



February 23, 2011

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

The invocation was given by Rev. LeFeber.

The Attendance Roll Call disclosed two Legislators absent - Mr. Hebdon and Mr. Neal.

MR. ELLIS moved, seconded by Mr. Teachman that the minutes of the February 9, 2011 session be approved. Carried.

\* \* \* \* \*

**APPOINTMENTS:**

**Equine Advisory Committee**  
**Terms to expire December 31, 2011**

Amy DeTine  
5874 Brewer Crossroad  
Great Valley, New York 14741  
*(replacing Richard Bernstein, who resigned)*

Melinda Nichols  
5177 Baker Road  
Salamanca, New York 14779  
*(replacing JoAnne Young, who resigned)*

\* \* \* \* \*

MR. O'BRIEN granted privilege of the floor to Joseph Williams, Procurement Specialist, of the Economic Development, Planning & Tourism Department, who presented a check in the amount of \$170,470 to the Cattaraugus County Federation of Snowmobile Clubs President Kirk Hayes, for the improvement and maintenance of 359 miles of snowmobile trails in Cattaraugus County. This funding is provided by New York State from snowmobile registration fees collected annually. There are an additional 75 miles of snowmobile trails in Allegany State Park. Representatives from the nine snowmobile clubs in Cattaraugus County were present for this award.

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**ACT NO. 87-2011** by Mr. Giardini  
and Mr. Ellis

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COUNTY SOIL & WATER CONSERVATION DISTRICT FOR  
2011 EMERGENCY STREAMBANK PROGRAM**

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

WHEREAS, 567-2010 authorized a contract with the Cattaraugus County Soil & Water Conservation District (SWCD), 8 Martha Street, P.O. Box 1765, Ellicottville, New York 14731, for the provision of inspection and technical services for seven (7) FEMA emergency streambank restoration projects, the term of which expired December 31, 2010, and

WHEREAS, inspection and technical services are needed for four (4) emergency streambank repair projects for the 2011 Emergency Streambank Program, and

WHEREAS, the Cattaraugus County Soil & Water Conservation District (SWCD), has agreed to provide the inspection and technical services necessary for the following projects for an amount not to exceed \$6,240, as follows:

County Road No. 19 Streambank Repair  
County Road Nos. 26 & 19 Streambank Repair  
County Road Nos. 26 & 74 Streambank Repair  
Eaton Cross Road Bridge Streambank Repair,

and

WHEREAS, sufficient funds are included in the 2011 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Cattaraugus County Soil & Water Conservation District, for the provision of the above-described streambank restoration and bank protection inspection and technical services, for a term commencing February 24, 2011 and terminating December 31, 2011, according to the above-described terms.

Approved by 6 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted February 23, 2011 by voice vote.

**ACT NO. 88-2011** by Mr. Giardini  
and Mr. Ellis

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

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

WHEREAS, Act 567-2010 authorized a contract with the Cattaraugus County Soil & Water Conservation District (SWCD), 8 Martha Street, P.O. Box 1765, Ellicottville, New York 14731, for the provision of inspection and technical services for seven (7) FEMA emergency streambank restoration projects, the term of which expired December 31, 2010, and

WHEREAS, a contract extension is necessary in order to complete the following FEMA emergency streambank restoration projects, at no additional cost to the County:

East Otto Bridge No. 9  
East Otto Bridge Nos. 14 & 15  
Ashford Bridge No. 30,

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 Cattaraugus County Soil & Water Conservation District, for the provision of the above-described streambank restoration and

bank protection technical services, for a term commencing November 10, 2010 and terminating December 31, 2011, according to the above-described terms.

Approved by 6 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted February 23, 2011 by voice vote.

**ACT NO. 89-2011** by Mr. Giardini and  
Mr. Ellis

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS  
WITH SCHINDLER ELEVATOR CORPORATION  
FOR DPW FACILITY, LITTLE VALLEY COUNTY CENTER AND JAIL  
ELEVATOR MAINTENANCE/INSPECTION**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 321-2006 authorized a contract with Schindler Elevator Corporation, 80 Curtwright Drive, Suite 3, Williamsville, New York 14221-7055, for the provision of maintenance/inspection services for the elevators in the DPW Facility located at 8810 Route 242 in Little Valley and the County Center located at 303 Court Street in Little Valley, the term of which expires April 30, 2011, and

WHEREAS, Act 467-2006 authorized a contract with Elevator Maintenance of Buffalo, Inc., for the provision of maintenance/inspection services for the Haughton elevator located in the Cattaraugus County Jail at 301 Court Street in Little Valley, the term of which expires October 11, 2011, and

WHEREAS, the County Department of Public Works is desirous of continuing the maintenance/inspection services for the elevators located in the aforementioned three (3) County facilities, and

WHEREAS, Elevator Maintenance of Buffalo, Inc., shall terminate its contract and allow Schindler Elevator Corporation to take over the maintenance/inspection services for the Haughton elevator in the Jail effective May 1, 2011, and

WHEREAS, Schindler Elevator Corporation can provide the necessary maintenance/inspection services for an amount as follows:

<u>Location</u>	<u>Monthly</u>	<u>Or</u>	<u>Annually</u>
County Center Building - Little Valley	\$411.00		\$4,932.00
DPW Facility - Little Valley	\$164.00		\$1,968.00
Cattaraugus County Jail - Haughton Elevator	\$214.00		\$2,568.00

and

WHEREAS, the Schindler Elevator Corporation proposal includes an escalator clause providing that the cost of the services hereby authorized may be increased by not more than three percent from year to year, 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 contracts, amended as provided herein, on behalf of Cattaraugus County, with Schindler Elevator Corporation, for the provision of the above-described services, for a term commencing May 1, 2011 and terminating April 30, 2016, according to the above-described terms.

Approved by 6 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted February 23, 2011 by voice vote.

**ACT NO. 90-2011** by Mr. Snyder and Mrs. Stockman  
and Mr. Aiello and Ms. Edstrom<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
THERAPEUTIC LINK FOR CHILDREN, PLLC FOR HEALTH DEPARTMENT  
PHYSICAL, OCCUPATIONAL AND SPEECH THERAPY SERVICES**

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

WHEREAS, the Health Department is in need of physical, occupational and speech therapy services for patients in the Health Department's Home Care Program, and

WHEREAS, Therapeutic Link for Children, PLLC, 6167 West Quaker Street, Orchard Park, New York 14127, can provide physical, occupational and speech therapy services, as follows:

HOME VISITS

Physical Therapy Home Visits	\$70/visit
Occupational Therapy Home Visits	\$70/visit
Speech Therapy Home Visits	\$70/visit,

and

WHEREAS, sufficient funds are included in the 2011 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 Therapeutic Link for Children, PLLC, for the provision of the above-described services, for a term commencing January 1, 2011 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 6 members of the Human Services Committee.

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

Adopted February 23, 2011 by voice vote.

**ACT NO. 91-2011** by Mr. Snyder and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH  
NEW YORK STATE CATHOLIC HEALTH PLAN, INC., D/B/A  
FIDELIS CARE NEW YORK FOR HEALTH DEPARTMENT  
MEDICAID MANAGED CARE PROVIDER PROGRAM**

Pursuant to 42 USCS Section 1396a and Section 450 of the County Law.

WHEREAS, Act 493-2000 authorized a contract with New York State Catholic Health Plan, Inc., d/b/a Fidelis Care New York, 95-25 Queens Boulevard, Rego Park, New York 11371, for the provision of home health care and Medicaid managed care services to the residents of Cattaraugus County, and

WHEREAS, New York State Catholic Health Plan, Inc., d/b/a Fidelis Care New York, has requested an amendment of the aforementioned contract to include reimbursement for "S9127 - Social Work, In The Home" at the rate of \$45 per visit, and

WHEREAS, the County Health Department has agreed to the aforementioned amendment, 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 New York State Catholic Health Plan, Inc., d/b/a Fidelis Care New York, for the provision of the above-described services, for a term commencing October 1, 2010 and terminating August 31, 2011, with automatic one-year period renewals, according to the above-described terms.

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

Adopted February 23, 2011 by voice vote.

**ACT NO. 92-2011** by Mr. Snyder and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
LANGUAGE LINE SERVICES FOR LANGUAGE INTERPRETER SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, the County is in need of a language interpreter for its non-English speaking clients, and

WHEREAS, Language Line Services, 1 Lower Ragsdale Drive, Building 2, Monterey, California 93940, can provide language interpreter services through an over-the-phone interpretation service for an amount of \$3.95 per minute, on an as-needed basis, and

WHEREAS, sufficient funds are included in the 2011 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 Language Line Services, for the provision of the above-described services, for a term commencing January 1, 2011 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 6 members of the Human Services Committee.

Adopted February 23, 2011 by voice vote.

**ACT NO. 93-2011** by Mr. Snyder and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH  
VARIOUS ENTITIES FOR INTERPRETER SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, various departments of the County are in need of interpreter services for deaf clients, and

WHEREAS, contracts are needed with various entities for the provision of interpreter services for deaf clients at a rate \$25 per hour plus mileage at the current mileage rate in effect at the time services are provided, and

WHEREAS, sufficient funds are included in the 2011 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 contracts, on behalf of Cattaraugus County, with various entities, for the provision of the above-described services, for a term commencing January 1, 2011 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, 4 members of the Public Safety Committee and 6 members of the Human Services Committee.

Adopted February 23, 2011 by voice vote.

**ACT NO. 94-2011** by Mr. Snyder and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
WILLCARE, INC. FOR WIC LICENSED PRACTICAL NURSING SERVICES AND  
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS  
(Health Department)**

Pursuant to Section 3602 of the Public Health Law and  
Sections 363, 366 and 450 of the County Law.

WHEREAS, the County Health Department is in need of licensed practical nursing (LPN) services for the WIC Program, and

WHEREAS, Willcare, Inc., Westgate Plaza, 700 West State Street, Olean, New York 14760, has agreed to provide the aforementioned LPN services to Cattaraugus County for an amount of \$20.00 per hour, and

WHEREAS, sufficient funds are included in the 2011 budget to cover the costs of the aforementioned services, 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 a contract, on behalf of Cattaraugus County, with Willcare, Inc. for the provision of the above-described services for a term commencing January 1, 2011 and terminating December 31, 2011, and be it further

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

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

Decrease Appropriation Accounts:

A.401.4082.0000.11000	Full-Time Wages	\$38,402.00
A.401.4082.0000.81000	FICA	\$ 2,937.00
A.401.4082.0000.82000	Retirement	\$ 3,661.00

Increase Appropriation Account:

A.401.4082.0000.41220	Nursing Services Contracted	\$45,000.00.
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Approved by 6 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted February 23, 2011 by voice vote.

**ACT NO. 95-2011** by Mr. Snyder and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
TIME WARNER CABLE FOR HEALTH DEPARTMENT  
IMMUNIZATION PROGRAM ADVERTISING**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Health Department is desirous of advertising its Immunization Program, and

WHEREAS, Time Warner Cable, 121 Albany Avenue, Olean, New York 14760, can provide advertisements, for the County Health Department's Immunization Program, on several cable network stations for an amount of \$5,000.00, in accordance with an agreed upon rate schedule, and

WHEREAS, sufficient funds are included in the 2011 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 Time Warner Cable, for the provision of the above-described advertising services, for a term commencing January 1, 2011 and terminating December 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 February 23, 2011 by voice vote.

**ACT NO. 96-2011** by Mr. Aiello and Mr. Neal

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

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



WHEREAS, the County Youth Bureau is desirous of providing services for the AmeriCorps START Program in the Salamanca Alternative High School, and

WHEREAS, the Salamanca City Central School District, through the Salamanca Alternative High School, 50 Iroquois Drive, Salamanca, New York 14779, has agreed to provide services for the AmeriCorps START Program by contributing an amount of \$1,900.00 for one (1) half-time member, and

WHEREAS, the continuation of the aforementioned contract is contingent upon the receipt of funding from the New York State Commission on National and Community Service, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Salamanca City Central School District, for the implementation of the AmeriCorps START Program, for a term commencing November 7, 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 6 members of the Human Services Committee.

Adopted February 23, 2011 by voice vote.

**ACT NO. 97-2011** by Mr. Vecchiarella

**BID ACCEPTANCE FOR DRY CLEANING SERVICES  
(Sheriff's Office)**

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 dry cleaning services for the Sheriff's Office for the period covering March 1, 2011 through February 28, 2013, with the option to renew for two (2) additional one (1) year periods at the prices specified in the bid, according to specifications provided by the Public Safety Committee, and

WHEREAS, the lowest responsible bid received meeting specifications was the bid of Anderson Cleaners, 5 Hunt Road, Jamestown, New York 14701, according to the following fee schedule:

<u>ITEMS</u>	<u>PROJECTED ANNUAL VOLUME</u>	<u>UNIT BID</u>
<b><u>DRY CLEAN</u></b>		
Uniform-All Season Jacket	100 per year	\$6.65/Jacket
Investigators' Trousers	250 per year	\$4.05/Trouser
Investigators' Suit Coats	125 per year	\$4.65/Coat
Ties	25 per year	\$2.45/Tie
Sweaters	20 per year	\$3.95/Sweater
Skirts	10 per year	\$4.05/Skirt
Dresses	5 per year	\$7.75/Dress
Women's Slacks	10 per year	\$4.05/Slacks
Women's Blouses	10 per year	\$3.95/Blouse

**LAUNDER/PRESS**

Uniform Trousers	1,000 per year	\$4.05/Trouser
Uniform Shirt	1,000 per year	\$1.90/Shirt,

now, therefore, be it

RESOLVED, that the bid of Anderson Cleaners be, and the same hereby is, accepted, and be it further

RESOLVED, that the vouchers accordingly certified by the Sheriff be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Fourteen sets of specifications were sent out.

Two bids were received.

Approved by 6 members of the Finance Committee and 4 members of the Public Safety Committee.

Adopted February 23, 2011 by voice vote.

**ACT NO. 98-2011** by Mr. Vecchiarella

**AUTHORIZING THE CHAIR AND SHERIFF TO EXECUTE CONTRACT WITH  
ONEIDA COUNTY FOR FORENSIC UNIT SERVICES**

Pursuant to Section 504 of the Correction Law and  
Section 450 of the County Law.

WHEREAS, Act 523-2009 authorized a contract with Oneida County for forensic unit services for the Sheriff's Department, the term of which expired December 31, 2010, at a rate of \$140.00 per day per inmate, and

WHEREAS, the Central New York Psychiatric Center has the capability of providing forensic services for the Sheriff's Department, which has inadequate facilities for treating mentally-ill inmates, and

WHEREAS, the Correction Law provides for the designation of substitute jails, and for the removal of the aforementioned mentally-ill inmates from jail to appropriate facilities for care and treatment, and

WHEREAS, the County is desirous of renewing the aforementioned contract with Oneida County, and

WHEREAS, the County of Oneida, through the Central New York Psychiatric Center, has agreed to provide the aforementioned forensic services at a rate of \$165.00 per day per inmate, and

WHEREAS, sufficient funds are included in the 2011 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature and the Sheriff be, and hereby are, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Oneida County for the provision of forensic unit services, through the Central New York Psychiatric Center, for a term commencing January 1, 2011 and terminating December 31, 2013, according to the above-described terms.

Approved by 6 members of the Finance Committee and 4 members of the Public Safety Committee.

Adopted February 23, 2011 by voice vote.

ACT NO. 99-2011 y Mr. Vecchiarella

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH  
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR  
ROCKEFELLER DRUG LAW REFORM PROGRAM AND  
RESCINDING ACT 573-2010**

Pursuant to the American Recovery and Reinvestment Act (ARRA) and  
Section 450 of the County Law.

WHEREAS, the County Probation Department has been notified that it is eligible to receive \$29,143.00 in American Recovery and Reinvestment Act (ARRA) funds through the New York State Division of Criminal Justice Services for the Rockefeller Drug Law Reform Program, and

WHEREAS, the aforementioned ARRA grant funding is based on an increase of eighteen (18) cases in drug law reform cases handled by Cattaraugus County and diverted from state prison during the last federal fiscal year, and

WHEREAS, the County should apply for the aforementioned grant funds, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the New York State Division of Criminal Justice Services, Office of Probation and Correctional Alternatives, in order to apply for, and receive, the aforementioned ARRA funding, for a term commencing January 1, 2011 and terminating June 30, 2011, according to the above-described terms, and be it further

RESOLVED, that Act 573-2010 be, and hereby is, rescinded.

Approved by 6 members of the Finance Committee and 4 members of the Public Safety Committee.

Adopted February 23, 2011 by voice vote.

ACT NO. 100-2011 by Mr. Boser  
and Mr. Ellis and Mr. Marsh<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
RANDOLPH AREA COMMUNITY DEVELOPMENT CORPORATION FOR  
TOURISM INFORMATION BOOTH STAFFING**

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

WHEREAS, Act 96-2010 authorized a contract with the Randolph Area Community Development Corporation for the provision of staffing for tourism information booths located at area festivals, the term of which expired December 31, 2010, and

WHEREAS, the Department of Economic Development, Planning and Tourism believes that the presence of the tourism information booths is a valuable tourism tool and is desirous of renewing the aforementioned contract, and

WHEREAS, the Randolph Area Community Development Corporation, 72 Main Street, Randolph, New York 14772, can provide staffing of tourism booths at area festivals for an amount of \$12 per hour, for a maximum annual amount not to exceed \$3,500, and

WHEREAS, the Randolph Area Community Development Corporation shall also be paid an amount up to \$1,500 at the IRS rate for mileage associated with the aforementioned items, 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 Randolph Area Community Development Corporation, for the provision of the above-described services, for a term commencing February 1, 2011 and terminating January 31, 2012, according to the above-described terms.

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

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

Adopted February 23, 2011 by voice vote.

**ACT NO. 101-2011** by Mr. Aiello and Mr. Snyder

**ADJUSTING VARIOUS APPROPRIATION ACCOUNTS  
(Various Departments)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, the County Administrator has the authority to transfer up to \$10,000.00 in certain departments, and

WHEREAS, due to the implementation of the New World System, various appropriation accounts must be adjusted, now, therefore, be it

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

Decrease Appropriation Accounts:

A.401.4017.4035.41603	Contracted Services	\$ 44,100.00
A.401.4082.0000.41603	Contracted Services	\$122,297.00
A.401.4090.0000.41603	Contracted Services	\$ 55,800.00
A.401.4095.0000.41011	Contracted BT Director	\$ 27,587.00
A.433.4322.0810.42019.013F	CARES Case Management	\$ 45,609.00
A.731.7350.0000.81000	FICA	\$ 14,000.00

Increase Appropriation Accounts:

A.401.4017.4035.41605.01	Reproductive Health Educator	\$ 44,100.00
A.401.4082.0000.41605.02	WIC Coordinator	\$ 43,527.00
A.401.4082.0000.41605.03	WIC Peer Counselors	\$ 12,480.00
A.401.4082.0000.41605.04	WIC Nutrition Program Aides	\$ 66,290.00
A.401.4090.0000.41605.05	Water Resource Specialist	\$ 55,800.00
A.401.4095.0000.41605.06	BT Resource Specialist	\$ 27,587.00
A.433.4322.3078.42019.013F	CARES Federal Shelter	\$ 45,609.00
A.731.7350.0000.48109	AmeriCorps FICA	\$ 14,000.00

Decrease Estimated Revenue Account:

A.433.4322.0810.4492.013F	CARES Case Management	\$ 45,609.00
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Increase Estimated Revenue Account:

A.433.4322.3078.4492.013F	CARES Federal Shelter	\$ 45,609.00.
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Approved by 6 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted February 23, 2011 by voice vote.

**ACT NO. 102-2011** by Human Services Committee:

Mr. Snyder, Mrs. Stockman, Ms. Edstrom,  
Mr. Vecchiarella, Ms. Vickman, Mr. McClune and Mr. Ward  
and Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh,  
Mr. McLarney, Mr. Murphy, Mr. O'Brien, Mr. Teachman,  
Mr. Boser, Mr. Giardini, Mr. Padlo and Mr. Sprague<sup>1</sup>

who ask immediate consideration

**REQUESTING NEW YORK STATE TO MAINTAIN FUNDING STREAMS FOR YOUTH BUREAU AND  
FURTHER URGING ELIMINATION OF COMPETITIVE BID FUNDING**

Pursuant to Section 153 of the County Law.

WHEREAS, Governor Cuomo has submitted his proposed 2011-2012 Executive Budget recommending the development of a Primary Prevention Incentive Program (PPIP), and

WHEREAS, this proposal actually slashes the current allocation of funding for Youth Development and Delinquency Prevention (YDDP), Special Delinquency Prevention Program (SSPP), and Runaway and Homeless Youth Act (RHYA), by 50%, and

WHEREAS, this proposal eliminates these funding streams and offers the distribution of funds on a competitive basis to counties, resulting in the elimination of funding to many rural counties, thereby promoting inequities in prevention and positive youth development services across New York State, and

WHEREAS, the proposed competitive bidding process will also result in a loss of local planning and control, and

WHEREAS, the aforementioned proposal will dismantle the current youth bureau system, structure and funding streams, and will be especially detrimental to all municipal youth bureaus, and

WHEREAS, current youth development and prevention services are provided through a fair and equitable formula-driven allocation through the New York State Office of Children and Family Services, and

WHEREAS, the current funding through youth bureaus structures ensure appropriate local monitoring, evaluation and accountability, and

WHEREAS, youth development, prevention and intervention are essential for critical services to children and youth, and

WHEREAS, if adopted, this portion of the Executive Budget would result in the minimal loss of almost \$200,000 of youth services dollars for Cattaraugus County, and

WHEREAS, if adopted, New York State will be abandoning its long-time national leadership and partnership in youth prevention, intervention and development services, as articulated in Article 19-A of the Executive Law, and

WHEREAS, the Cattaraugus County Legislature believes that providing services and programs for children and youth is an investment, not only in delinquency prevention, but also in the development of all our young people, in all ways thus enriching our society and nation as a whole, and

WHEREAS, the Cattaraugus County Human Services Committee has met, considered and by unanimous vote, approved this resolution, now, therefore, be it

RESOLVED, the Cattaraugus County Legislature hereby requests Governor Cuomo and the New York State Legislature maintain the current youth bureau funding streams, albeit with proportionate reductions, and eliminate the concept of competitive bid funding, and be it further

RESOLVED, that Governor Cuomo and the New York State Legislature be directed to uphold Article 19-A of the Executive Law and to maintain the current youth bureau system and structure which is in the best interest of the 26,000 children and youth of Cattaraugus County and of the children and youth of New York State as a whole, and be it further

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

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

<sup>1</sup> The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Murphy, Mr. O'Brien, Mr. Teachman, Mr. Boser, Mr. Giardini, Mr. Padlo and Mr. Sprague".

Adopted February 23, 2011 by voice vote.

**ACT NO. 103-2011** by Mr. Ellis  
*and Mr. Aiello, Mr. Burrell, Ms. Edstrom, Mr. Marsh, Mr. McLarney,  
Mr. Murphy, Mr. Neal, Mr. O'Brien, Mr. Snyder, Mrs. Stockman,  
Mr. Teachman, Mr. Vecchiarella, Ms. Vickman, Mr. Boser, Mr. Giardini,  
Mr. Hebdon, Mr. McClune, Mr. Padlo, Mr. Sprague and Mr. Ward<sup>1</sup>*  
who ask immediate consideration

#### **OPPOSING NRCS REVISED CONSERVATION PRACTICE STANDARDS**

Pursuant to Section 153 of the County Law.

WHEREAS, the Natural Resources Conservation Service "NRCS" of the US Department of Agriculture has released its revised conservation practice standards, including nutrient management, and is seeking comments on the proposed revised practices through February 25, 2011, and

WHEREAS, the nutrient management standard, code 590, defines the minimum nutrient management requirements that all states must comply with in their oversight of agricultural production, and

WHEREAS, as currently drafted, this federal requirement would ban the winter and early spring spreading of manure, effectively requiring that every animal farm, regardless of its size, be equipped with a lined manure pit or other approved device for the storage of manure and other organic bi-products during winter and spring seasons, and

WHEREAS, approximately one thousand farms are located in Cattaraugus County, most of which milk fewer than one hundred cattle and are considered small farms, and

WHEREAS, compliance with the proposed revisions to nutrient management practice standard (code 590) will be cost-prohibitive for the owners of small farms and will otherwise severely impact their businesses,

including that it will be impossible to spread manure in the late spring and summer seasons since hay crops will have begun growing by that time, thereby leaving farmers with no way to dispose of their stored manure, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby opposes the proposed revision of the nutrient management practice standard (code 590) and urges that the implementation of such revision be cancelled, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution so that it is received on or before February 25, 2011, to Wayne Bogovich, National Agricultural Engineer, Conservation Engineering Division, Department of Agriculture, Natural Resources Conservation Service, 1400 Independence Avenue, SW, Room 6136 South Building, Washington, D.C. 20250, Senators Gillibrand and Schumer, Representative Reed and the New York State Association of Counties<sup>2</sup>.

MR. GIARDINI moved, seconded by Mr. Ward to waive Rule 12. Carried.

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

Adopted February 23, 2011 by voice vote.

MR. ELLIS moved, seconded by Mr. Giardini to bring Act No. 103-2011 back to the floor. Carried.

<sup>2</sup> MR. MARSH moved, seconded by Mr. Teachman to amend Act No. 103-2011 as follows: In the second Resolved, add: "and the New York State Association of Counties". Carried.

Adopted, as amended, February 23, 2011 by voice vote.

**MOTION TO ADJOURN IN MEMORY OF  
ROBERT J. KICKBUSH**

WHEREAS, Robert J. Kickbush, 86, of Gowanda, passed away on February 14, 2011, at Erie County Medical Center in Buffalo, and

WHEREAS, Mr. Kickbush served on the Cattaraugus County Civil Service Commission from December, 1968 to December, 1982, and

WHEREAS, he was a veteran, having joined the United States Navy Seabees during World War II from August 1943 until May, 1946, and

WHEREAS, Mr. Kickbush also served in the United States Naval Reserves, spending 1951 and 1952 in active service in the Pentagon, Washington, DC, in the Strategic Plans Division of the Navy, and

WHEREAS, Mr. Kickbush was a sales manager for K & H Industries, and

WHEREAS, he was previously employed by Setter Brothers in Cattaraugus, US Plywood, Champion International and Overhead Door, and also sold monuments for Crandall Memorial Group and Collins Memorials, and

WHEREAS, he was a member of Immanuel Lutheran Church in Gowanda, past president of the Tri-County Memorial Hospital Board, Town of Otto town justice, charter president of the American Field Service, legislative aide in

the New York State Assembly, president of the Cattaraugus County Magistrates Association, and a life-long member of the American Legion, and

WHEREAS, Mr. Kickbush is survived by his wife, Jeanette; three sons, Brian of Ft. Lauderdale, Florida; Brent of Bishop, Georgia; and Bruce of Cape Coral, Florida; four daughters, Charlene Kickbush-Greer, DVM of Bishop, Georgia; Rogene Fowler of North Fort Meyers, Florida; Lorene Agnew of Newfane, New York; and Janene Draegert of Dayton; 15 grandchildren; three brothers, Rolland of Batavia, New York; Richard of Branson, Missouri; and Raymond of Valparaiso, Indiana; one sister, Edna Kuder of Columbus, Ohio, and several nieces and nephews, and

WHEREAS, the loss of his presence will be sadly felt by his many friends and colleagues in Cattaraugus County, now, therefore, Chairman O'Brien hereby

MOVES, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of Robert J. Kickbush, 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 Robert J. Kickbush, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this Motion to his wife.

MR. SPRAGUE moved, seconded by Mr. Hebdon to adjourn until March 9, 2011 at 3:00 p.m. Carried.

Meeting adjourned at 3:40 p.m.

Ann M. Giglio  
Journal Clerk