mentally ill individuals, the term of which expired December 31, 2009, and

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

WHEREAS, S.T.E.L., Inc., has agreed to provide the following programs for a total amount not to exceed \$88,384, as follows:

ICM	\$ 19,644.00
Adult - SCM	\$ 53,752.00
Integrated Supportive Employment,	\$ 14,988.00,

now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract for the year 2010 with S.T.E.L., 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.

Adopted January 27, 2010 by voice vote.

**ACT NO. 80-2010** by Mr. Ellis

and Mr. Aiello, Mr. Burrell, 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. Nenno, Mr. Padlo and Mr. Ward<sup>1</sup>

**OPPOSING NEW YORK STATE S.02247-A AND A.1867-A REGARDING  
IMPOSING ADDITIONAL MANDATES ON ALL FARMS IN NEW YORK STATE**

Pursuant to Section 153 of the County Law.

WHEREAS, agricultural and dairy farming are not traditional work environments, and

WHEREAS, the proposed Farmworkers Omnibus Bill (S.02247-a and A.1867-a) would force farmers to pay overtime wages and would make the payment of unemployment insurance by farm employers mandatory, and

WHEREAS, the bill also requires disability insurance for injuries off the job and collective bargaining and union organizing, and

WHEREAS, the bill's imposition of overtime payroll mandates and various insurance costs will hurt workers more than they will help them, and

WHEREAS, seasonal farm workers return every year because they are treated well, their food, housing, and utilities, all are paid by the farms they work on, and

WHEREAS, the Farmworkers Omnibus bill, if enacted, would change all of that, and

WHEREAS, the rising costs for farmers would force them to hire more workers at a lower pay rate and fewer benefits, and

WHEREAS, the Farmworkers Omnibus Bill, if adopted, will cause fundamental changes to New York agriculture, forcing local farms to become more like factories in order to absorb the added costs of the bill, and

WHEREAS, no other states have such comprehensive labor mandates for agricultural workers, since there are significant federal laws that regulate the migrant labor stream and provide fair labor standards for agricultural employment for all farm workers, and

WHEREAS, facets of the proposed legislation, such as a 40-hour work week, would put agricultural and dairy farming out of competition as an industry, because such a large part of the industry is based on seasonal employment, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby opposes New York State S.02247-a and A.1867-a, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a copy of this resolution to Governor David A. Paterson, Senator Young, Assembly Member Giglio, New York State Association of Counties and the Western New York Inter-County Association.

<sup>1</sup> The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Mr. Burrell, 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. Nenno, Mr. Padlo and Mr. Ward".

Adopted January 27, 2010 by voice vote.

**ACT NO. 81-2010** by Mr. Ellis, Mr. McLarney, Mr. Neal and Mr. Boser

**AUTHORIZING ADOPTION OF 2009 CATTARAUGUS COUNTY COMPREHENSIVE  
ECONOMIC DEVELOPMENT STRATEGY - CONDITIONAL**

Pursuant to Section 450 of the County Law.

WHEREAS, the Cattaraugus County Agricultural and Farmland Protection Board has reviewed and adopted the 2009 Cattaraugus County Comprehensive Economic Development Strategy - Conditional, and

WHEREAS, the Cattaraugus County Agricultural and Farmland Protection Board has authorized the Comprehensive Economic Development Strategy - Conditional be sent to the United States Department of Commerce, Economic Development Administration for review and approval, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the adoption of the 2009 Cattaraugus County Comprehensive Economic Development Strategy - Conditional, and be it further

RESOLVED, that the Cattaraugus County Legislature has also authorized the Comprehensive Economic Development Strategy - Conditional be sent to the United States Department of Commerce, Economic Development Administration for review and approval.

Adopted January 27, 2010 by voice vote.

MR. SPRAGUE moved, seconded by Mr. Hebdon to adjourn until February 10, 2010 at 3:00 p.m. Carried.

Meeting adjourned at 4:07 p.m.

Ann M. Giglio  
Journal Clerk