

March 24, 2010

The meeting was called to order by Vice-Chairman Carmen Vecchiarella.

The invocation was given by Rev. Piatt.

The Attendance Roll Call disclosed one Legislator absent - Mr. O'Brien.

MR. MARSH moved, seconded by Mr. Ward that the minutes of the March 10, 2010 session be approved. Carried.

* * * * *

COMMUNICATIONS:

Assembly Member Giglio: Letter acknowledging receipt of Act Nos. 141-2010, 142-2010, 150-2010, and 151-2010.

New York State Association of Counties: Letter acknowledging receipt of Act Nos. 141-2010, 142-2010, 150-2010, and 151-2010.

Tioga County Legislature: Copy of its Resolution No. 89-10, Requesting Support of Counties and State Legislators in Relation to Legislation Amending County Law, Section 215.

Family of Don B. Winship: Note of thanks and appreciation for flowers and kind expressions of sympathy.

* * * * *

APPOINTMENTS:

Route 219 Corridor Development Committee
Term to expire December 31, 2011

Jody Clark, Transportation Manager
Seneca Nation of Indians
P.O. Box 231
Salamanca, New York 14779

Southern Tier West Regional Planning & Development Board
Three-year terms to expire December 31, 2012

Charles W. Couture
5790 Fox Valley Road
West Valley, New York 14171

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

William T. King
5360 Felton Hill Road
West Valley, New York 14171

Aging Advisory Council
One-year term to expire December 31, 2010

William Little
11964 Weaver Road
Delevan, New York 14042

MR. VECCHIARELLA granted privilege of the floor to Mr. Neal, who introduced Scoutmaster Kenney from Randolph Troop 103, who spoke regarding the Eagle Scout Program. Legislators Neal, Ellis, Murphy and Stockman presented certificates of recognition to the following Eagle Scouts: Michael Embs and William Cole of Gowanda Troop 276, and Timothy McLaughlin, John Ring, Scott Ring and Nicholas Kinney from Randolph Troop 103.

MR. VECCHIARELLA granted privilege of the floor to Mrs. Crystal Abers, Director of Economic Development, Planning and Tourism, who introduced Lenora Leasure, Development Specialist, who gave a brief overview of the Procurement Technical Assistance Center Program. She introduced Ralph Vinciguerra, Assistant Director for Small Business from the Defense Contract Management Agency, who announced that the Cattaraugus County Department of Economic Development, Planning and Tourism, will be receiving a grant from the Department of Defense in the amount of \$108,000. A check for that amount was presented to Vice-Chairman Vecchiarella and Legislators McLarney and Boser.

MR. VECCHIARELLA granted privilege of the floor to Wendy Bourgeois, Commissioner of Social Services, and Joseph Keller, County Treasurer, who presented the Legislature with their departments' annual reports.

* * * * *

ACT NO. 155-2010 by Mr. Giardini
and Mr. Ellis

BID ACCEPTANCE FOR ROAD STRIPING
(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 road striping for the period commencing May 1, 2010 and terminating April 30, 2011, according to specifications provided by the Public Works Committee, and

WHEREAS, road striping was bid in the following two formats:

Method 1 - successful bidder doing the striping and supplying the paint and glass beads;

Method 2 - successful bidder doing the striping, but the County supplying the paint and glass beads,

and

WHEREAS, the lowest bid received meeting specifications for both Method 1 and 2, striping with acrylic waterborne paint was the bid of Zebra Paint Striping, 365 Second Street, North Hornell, New York 14843, as follows:
Method #1 - Zebra Paint Striping:

<u>Acrylic Waterborne Paint</u>	<u>Estimated Units</u>	<u>2010 Rate</u>
Fast Dry Acrylic Waterborne (Rate 320 LF/gal) Centerline Applications (25.5 gallon/mile and 140 lbs. of beads/mile) (Approximately 260 miles) PER MILE	300	\$280.00
Fast Dry Acrylic Waterborne (Rate 320 LF/gal) Edgeline Applications		

(16.5 gallon/mile and 99 lbs. of beads/mile)	100	\$160.00
(approximately 45 miles) PER MILE		

Additional Items

No. 3 glass beads per pound		\$.32/lb.
Survey of passing & no passing zones	25	\$ 200.00
Indexing zones per mile	25	\$ 75.00
Intersection Stop Bar (acrylic waterborne)		\$ 200.00
PER STOP BAR		
Railroad Crossing (acrylic waterborne)		
PER CROSSING		\$ 300.00

Additional Paint Prices

Yellow Acrylic Waterborne traffic line paint	\$7.50/gallon
White Acrylic Waterborne traffic line paint	\$7.50/gallon

Price Adjustment: If the contractor uses less than the amounts of materials that bids are based on for centerline and edgeline application, then the County Department of Public Works shall require that those amounts be deducted from the final billing. Should the contractor use more material, it shall be taken into account on the final billing. Contractor prices which are bid for paint and beads shall be used for any price adjustment.

Method #2 - Zebra Paint Striping:

<u>Acrylic Waterborne Paint</u>	<u>Estimated Units</u>	<u>2010 Rate</u>
Fast Dry Acrylic Waterborne (Rate 320 LF/gal) Centerline Applications (25.5 gallon/mile and 140 lbs. of beads/mile) (Approximately 260 miles) PER MILE	300	\$90.00
Fast Dry Acrylic Waterborne (Rate 320 LF/gal) Edgeline Applications (16.5 gallon/mile and 99 lbs. of beads/mile) (approximately 45 miles) PER MILE	100	\$80.00

Additional Items

Survey of passing & no passing zones	25	\$200.00/mile
Indexing zones per mile	25	\$ 75.00/mile
Intersection Stop Bar (acrylic waterborne)		\$ 160.00
PER STOP BAR		
Railroad Crossing (acrylic waterborne)		
PER CROSSING		\$250.00

Price Adjustment: If the contractor uses less than the amounts of materials that bids are based on for centerline and edgeline application, then the County Department of Public Works shall require that those amounts be deducted from the final billing. Should the contractor use more material, it shall be taken into account on the final billing. Contractor prices which are bid for paint and beads shall be used for any price adjustment.,

and

WHEREAS, the lowest bid received meeting specifications for Method 1, striping with epoxy paint, rather than polyester paint, was the bid of Accent Stripe, Inc., 3275 North Benzing Road, Orchard Park, New York 14127, as follows:

Method #1 - Accent Stripe:

<u>Polyester Paint</u>	<u>Est. Units</u>	<u>2010 Rate</u>
Polyester Paint (Rate 330 LF/gal) Centerline Applications (25 gallon/mile and 450 lbs. of beads/mile)	10	\$1,243.00**

(Approximately 25 miles)

PER MILE

Polyester Paint (Rate 330 LF/gal)

Edgeline Applications

(16 gallon/mile and 288 lbs. of beads/mile)	25	\$ 792.00**
(approximately 50 miles)	PER MILE	

Additional Items

No. 3 glass beads per pound		\$0.29/lb.
Survey of passing & no passing zones	25	\$200.00/mile
Indexing zones per mile	25	\$150.00/mile
Railroad Crossing (Epoxied)	PER CROSSING	\$3,000.00

Additional Paint Prices

Yellow Polyester traffic line paint	\$19.00/gal**
-------------------------------------	---------------

White Polyester traffic line paint	\$19.00/gal**
------------------------------------	---------------

** Epoxy Paint will be used instead of Polyester Paint

Price Adjustment: If the contractor uses less than the amounts of materials that bids are based on for centerline and edgeline application, then the County Department of Public Works shall require that those amounts be deducted from the final billing. Should the contractor use more material, it shall be taken into account on the final billing. Contractor prices which are bid for paint and beads shall be used for any price adjustment.,

now, therefore, be it

RESOLVED, that the bid of Zebra Paint Striping be, and the same hereby is, accepted, and be it further

RESOLVED, that the bid of Accent Stripe, Inc., 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.

Six sets of specifications were sent out.

Three bids were received.

Approved by 6 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted March 24, 2010 by voice vote.

ACT NO. 156-2010 by Mr. Giardini
and Mr. Ellis

**ACCEPTING MATERIAL BIDS FOR HIGHWAY SIGNS AND
SANDBLASTING ABRASIVES
(Department of Public Works)**

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

RESOLVED, that the Commissioner of Public Works is authorized to contract for the following materials with the bidders recommended by the Public Works Committee for the season May 1, 2010 through April 30, 2011, and be it further

RESOLVED, that any city, village, town, school or fire district in Cattaraugus County may participate in the bid prices by dealing directly with the bidder, and be it further

RESOLVED, that the County of Cattaraugus reserves the right to make purchases of all materials at any time during the season for which the bids are taken.

HIGHWAY SIGNS

Custom Products Corp.

P.O. Box 54091

Jackson, Mississippi 39288-4091

<u>Description</u>	<u>Price Per Square Foot</u>	<u>2009 Rate</u>	<u>2010 Rate</u>
<u>New Domestic 0.080 inch thick 5052-H38 Alodized Aluminum:</u>			
Blank Aluminum		\$1.85	\$2.08
48" x 96" Sheet, Blank (no holes)		\$1.85	
<u>Signs:</u>			
<u>Scotchlite Engineers Grade</u>			
Aluminum 1 side w/Legend 1 color		\$2.90	\$2.86
Aluminum 1 side w/Legend 2 color		\$3.04	\$3.06
<u>3M Prismatic Grade</u>			
Aluminum 1 side w/Legend 1 color		\$3.62	\$3.79
Aluminum 1 side w/Legend 2 color		\$3.80	

Rocal, Inc.

3186 County Road 550

Frankfort, Ohio 45628

<u>Description</u>	<u>Price Per Square Foot</u>	<u>2009 Rate</u>	<u>2010 Rate</u>
<u>New Domestic 0.080 inch thick 5052-H38 Alodized Aluminum:</u>			
<u>Scotchlite Diamond Grade</u>			
Aluminum 1 side w/Legend 1 color			\$6.39
Aluminum 1 side w/Legend 2 color		\$6.86	\$6.68
<u>Delineators-Reflectorized on Aluminum (Per Sq. In.)</u>			
Engineers Grade		\$.02	\$.016
High Intensity		\$.025	\$.024

Vulcan, Inc.

P.O. Box 1850

Foley, Alabama 36536-1850

<u>Description</u>	<u>Price Per Square Foot</u>	<u>2009 Rate</u>	<u>2010 Rate</u>
<u>New Domestic 0.080 inch thick 5052-H38 Alodized Aluminum:</u>			
Blank Aluminum		\$1.85	\$2.08
48" x 96" Sheet, Blank (no holes)		\$1.85	\$2.05
<u>Signs:</u>			
<u>3M Prismatic Grade</u>			
Aluminum 1 side w/Legend 2 color		\$3.04	\$3.96
<u>Scotchlite High Intensity, Pressure Sensitive</u>			
Pre-Screened, unmounted faces			\$1.78
w/Legend 1 color			
Pre-Screened, unmounted faces			\$1.91
w/Legend 2 color			

No State Bid.

Seventeen sets of specifications were set out.
Four bids were received.

SANDBLASTING ABRASIVE

Gernatt Asphalt Products, Inc.
P.O. Box 400
Taylor Hollow Road
Collins, New York 14043

<u>Description</u>	<u>2009 Rate</u>	<u>2010 Rate</u>
In 100 pound bags per ton delivered to Cattaraugus County Public Works, 8810 Route 242, Little Valley on pallets in 21 ton lots.	\$320.00	\$340.00
Pick-up at warehouse /100 lb. bag	\$ 16.00	\$ 16.00
<u>Black Beauty Grade 1040 Utility</u> - Price Delivered		
Bulk Per Ton	\$300.00	
Per Ton Bagged	\$320.00	\$340.00
Per 100 lb. Bag	\$ 16.00	\$ 17.00
<u>Black Beauty Grade 1040 Utility</u> - Price Picked-Up		
Bulk Per Ton	\$300.00	
Per Ton Bagged	\$320.00	\$320.00
Per 100 lb. Bag	\$ 16.00	\$ 16.00

Warehouse: 191 Broadway Road, Gowanda, New York

Delivery: When delivery is requested, delivery shall be to Cattaraugus County Department of Public Works, Little Valley, NY, on pallets in 21 ton lots unless ordered in bulk.

Bradco Supply Co.
RD#1 Box 143-1
Towanda, Pennsylvania 18848

<u>Description</u>	<u>2009 Rate</u>	<u>2010 Rate</u>
<u>Black Beauty Grade Medium 1240</u> - Price Delivered		
Bulk Per Ton	\$300.00	
Per Ton Bagged	\$320.00	\$238.00
Per 100 lb. Bag	\$ 16.00	\$ 11.90
<u>Black Beauty Grade Medium 1240</u> - Price Picked-Up		
Bulk Per Ton	\$300.00	
Per Ton Bagged	\$320.00	\$230.00
Per 100 lb. Bag	\$ 16.00	\$ 11.50

Warehouse: Towanda, Pennsylvania

Delivery: When delivery is requested, delivery shall be to Cattaraugus County Department of Public Works, Little Valley, NY, on pallets in 21 ton lots unless ordered in bulk.

Baer's Auto Parts, Inc.
1709 Olean-Portville Road
Olean, New York 14760

<u>Description</u>	<u>2009 Rate</u>	<u>2010 Rate</u>
<u>Black Beauty Grade 1040 Utility</u> - Price Delivered		
Bulk Per Ton	\$300.00	\$175.00**
Per Ton Bagged	\$320.00	\$175.00**
Per 100 lb. Bag	\$ 16.00	\$ 18.00**
<u>Black Beauty Grade 1040 Utility</u> - Price Delivered		

Bulk Per Ton	\$300.00	\$175.00**
Per Ton Bagged	\$320.00	\$175.00**
Per 100 lb. Bag	\$ 16.00	\$ 18.00**
<u>Black Beauty Grade Medium 1240 - Price Delivered</u>		
Bulk Per Ton	\$300.00	\$175.00**
Per Ton Bagged	\$320.00	\$175.00**
Per 100 lb. Bag	\$ 16.00	\$ 18.00**

Warehouse: 1709 Olean-Portville Road, Olean, New York

Delivery: When delivery is requested, delivery shall be to Cattaraugus County Department of Public Works, Little Valley, NY, on pallets in 21 ton lots unless ordered in bulk.

** - This product is a crushed glass abrasive classified as a "Green product" and is safer to use in the environment. Bagged prices are for 22 ton loads. Bulk prices are for 22½ ton in totes. Bags are in 50 lb. bags, but is priced for 100 lbs.

No State Bid.

Six sets of specifications were sent out.

Three bids were received.

Approved by 6 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted March 24, 2010 by voice vote.

ACT NO. 157-2010 by Mr. Giardini
and Mr. Ellis

**ACCEPTING MATERIAL BIDS FOR GALVANIZED SQUARE STEEL
TUBING FOR SIGN POSTS
(Department of Public Works)**

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

RESOLVED, that the Commissioner of Public Works is authorized to contract for galvanized square steel tubing for sign posts with the bidders recommended by the Public Works Committee for the season May 1, 2010 through April 30, 2011, and be it further

RESOLVED, that any city, village, town, school or fire district in Cattaraugus County may participate in the bid prices by dealing directly with the bidder, and be it further

RESOLVED, that the County of Cattaraugus reserves the right to make purchases of all materials at any time during the season for which the bids are taken, and be it further

RESOLVED, that the following bids be accepted:

GALVANIZED SQUARE STEEL TUBING FOR SIGN POSTS

Unistrut Buffalo, Div.

Eberl Iron Works, Inc.

128 Sycamore Street

Buffalo, New York 14204-1492

Tubing: price per foot (min. order 600 ft.) F.O.B. Little Valley

<u>Size</u>	<u>Price</u>	<u>2009 Rate</u>	<u>2010 Rate</u>
1" x 1"x 24 ft. w/o perforations	12 gauge	N/A	N/A
1½" x 1½" x 24 ft. w/perforations	12 gauge	\$2.22	\$2.22

1¾" x 1¾" x 24 ft. w/perforations	12 gauge	\$2.61	\$2.61
2" x 2" x 24 ft. w/perforations	12 gauge	\$2.83	\$2.83
2¾" x 2¾" x 24 ft. w/perforations	12 gauge	\$3.08	\$3.08

Other Items: price per 100

<u>Telspar or</u> <u>Equivalent</u>	<u>Description</u>	<u>Units</u>	<u>2009</u> <u>Rate</u>	<u>2010</u> <u>Rate</u>
TN-31	Tuff Nut 5/16" 18 thread	/100	\$ 63.80	\$ 63.80
TLO15	T Bracket, used on 1½", 1¾", 2" & 2¾"	/100	\$287.00	\$287.00
TLO16	90 Degree Bracket, used on 1½", 1¾", 2" & 2¾"	/100	\$404.00	\$404.00
TLO18	Straight Bracket, used on 1½", 1¾", 2" & 2¾"	/100	\$334.00	\$334.00
TLO19	Bracket, used on 1½", 1¾", 2" & 2¾"	/100	\$312.00	\$312.00
TLO20	Inside Corner Bracket, used on 1½", 1¾", 2" & 2¾"	/100	\$190.00	\$190.00

Corner Bolts - All 5/16"

		<u>Units</u>	<u>2009</u> <u>Rate</u>	<u>2010</u> <u>Rate</u>
TLO50	1½" sq., 1¾" sq., 2" sq.	/100	\$56.89	\$56.89
TLO70	2¾" Sq., 2½" Sq.	/100	\$53.19	\$53.19
TLO62	Heavy Hex Jam Nut for able Bolts	/100	\$10.04	\$10.04
TL130	Guard Rail Clamp	Each	\$21.95	\$21.95
TL186	Swing Sign Assembly	Each	Not Available	Not Available
TL3806	3/8" diameter large head multi-grip drive rivet	/100	\$66.15	\$66.15*
	* - Will give 10% off orders of 5,000 pieces			

State Bid does not meet County specifications.
One set of specifications was sent out.
One bid was received.

Approved by 6 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted March 24, 2010 by voice vote.

ACT NO. 158-2010 by Mr. Giardini
and Mr. Ellis

ACCEPTING MATERIAL BIDS FOR HYDRAULIC AND MOTOR OIL
(Department of Public Works)

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

RESOLVED, that the Commissioner of Public Works is authorized to contract for hydraulic oil and motor oil with the bidders recommended by the Public Works Committee for the season June 1, 2010 through May 31, 2011, and be it further

RESOLVED, that any city, village, town, school or fire district in Cattaraugus County may participate in the bid prices by dealing directly with the bidder, and be it further

RESOLVED, that the County of Cattaraugus reserves the right to make purchases of all materials at any time during the season for which the bids are taken.

Sandburg Oil Company
1641 East State Road
Olean, New York 14760

MOTOR OIL - Per Gallon Delivered

<u>Type</u>	<u>Delivery Units</u>	<u>Rate & Brand</u>
15W-40 Advanced Shell Rimula or Valvoline Premium Blue	Bulk Delivery	\$7.92 / Shell Rimula
Oil analysis	Price Per Sample	\$9.00

Noco Energy Corp.
2440 Sheridan Drive
Tonawanda, New York 14150

MOTOR OIL - Per Gallon Delivered

<u>Type</u>	<u>Delivery Units</u>	<u>Rate & Brand</u>
10W SL/CF	55 gallon drum	\$6.04 Noco 2110
5W-20 SM ILSAC GF-4	55 gallon drum	\$5.25 Noco 2172
5W-30 SM ILSAC GF-4	55 gallon drum	\$5.25 Noco 2173
10W-30 SM ILSAC GF-4	55 gallon drum	\$5.00 Noco 1817
10W-40 SM/CF	55 gallon drum	\$6.00 Noco 1814
15W-40 SL/CF CF-2, CF-4, CG-4, CH-4	Bulk delivery	\$5.95 Noco 2109
15W-40 CJ-4, CI-4, CI-4+, CH-4, SL, CF/SM, API CF-2, ACEA E7/E5	Bulk delivery	\$6.15 Noco 2105

HYDRAULIC OIL - Per Gallon Delivered

Delivered any point Cattaraugus County in 55 gal. drums	\$4.25/gal. Noco 1657
Bulk Delivery to DPW garages in Little Valley, Franklinville, Allegany	\$4.25/gal. Noco 1657

State Bid does not meet specifications.
Six sets of specifications were sent out.
Four bids were received.

Approved by 6 members of the Finance Committee and 8 members of the
Public Works Committee.

Adopted March 24, 2010 by voice vote.

ACT NO. 159-2010 by Mr. Giardini
and Mr. Ellis
and Mr. Aiello, Mr. Ellis, Mr. Teachman, Ms. Vickman,
Mr. Boser, Mr. Nenno and Mr. Padlo¹

**BID ACCEPTANCE FOR FLOORING REPLACEMENT AND WALL REPAIR
AT PINES HEALTHCARE AND REHABILITATION CENTER - OLEAN CAMPUS
(Department of Nursing Homes)**

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 provision of General Contractor services for the
replacement of flooring and wall repair at the Pines Healthcare &

Rehabilitation Center-Olean Campus, according to specifications provided by the Senior Services Committee, and

WHEREAS, the lowest bid received meeting specifications, for the 2010 Capital Improvements flooring replacement and wall repairs, was the bid of Kinley Corp., P.O. Box 1190, Olean, New York 14760, for a total amount of \$317,907, as follows:

Base bid recommendation	\$270,392.00
Alternate Bid No. 1	<u>\$ 47,515.00</u>
Total Contract Amount	\$317,907.00,

now, therefore, be it

RESOLVED, that the bid of Kinley Corp. be, and the same hereby is, accepted, for a term commencing April 1, 2010 and terminating August 31, 2010, and be it further

RESOLVED, that the vouchers accordingly certified by the Administrator of the County 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.

Four bids were received.

Approved by 6 members of the Finance Committee, 8 members of the Public Works Committee and 7 members of the Senior Services Committee.

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

Adopted March 24, 2010 by voice vote.

ACT NO. 160-2010 by Mr. Giardini
and Mr. Ellis

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
WCA HOSPITAL FOR AUDIOMETRIC TESTING**

Pursuant to 29 CFR 1910.95 and Act 636-2009 of the
Cattaraugus County Legislature.

WHEREAS, Act 145-2009 authorized a contract with WCA Hospital, P.O. Box 840, Jamestown, New York 14702-0840, for the provision of audiometric examinations, monitoring and training services, the term of which expired December 31, 2009, and

WHEREAS, pursuant to the provisions of 29 CFR 1910.95, the County must provide audiometric examinations, monitoring and training for those Public Works employees exposed to a noise level at, or above, the action level of 85 decibels for a time-weighted average of eight hours, and

WHEREAS, the County is also desirous of providing the aforementioned services for up to 30 employees of the Cattaraugus County Sheriff's Office, and

WHEREAS, WCA Hospital can provide the aforementioned testing for up to 125 Public Works employees and up to 30 Sheriff's Office employees, for an estimated amount of \$2,300, as follows:

\$17.00/person/test for on-site annual follow-up audiograms,
 \$20.00/person/test for pre-employment audiograms to be done
 at WCA Hospital, Speech & Hearing Department,

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 WCA 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.

Approved by 6 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted March 24, 2010 by voice vote.

ACT NO. 161-2010 by Mr. Neal and Mr. Snyder
 and Mr. Aiello¹

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
 CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD, INC. FOR
 SUMMER YOUTH EMPLOYMENT PROGRAMS AND ADJUSTING
 VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
 (Department of Social Services)**

Pursuant to American Reinvestment and Recovery Act and
 Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 288-2009 authorized a contract with the Cattaraugus-Allegany Workforce Investment Board, Inc. (WIB), for the provision of summer youth employment programs, the term of which expired October 31, 2009, and

WHEREAS, the Cattaraugus-Allegany Workforce Investment Board, Inc. (WIB), has received additional American Reinvestment and Recovery Act (ARRA) funds to increase the capacity of WIA youth services in the Summer Youth Employment Program, and

WHEREAS, the WIB will pay the County an additional amount of \$20,487.63 for the provision of the above-described summer youth employment services, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned additional federal 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 Cattaraugus-Allegany Workforce Investment Board, Inc., for the provision of the above-described services, for a term commencing May 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.4786

WIA ARRA Summer Youth

\$20,487.63

Increase Appropriation Accounts:

A.6338.111	Participant Wages	\$19,031.70
A.6338.833	FICA	\$ 1,455.93.

Approved by 6 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. Aiello".

Adopted March 24, 2010 by voice vote.

ACT NO. 162-2010 by Ms. Vickman and Mr. McClune

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
LEGAL SERVICES FOR THE ELDERLY, DISABLED OR
DISADVANTAGED OF WESTERN NEW YORK, INC. FOR LEGAL
SERVICES FOR ELDERLY RESIDENTS OF CATTARAUGUS COUNTY**

Pursuant to 45 CFR 1321 and Act 636-2009 of the
Cattaraugus County Legislature.

WHEREAS, Act 198-2009 authorized a contract with Legal Services for the Elderly, Disabled or Disadvantaged of Western New York, Inc., 230 Main Street, Suite 105, Buffalo, New York 14203, for the provision of legal services for elderly residents of Cattaraugus County in accordance with Title III of the Older Americans Act of 1965, as amended, the term of which expires March 31, 2010, and

WHEREAS, Legal Services for the Elderly, Disabled or Disadvantaged of Western New York, Inc. is desirous of renewing the aforementioned contract at a rate of \$55 per hour for approximately 400 hours of service, not to exceed \$23,000, and

WHEREAS, these services are 75% state funded and 25% County funded, and

WHEREAS, sufficient funds are included in the 2010 budget to cover 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 Legal Services for the Elderly, Disabled or Disadvantaged of Western New York, Inc. for the provision of the above-described services, for a term commencing April 1, 2010 and terminating March 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 6 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted March 24, 2010 by voice vote.

ACT NO. 163-2010 by Mr. Neal and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
JAMESTOWN PSYCHIATRIC, P.C., FOR DEPARTMENT OF COMMUNITY SERVICES
MENTAL HEALTH PSYCHIATRIC SERVICES FOR PROS CLIENTS AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

Pursuant to 14 NYCRR Section 587.8(d)(3) and (i),
Section 41.07 of the Mental Hygiene Law and
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 732-2009 authorized a contract with Sadiq H. Al-Samarrai, M.D., to provide psychiatric services for the Department of Community Services at a rate of \$130 per hour of direct care for up to 85 hours per month, 50 hours of which were to be in the PROS Program, and

WHEREAS, effective January 12, 2010, Sadiq H. Al-Samarrai, M.D. will no longer be providing the aforementioned mental health services, and

WHEREAS, the Department of Community Services is in need of a replacement for Dr. Al-Samarrai, and

WHEREAS, Jamestown Psychiatric, P.C., 560 West Third Street, Jamestown, New York 14701, shall provide psychiatric services for the Department of Community Services' Day Treatment clients in the PROS program through a Psychiatrist at a rate of \$165 per hour for a maximum amount of 340 hours, and

WHEREAS, this program is funded through federal, state and local funds, 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 Jamestown Psychiatric, P.C., for the provision of the above-described services, for a term commencing April 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 Accounts:

A.1619	MH Guidepost Medicaid Fees	\$33,345.00
A.1621	MH Guidepost Fees	\$ 702.00
A.1624	Guidepost Medicaid Supplement	\$ 1,053.00

Increase Appropriation Account:

A.4332.455	CDT Professional Services	\$35,100.00.
------------	---------------------------	--------------

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

Adopted March 24, 2010 by voice vote.

ACT NO. 164-2010 by Mr. Neal and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH JAMESTOWN PSYCHIATRIC, P.C., FOR DEPARTMENT OF
COMMUNITY SERVICES MENTAL HEALTH CLINIC SERVICES FOR ADULTS**

Pursuant to 14 NYCRR Section 587.8(d)(3) and (i),
Section 41.07 of the Mental Hygiene Law and
Section 450 of the County Law.

WHEREAS, Act 729-2009 authorized a contract with Raja Rao, M.D., for the provision of mental health clinic services for adults for the Department of Community Services, through Julianna M. Zei, M.D. and Hardish K. Singh, M.D., the term of which expires December 31, 2010, and

WHEREAS, effective March 8, 2010, Julianne M. Zei, M.D. will no longer be providing the aforementioned mental health services, and

WHEREAS, the Department of Community Services is in need of a replacement for Dr. Zei, and

WHEREAS, Jamestown Psychiatric, P.C., 560 West Third Street, Jamestown, New York 14701, shall provide psychiatric medical services for the Department of Community Services mental health clinic, through an Allied Health Professional or Psychiatrist, at a rate of \$110 per hour for an Allied Health Professional or at the rate of \$150 per hour for a Psychiatrist, for up to 1,710 hours of service, and

WHEREAS, this program is funded through federal, state and local 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 Psychiatric, P.C., for the provision of the above-described services, for a term commencing March 8, 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 6 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted March 24, 2010 by voice vote.

ACT NO. 165-2010 by Mr. Neal and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH ARCHER OFFICE SOLUTIONS, LLC
FOR MENTAL HEALTH RECORDS TRANSCRIPTION SERVICES
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 transcription services for its mental health records, and

WHEREAS, Archer Office Solutions, LLC, 15 Pleasant Street, Second Floor, Hornell, New York 14843, can provide the necessary transcription

services for an amount not to exceed \$28,000, at a rate of \$.12 per line, with a line consisting of 65 characters and spaces estimated at 1,000 lines per day, 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 Archer Office Solutions, LLC, for the provision of the above-described services, for a term commencing March 15, 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 Account:

A.4490	OMH Federal Salary Sharing	\$28,000.00
--------	----------------------------	-------------

Increase Appropriation Accounts:

A.4329.445	Contracted Services	\$14,000.00
A.4330.445	Contracted Services	\$14,000.00.

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

Adopted March 24, 2010 by voice vote.

ACT NO. 166-2010 by Mr. Neal and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ISRIR ABASSI, M.D. FOR DEPARTMENT OF COMMUNITY SERVICES
MEDICAL DIRECTOR SERVICES**

Pursuant to 14 NYCRR Section 587.8(d)(3) and (i),
Section 41.07 of the Mental Hygiene Law and
Section 450 of the County Law.

WHEREAS, Act 728-2009 authorized a contract with Milestone PPS, PC, for the provision of medical director services, provided through Raja V. Rao, M.D., to oversee the provision of medical services in the Department of Community Services' mental health clinics, the term of which expires December 31, 2010, and

WHEREAS, effective April 30, 2010, Milestone PPS, PC will no longer be able to provide the aforementioned services, and

WHEREAS, effective May 1, 2010, Isrir Abassi, M.D., 560 West Third Street, Jamestown, New York 14701, shall provide the services of Medical Director for the Department of Community Services mental health clinics for an amount of \$10,666, to be paid in monthly installments of \$1,333.33, 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 Isrir Abassi, M.D., for the provision of the above-described services, for a term commencing May 1, 2010 and terminating December 31, 2010, according to the above-described terms.

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

Adopted March 24, 2010 by voice vote.

ACT NO. 167-2010 by Mr. Neal and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED 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 736-2009 authorized a contract with Mental Health Association in Cattaraugus County, Inc., 502 North Union 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, 2010, and

WHEREAS, the Department of Community Services is in need of additional skill-building and mentoring services for its children and adult clients, and

WHEREAS, the Mental Health Association in Cattaraugus County, Inc., can provide additional skill-building and mentoring services for children and adults for an amount of \$30 per hour, for a total contract amount not to exceed \$30,000, 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 an amended 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 6 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted March 24, 2010 by voice vote. Mr. Padlo absent for vote.

ACT NO. 168-2010 by Mr. Neal and Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT
WITH CATTARAUGUS REHABILITATION CENTER, INC. FOR
DEPARTMENT OF COMMUNITY SERVICES RESPITE SERVICES
AND RESCINDING ACT 734-2009**

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 expired 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 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	\$ 8.48/hr
In-Home Respite Services	\$ 13.99/hr

North Union Street Community Residence

• RESPIRE

Hourly

First 4 hours	\$ 42.40
Each hour after 4 hours up to 16 hours	\$ 10.60/hr

Daily

One day - anything over 16 hours not to exceed 24 hours	\$ 180.00
---	-----------

Weekly

5 - 7 consecutive days	\$ 900.00
------------------------	-----------

• 1:1 RESPIRE

Hourly

First 4 hours	\$ 102.40
Each hour after 4 hours up to 16 hours	\$ 25.60/hr

Daily

One day - anything over 16 hours not to exceed 24 hours	\$ 420.00
---	-----------

Weekly

5 - 7 consecutive days	\$2,100.00
------------------------	------------

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, and be it further

RESOLVED, that Act 734-2009 be, and hereby is rescinded.

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

Adopted March 24, 2010 by voice vote.

ACT NO. 169-2010 by Mr. Neal and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH PORTVILLE CENTRAL SCHOOL DISTRICT
FOR MENTAL HEALTH THERAPIST/SOCIAL WORKER**

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

WHEREAS, the Portville Central School District, 500 Elm Street, Portville, New York 14770, has requested the County Department of Community Services provide a mental health therapist/social worker for the provision of mental health services to its students and their families, and

WHEREAS, the County Department of Community Services can provide up to 70 hours of the requested mental health services for each of the periods listed below, and

WHEREAS, the Portville Central School District shall pay the County an amount as follows for the provision of the aforementioned mental health services:

period April 1, 2010 through June 30, 2010	\$2,500.00
period July 1, 2010 through June 30, 2011	\$2,500.00,

now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Portville Central School District, for the provision of the above-described services, for a term commencing April 1, 2010 and terminating June 30, 2011, according to the above-described terms.

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

Adopted March 24, 2010 by voice vote.

ACT NO. 170-2010 by Mr. Neal and Mr. Snyder
*and Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McLarney,
Mr. Murphy, Mrs. Stockman, Mr. Teachman, Mr. Vecchiarella,
Ms. Vickman, Mr. Boser, Mr. Giardini, Mr. Hebdon, Mr. McClune,
Mr. Nenno, Mr. Padlo, Mr. Sprague and Mr. Ward¹*

**EXPRESSING GRATITUDE TO CHARLES REID
FOR 31 YEARS OF SERVICE TO CATTARAUGUS COUNTY
COMMUNITY SERVICES BOARD AND PUBLIC SERVICE TO THE DEVELOPMENTALLY
DISABLED AND MENTALLY DISABLED OF CATTARAUGUS COUNTY**

Pursuant to Section 153 of the County Law.

WHEREAS, Charles Reid is a charter member and past president of the Cattaraugus County New York State Association for Retarded Citizens (NYSARC), and

WHEREAS, he was a former chair of the Rehabilitation Fund, Inc., Board of Directors, and

WHEREAS, along with his wife, Bernadette, Mr. Reid was one of the parents who founded the Rehabilitation Center, and has been the driving force of that agency since its inception, and

WHEREAS, Mr. Reid is a current board member of the Cattaraugus Rehabilitation Center, Inc., where he has held several leadership positions over the years, and

WHEREAS, he has served on at least one of the Rehabilitation Center boards for the past 48 years, since 1962, and

WHEREAS, Mr. Reid serves on numerous agency committees, most notably the audit/corporate compliance committee, the finance committee, and the executive committee for the Rehabilitation Center, and

WHEREAS, he is the spirit of the Rehabilitation Center and the heart and soul of the organization, and

WHEREAS, Mr. Reid created and helped run Camp Cornplanter - a summer camp for children with disabilities, and

WHEREAS, he is a tireless advocate for people with disabilities in our community, and

WHEREAS, Mr. Reid is a mentor for the leaders serving people with disabilities, acting as a sounding board for new ideas and serving as a compass to keep us moving in the right direction, and

WHEREAS, he served as one of the original members of the Community Services Board and MR/DD Subcommittee for 31 years, and

WHEREAS, Mr. Reid has attained the highest regard and esteem from his fellow colleagues and employees, his peers and all citizens of Cattaraugus County, now, therefore, be it

RESOLVED, that the Cattaraugus County Community Services Board wishes to thank Charles Reid for his dedicated public service to the developmentally disabled, as well as the mentally disabled of Cattaraugus County, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby offers its sincerest thanks to Charles Reid for his 31 years of service to Cattaraugus County.

Approved by 6 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. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Murphy, Mrs. Stockman, Mr. Teachman, Mr. Vecchiarella, Ms. Vickman, Mr. Boser, Mr. Giardini, Mr. Hebdon, Mr. McClune, Mr. Nenno, Mr. Padlo, Mr. Sprague and Mr. Ward".

Adopted March 24, 2010 by voice vote.

ACT NO. 171-2010 by Mr. Neal and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR
FAMILY PLANNING PROGRAMS AND ADJUSTING VARIOUS
APPROPRIATION AND REVENUE ACCOUNTS
(Department of Health)**

Pursuant to 10 NYCRR Part 40-1 and
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 67-2009, as amended by Act 483-2009, authorized a contract with the New York State Department of Health, Division of Family & Local Health, Corning Tower, Empire State Plaza, Room 878, Albany, New York 12237-0675, for the provision of a Family Planning Program in the County's Health Department, the term of which expired December 31, 2009, and

WHEREAS, the New York State Health Department has awarded the County Health Department an amount of \$297,472 for the period January 1, 2010 through December 31, 2010, and

WHEREAS, a contract is necessary with the New York State Department of Health to receive the aforementioned grant, 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 the New York State Department of Health for the provision of a Family Planning program in Cattaraugus County, 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:

*Decrease*¹ Estimated Revenue Account:

A.3435	Family Planning Services	\$24,107.00
--------	--------------------------	-------------

*Decrease*¹ Appropriation Account:

A.4078.477	Consumables	\$24,107.00.
------------	-------------	--------------

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

¹ MR. SNYDER moved, seconded by Mr. Marsh to amend Act No. 171-2010 as follows: In both instances in the third Resolved, delete: "Increase" and replace with: "Decrease". Carried.

Adopted, as amended, March 24, 2010 by voice vote.

ACT NO. 172-2010 by Mr. Neal and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR CHILDREN WITH
SPECIAL HEALTH SERVICES NEEDS (CSHSN)**

Pursuant to Public Law 98-8 and Section 450 of the County Law.

WHEREAS, Act 518-2009 authorized the Chair to execute a contract with the New York State Department of Health and various entities for the Children with Special Health Services Needs Program (CSHSN), and

WHEREAS, the Cattaraugus County Health Department has been awarded a cost-of-living adjustment (COLA) in the amount of \$808 for the period April 1, 2009 to March 31, 2010, and

WHEREAS, an amended contract is necessary with the New York State Department of Health in order to obtain reimbursement through the above-referenced program, and

WHEREAS, this program is 53% federally and 47% state funded, 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 in order to obtain reimbursement through the above-referenced program, for a term commencing April 1, 2009 and terminating March 31, 2010, according to the above-described terms.

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

Adopted March 24, 2010 by voice vote.

ACT NO. 173-2010 by Mr. Neal and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR
HEALTH DEPARTMENT CHILDHOOD LEAD POISONING PREVENTION PROGRAM**

Pursuant to 10 NYCRR Parts 22 and 67, Sections 1370-1376 of the Public Health Law and Section 450 of the County Law.

WHEREAS, Act 446-2009 authorized the Chair to execute a contract with the New York State Department of Health for the County Health Department's Childhood Lead Poisoning Prevention Program, the term of which expires March 31, 2010, and

WHEREAS, the Cattaraugus County Health Department has been awarded a cost-of-living adjustment (COLA) in the amount of \$3,045 for the period April 1, 2009 to March 31, 2010, and

WHEREAS, an amended contract is necessary with the New York State Department of Health in order to obtain reimbursement through the above-referenced program, and

WHEREAS, this program is 53% federally and 47% state funded, 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 in order to obtain reimbursement through the above-referenced program, for a term commencing April 1, 2009 and terminating March 31, 2010, according to the above-described terms.

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

Adopted March 24, 2010 by voice vote.

ACT NO. 174-2010 by Mr. Neal and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
TOTAL SENIOR CARE, INC. FOR
IN-HOME NURSING AND THERAPY SERVICES**

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

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

WHEREAS, Total Senior Care, Inc., 519 North Union Street, Olean, New York 14760, is desirous of obtaining in-home nursing and therapy services from the County Department of Health for PACE Program participants, and

WHEREAS, the Department of Health has agreed to provide the following in-home nursing and therapy services to PACE Program participants in accordance with NYS Medicaid approved CHHA rates:

Registered Nurse
Physical Therapist
Occupational Therapist
Speech and Language Pathologist
Certified Home Health Aide,

now, therefore, be it

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

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

Adopted March 24, 2010 by voice vote.

ACT NO. 175-2010 by Mr. Neal and Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT
WITH ALLEGANY COUNTY OFFICE FOR THE AGING
FOR DEPARTMENT OF HEALTH MOBILE MEALS PROGRAM**

Pursuant to Section 119-o of the General Municipal Law and
Act 636-2009 of the Cattaraugus County Legislature.

WHEREAS, the County Health Department is desirous of providing home delivered meals to clients of the Long Term Home Health Care Program located near Allegany County, and

WHEREAS, the Allegany County Office for the Aging has agreed to provide for the preparation and delivery of a noon meal in the townships contiguous to Cattaraugus County five (5) days a week, at the Cattaraugus County Health Department approved Medicaid rate, 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 Allegany County Office for the Aging, for the provision of the above-described services, for a term commencing January 25, 2010 and terminating December 31, 2010, according to the above-described terms.

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

Adopted March 24, 2010 by voice vote.

ACT NO. 176-2010 by Mr. Neal and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS-ALLEGANY BOCES FOR
SHORT-TERM VOCATIONAL TRAINING**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Social Services is desirous of providing classroom training for demand occupations to eligible recipients, and

WHEREAS, Cattaraugus-Allegany BOCES, 1825 Windfall Road, Olean, New York 14760, can provide the aforementioned classroom training for an amount not to exceed \$15,000, 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 Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Cattaraugus-Allegany BOCES, for the provision of the above-described services, for a term commencing April 1, 2010 and terminating March 31, 2011, according to the above-described terms.

Approved by 6 members of the Finance Committee.

Adopted March 24, 2010 by voice vote. Mr. Padlo absent for vote.

ACT NO. 177-2010 by Mr. Giardini
and Mr. Ellis

**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	\$206,841.00
H.2810	Transfer from General Fund	\$206,841.00

Increase Appropriation Accounts:

A.9522.954	Transfer to Capital Project Fund	\$206,841.00
H.1623.262	Olean Energy Improvements	\$179,768.00
H.1620.262	LVCC Energy Improvements	\$ 27,073.00.

Approved by 6 members of the Finance Committee and 7 members of the Public Works Committee Committee.

Adopted March 24, 2010 by voice vote.

ACT NO. 178-2010 by Mr. Marsh
and Mr. Padlo¹

**CREATING THREE POSITIONS OF INDEX CLERK IN THE
OFFICE OF COUNTY CLERK TO BE FILLED ON A TEMPORARY BASIS,
ESTABLISHING COMPENSATION FOR SAME AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(County Clerk)**

Pursuant to Sections 204, 205, 363 and 366 of the County Law and Sections 22 and 64 of the Civil Service Law.

WHEREAS, Act 424-2009 authorized the creation of three positions of temporary index clerk in the Office of County Clerk for the purpose of indexing permanent land records, and

WHEREAS, effective December 31, 2009, the aforementioned temporary positions were abolished, and

WHEREAS, American Recovery and Reinvestment Act funding is available to continue the indexing, 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 six months, and

WHEREAS, the New Position Duties Statements have been submitted to the Cattaraugus County Civil Service Commission, which has approved and certified the title as Index Clerks, in accordance with Section 22 of the Civil Service Law, and

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

RESOLVED, that effective immediately, there are hereby created three temporary positions of Index Clerk in the Office of the County Clerk to be compensated at Grade 14-1 (\$11.77 per hour), temporary salary schedule, and be it further

RESOLVED, that effective September 29, 2010, these positions shall automatically be abolished, and be it further

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

Increase Estimated Revenue Account:

A.4489	ARRA Medicaid Stimulus Aid	\$50,000.00
--------	----------------------------	-------------

Increase Appropriation Accounts:

A.1410.109	Part-time Wages	\$42,034.00
A.1410.828	Retirement	\$ 4,750.00
A.1410.833	FICA	\$ 3,216.00.

Approved by 6 members of the Finance Committee, 5 members of the County Operations Committee and 5 members of the Labor Relations Committee.

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

Adopted March 24, 2010 by voice vote.

ACT NO. 179-2010 by Ms. Vickman and Mr. McClune

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HEALTHY COMMUNITY ALLIANCE, INC. FOR
HEALTH INSURANCE EDUCATION & OUTREACH PROGRAM**

Pursuant to Article 2, Title 3 of the Elder Law and
Section 450 of the County Law.

WHEREAS, Act 197-2009 authorized a contract with Healthy Community Alliance, Inc., 26 Jamestown Street, Gowanda, New York 14070, for the provision of information, counseling and workshops to Cattaraugus County residents in order to help them better understand health insurance and long term care insurance, the term of which expires March 31, 2010, and

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

WHEREAS, Healthy Community Alliance, Inc., can provide *one and one-half staff persons*, to the Department of Aging, who will provide information, counseling and workshops to Cattaraugus County residents in order to help them better understand long term care insurance, for an amount of \$68,463 staffing, training and travel-related expenses, 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 Healthy Community Alliance, Inc., for the provision of the above-described services, for a term commencing April 1, 2010 and terminating March 31, 2011, according to the above-described terms.

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

¹ MS. VICKMAN moved, seconded by Mr. Neal to amend Act No. 179-2010 as follows: In the third Whereas, delete: "a" and replace with "one and one-half" and add an "s" to person. Carried.

Adopted, as amended, March 24, 2010 by voice vote.

ACT NO. 180-2010 by Mr. Giardini
and Mr. Ellis

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

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, due to the damage caused by the August 2009 flood, various bridges and culverts are in need of repair, and

WHEREAS, the County has funds in the appropriated fund balance which can be used for various bridge and culvert projects, and

WHEREAS, the County should designate \$904,648 of the appropriated fund balance for FEMA flood capital projects, and

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

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

Increase Appropriated Fund Balance Account:

A.599.0000	Appropriated Fund Balance	\$904,648.00
------------	---------------------------	--------------

Increase Estimated Revenue Accounts:

H.2810	Transfer from General Fund	\$904,648.00
--------	----------------------------	--------------

Increase Appropriation Accounts:

A.9522.954	Transfer to Capital Project Fund	\$904,648.00
H.5198.307	Ashford Culvert No. 69	\$ 50,000.00
H.5198.602	Machias Bridge No. 28	\$387,500.00
H.5198.691	Otto Bridge No. 14	\$467,148.00.

Approved by 6 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted March 24, 2010 by voice vote.

ACT NO. 181-2010 by Mr. Giardini
and Mr. Ellis

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

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, County Road No. 46 is in need of repair, and

WHEREAS, the County has funds in the appropriated fund balance which can be used for various road projects, and

WHEREAS, the County should designate \$475,000 of the appropriated fund balance for road repair projects, and

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

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

Increase Appropriated Fund Balance Account:
A.599.0000 Appropriated Fund Balance \$475,000.00

Increase Estimated Revenue Account:
H.2810 Transfer from General Fund \$475,000.00

Increase Appropriation Accounts:
A.9522.954 Transfer to Capital Project Fund \$475,000.00
H.5198.761 County Road No. 46 \$475,000.00.

Approved by 6 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted March 24, 2010 by voice vote.

ACT NO. 182-2010 by Mr. Giardini
and Mr. Ellis

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

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, County Road No. 30 is in need of repair, and
WHEREAS, the County has funds in the appropriated fund balance
which can be used for various road projects, and

WHEREAS, the County should designate \$750,000 of the appropriated
fund balance for road repair projects, and

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

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

Increase Appropriated Fund Balance Account:
A.599.0000 Appropriated Fund Balance \$750,000.00

Increase Estimated Revenue Account:
H.2810 Transfer from General Fund \$750,000.00

Increase Appropriation Accounts:
A.9522.954 Transfer to Capital Project Fund \$750,000.00
H.5198.753 County Road No. 30 \$750,000.00.

Approved by 6 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted March 24, 2010 by voice vote.

ACT NO. 183-2010 by Mr. Giardini
and Mr. Ellis

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

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, Yorkshire Bridge No. 20 is in need of repair, and
WHEREAS, the County is in receipt of ARRA Medicaid Stimulus Aid
which can be used in whatever discretionary manner the County elects, and

WHEREAS, the County should designate \$100,000 of the
aforementioned stimulus aid to bridge projects, and

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

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

Increase Estimated Revenue Accounts:

A.4489	ARRA Medicaid Stimulus Aid	\$100,000.00
H.2810	Transfer from General Fund	\$100,000.00

Increase Appropriation Accounts:

A.9522.954	Transfer to Capital Project Fund	\$100,000.00
H.5198.601	Yorkshire Bridge No. 20	\$100,000.00.

Approved by 6 members of the Finance Committee and 8 members of the
Public Works Committee.

Adopted March 24, 2010 by voice vote.

ACT NO. 184-2010 by Mr. Giardini
and Mr. Ellis

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

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, County Road Nos. 13 and 21 are in need of repair, and
WHEREAS, the County is in receipt of ARRA Medicaid Stimulus Aid
which can be used in whatever discretionary manner the County elects, and

WHEREAS, the County should designate \$100,000 of the
aforementioned stimulus aid to road projects, and

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

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

Increase Estimated Revenue Accounts:

A.4489	ARRA Medicaid Stimulus Aid	\$100,000.00
H.2810	Transfer from General Fund	\$100,000.00

Increase Appropriation Accounts:

A.9522.954	Transfer to Capital Project Fund	\$100,000.00
H.5198.762	County Road No. 13	\$ 65,000.00
H.5198.763	County Road No. 21	\$ 35,000.00.

Approved by 6 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted March 24, 2010 by voice vote.

ACT NO. 185-2010 by Development & Agriculture Committee:

Mr. McLarney, Mr. Boser, Mr. Burrell, Mr. Ellis,
Mr. Snyder, Mr. Giardini and Mr. Padlo
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS
WITH VARIOUS ENTITIES FOR TOURISM PROMOTION AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Economic Development, Planning & Tourism)**

Pursuant to Sections 224(14), 363, 366 and 450 of the County Law and
Local Law Number 20-2003 (Intro Number 21-2003).

WHEREAS, Act 107-2009 established a Tourism Promotion Grant Program, and

WHEREAS, the below-listed entities shall receive funding for the promotion of tourism in Cattaraugus County, as follows:

- | | |
|--|--------------|
| ▪ Ellicottville Chamber of Commerce | \$84,590.00 |
| ▪ Greater Olean, Inc., d/b/a
Greater Olean Area Chamber of Commerce | \$57,675.00 |
| ▪ Salamanca Area Chamber of Commerce, Inc. | \$25,953.00 |
| ▪ Randolph Area Community Development Corp. | \$24,032.00 |
| ▪ Franklinville Chamber of Commerce | \$ 5,000.00 |
| ▪ Gowanda Area Chamber of Commerce | \$ 2,750.00, |

and

WHEREAS, in order to assist all areas of the County with tourism promotion, each of the six (6) chambers listed above will assist, in cooperation with the Cattaraugus County Economic Development, Planning and Tourism Department, with promotion of events and festivals in their respective areas as outlined below:

- Ellicottville Chamber of Commerce - Greater Ellicottville area, including Village and Town of Ellicottville, West Valley and the Otto area;
- Greater Olean Area Chamber of Commerce - Greater Olean area, including the City and Town of Olean, the Town and Village of Allegany, Pfeiffer Nature, Bonagany, Olean Airport, Hinsdale Heritage Day and Portville Heritage Day;
- Salamanca Area Chamber of Commerce - Greater Salamanca area, including the City and Town of Salamanca, Little Valley and Great Valley;
- Randolph Area Community Development Corp. - Greater Randolph area, including the Village and Town of Randolph, the Village of East

Randolph and the Amish trail corridor along the route to Gowanda including Leon, Conewango and South Dayton;

- Franklinville Chamber of Commerce - Greater Franklinville area, including the Village and Town of Franklinville, Village of Delevan, and Route 16 Corridor;
- Gowanda Area Chamber of Commerce - Greater Gowanda area, including, the Village of Gowanda, the Town of Persia, the Village and Town of Perrysburg,

and

WHEREAS, the above-listed entities have agreed to utilize funding for the promotion of tourism in Cattaraugus County in the following categories:

- Radio advertising, local and regional,
- Television advertising, local and regional,
- Production costs associated with approved advertising media,
- Advertising in newspaper, magazine, travel guide, newsletter, and special edition inserts,
- Web site development and upgrades including purchase of search engine key words,
- Outdoor advertising,
- Direct response & direct mail advertising,
- Brochure development and printing,
- Paid distribution of brochures and travel guides,
- Development and promotion of special "travel & trip packages", and
- Use of professional public relation firms,

and

WHEREAS, the entities will return any unexpended funds to the County by January 10, 2011, and

WHEREAS, various appropriation accounts must be adjusted, 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 various entities, for the provision of the above-described tourism promotion 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 the County Administrator is hereby directed to make the following budgetary changes:

Decrease Appropriation Account:

A.6450.445	Grant Program for Tourism	\$200,000.00
------------	---------------------------	--------------

Increase Appropriation Accounts:

A.6412.503	Ellicottville Chamber of Commerce	\$ 84,590.00
A.6412.506	Gowanda Area Chamber of Commerce	\$ 2,750.00
A.6412.510	Greater Olean, Inc. Chamber of Commerce	\$ 57,675.00
A.6412.512	Salamanca Chamber of Commerce	\$ 25,953.00
A.6412.520	Franklinville Chamber of Commerce	\$ 5,000.00
A.6412.525	Randolph Area Community Devel. Corp.	\$ 24,032.00.

MR. McCLUNE moved, seconded by Mr. Snyder to waive Rule 12. Carried.

Adopted March 24, 2010 by voice vote.

ACT NO. 186-2010 by Mr. Aiello, Mr. Ellis, Mr. Neal, Mr. Snyder,
Mrs. Stockman, Ms. Vickman, Mr. Nenno and Mr. Ward
who ask immediate consideration

**ABOLISHING ONE POSITION OF SUPERVISING COMMUNITY MENTAL HEALTH NURSE AND
ONE POSITION OF VAN DRIVER AND CREATING ONE POSITION OF LICENSED PRACTICAL
NURSE AND ONE POSITION OF THERAPEUTIC ACTIVITIES AIDE IN DEPARTMENT
OF COMMUNITY SERVICES AND ESTABLISHING COMPENSATION FOR SAME AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Community Services)**

Pursuant to Sections 204, 205, 363 and 366 of the County Law and
Section 22 of the Civil Service Law.

WHEREAS, the Department of Community Services is desirous of restructuring its organization which will lead to more efficient and economical services to its clients, and

WHEREAS, this restructuring requires the abolition of a vacant Supervising Community Mental Health Nurse and creation of a Licensed Practical Nurse position, and

WHEREAS, this newly created Licensed Practical Nurse position will support higher level nursing staff, which will then provide for an increase in services to clients while reducing costs, and

WHEREAS, the Community Services Guidepost Continuing Day Care Practical Nurse position will support higher level nursing staff, which will then provide for an increase in services to clients while reducing costs, and Treatment program is scheduled to convert to the system of Personal Recovery Oriented Services (PROS), which will entail major changes in how services are delivered to clients, and

WHEREAS, the focus of this PROS treatment involves integrating the PROS participant in the community and fostering independence, including a knowledge and use of the public transportation system, and

WHEREAS, the majority of consumers who are currently transported by the Community Services Van Driver are capable of utilizing public transportation and will be provided with an unlimited bus pass, resulting in a lack of need for the Van Driver, and

WHEREAS, the NYS Office Of Mental Health has stated that the Community Services Guidepost Continuing Day Care Treatment program needs to provide more simultaneous group sessions for clients, which would not be possible under current staffing levels, and

WHEREAS, the position of Therapeutic Activities Aide would be able to provide additional program options for program participants, which would be critical for meeting PROS program requirements, and

WHEREAS, the New Position Duties Statements have been submitted to the Cattaraugus County Civil Service Commission, which has approved and certified the titles as Licensed Practical Nurse and Therapeutic Activities Aide, in accordance with Section 22 of the Civil Service Law, and

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

RESOLVED, that effective immediately, there is hereby abolished one position of Supervising Community Mental Health Nurse in the Community Services Department, and be it further

RESOLVED, that effective immediately, there is hereby created one position of Licensed Practical Nurse in the Community Services Department to be compensated at Grade 20 (\$16.64 - \$18.47 per hour), General Bargaining Unit, and be it further

RESOLVED, that effective May 9, 2010, there is hereby abolished one position of Van Driver in the Community Services Department, and be it further

RESOLVED, that effective May 10, 2010, there is hereby created one position of Therapeutic Activities Aide in the Community Services Department to be compensated at Grade 14 (\$15.20 - \$16.75 per hour), General Bargaining Unit, and be it further

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

Decrease Appropriation Accounts:

A.4336.101	Full-Time Wages	\$17,089.00
A.4336.828	Retirement	\$ 1,760.00
A.4336.833	FICA	\$ 1,307.00
A.4336.836	Health Insurance	\$ 9,605.00
A.4336.837	Dental Insurance	\$ 55.00

Increase Appropriation Accounts:

A.4332.101	Full-Time Wages	\$17,089.00
A.4332.828	Retirement	\$ 1,760.00
A.4332.833	FICA	\$ 1,307.00
A.4332.836	Health Insurance	\$ 9,605.00
A.4332.837	Dental Insurance	\$ 55.00.

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

Adopted March 24, 2010 by voice vote.

ACT NO. 187-2010 by Mr. Marsh and Mr. Padlo
who ask immediate consideration

**ESTABLISHING COMPENSATION FOR ELECTION TECHNICIANS FOR
2010 SPECIAL ELECTION AND ADJUSTING VARIOUS
APPROPRIATION AND REVENUE ACCOUNTS
(Contingent Fund - Board of Elections)**

Pursuant to Section 3-302(6) of the Election Law and
Sections 363 and 365 of the County Law.

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

WHEREAS, the Board of Elections shall appoint voting machine technicians as necessary for the proper preparation and repair of voting machines, and

WHEREAS, voting machines are accessible to people with disabilities and are the result of a Federal Court order in the U.S. District Court, Northern District of New York to comply with the Help America Vote Act (HAVA), and

WHEREAS, effective in 2010, all Cattaraugus County voters will vote on the Dominion Imagecast Optical Scan voting machines, and

WHEREAS, the job duties and responsibilities of the voting machine technicians for machines are as follows:

- Receipt of all Dominion Imagecast Optical Scan Voting Machines;
- Physical inspection of all machines, according to checklist;

- Acceptance testing and control of Mechanical Voting Machines and Dominion Imagecast Optical Scan Voting Machines;
- Inventory control of Dominion Imagecast Scan Voting Machines;
- Inventory and storage of all ballots used;
- Transportation of Dominion Imagecast Scan Voting Machines from the warehouse to the poll sites and return to the warehouse in 2010 and 2011;
- Maintain security at storage warehouse;
- Determine warehouse layout to be the most cost effective in terms of storage per square foot;
- Perform mandated quarterly testing of Optical Scan Voting Machines; and
- Any other duties deemed necessary,

and

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

<u>Service</u>	<u>Election Technician</u>
2 part-time senior technicians	\$15 per hour, not to exceed \$12,315 per senior technician annually
2 part-time technicians	\$12 per hour, not to exceed \$6,634 per technician annually
Mileage	\$.50 per mile*

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

and

WHEREAS, a transfer of funds is needed in order to cover the costs of the special election, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby establishes the above-described payment schedule for the above-described individuals for the 2010 Special 29th Congressional District election in Cattaraugus County, 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	\$ 7,481.00
------------	-----------------	-------------

Increase Appropriation Accounts:

A.1450.109	Part-Time Wages	\$ 6,949.00
A.1450.833	FICA	\$ 532.00.

MR. BOSER moved, seconded by Mr. McLarney to waive Rule 12. Carried.

Adopted March 24, 2010 by voice vote.

ACT NO. 188-2010 by Mr. Marsh and Mr. Padlo
who ask immediate consideration

**ESTABLISHING COMPENSATION FOR ELECTION INSPECTORS,
ELECTION CHAIRS, ELECTION INSPECTOR COORDINATORS AND
POLLING SITE COORDINATORS FOR 2010 ELECTIONS**

Pursuant to Section 3-420 of the Election Law.

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

WHEREAS, the Commissioners of the Board of Elections recommend the following compensation schedule for the 2010 Elections:

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

*per meeting, depending on length of training session

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

Note: whoever returns voting supplies to the County Board of Elections following elections and local day registrations will be reimbursed @ \$.50 per mile,

and

WHEREAS, a transfer of funds from the Contingent Fund is necessary in order to cover the costs of the special election, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby establishes the above-described payment schedule for the above-described individuals for elections in Cattaraugus County during the year 2010, 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	\$82,435.00
------------	-----------------	-------------

Increase Appropriation Accounts:

A.1450.445	Inspectors/Custodians	\$59,800.00
------------	-----------------------	-------------

A.1450.455	Professional Services	\$18,074.00
A.1450.422	Software Support	\$ 2,082.00
A.1450.452	Postage	\$ 600.00
A.1450.421	Equipment Rental	\$ 1,279.00
A.1450.442	Mileage Reimbursement	\$ 300.00
A.1450.491	Voting Machine Supplies	\$ 300.00.

MR. WARD moved, seconded by Mr. Aiello to waive Rule 12. Carried.

Adopted March 24, 2010 by voice vote.

ACT NO. 189-2010 by Mr. Marsh and Mr. Padlo
who ask immediate consideration

**ESTABLISHING COMPENSATION FOR ELECTION CUSTODIANS
FOR 2010 SPECIAL ELECTION AND TRANSFER OF FUNDS
(Contingent Fund - Board of Elections)**

Pursuant to Section 3-302(6) of the Election Law and
Sections 363 and 365 of the County Law.

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

WHEREAS, the Commissioners of the Board of Elections recommend the following compensation schedule for lever machines for the 2010 Special Election:

Service	Election Custodian
Program Voting Machine	\$50.00 per machine
Verify and Certify Voting Machine	\$15.00 per machine
Training Session	\$25.00 per session
Mileage	\$.50 per mile*

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

and

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

- Program and set lever machines,
- Pickup and Return of machine keys,
- Physical inspection of all machines, according to checklist,
- Acceptance control of Mechanical Voting Machines,
- Inventory control of Mechanical Voting Machines, and
- Any other duties deemed necessary.,

and

WHEREAS, a transfer of funds from the Contingent Fund is necessary in order to cover the costs of the special election, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby establishes the above-described payment schedule for the above-described individuals for the 2010 special election in Cattaraugus County, 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	\$3,620.00
------------	-----------------	------------

Increase Appropriation Account:

A.1450.445	Inspectors/Custodians	\$3,620.00.
------------	-----------------------	-------------

MR. ELLIS moved, seconded by Mrs. Stockman to waive Rule 12. Carried.

Adopted March 24, 2010 by voice vote.

ACT NO. 190-2010 by Mr. Marsh and Mr. Padlo
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR 2010 ELECTION POLLING PLACES**

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

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

WHEREAS, those polling places are needed for the 2010 special election for the 29th Congressional District, the primary election on September 14, 2010 and the general election on November 2, 2010, and

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

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

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

Adopted March 24, 2010 by voice vote.

ACT NO. 191-2010 by Mr. Neal and Mr. Snyder
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACTS
WITH COMMUNITY CARE OF WESTERN NEW YORK, INC. AND
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 775-2009 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 March 31, 2010, and

WHEREAS, Act 51-2010 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, 2010, and

WHEREAS, the aforementioned contracts should be amended due to an increase in rates effective April 1, 2010, and

WHEREAS, Community Care of Western New York, Inc., and Willcare, Inc., have agreed to provide home health care services to Cattaraugus County, in accordance with the following rate limits and terms:

Level of Care:	2010 rate limits**	2010 amended rate limits**
Home Attendant/Housekeeper (Personal Care 1)	\$ 18.37/hr.	\$18.55/hr.
Personal Care Aide (Personal Care 2)	\$ 18.84/hr.	\$19.03/hr.
Shared Aide - ¼ hour (Personal Care 1)	\$ 4.59/¼ hr.	\$ 4.64/¼ hr.
Shared Aide - ¼ hour (Personal Care 2)	\$ 4.71/¼ hr.	\$ 4.76/¼ hr.
Certified Home Health Aide	\$ 19.40/hr.	\$19.59/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.	\$63.50/hr.

now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute amended 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 April 1, 2010 and terminating December 31, 2010.

MR. NEAL moved, seconded by Mr. Teachman to waive Rule 12. Carried.

Adopted March 24, 2010 by voice vote.

ACT NO. 192-2010 by Mr. Neal and Mr. Snyder
who ask immediate consideration

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT
WITH HEALTHY COMMUNITY ALLIANCE, INC. FOR
MEDICAID MANAGED CARE RECRUITMENT SPECIALIST AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Social Services)**

Pursuant to 42 CFR Section 435, Section 363 of the Social Services
Law, Sections 363 and 366 of the County Law and
Act 636-2009 of the Cattaraugus County Legislature.

WHEREAS, Act 165-2009 authorized a contract with Healthy Community Alliance, Inc., 26 Jamestown Street, P.O. Box 27, Gowanda, New York 14070, for the provision of education, support and outreach services to clients, agency personnel and providers of the Medicaid Managed Care Program, the term of which expires March 31, 2010, and

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

WHEREAS, Healthy Community Alliance, Inc., has agreed to provide the aforementioned services for an amount not to exceed \$46,500, which shall be paid in quarterly installments, and

WHEREAS, this program is 50% federally funded and 50% state funded through the New York State Department of Health, and

WHEREAS, various appropriation 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 Healthy Community Alliance, Inc., for the provision of the above-described services, for a term commencing April 1, 2010 and terminating March 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 automatically be abolished, and be it further

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

Decrease Appropriation Account:

A.6010.507	Early Intervention Programs	\$1,851.00
------------	-----------------------------	------------

Increase Appropriation Account:

A.6010.501	Managed Care Grant	\$1,851.00.
------------	--------------------	-------------

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

Adopted March 24, 2010 by voice vote.

ACT NO. 193-2010 by Mr. McLarney and Mr. Boser
and Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. Murphy,
Mr. Neal, Mr. Snyder, Mrs. Stockman, Mr. Teachman,
Mr. Vecchiarella, Ms. Vickman, Mr. Giardini, Mr. Hebdon,
Mr. McClune, Mr. Nenno, Mr. Padlo, Mr. Sprague and Mr. Ward¹
who ask immediate consideration

**OPPOSING NEW YORK STATE
RAID OF FUNDS FROM SNOWMOBILE TRAIL DEVELOPMENT AND
MANAGEMENT ACCOUNT**

Pursuant to Section 153 of the County Law.

WHEREAS, New York State is proposing to transfer approximately \$1 million from the Snowmobile Trail Development and Management Account, and

WHEREAS, these funds were paid for by the snowmobile community through the registration of snowmobiles in New York State, and

WHEREAS, in 2005, the snowmobile community, through its advocacy efforts in Albany, agreed to a plan which would raise the registration fees, with the additional money being set aside in the Snowmobile Trail Development and Management Account for specific use by snowmobile clubs throughout the State, and

WHEREAS, during the most recent winter season, the New York State Department of Motor Vehicles reports that 130,981 snowmobiles were registered, with approximately 3,521 snowmobiles being registered in Cattaraugus County, and

WHEREAS, the snowmobile community did not concur with the increase in the fees in 2005 and thereafter, only to have the State reallocate the money for other purposes, and

WHEREAS, snowmobiling is one of the vital components in the tourism industry in Cattaraugus County, and

WHEREAS, the State should not transfer funds from the Snowmobile Trail Development and Management Account to aid in balancing the State budget, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby opposes the transfer of an estimated \$1 million from the New York State Snowmobile Trail Development and Management Account to the New York State General Fund, and requests that the funds be reinstated to the snowmobile account, and be it further

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

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

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

Adopted March 24, 2010 by voice vote.

ACT NO. 194-2010 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. Nenno, Mr. Padlo, Mr. Sprague and Mr. Ward

**CONGRATULATING OLEAN HIGH SCHOOL GIRLS BASKETBALL
TEAM ON 2009-2010 SECTION 6 CLASS B CHAMPIONSHIP**

Pursuant to Section 153 of the County Law.

WHEREAS, the Olean City School District Girls Basketball Team won the 2009-2010 Section 6 Class B title on Saturday, March 6, 2010, at the Erie Community College's Burt C. Flickinger Center in Buffalo, New York, and

WHEREAS, the Lady Huskies beat Wilson by a 57 - 46 margin in overtime, and

WHEREAS, this is the Lady Huskies third year in a row winning this title, and

WHEREAS, the Olean Lady Huskies finished this season with a record of 19 - 4, 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 Don Scholla and the Olean City School District Lady Huskies Girls Basketball Team for their 2009-2010 season and their Section 6 Class B title, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Colleen Taggerty, Superintendent of Schools, and Coach Don Scholla.

MR. MURPHY moved, seconded by Mr. Teachman to waive Rule 12. Carried.

Adopted March 24, 2010 by voice vote.

ACT NO. 195-2010 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. Nenno, Mr. Padlo, Mr. Sprague and Mr. Ward who ask immediate consideration

**CONGRATULATING OLEAN HIGH SCHOOL BOYS BASKETBALL
TEAM ON 2009-2010 SECTION 6 CLASS B CHAMPIONSHIP**

Pursuant to Section 153 of the County Law.

WHEREAS, the Olean City School District Boys Basketball Team won the 2009-2010 Section 6 Class B title on Tuesday, March 9, 2010, at the Buffalo State College Sports Complex in Buffalo, New York, and

WHEREAS, the Huskies beat Akron by a 54 - 26 margin, and

WHEREAS, this is the Huskies fourth consecutive Section 6 Class B title, and

WHEREAS, the Olean Huskies finished this season with a record of 20-3, 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 Jeff Anastasia and the Olean City School District Huskies Basketball Team for their 2009-2010 season and their Section 6 Class B title, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Colleen Taggerty, Superintendent of Schools, and Coach Jeff Anastasia.

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

Adopted March 24, 2010 by voice vote.

**MOTION TO ADJOURN IN MEMORY OF
ELSIE S. McCONNELL**

WHEREAS, Elsie S. McConnell, 96, passed away on Monday, March 15, 2010, at The Pines Healthcare and Rehabilitation Center-Machias Campus, and

WHEREAS, Mrs. McConnell served Cattaraugus County as the Deputy Jury Commissioner from December, 1959 until her retirement in July, 1976, and

WHEREAS, Mrs. McConnell actively served her community as a member of the of Little Valley United Methodist Church and sang in the church choir, the Cattaraugus County Women's Republican Club, and also sang in many community choirs, and

WHEREAS, Mrs. McConnell is survived by her two daughters, Mollie McConnell of Otto, and Mickie Seitter of Aiken, South Carolina; three granddaughters and four great-granddaughters; and several nieces and nephews, and

WHEREAS, the loss of her presence will be sadly felt by her many friends and colleagues in Cattaraugus County, now, therefore, Legislator Marsh hereby

MOVES, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of the Elsie S. McConnell 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 Elsie S. McConnell.

MR. TEACHMAN moved, seconded by Mr. Hebdon to adjourn until April 14, 2010 at 3:00 p.m. Carried.

Meeting adjourned at 4:42 p.m.

Ann M. Giglio
Journal Clerk