

July 28, 2010

order by Chairman Michael T. O'Brien.

The invocation was given by Jack Searles.

The Attendance Roll Call disclosed two Legislators absent - Mr. McClune and Mr. Snyder.

MR. MARSH moved, seconded by Mr. Aiello that the minutes of the June 23, 2010, session be approved. Carried.

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COMMUNICATIONS:

Allegany County Legislature: Resolution No 141-10, Allegany County Board of Legislators Comments on proposed 6 NYCRR Part 247 Regulations on Outdoor Wood Boilers, and Resolution No. 142-10, Supporting the Creation of Enhanced Sales Tax Transparency and Accountability System for Improved Local Government Fiscal Management.

Delaware County Legislature: Resolution No. 59, In Opposition to Senate Bill s.2247-B & Assembly Bill a.1867-A, an Act to Amend New York State Labor Law Requiring Collective Bargaining, Overtime, Unemployment and Disability Benefits for Farm Employees.

Greene County Legislature: Resolution No. 230-10, Resolution in Opposition to Proposed 6 NYCRR Part 247 Regulations on Outdoor Wood Boilers.

Seneca County Board of Supervisors: Resolution entitled, Board of Supervisors Oppose Delay in Collection of Tax on Sales of Cigarettes by Indian Tribes.

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APPOINTMENTS:

Planning Board

Three-year terms to expire July 31, 2013

Florence J. Fuller
5617 Windfall Road
Kill Buck, New York 14748

Richard P. Fuller
18 Regan Street
Delevan, New York 14042

Robert C. Keis
7621 California Hill Road
Little Valley, New York 14755

Michael Zaprowski
317 Front Avenue
Salamanca, New York 14779

* * * * *

MR. O'BRIEN granted privilege of the floor to Christopher Baker, Director of Emergency Services, who briefed the Legislature on the tornado damage of July 24, 2010, to Cattaraugus County.



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OF THE BOARD OF LEGISLATORS

878-2010 by Mr. Giardini
Ellis, Ms. Vickman and Mr. Hebdon

BID ACCEPTANCE FOR PRECAST CONCRETE BOX CULVERT FOR FARMERSVILLE CULVERT NO. 3

Pursuant to Section 103 of the General Municipal Law and
Section 215 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for a precast concrete box culvert for Farmersville Culvert No. 3, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications for the aforementioned precast concrete box culvert, was the bid of Kistner Concrete Products, Inc., P.O. Box 218, 8713 Read Road, East Pembroke, New York 14056, for an amount of \$43,426.50, and

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

RESOLVED, that the bid of Kistner Concrete Products, Inc., be, and the same hereby is, accepted, for a term commencing upon the signing of the contract documents and terminating 45 days after shop drawing approval, 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.

Five sets of specifications were sent out.

Three bids were received that meet specifications.

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

Adopted July 28, 2010 by voice vote.

ACT NO. 379-2010 by Mr. Giardini
and Mr. Ellis

BID ACCEPTANCE FOR BOOM MOWER ATTACHMENT AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS (Department of Public Works)

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the purchase of one (1) new and unused boom mower attachment, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications for one (1) new and unused MO-Trim/LMT-20A-5HB boom mower attachment, was the bid of Lamb & Webster, 601 West Main Street, Springville, New York 14141, for an amount of \$43,000, and

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

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bid of Lamb & Webster be, and the same hereby
ending July 29, 2010 and terminating fifty (50)
and be it further

RESOLVED, that the vouchers accordingly certified by the
Commissioner of the Department of Public Works be audited by the Auditor and
paid by the County Treasurer, and be it further

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

Decrease Appropriation Accounts:

DM.5130.298	Aerial Work Platform	\$42,000.00
DM.5130.290	Grader	\$ 1,000.00

Increase Appropriation Account:

DM.5130.254	Boom Mower	\$43,000.00.
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State Bid does not offer a boom mower that meets specifications.
Twelve sets of specifications were sent out.
Four bids were received.

Referred to the Finance Committee and the Public Works Committee.

ACT NO. 380-2010 by Ms. Vickman and Mr. McClune

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE AMENDED CONTRACT
WITH CASELLA WASTE MANAGEMENT OF NEW YORK, INC. D/B/A
SDS OF OLEAN FOR DEPARTMENT OF AGING WASTE REMOVAL SERVICES**

Pursuant to Act 636-2009 of the Cattaraugus County Legislature.

WHEREAS, Act 660-2008 authorized a contract with Casella Waste
Management of New York, Inc., d/b/a SDS of Olean, 225 Homer Street, Olean,
New York 14760, for the removal of solid waste from various senior wellness
and nutrition sites, and

WHEREAS, Casella Waste Management of New York, Inc., d/b/a SDS of
Olean, has requested that, effective July 1, 2010, the rate increase from
\$51.76 per month to \$55.76 per month for the City of Salamanca SWAN site
located at the Landmark Church, and

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

RESOLVED, that the County Administrator be, and hereby is,
authorized and directed to execute an amended contract, on behalf of
Cattaraugus County, with Casella Waste Management of New York, Inc., d/b/a
SDS of Olean, for the provision of the above-described services, for a term
commencing July 1, 2010 to continue in full force and effect until terminated
by either party hereto, according to the above-described terms, and be it
further

RESOLVED, that upon 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, 6 members of the Public
Works Committee and 7 members of the Senior Services Committee.

Adopted July 28, 2010 by voice vote.



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OF THE BOARD OF LEGISLATORS

381-2010 by Mr. Giardini
and Mr. Ellis

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE OCCUPATIONAL SAFETY & HEALTH HAZARD ABATEMENT
BOARD FOR OCCUPATIONAL SAFETY AND HEALTH TRAINING AND EDUCATION GRANT
PROGRAM AND INCREASING ESTIMATED REVENUE AND APPROPRIATION ACCOUNTS
(Department of Public Works)**

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

WHEREAS, funding is available through the New York State Occupational Safety and Health Hazard Abatement Board for the Occupational Safety and Health Training and Education Grant program, and

WHEREAS, the County Department of Public Works has been awarded an amount of \$9,459 through the aforementioned grant, and

WHEREAS, a contract with the New York State Occupational Safety and Health Hazard Abatement Board is necessary in order 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 Occupational Safety and Health Hazard Abatement Board, in order to accept and receive the aforementioned grant funding, for a term commencing August 1, 2010 and terminating July 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, and be it further

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

Increase Estimated Revenue Account:

D.3589	NYS Occupational Safety Grant	\$9,459.00
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Increase Appropriation Account:

D.5110.469	Training	\$9,459.00.
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Approved by 6 members of the Finance Committee and members of the Public Works Committee.

Adopted July 28, 2010 by voice vote.

ACT NO. 382-2010 by Mr. O'Brien

**AMENDING ACT 636-2009 REGARDING
COUNTY PURCHASING POLICY**

Pursuant to Section 104-b(2)(f) of the General Municipal Law.

WHEREAS, a recent amendment to the New York State General Municipal Law requires that municipalities identify the individual or individuals responsible for purchasing, and include that information in the municipality's purchasing policy, now, therefore, be it

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636-2009 is hereby amended as follows: Add Purchasing Responsibility. In accordance with 04-b(2)(f), the grid contained in section 3.1, supra, describes the required action and the level of approval required for purchases by Cattaraugus County."

Approved by 6 members of the Finance Committee.

Adopted July 28, 2010 by voice vote.

ACT NO. 383-2010 by Mr. McLarney and Mr. Ward
and Mr. Aiello and Mr. Boser¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION
WITH HODGSON RUSS LLP
FOR CONTRACT NEGOTIATION SERVICES AND
RESCINDING ACT 354-2010**

Pursuant to Section 5 of the Rules of Order Appendix and
Section 450 of the County Law.

WHEREAS, Act 184-2007, as amended by Acts 52-2008, 444-2008 and 324-2009, established fees for negotiating services of Hodgson Russ LLP, for purposes of negotiating the County's various collective bargaining agreements, and

WHEREAS, the fees established in Act 324-2009 were effective through June 30, 2010, and

WHEREAS, Hodgson Russ LLP has agreed to extend the term of the aforementioned contract until June 30, 2011, at the current 2009-2010 rates:

Partners	\$239 per hour
Senior Associates	227 per hour
Associate	204 per hour
Law Clerk	160 per hour
Paralegals	112 per hour,

and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to authorize a contract extension, on behalf of Cattaraugus County, with Hodgson Russ LLP, for a term commencing July 1, 2010 and terminating June 30, 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, and be it further

RESOLVED, that Act 354-2010 is hereby rescinded.

Approved by 6 members of the Finance Committee and 4 members of the Labor Relations Committee.

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

Adopted July 28, 2010 by voice vote.



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OF THE BOARD OF LEGISLATORS

384-2010 by Mr. Marsh

OF TAX TITLE PROPERTY (City of Olean)¹

Pursuant to Section 215 of the County Law and Rule 40 of the
Rules of Order of the Cattaraugus County Legislature.

WHEREAS, Cattaraugus County has tax title to certain property
situate in Cattaraugus County, as described below, and

WHEREAS, the property was exposed to bid at public auction as
required by Rule 40 of the Rules of Order of the Cattaraugus County
Legislature, and

WHEREAS, the highest bid received for the property was the bid
listed below, now, therefore, be it

RESOLVED, that if the tender by the high bidder of the total
purchase price is not made within 30 days after the adoption hereof, then the
acceptance of that individual's bid shall thereafter be void and of no
further effect, as of course, and the bid deposit shall be forfeited pursuant
to Rule 40.8 of the Rules of Order, and be it further

RESOLVED, that the County Treasurer be, and hereby is, authorized
and directed to execute a County Treasurer's Deed conveying the property to
the following individual at the bid price listed:

CITY OF OLEAN¹

PARCEL NO.	TAX MAP NO.	HIGH BIDDER	ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
259	94.059-1-28	Ryan Reed	1554 Happy Hollow Rd. Olean, NY 14760	\$10,369.19	\$5,000

¹ MR. MARSH moved, seconded by Mr. Vecchiarella to amend Act No. 384-
2010 as follows: In the title and in the second Resolved, delete: "Town of
Allegany" and replace with: "City of Olean". Carried.

Adopted, as amended, July 28, 2010 by voice vote.

ACT NO. 385-2010 by Mr. Ward

SALE OF TAX TITLE PROPERTY TO TOWN OF GREAT VALLEY AND WAIVING RULE 40 OF THE RULES OF ORDER

Pursuant to Section 215 of the County Law, Rule 33 of the
Rules of Order of the Cattaraugus County Legislature, and
Section 72-h of the General Municipal Law.

WHEREAS, Cattaraugus County has tax title to certain property in
the Town of Great Valley described as follows:

Parcel 115: being part of Lot 28, Town 03, Range 06, about
100.00' X 30.00', Acct. No. 1080, TM #65.013-2-17, located on US Route 219,
and

WHEREAS, the Town of Great Valley has offered to purchase the
property for the amount of \$421.41, which covers the County's financial
involvement in the property, and

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has been tendered by the Town of Great Valley
ty should be conveyed to the Town of Great
Valley, now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized to
convey the aforementioned parcel to the Town of Great Valley, by the issuance
of a County Treasurer's Deed, and be it further

RESOLVED, that Rule 40 of the Rules of Order of the Cattaraugus
County Legislature is hereby waived for this sale.

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

Adopted July 28, 2010 by voice vote.

ACT NO. 386-2010 by Mr. Burrell, Ms. Vickman and Mr. Hebdon

**SALE OF TAX TITLE PROPERTY TO FORMER OWNER
(Town of Ellicottville)**

Pursuant to Section 215 of the County Law and
Rule 40 of the Rules of Order of the
Cattaraugus County Legislature.

WHEREAS, Cattaraugus County has tax title to certain property
situate in the Town of Ellicottville, as described below, and

WHEREAS, the former owner of the property has offered to purchase
the same at a cost which will cover the County's financial involvement in
these premises, and

WHEREAS, the cost involved for these premises has been tendered
to the County Treasurer's Office, now, therefore, be it

RESOLVED, that the County Treasurer be, and hereby is, authorized
and directed, on behalf of Cattaraugus County, to execute a County
Treasurer's Deed conveying this property to the following individual:

TOWN OF ELLICOTTVILLE

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
74	55.028-2-11	Australia Trading, LLC	c/o John Robertson 2855 E. Cottonwood Parkway, Suite 340 Salt Lake City, UT 84121	\$22,141.88
78	55.028-2-9.2	Ellicottville Development, LLC	c/o John Robertson 2855 E. Cottonwood Parkway, Suite 340 Salt Lake City, UT 84121	\$10,950.92

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

Adopted July 28, 2010 by voice vote.



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OF THE BOARD OF LEGISLATORS

387-2010 by Mr. Murphy
Aiello and Mr. Burrell¹

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT
WITH SWANSON SERVICES CORPORATION
FOR COBRA BANKER SOFTWARE FOR JAIL COMMISSARY**

Pursuant to Sections 217 and 450 of the County Law.

WHEREAS, the County Sheriff's Office entered into a contract with Swanson Services Corporation on March 1, 1998 for the provision of commissary services in the Jail, and

WHEREAS, Swanson Services Corporation, 1131 Pennsylvania Street, Denver, Colorado 80203, can provide, at no charge to the County, the software and equipment necessary to collect, disburse and account for funds used by Jail inmates through the installation of one (1) combo Booking Cashier and one (1) combo Lobby Cashier, 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 Swanson Services Corporation, for the provision of the above-described services, for a term commencing May 17, 2010 and terminating May 16, 2013, 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 6 members of the Public Safety Committee.

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

Adopted July 28, 2010 by voice vote.

ACT NO. 388-2010 by Mr. Murphy
and Mr. Aiello and Mr. Burrell¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS-ALLEGANY-ERIE-WYOMING BOCES FOR
INMATE INSTRUCTIONAL SERVICES SECURITY**

Pursuant to 8 NYCRR Part 118 and Section 450 of the County Law.

WHEREAS, BOCES is required to provide at least 15 hours of instructional programs to persons under 21 years of age who have not received a high school diploma and who have been incarcerated for a period of 10 or more calendar days in a County Jail, and

WHEREAS, Act 580-2007 authorized a contract with BOCES for the provision of security services by the Sheriff's Office at the rate of \$12.55 per hour during the hours of the aforementioned instruction programs provided by BOCES, the term of which expired June 30, 2010, and

by Sheriff's Office will continue to provide hours of the instructional programs provided by

WHEREAS, BOCES shall continue to pay to the County an amount of \$12.55 per hour for a maximum of 30 hours per week for 50 weeks per year, 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-Erie-Wyoming BOCES, for the provision of the above-described services, for a term commencing July 1, 2010 and terminating June 30, 2011, with the option to renew for two (2) additional one-year periods, 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 5 members of the Public Safety Committee.

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

Adopted July 28, 2010 by voice vote.

ACT NO. 389-2010 by Mr. McLarney and Mr. Boser

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
SALAMANCA AREA CHAMBER OF COMMERCE, INC. FOR
INFORMATION CENTER MANAGER/COORDINATOR**

Pursuant to Sections 224(14) and 450 of the County Law.

WHEREAS, Act 327-2009 authorized a contract with the Salamanca Area Chamber of Commerce, Inc., 26 Main Street, Salamanca, New York 14779, for the provision of an information center manager for the I-86 (westbound) rest area, the term of which expired June 30, 2010, and

WHEREAS, the County is responsible for staffing the rest area on I-86 (westbound) in the Town of Allegany for a minimum of five (5) hours per day for 151 days per year, plus additional hours per day during the holiday periods of Thanksgiving, Christmas and Easter, and

WHEREAS, the County Department of Economic Development, Planning and Tourism does not have sufficient staff to provide management of the information center, and

WHEREAS, the Salamanca Area Chamber of Commerce, Inc., 26 Main Street, Salamanca, New York 14779, can provide an information center manager/coordinator for a minimum of 20 hours per week, with six (6) to eight (8) hours on Sundays (mandatory), as well as holiday periods, for an amount of \$15,000, per year, and

WHEREAS, funding for this program is provided through casino proceeds, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Salamanca Area Chamber of Commerce, Inc., for the provision of the above-described services, for a term commencing July 1, 2010 and



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According to the above-described terms, and be it
reduction or termination of either state or
federal funding for this program, then this program shall be automatically
abolished.

Referred to the Finance Committee and the Development and Agriculture
Committee.

ACT NO. 390-2010 by Mr. McLarney and Mr. Boser
and Mr. Aiello, Mr. Burrell and Mr. Padlo¹

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

Pursuant to 42 USCS 5301 and 5303, 24 CFR Part 570 and
Act 636-2009 of the Cattaraugus County Legislature.

WHEREAS, Act 339-2009 authorized a contract with M. Mark Howden
for the HUD Small Cities Community Development Block Grant and the Empire
State Development Corporation Community Development Block Grant, the term of
which expires July 31, 2010, and

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

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

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

RESOLVED, that the County Administrator be, and hereby is,
authorized to execute a contract, on behalf of Cattaraugus County, with M.
Mark Howden, for a term commencing August 1, 2010 and terminating July 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 4 members of the
Development and Agriculture Committee.

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

Adopted July 28, 2010 by voice vote.

0 by Mr. Burrell and Mr. Boser

**TO EXECUTE CONTRACT MODIFICATION WITH
TOWN OF ALLEGANY FOR WATER AND SEWER LINE EXTENSION**

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

WHEREAS, Act 375-2009 as amended by Act 609-2009, authorized a contract to assist the Town of Allegany with the extension of the water and sewer lines from the Village of Allegany, along Route 417 to the West Five Mile Road at the Interstate 86 exit in the Town of Allegany, for an amount of \$200,000, the term of which expired June 30, 2010, and

WHEREAS, the Town of Allegany has requested a one (1) month extension of the aforementioned contract in order to complete the water line portion of the aforementioned project, and

WHEREAS, the Town of Allegany will not be installing a sewer line, thereby modifying the scope of the project, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract modification, on behalf of Cattaraugus County, with the Town of Allegany, according to the above-described terms, for a term commencing July 1, 2010 and terminating July 31, 2010, and be it further

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

Approved by 6 members of the Finance Committee and 4 members of the Development and Agriculture Committee.

Adopted July 28, 2010 by voice vote.

ACT NO. 392-2010 by Mr. Neal and Mr. Snyder

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

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

WHEREAS, Act 349-2009 authorized a contract with Everywoman Opportunity Center, Inc., 132 North Union Street, Suite 107, Olean, New York 14760, for the provision of comprehensive pre-employment related and supportive services to TANF-eligible recipients and 200% TANF-eligible recipients, the term of which expired June 30, 2010, and

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

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

WHEREAS, this program is 100% federally funded through the Flexible Fund for Family Services, now, therefore, be it



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County Administrator be, and hereby is, execute a contract, on behalf of Cattaraugus Community Center, Inc., for the provision of the above-described services, for a term commencing August 1, 2010 and terminating June 30, 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 5 members of the Human Services Committee.

Adopted July 28, 2010 by voice vote.

ACT NO. 393-2010 by Mr. Neal and Mr. Snyder

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

Pursuant to 9 NYCRR Sections 771.6 and 771.7,
Public Law 104-193 and Act 636-2009 of the
Cattaraugus County Legislature.

WHEREAS, Act 352-2009 authorized a contract with the Olean YMCA, 130 South Union Street, Olean, New York 14760, for the provision of YMCA memberships for family activities for at-risk youth and families in an effort to reduce at-risk factors and out-of-home placement, for an amount of \$12,000, the term of which expired June 30, 2010, and

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

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

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

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Olean YMCA, for the provision of the above-described services, for a term commencing August 1, 2010 and terminating June 30, 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.

Referred to the Finance Committee and the Human Services Committee.

ACT NO. 394-2010 by Mr. Neal and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD, INC. FOR
OPERATION OF WIA ONE-STOP PROGRAM**

Pursuant to P.L. 105-220, Workforce Investment Act of 1998,
20 USC 9201 and Section 450 of the County Law.

2009 authorized a contract with the Cattaraugus-Allegany Workforce Investment Board, Inc., for the operation of the program, the term of which expired June 30, 2010, and

WHEREAS, the WIB has the authority to regulate and provide funding for the establishment and operation of program services and desires to contract with skilled parties possessing the necessary resources to provide such services, and

WHEREAS, the County Department of Social Services is desirous of providing for the operation of the WIA One-Stop program and can make available all necessary qualified personnel, licenses, facilities and expertise to perform, or have performed, the services required, and

WHEREAS, the WIB will pay the County for the administration of the above-described program the sum of \$474,105, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Cattaraugus-Allegany Workforce Investment Board, Inc., for the provision of the above-described services, for a term commencing July 1, 2010 and terminating June 30, 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, 5 members of the Human Services Committee and 4 members of the Development and Agriculture Committee.

Adopted July 28, 2010 by voice vote.

ACT NO. 395-2010 by Mr. Neal and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD, INC. FOR
YEAR-ROUND YOUTH PROGRAMS**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 439-2009 authorized a contract with the Cattaraugus-Allegany Workforce Investment Board, Inc. (WIB), for the provision of services necessary to operate year-round youth programs, the term of which expired June 30, 2010, and

WHEREAS, the County Department of Social Services is desirous of continuing the provision of services to youth and can make available all necessary qualified personnel, licenses, facilities and expertise to perform, or have performed, the services required, and

WHEREAS, the WIB will pay the County an amount of \$87,973 for the provision of the above-described youth services for the period July 1, 2010 through June 30, 2011, and

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



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Chair of the Legislature be, and hereby is, execute a contract, on behalf of Cattaraugus Allegany Workforce Investment Board, Inc., for the provision of the above-described services, for a term commencing July 1, 2010 and terminating June 30, 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, 5 members of the Human Services Committee and 4 members of the Development and Agriculture Committee.

Adopted July 28, 2010 by voice vote.

ACT NO. 396-2010 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 expired March 31, 2010, and

WHEREAS, the County Health Department has been awarded a grant in the amount of \$18,985 for the period April 1, 2010 to September 30, 2010, and

WHEREAS, this program is 39.8% federal, 24.53% state, 28.87% County and 6.8% other funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the New York State Department of Health for the provision of funding for the Childhood Lead Poisoning Prevention Program, for a term commencing April 1, 2010 and terminating September 30, 2010, according to the above-described terms, and be it further

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

Approved by 6 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted July 28, 2010 by voice vote.

10 by Mr. Neal and Mr. Snyder

**CHAIR TO EXECUTE CONTRACT WITH
SOUTHERN TIER CREDIT CENTER, INC. FOR
HEALTH DEPARTMENT COLLECTION SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Health Department is in need of collection services for delinquent accounts, and

WHEREAS, Southern Tier Credit Center, Inc., 112 Main Street, 2nd Floor, P.O. Box 118, Hornell, New York 14843, shall provide collection services for the County Health Department for an amount of 33 1/3% of all amounts collected and an amount of 50% of the amount collected in the event legal action is initiated for such collection, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Southern Tier Credit Center, Inc., for the provision of the above-described services, for a term commencing July 1, 2010 and terminating December 31, 2011, according to the above-described terms, and be it further

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

Approved by 6 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted July 28, 2010 by voice vote.

ACT NO. 398-2010 by Mr. O'Brien
and Mr. Aiello¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
MCCARTHY & CONLON, LLP FOR AUDITING SERVICES FOR
DEPARTMENTS OF AGING, HEALTH, COMMUNITY SERVICES AND NURSING HOMES**

Pursuant to Sections 210 and 450 of the County Law.

WHEREAS, Act 324-2007 authorized a contract with McCarthy & Conlon, LLP, 185 Chestnut Ridge Road, Queensbury, New York 12804, for the provision of auditing, accounting and reimbursement consultant services for the County Departments of Aging, Health, Community Services and Nursing Homes, the term of which expires December 31, 2010, and

WHEREAS, the County is desirous of obtaining auditing, accounting and reimbursement consultant services for the years ending December 31, 2010, 2011 and 2012, and

WHEREAS, McCarthy & Conlon, LLP, has agreed to provide the aforementioned auditing services for an amount of \$62,000, in accordance with the following schedule:

Department of Nursing Homes	\$31,000.00 per year
Department of Health	\$22,500.00 per year
Department of Community Services	\$ 5,500.00 per year

\$ 3,000.00 per year,

WHEREAS, the aforementioned audits must be conducted in order for the County to receive any State reimbursement, 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 McCarthy & Conlon, LLP, for the provision of the above-described services, for a term commencing January 1, 2011 and terminating December 31, 2013, 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, 5 members of the Human Services Committee and 7 members of the Senior Services Committee.

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

Adopted July 28, 2010 by voice vote.

ACT NO. 399-2010 by Mr. McLarney and Mr. Ward
and Mr. Aiello¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
PUBLIC SECTOR HR CONSULTANTS LLC FOR
WORKPLACE VIOLENCE PREVENTION PROGRAM AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Human Resources)**

Pursuant to Section 27-b of the Labor Law and
Sections 363 and 366 of the County Law.

WHEREAS, Section 27-b of the New York State Labor Law requires the County to develop a formal policy, promulgate rules and develop a program to ensure the safety and well being of its employees, and

WHEREAS, the regulations and requirements established by the New York State Department of Labor pursuant to 12 NYCRR Section 800.6 require that:

- the employer shall prepare and post a policy statement; and
- the employer shall examine records to identify any patterns of workplace violence; and
- the employer shall assess current policies, work practices and procedures that impact risk of workplace violence; and
- the employer shall provide employee workplace violence prevention training, as well as other requirements,

and

WHEREAS, Public Sector HR Consultants LLC, 14 Knollwood Drive, Glenville, New York 12302, can assist Cattaraugus County in complying with the regulations set forth in 12 NYCRR Section 800.6 by performing Workplace Risk Evaluation, developing a written policy statement, developing a written Workplace Violence Prevention Program and providing the required employee training and education, and

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ector HR Consultants LLC, can perform the
st of \$19,500, plus travel expenses, and
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 Public Sector HR Consultants LLC, for the provision of the
above-described services, for a term commencing August 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.9010.831	Provision Health Insurance Buy-Out	\$21,000.00
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Increase Appropriation Account:

A.1445.455	Professional Services	\$21,000.00.
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Approved by 6 members of the Finance Committee and 4 members of the
Labor Relations Committee.

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

Adopted July 28, 2010 by voice vote.

ACT NO. 400-2010 by Mr. Giardini
and Mr. Burrell, Mr. Ellis, Ms. Vickman and Mr. Hebdon

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ABATE ASSOCIATES ENGINEERS & SURVEYORS, P.C. FOR
CONSTRUCTION INSPECTION SERVICES FOR
ASHFORD CULVERT NO. 69 REPLACEMENT PROJECT**

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

WHEREAS, construction inspection services are needed for the
Ashford Culvert No. 69 replacement project, and

WHEREAS, Abate Associates Engineers & Surveyors, P.C., 4455
Genesee Street, P.O. Box 218, Buffalo, New York 14225-0218, can provide a
certified inspector for the provision of on-site construction inspection
services for the Ashford Culvert No. 69 replacement project, for an amount
not to exceed \$50,012, 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 Abate Associates Engineers & Surveyors, P.C., for the provision
of the above-described services, for a term commencing July 29, 2010 and
terminating December 31, 2010, according to the above-described terms.

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



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by Mr. Neal to refer Act No. 400-2010 to the
Public Works Committee. Carried.

ACT NO. 401-2010 by Mr. Giardini
and Mr. Ellis

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
WENDEL DUCHSCHERER ARCHITECTS & ENGINEERS, P.C. FOR
COUNTY OFFICE BUILDINGS IMPROVEMENTS**

Pursuant to American Recovery and Reinvestment Act of 2009
(Public Law 111-5), and Section 450 of the County Law.

WHEREAS, Act 412-2009, as amended by Act 615-2009, authorized a contract with Wendel Duchscherer Architects & Engineers, P.C., 140 John James Audubon Parkway, Suite 201, Amherst, New York 14228, for the provision of design and construction services for improvements to the Little Valley County Center and the Olean Office Center, and

WHEREAS, the County Department of Public Works is desirous of modifying the aforementioned contract to include window analysis and printing costs, and

WHEREAS, Wendel Duchscherer Architects & Engineers, P.C., can provide the aforementioned additional services for an amount of \$3,223.52, as follows:

Window Analysis	\$ 2,540.00
Printing Costs	\$ 683.52,

and

WHEREAS, American Recovery and Reinvestment Act funding is available for 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 Wendel Duchscherer Architects & Engineers, P.C., for the provision of the above-described services, for a term commencing July 28, 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.

Referred to the Finance Committee and the Public Works Committee.

ACT NO. 402-2010 by Mr. Neal and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS REHABILITATION CENTER, INC. FOR
DEPARTMENT OF COMMUNITY SERVICES
AFTERNOON GAP PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Community Services is desirous of extending participation in the Afternoon Group Activities People (GAP) Program to its blended child case management clients, and

Cattaraugus Rehabilitation Center, Inc., 1439
14760, operates the Afternoon GAP Program and
child case management clients to attend for
an amount of \$16.68 per hour and/or \$4.17 per fifteen minute increment, for
an amount not to exceed \$5,000, and

WHEREAS, the aforementioned services are 100% state funded, now,
therefore, be it

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

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

Approved by 6 members of the Finance Committee and 5 members of the
Human Services Committee.

Adopted July 28, 2010 by voice vote.

ACT NO. 403-2010 by Mr. Neal and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT
WITH DOCUTRAC, INC. FOR
DEPARTMENT OF COMMUNITY SERVICES QUICDOC SOFTWARE AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Community Services)**

Pursuant to Section 41.07 of the Mental Hygiene Law and
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 439-2007 authorized a contract with Accumedic
Computer Systems, Inc., for the provision of the AccuMed Software System,
including licenses for the AccuMed System, the QuicDoc System, and the
Scheduler and Patient Accounts modules, and

WHEREAS, the Department of Community Services is desirous of
purchasing 15 additional QuicDoc software licenses for use in the PROS
Program, and

WHEREAS, DocuTrac, Inc., 20140 Scholar Drive, Suite 218,
Hagerstown, Maryland 21742, can provide the aforementioned fifteen (15)
additional QuicDoc software licenses for an amount of \$500 per license for a
total amount of \$7,500, plus an amount of \$972 for maintenance for six (6)
months, 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 an amended contract, on behalf of
Cattaraugus County, with DocuTrac, Inc., for the provision of the above-
described software and services, for a term commencing August 1, 2010 and
terminating February 28, 2011, according to the above-described terms, and be
it further

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



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\$972.00

Increase Appropriation Account:
A .4332.422 Maintenance

\$972.00.

Approved by 6 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted July 28, 2010 by voice vote.

ACT NO. 404-2010 by Mr. Neal and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH FIELDS RESEARCH, INC.
FOR DEPARTMENT OF HEALTH HH-CAHPS SURVEY**

Pursuant to Section 450 of the County Law.

WHEREAS, the Centers for Medicare & Medicaid Services require that all home health care agencies that receive Medicare/Medicaid conduct a HH-CAHPS survey on a monthly basis, and

WHEREAS, the Consumer Assessment of Healthcare Providers and Systems (CAHPS®) Home Health Care Survey, hereafter referred to as the "HH-CAHPS Survey", is designed to measure the experiences of people receiving home health care from Medicare-certified home health agencies, and

WHEREAS, Fields Research, Inc., 3814 West Street, Cincinnati, Ohio 45227, can conduct 300 HH-CAHPS surveys for a flat fee of \$300 per month, plus a one-time setup fee of \$200, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Fields Research, Inc., for the provision of the above-described services, for a term commencing August 1, 2010 and terminating July 31, 2011, according to the above-described terms.

Approved by 6 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted July 28, 2010 by voice vote.

ACT NO. 405-2010 by Mr. Neal and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
WCA HOSPITAL FOR HEALTH DEPARTMENT
PHYSICAL THERAPY SERVICES**

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

WHEREAS, the County Health Department is in need of home health care physical therapy services, and

WHEREAS, WCA Hospital, 207 Foote Avenue, Jamestown, New York 14701, can provide physical therapy services, for an amount as follows:

by Services \$48/standard office visit
\$21/short office visit
\$28/hour for meetings,

and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with WCA Hospital, for the provision of the above-described services, for a term commencing *July 1, 2010* and terminating *June 30, 2011*¹, 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 5 members of the Human Services Committee.

¹ MR. VECCHIARELLA moved, seconded by Mr. Marsh to amend Act No. 404-2010 as follows: In the first Resolved, delete: "August 2, 2010 and terminating December 31, 2010", and replace with: "July 1, 2010 and terminating June 30, 2011". Carried.

Adopted, as amended, July 28, 2010 by voice vote.

ACT NO. 406-2010 by Mr. Vecchiarella

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
FISCAL ADVISORS & MARKETING, INC. FOR
DISSEMINATION AGENT SERVICES**

Pursuant to 17 CFR Part 240 and 240.15c2-12.

WHEREAS, Act 427-2007 authorized a contract with Fiscal Advisors & Marketing, Inc., 120 Walton Street, Suite 600, Syracuse, New York 13202, the term of which expires July 31, 2010, and

WHEREAS, the aforementioned contract was necessary due to changes in the Securities and Exchange Commission rules concerning determinations of material events and authorizing designation of a dissemination agent for the County for purposes of complying with Securities and Exchange Commission Rules 15c2-12, and

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

WHEREAS, Fiscal Advisors & Marketing, Inc., has proposed to continue providing the aforementioned services for the same fees, which are as follows:

Continuing Secondary Market Disclosure Service \$1,800.00
for AFIOD and Audited Financial Statements (annual fee)

Continuing Secondary Market Disclosure of \$ 500.00
Material Events (per event disclosure),

and



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the \$1,800 fee is waived for those years that
dated final official statement which qualifies
ore, be it

RESOLVED, that the Chair of the Cattaraugus County Legislature
be, and hereby is, authorized and directed to execute a contract, on behalf
of Cattaraugus County, with Fiscal Advisors & Marketing, Inc., for the
provision of the above-described services, for a term commencing August 1,
2010 and terminating July 31, 2013, according to the above-described terms.

Approved by 6 members of the Finance Committee.

Adopted July 28, 2010 by voice vote.

ACT NO. 407-2010 by Mr. Neal and Mr. Snyder

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

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 163-2010 authorized a contract with Jamestown
Psychiatric, P.C., 560 West Third Street, Jamestown, New York 14701, for the
provision of psychiatric services for the Department of Community Services'
Day Treatment clients in the PROS program through a Psychiatrist a rate of
\$165 per hour for a maximum amount of 340 hours, and

WHEREAS, an amended contract is necessary in order to clarify
certain terms and conditions regarding compensation for travel, and

WHEREAS, Jamestown Psychiatric, P.C., 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 of direct
care for a maximum amount of 340 hours plus \$165 per hour for travel time,
for a total program amount not to exceed \$56,100, 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 an amended 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.

Referred to the Finance Committee and the Human Services Committee.

0 by Mr. McLarney and Mr. Ward
and Mr. Aiello¹

**AUTHORIZING RISK MANAGER TO EXECUTE GRANT APPLICATION
THROUGH U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR
EARLY RETIREE REINSURANCE PROGRAM APPLICATION**

Pursuant to Section 450 of the County Law.

WHEREAS, the Healthcare Reform Act established an Early Retiree Reinsurance Program, and

WHEREAS, it would be in the best interests of the County to apply through the U.S. Department of Health and Human Services to participate in the aforementioned program, and

WHEREAS, an application must be executed in order to apply, now, therefore, be it

RESOLVED, that the Cattaraugus County Risk Manager be, and hereby is, authorized and directed to execute an application, on behalf of Cattaraugus County, with the U.S. Department of Health and Human Services, in order to participate in the Early Retiree Reinsurance Program, for a term commencing June 21, 2010 and terminating January 1, 2014, or upon exhaustion of funds, whichever is earlier, according to the above-described terms, and

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 4 members of the Labor Relations Committee.

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

Adopted July 28, 2010 by voice vote.

ACT NO. 409-2010 by Mr. Burrell, Mr. Ellis, Mr. Marsh,
Ms. Vickman, Mr. Boser, Mr. Hebdon and Mr. McClune
who ask immediate consideration

**BID ACCEPTANCE FOR REPLACEMENT OF ASHFORD CULVERT NO. 69 AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and
Sections 363, 366, 408 and 408-a of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the replacement of Ashford Culvert No. 69, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was the bid of D & H Excavating, Inc., 11939 Route 98 South, Arcade, New York 14009, in the amount of \$1,339,376.50, for a term commencing on the date of the contract signing and terminating October 31, 2010, and

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

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



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the vouchers accordingly certified by the
of Public Works be audited by the Auditor and
and be it further

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

Decrease Appropriation Accounts:

H.5197.201	Milling & Paving Program	\$ 117,250.00
H.5197.204	Mansfield Culvert No. 1	\$ 45,000.00
H.5197.214	South Valley No. 26	\$ 120,000.00
H.5197.215	County Road No. 46	\$ 868,750.00
H.5198.387	New Albion Culvert No. 33	\$ 43,000.00

Increase Estimated Revenue Account:

H.3501	Consolidated Highway Aid	\$ 236,000.00
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Increase Appropriation Account:

H.5198.307	Ashford Culvert No. 69	\$1,430,000.00
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No State Bid.

Fifteen sets of specifications were sent out.

Four bids were received.

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

MR. MARSH moved, seconded by Mr. Vecchiarella to refer Act No. 409-2010
to the Finance Committee and the Public Works Committee. Carried.

ACT NO. 410-2010 by Mr. Burrell, Mr. Ellis, Mr. Marsh, Ms. Vickman,
Mr. Boser, Mr. Hebdon and Mr. McClune
who ask immediate consideration

**BID ACCEPTANCE FOR 2010 BRIDGE DECK SEALING PROGRAM
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law,
Section 131-b of the Highway Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise
for sealed bids for the 2010 bridge deck sealing program, according to bid
specifications and general information provided by the Public Works
Committee, and

WHEREAS, the lowest bid received meeting specifications for the
provision of the aforementioned bridge deck sealing program was the bid of
Amstar of Western New York, Inc., 825 Rein Road, Cheektowaga, New York 14225,
in the amount of \$65,914, and

WHEREAS, the aforementioned bridge deck sealing program shall
commence upon notice to proceed and shall be completed by September 30, 2010,
and

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

RESOLVED, that the bid of Amstar of Western New York, Inc., be,
and the same hereby is, accepted, and be it further

the vouchers accordingly certified by the
of Public Works be audited by the Auditor and

No State Bid.
10 sets of specifications were sent out.
Five bids were received.

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

Adopted July 28, 2010 by voice vote.

ACT NO. 411-2010 by Mr. Burrell, Mr. Ellis, Mr. Marsh,
Mr. Boser, Mr. Hebdon and Mr. McClune
who ask immediate consideration

**BID ACCEPTANCE FOR PAINTING OF VARIOUS COUNTY BRIDGES
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and
Section 131-b of the Highway Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise
for sealed bids for painting of various county bridges, according to bid
specifications and general information provided by the Public Works
Committee, and

WHEREAS, the lowest bid received meeting specifications for five
(5) bridges was the bid of Amstar of Western New York, Inc., 825 Rein Road,
Cheektowaga, New York 14225, as follows:

East Otto Bridge No. 14	\$ 44,900.00
Cold Spring Bridge No. 9	\$ 34,900.00
Freedom Bridge No. 27	\$ 46,900.00
Yorkshire Bridge No. 11	\$ 44,900.00
Yorkshire Bridge No. 20	\$110,900.00,

and

WHEREAS, the aforementioned bridge painting services shall
commence upon notice to proceed and shall be completed by October 31, 2010,
and

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

RESOLVED, that the bids of Amstar of Western New York, Inc., be,
and the same hereby are, 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.
Nine sets of specifications were sent out.
Three bids were received.

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

Adopted July 28, 2010 by voice vote.



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Mr. Burrell, Mr. Ellis, Mr. Marsh,
Mr. Hebdon and Mr. McClune
immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
WENDEL DUCHSCHERER ARCHITECTS & ENGINEERS FOR
OLEAN COUNTY CENTER SERVER ROOM AIR CONDITIONING UNIT
REPLACEMENT PROJECT ENGINEERING SERVICES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the once-through water-cooled air conditioning unit located in the server room at the Olean County Center is leaking and in need of immediate replacement, and

WHEREAS, Wendel Duchscherer Architects & Engineers, 140 John James Audubon Parkway, Suite 201, Amherst, New York 14228, can provide the engineering services required for the replacement of the aforementioned air conditioning unit with a new air-cooled unit that will deliver the same performance while consuming no domestic water, for an amount of \$14,250, 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 Wendel Duchscherer Architects & Engineers, for the provision of the above-described services, for a term commencing July 29, 2010 and terminating March 31, 2011, according to the above-described terms.

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

Adopted July 28, 2010 by voice vote.

ACT NO. 413-2010 by Mr. Ellis
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH WATER WISE, INC.
FOR WATER TREATMENT AT PINES HEALTHCARE AND
REHABILITATION CENTER - MACHIAS CAMPUS**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the County is in need of water treatment services at the Pines Healthcare and Rehabilitation Center - Machias Campus and the Stone House, and

WHEREAS, Water Wise, Inc., 311 Exchange Boulevard, Rochester, New York 14608, can provide a complete water treatment service program, for the Pines Healthcare and Rehabilitation Center - Machias Campus and Stone House, to insure protection against scale, corrosion and biological fouling of equipment for an amount of \$171.25 per month, or an annual amount of \$2,055, 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 Water Wise, Inc., for the provision of the above-described

August 1, 2010 and terminating July 31, 2015,
terms.

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

Adopted July 28, 2010 by voice vote.

ACT NO. 414-2010 by Mr. Marsh and Mr. Neal
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR
FORMER RANDOLPH FOUNDRY CLEANUP**

Pursuant to Article 56 of the Environmental Conservation Law and
the Clean Water/Clean Air Bond Act of 1996 and
Section 450 of the County Law.

WHEREAS, Act 162-2006, as amended, authorized a contract with the
New York State Department of Environmental Conservation for the receipt of a
grant in the amount of \$121,500 for the remedial investigation work plan, for
the cleanup of the former Randolph Foundry site, and

WHEREAS, an amended contract is necessary with the New York State
Department of Environmental Conservation in order to extend the term of the
contract to July 31, 2011, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is,
authorized and directed to execute a contract extension, on behalf of
Cattaraugus County, with the New York State Department of Environmental
Conservation, for the acceptance of the aforementioned funding, for a term
commencing February 24, 2006 and terminating July 31, 2011, according to the
above-described terms.

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

Adopted July 28, 2010 by voice vote.

ACT NO. 415-2010 by Mr. Burrell, Ms. Vickman and Mr. Hebdon
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION
FOR CASE LAKE PARK REHABILITATION AND ENHANCEMENT**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 150-2007 authorized a contract with the New York
State Office of Parks, Recreation and Historic Preservation for construction
of a pavilion, additional parking and an access drive, paving, drainage,
signage and amenities to include picnic tables, grills and trash receptacles
at the Case Lake Recreational Area, the term of which expired December 31,
2008, and



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OF THE BOARD OF LEGISLATORS

Cattaraugus County owns Case Lake in the Town of ...
... of the aforementioned contract is necessary
to include previously purchased playground equipment as an "in-kind" match of
funds, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is,
authorized and directed to execute a contract extension, on behalf of
Cattaraugus County, with the New York Office of Parks, Recreation and
Historic Preservation, for the above-described Case Lake Park Rehabilitation
and Enhancement Project, for a term commencing October 20, 2006 and
terminating December 31, 2011, according to the above-described terms.

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

Adopted July 28, 2010 by voice vote.

ACT NO. 416-2010 by Mr. Aiello, Mr. Ellis, Mr. O'Brien,
Mr. Sprague and Mr. Ward
and Mr. Burrell, Mr. Marsh, Mr. McLarney, Mr. Murphy, Mr. Neal, Mrs.
Stockman, Mr. Teachman, Mr. Vecchiarella, Ms. Vickman, Mr. Boser, Mr.
Giardini, Mr. Hebdon, Mr. Nenno and Mr. Padlo¹
who ask immediate consideration

URGING NEW YORK STATE TO SIGNIFICANTLY CUT UNFUNDED MANDATES THAT CAUSE LOCAL PROPERTY TAX INCREASES BEFORE IMPOSING A CAP ON LOCAL PROPERTY TAXES

Pursuant to Section 153 of the County Law.

WHEREAS, Governor Paterson and many State Legislators are
supportive of a cap on local property tax levies of 4%, or 120% of inflation,
whichever is less, and

WHEREAS, the Cattaraugus County Legislature is also supportive of
a property tax cap, but the cap must include associated State mandated
relief, and

WHEREAS, the Cattaraugus County Legislature is very concerned
about the increase in local property tax increases largely driven by unfunded
mandates imposed upon all levels of local government by New York State, and

WHEREAS, little or no action has been taken by New York State to
eliminate, decrease or control the costs of unfunded State mandates, which
have been driving county property tax levels for decades, and

WHEREAS, without mandate reform, such a cap would be impossible
because State mandates make up as much as 75% to 85% of a county budget, and
these State costs increase substantially each year, well over the proposed 4%
cap, evidenced as follows:

- County payments to the NYS Retirement System are expected to rise
between 7.4% and 11.9%, depending on the particular retirement
plan, in 2011;
- the local cost of Medicaid rises 3% each year;
- the State continues to shift its costs to counties in the 2009-10
and 2010-11 State budgets;
- New York State currently owes Cattaraugus County over \$9 million,
overdue for State services rendered by Cattaraugus County;

islatiue session, the State shifted over \$100 to counties for delivering state services welfare and youth detention programs, representing yet another unfunded mandate, and

WHEREAS, counties are mandated by the State to use local tax dollars to pay for State programs such as Medicaid, early intervention services, pre-school special education services, public assistance, child welfare, youth detention, jails and numerous other programs basically offsetting the State's responsibility for these programs, and

WHEREAS, the property tax cap proposal does nothing to reduce or eliminate the current mandates, and

WHEREAS, the property tax cap proposal allows local boards to override the cap with a two-thirds majority vote, thereby not only shifting costs to local governments, but also unfairly shifting responsibility to local leaders for tax increases that are actually caused by the State, and

WHEREAS, the Cattaraugus County Legislature has, through responsible financial and budgetary actions and policies, stabilized and decreased full value property tax rates from \$12.88 to \$12.15 per thousand since 2005, despite the recession, and without the "benefit" of a State-imposed property tax cap, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature urges the State not to impose a local property tax cap, unless it is coupled with significant cuts to the State mandated programs that cause local property tax increases, and be it further

RESOLVED, that copies of this Resolution be forwarded to Governor Paterson, Senate Majority Leader Espada, Senate Minority Leader Skelos, Senator Young, Assembly Speaker Silver, Assembly Minority Leader Kolb, Assembly Member Giglio, the Western New York Inter-County Association, and the New York State Association of Counties.

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

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

Adopted July 28, 2010 by voice vote.

MR. MARSH moved, seconded by Mr. Giardini to adjourn until August 25, 2010 at 3:00 p.m. Carried.

Meeting adjourned at 3:50 p.m.

Ann M. Giglio
Journal Clerk