

March 9, 2011

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

The invocation was given by Rev. Kay.

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

MR. ELLIS moved, seconded by Mr. Marsh that the minutes of the February 23, 2011 session be approved. Carried.

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**COMMUNICATIONS:**

Senator Gallivan: Letter acknowledging receipt of Act No. 86-2011.

Assembly Member Giglio: Letter acknowledging receipt of Act Nos. 86-2011 and 103-2011.

Legislator James J. Snyder: Letter of Disclosure regarding official capacities with the Seneca Nation of Indians.

Steuben County Legislature: Copy of their Resolution No. 032-11 entitled, "Opposing the State Takeover of the Western New York Off-Track Betting Corporation".

Family of Jack Berger: Letter of thanks for memorializing resolution.

**APPOINTMENTS:**

**Emergency Medical Services Advisory Committee**  
***Term to expire December 31, 2013***

Edwin Frederickson  
Assistant Fire Chief  
City of Salamanca Fire Department  
225 Wildwood Avenue  
Salamanca, New York 14779  
(replacing Robert DeGaine)

Brian Pitts  
4518 Elm Creek Road  
Randolph, New York 14772  
(replacing Susan Ferguson)

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**ACT NO. 104-2011** by Mr. Snyder and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
COMMUNITY CARE OF WESTERN NEW YORK, INC. FOR  
HOME HEALTH CARE SERVICES**

Pursuant to Section 3602 of the Public Health Law and  
Section 450 of the County Law.

WHEREAS, Act 763-2010, as amended by Act 84-2011, authorized the Chair to execute a contract with Community Care of Western New York, Inc., for the provision of home health care services, the term of which expires February 28, 2011, and

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

WHEREAS, the County has entered into agreements with various providers to address patient access to necessary care and services, including other home health care service providers who will continue to serve in a primary role for care delivery on behalf of County patients, and

WHEREAS, Community Care of Western New York, Inc., 1225 West State Street, Olean, New York 14760, agrees to continue to provide home health care services to Cattaraugus County in limited circumstances where access to care may otherwise be hindered due to various patient specific care requirements or where the County's primary providers may not be able to meet needs, and

WHEREAS, Community Care of Western New York, Inc., will accept County patients or continue care for County patients under these limited circumstances, when possible and in accordance with its patient care standards, in consideration of the following terms and as applicable only to specific patients identified by the County:

<u>Level of Care:</u>	<u>2011 Rates</u>
Home Attendant/Housekeeper (Personal Care 1) <sub>A</sub>	2011 NYSDOH Medicaid Rate* (initial 2011 rate \$20.27/hr.)
Personal Care Aide (Personal Care 2) <sub>A</sub>	2011 NYSDOH Medicaid Rate* (initial 2011 rate \$21.24/hr.)
Certified Home Health Aide <sub>A</sub>	2011 Medicare LUPA Visit Rate** (\$44.67/visit; 50% for hourly rate)
Nursing Supervision Visit	2011 NYSDOH Medicaid Rate* (initial 2011 rate \$83.59/visit)

\* Refers to the provider Medicaid rate issued by the NYS Department of Health for period cited, subject to changes or withhold/reductions by Medicaid [Note: Current reduction is 1.1% of initial rate through 3/31/2011].

\*\* Refers to Medicare LUPA rate for rural NYS, representing 2-hour visit.

<sub>A</sub> 2-hour visit minimum,

now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Community Care of Western New York, Inc., for the provision of the above-described services for a term commencing March 1, 2011 and terminating December 31, 2011, according to the above-described terms.

Approved by 9 members of the Finance Committee, 7 members of the Human Services Committee and 6 members of the Senior Services Committee.

Adopted March 9, 2011 by voice vote.

ACT NO. 105-2011 by Mr. Snyder and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE MEMORANDUM OF UNDERSTANDING WITH  
ACCORD CORPORATION FOR HEALTH DEPARTMENT  
ADOLESCENT PREGNANCY PREVENTION PROGRAM AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Health Department)**

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

WHEREAS, the County Health Department is desirous of participating in the Comprehensive Adolescent Pregnancy Prevention (CAPP) project, in an effort to reduce teen pregnancy rates in Cattaraugus County, and

WHEREAS, the County Health Department shall expand clinic hours in the Salamanca office to incorporate 2-3 additional hours, twice monthly, and

WHEREAS, the Allegany County Community Opportunities and Rural Development Corporation (ACCORD), 84 Schuyler Street, P.O. Box 573, Belmont, New York 14813, shall pay to the County Health Department an amount of \$18,800 to assist with promoting the CAPP program initiatives, and

WHEREAS, this program includes state funding, 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 ACCORD Corporation, 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 the County Administrator is hereby directed to make the following budgetary changes:

Increase Estimated Revenue Account:

A.401.4017.4035.2705.22 Grant	\$18,800.00
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Increase Appropriation Account:

A.401.4017.4035.41219 Nurse Practitioner Services	\$18,800.00.
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Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted March 9, 2011 by voice vote.

ACT NO. 106-2011 by Mr. Snyder and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
WALKER BUSINESS & STAFFING SERVICES, INC. FOR  
CATTARAUGUS ONE-STOP CLERICAL SERVICES**

Pursuant to Workforce Investment Act of 1998 and  
Section 450 of the County Law.

WHEREAS, Act 282-2009, amended by Act 332-2009, authorized a contract with Walker Business & Staffing Services, Inc., 23 West State Street, Wellsville, New York 14895, for the provision of clerical services for the Cattaraugus One-Stop offices, the term of which expired May 31, 2010, and

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

WHEREAS, Walker Business & Staffing Services, Inc., has provided the necessary clerical services for the Cattaraugus One-Stop at a rate of \$12.78 per hour for one (1) Keyboard Specialist, for a total amount not to exceed \$23,260.00, and

WHEREAS, this program is 100% federally funded, now, therefore, be it<sup>1</sup>

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Walker Business & Staffing Services, Inc., for the provision of the above-described services, for a term commencing June 1, 2010 and terminating May 31, 2011, according to the above-described terms.

Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

<sup>1</sup> MR. WARD moved, seconded by Mr. Teachman to amend Act No. 106-2011 as follows: In the third Whereas, delete: "now, therefore, be it", and replace with: "and"; add a fourth Whereas as follows: "WHEREAS, this program is 100% federally funded, now, therefore, be it". Carried.

Adopted, as amended, March 9, 2011 by voice vote.

**ACT NO. 107-2011** by Mr. Snyder and Mrs. Stockman  
and Mr. Aiello<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
WALKER BUSINESS & STAFFING SERVICES, INC. FOR  
CATTARAUGUS ONE-STOP CLERICAL SERVICES**

Pursuant to Workforce Investment Act of 1998 and  
Section 450 of the County Law.

WHEREAS, Act 106-2011 authorized a contract with Walker Business & Staffing Services, Inc., 23 West State Street, Wellsville, New York 14895, for the provision of clerical services for the Cattaraugus One-Stop offices, the term of which expires May 31, 2011, and

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

WHEREAS, Walker Business & Staffing Services, Inc., can provide the necessary clerical services for the Cattaraugus One-Stop at a rate of \$12.78 per hour for one (1) Keyboard Specialist, for a total amount not to exceed \$23,260.00, 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 Walker Business & Staffing Services, Inc., for the provision of the above-described services, for a term commencing June 1, 2011 and terminating May 31, 2012, 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 9 members of the Finance Committee and 7 members of the Human Services Committee.

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

Adopted March 9, 2011 by voice vote.

**ACT NO. 108-2011** by Ms. Vickman and Mr. McClune  
and Mr. Aiello and Ms. Edstrom<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH UTICA COLLEGE FOR  
CLINICAL EXPERIENCE PROGRAM FOR DEPARTMENT OF NURSING HOMES**

Pursuant to Section 450 of the County Law.

WHEREAS, Utica College, 1600 Burrstone Road, Utica, New York 13052, offers a training and educational program to students in the Occupational Therapy Assistant Program and Nursing Program who would benefit from clinical experience at the Cattaraugus County Department of Nursing Homes, and

WHEREAS, the County believes that the value of the presence of such students would add to its operation, and

WHEREAS, the aforementioned program is conducted at no cost to the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with Utica College, for the provision of the above-described services, for a term commencing December 9, 2010 and terminating December 9, 2012, with an option to renew for an additional two (2) year term, according to the above-described terms.

Approved by 9 members of the Finance Committee and 6 members of the Senior Services Committee.

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

Adopted March 9, 2011 by voice vote.

**ACT NO. 109-2011** by Mr. Murphy and Mr. Vecchiarella  
and Mr. Aiello and Mr. Teachman<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
NEW YORK STATE EMERGENCY MANAGEMENT OFFICE FOR  
LOCAL EMERGENCY MANAGEMENT ASSISTANCE PROGRAM**

Pursuant to P.L. 81-920 and Section 450 of the County Law.

WHEREAS, Act 92-2010 authorized a contract with the New York State Emergency Management Office, 1220 Washington Street, Building 22, Suite 101, Albany, New York 12226-2251, for the Local Emergency Management Assistance Program, the term of which expired September 30, 2009, and

WHEREAS, the County participated in the program for federal fiscal year 2010 and should continue to participate, and

WHEREAS, under this agreement, the County will receive approximately \$33,687.00 from the State Emergency Management Office, 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 Emergency Management Office for the above-described program, for a term commencing October 1, 2009 and terminating September 30, 2010, according to the above-described terms.

Approved by 9 members of the Finance Committee and 5 members of the Public Safety Committee.

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

Adopted March 9, 2011 by voice vote.

**ACT NO. 110-2011** by Mr. McLarney and Mr. Ward

**AMENDING ACT 707-2010 REGARDING CONTRACT WITH  
EMPLOYEE SERVICES, INC., FOR EMPLOYEE ASSISTANCE PROGRAM**

Pursuant to Section 205 of the County Law and  
Act 472-2010 of the Cattaraugus County Legislature.

WHEREAS, Act 707-2010 authorized a contract with Employee Services, Inc., 111 West Pearl Street, Wellsville, New York 14895, for the provision of an Employee Assistance program, the term of which expires December 31, 2011, and

WHEREAS, Employee Services, Inc. has advised the County that a new rate of \$24.87 per non-public safety employee and \$37.53 per public safety employee will be charged effective January 1, 2011, for a total not to exceed \$22,147.00, based on the number of covered employees, and

WHEREAS, Act 707-2010 should be amended to reflect the revised rates, now, therefore, be it

RESOLVED, that Act 707-2010 be, and hereby is, amended as follows:

- delete: "\$25.33" and replace with: "\$24.87"
- delete: "\$77.53" and replace with: "\$37.53", and
- delete: "\$26,082" and replace with: "\$22,147.00".

Approved by 9 members of the Finance Committee and 5 members of the Labor Relations Committee.

Adopted March 9, 2011 by voice vote.

ACT NO. 111-2011 by Mr. Vecchiarella

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH  
NEW YORK STATE GOVERNOR'S TRAFFIC SAFETY COMMITTEE FOR  
SHERIFF'S DEPARTMENT TRAFFIC SAFETY PARTNERSHIP PROGRAM AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Sheriff's Office)**

Pursuant to Section 1229-c of the Vehicle and  
Traffic Law and Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 187-2009 authorized the Chairman to apply for funding through the New York State Governor's Traffic Safety Committee for a Traffic Safety Enforcement Program for the 2010 program year, and

WHEREAS, funding is again available through the New York State Governor's Traffic Safety Committee for a Traffic Safety Partnership Program, which shall include, but not be limited to, components such as: the Child Safety Seat Program, the Selective Traffic Enforcement Program (STEP) and the Traffic Safety Education Program, and

WHEREAS, the County Sheriff's Office is desirous of applying for the aforementioned funding, and

WHEREAS, a contract is necessary in order to receive the aforementioned funding, and

WHEREAS, this program includes funding from the New York State Governor's Traffic Safety Committee, 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 grant documents, on behalf of Cattaraugus County, with the New York State Governor's Traffic Safety Committee, in order to apply for, and receive, the aforementioned funding, according to the above-described terms, and be it further

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

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

Increase Estimated Revenue Accounts:

A.311.3324.3324.4320.06 Traffic Safety Partnership Program	\$31,525.00
A.311.3324.3325.4320.06 Traffic Safety Partnership Program	\$20,000.00

Increase Appropriation Accounts:

A.311.3324.3324.13000 Sheriff's Office Overtime	\$16,000.00
A.311.3324.3324.12000 Sheriff's Office Part-Time	\$ 5,472.00
A.311.3324.3324.45401 Small tools/Equip - Radar Unit	\$ 1,350.00
A.311.3324.3324.47006 Operating Supplies	\$ 3,900.00
A.311.3324.3325.47026 Child Safety Seats	\$16,000.00
A.311.3324.3325.47006 Child Seat Program Supplies	\$ 4,000.00
A.311.3324.3324.81000 FICA	\$ 1,643.00
A.311.3324.3324.82000 Retirement	\$ 3,160.00.

Approved by 9 members of the Finance Committee and 5 members of the Public Safety Committee.

Adopted March 9, 2011 by voice vote.

**ACT NO. 112-2011** by Mr. Vecchiarella

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
NYS DEFENDERS ASSOCIATION, INC. FOR  
PUBLIC DEFENDER CASE MANAGEMENT SYSTEM  
MAINTENANCE AND SOFTWARE SUPPORT**

Pursuant to Article 18-A and Section 450 of the County Law.

WHEREAS, Act 130-2010 authorized a contract with the NYS Defenders Association, Inc., for annual maintenance and software support for the Public Defender's Office Public Defense Case Management System, the term of which expires March 27, 2011, and

WHEREAS, the Public Defender's Office is desirous of continuing the aforementioned maintenance and software support, and

WHEREAS, the NYS Defenders Association, Inc., 194 Washington Avenue, Suite 500, Albany, New York 12210-2314, can provide the necessary maintenance and support for the Public Defense Case Management System for an amount of \$2,500, 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 NYS Defenders Association, Inc., for the provision of the above-described maintenance and support services, for a term commencing March 28, 2011 and terminating March 27, 2012, according to the above-described terms.

Approved by 9 members of the Finance Committee and 5 members of the Public Safety Committee.

Adopted March 9, 2011 by voice vote.

**ACT NO. 113-2011** by Mr. Ellis, Mr. McLarney and Mr. Boser

**AUTHORIZING PUBLIC HEARING ON REQUESTS FOR INCLUSION  
INTO A CERTIFIED AGRICULTURAL DISTRICT OF AGRICULTURAL PARCELS  
SUBMITTED DURING THE 2011 THIRTY-DAY INCLUSION PERIOD**

Pursuant to Section 303-b of the Agriculture and Markets Law.

WHEREAS, Section 303-b of the New York State Agriculture and Markets Law requires counties with state certified agricultural districts to designate an annual thirty-day period to allow a landowner to submit a request for inclusion of his or her land, which is predominantly viable agricultural land, into a certified agricultural district, and

WHEREAS, the Cattaraugus County Legislature has received the recommendation of the Agricultural and Farmland Protection Board to include those parcels requesting inclusion into the appropriate agricultural district, and

WHEREAS, the inclusion of these parcels would serve the public interest by assisting in maintaining a viable agricultural industry within each applicable district, and

WHEREAS, parcels requesting inclusion are located in the existing Farmersville-Freedom, Southeast and Central, and Southwest Agricultural Districts, and the Towns of Franklinville (Tax Map No. 48.004-2-13), Allegany



(Tax Map No. 93.004-2-10) and Randolph (Tax Map No. 78.004-1-6 adjoined to 78.004-1-7), and

WHEREAS, a public hearing is necessary on the inclusion of the aforementioned parcels, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby authorizes a public hearing on the inclusion into a certified agricultural district of agricultural parcels submitted during the 2011 thirty-day inclusion period, to be held at the Cattaraugus County Legislature's Chambers, 303 Court Street, Little Valley, New York, on the 23rd day of March, 2011 at 3:01 p.m., and be it further

RESOLVED, that the notice of hearing be published in the area newspapers and mailed to the land owners requesting inclusion, to the Towns of Franklinville, Allegany and Randolph, and to the Commissioner of the New York State Department of Agriculture & Markets.

Approved by 9 members of the Finance Committee and 7 members of the Development and Agriculture Committee.

Adopted March 9, 2011 by voice vote.

**ACT NO. 114-2011** by Mr. Burrell and Mr. O'Brien  
and Mr. Aiello, Ms. Edstrom, Mr. Ellis, Mr. Marsh,  
Mr. McLarney, Mr. Murphy, Mr. Neal, 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>

**OPPOSING STATE TAKING OF WESTERN REGIONAL OFF-TRACK BETTING  
CORPORATION'S PARTICIPATING MUNICIPALITIES' ASSETS**

Pursuant to Section 153 of the County Law.

WHEREAS, in September 1973, Cattaraugus County and eight other Western New York counties established the Western Regional Off-Track Betting Corporation "WROTB" as authorized by state law, and

WHEREAS, these municipal "stockholders" chose to exercise a local option to form such a corporation and to retain local control over such gaming activities in their respective communities, and

WHEREAS, the start-up costs of WROTB were funded solely by Cattaraugus County and the other counties involved, with<sup>2</sup> no assistance from the State of New York, and

WHEREAS, since WROTB was established, eight additional Western New York counties have joined the original nine counties in the local control of such gaming activities, and

WHEREAS, WROTB has generated over \$200 million dollars in operating and surcharge revenues to the taxpayers of the participating counties since 1973, and

WHEREAS, Governor Cuomo and both houses of the State Legislature are now publicly proposing that the State take, and thereby confiscate, WROTB's business and assets by consolidating all regional off-track betting corporations in the State into a state-sponsored private or quasi-governmental entity, and

WHEREAS, in the event of such consolidation of the regional off-track betting corporations presently existing in New York State, Cattaraugus County and the other counties who are participants in and owners of WROTB will lose the revenue generated from such endeavor, the independence which

influenced the counties to take part in off-track betting initially, and local oversight of gaming efforts in our communities, and

WHEREAS, Cattaraugus County and the other counties of Western New York each have a pro-rata financial interest in the \$39 million dollars of net equity reinvested in WROTB's more than 30 corporately-owned branch facilities and the track at Batavia Downs, and

WHEREAS, the proposed consolidation of regional off-track betting systems represents another effort by the governor and legislature to take desperately needed assets, income and funds from counties and other municipalities in the state for the purpose of bailing the state out of its present financial crisis, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby states its opposition to this poorly-conceived proposed take-over <sup>2</sup> of WROTB by the State of New York and memorializes Governor Andrew Cuomo and the state legislature to cease their efforts in this regard, 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, Senator Young, Assembly Member Giglio, Senate Majority Leader Skelos, Speaker Silver, the New York State Association of Counties, the Western New York Inter-County Association and the Western Regional Off-Track Betting Corporation.

Approved by 9 members of the Finance Committee.

<sup>1</sup> The following Legislator requested his name be listed as additional sponsor: "Mr. Aiello, Ms. Edstrom, Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Murphy, Mr. Neal, 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>2</sup> MRS. STOCKMAN moved, seconded by Mr. Marsh to amend Act No. 114-2011 as follows: In the third Whereas, delete: "which" and add: "with"; in the first Resolved, delete: "to" following "take-over".

Adopted, as amended, March 9, 2011 by voice vote.

**ACT NO. 115-2011** by Mr. Giardini  
and Mr. Ellis

**CREATING ONE TEMPORARY POSITION OF  
CLERK OF THE WORKS IN DEPARTMENT OF PUBLIC WORKS AND  
ESTABLISHING COMPENSATION FOR SAME AND  
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS  
(Department of Public Works)**

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

WHEREAS, Act 254-2010 authorized contracts with Duggan & Duggan General Contractors for purposes of completing Energy Conservation Improvements for improvement in the Olean County Center, and

WHEREAS, certain services, such as oversight of the project and coordination of staff, can be accomplished in a more efficient and economical manner by using a "Clerk of the Works", and

WHEREAS, the New Position Duties Statement has been submitted to the Cattaraugus County Civil Service Commission, which has approved the title in accordance with Section 22 of the Civil Service Law, and

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

RESOLVED, that effective March 20, 2011, there is hereby created one position of Clerk of the Works in the Department of Public Works, to be compensated at a rate of \$25.23 per hour, and be it further

RESOLVED, that upon completion of the project, but not later than July 31, 2011, the position created herein shall be automatically abolished, and be it further

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

Decrease Appropriation Account:

H.504.1623.0000.21014.41603	Contracted Services	\$12,918.00
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Increase Appropriation Accounts:

H.504.1623.0000.21014.12000	Part-Time Wages	\$12,000.00
H.504.1623.0000.21014.81000	FICA	\$ 918.00.

Approved by 9 members of the Finance Committee, 8 members of the Public Works Committee and 5 members of the Labor Relations Committee.

Adopted March 9, 2011 by voice vote.

**ACT NO. 116-2011** by Mr. Ellis, Mr. Murphy and Mr. O'Brien  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH  
NORTHEASTERN ENVIRONMENTAL MANAGEMENT FOR AIR MONITORING OF  
PROPERTY LOCATED ON LEAVENWORTH STREET IN  
THE VILLAGE OF CATTARAUGUS**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 744-2010, as amended by Act 39-2011, authorized a contract with Northeastern Environmental Management, 25 Van Tassel Way, Bradford, Pennsylvania 16701, for the provision of air monitoring services during the demolition, removal and site cleanup of 78 Leavenworth Street in the Village of Cattaraugus, the term of which expired December 31, 2010, and

WHEREAS, the County Department of Public Works is desirous of extending the term of the aforementioned contract in order to allow for more time to complete the aforementioned project, at no additional cost to the County, and

WHEREAS, Northeastern Environmental Management has agreed to complete the aforementioned project by March 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 Northeastern Environmental Management, for the provision of the above-described services, for a term commencing December 1, 2010 and terminating March 31, 2011, according to the above-described terms.

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

Adopted March 9, 2011 by voice vote.

**ACT NO. 117-2011** by Mr. Ellis, Mr. Murphy and Mr. O'Brien  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH  
K.S. LAFORGE EXCAVATING, INC. FOR DEMOLITION AND REMOVAL/DISPOSAL OF  
PROPERTY LOCATED ON LEAVENWORTH STREET IN THE VILLAGE OF CATTARAUGUS**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 743-2010, as amended by Act 38-2011, authorized a contract with K.S. LaForge Excavating, Inc., P.O. Box 425, 3090 Trapping Brook Road, Wellsville, New York 14895, for the demolition, removal and site cleanup of 78 Leavenworth Street in the Village of Cattaraugus, the term of which expired February 28, 2011, and

WHEREAS, the County Department of Public Works is desirous of extending the term of the aforementioned contract in order to allow for more time to complete the aforementioned project, at no additional cost to the County, and

WHEREAS, K.S. LaForge Excavating, Inc., has agreed to complete the aforementioned project by March 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 K.S. LaForge Excavating, Inc., for the provision of the above-described services, for a term commencing December 1, 2010 and terminating March 31, 2011, according to the above-described terms.

MS. EDSTROM moved, seconded by Mr. Boser to waive Rule 12. Carried.

Adopted March 9, 2011 by voice vote.

**ACT NO. 118-2011** by Mr. Burrell, Mr. McLarney,  
Mr. O'Brien and Mr. Ward  
who ask immediate consideration

**LOCAL LAW NUMBER 1 - 2011  
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW TRANSFERRING THE PAYROLL PROCESS  
TO THE OFFICE OF COUNTY TREASURER**

BE IT ENACTED by the County Legislature of the County of Cattaraugus as follows:

SECTION 1. Legislative Intent. It is the intent of this local law to transfer the operation, direction, coordination and control of the Cattaraugus County government payroll process from the Human Resources Department to the Office of County Treasurer.

SECTION 2. Transfer of Payroll Functions. Effective April 18, 2011, the operation, direction, coordination and control of the Cattaraugus County government payroll process and function is transferred from the Department of Human Resources to the County Treasurer.

SECTION 3. Powers and Duties of the Office of County Treasurer. In addition to the powers and duties prescribed by Section 550 of the County Law and such other duties as may otherwise be prescribed by law, the Office of County Treasurer shall have the following powers and duties:

3.1 to implement the policies of the County Legislature with regard to the payroll process;

3.2 to employ such persons as required to perform his or her duties related to the Cattaraugus County government payroll process, subject to the approval of such employment by the Cattaraugus County Civil Service Commission and the County Legislature, and authority to remove persons from such employment under the provisions of Civil Service Law Section 75 or the Collective Bargaining Agreement, whichever removal process applies;

3.3 to negotiate contracts with such persons or entities, as required to perform his or her powers and duties, subject to approval of such contracts by the County Legislature;

3.4 to adopt rules and regulations not inconsistent with law for conduct of the payroll process;

3.5 to establish and maintain a roster of all County officers and employees;

3.6 to administer on behalf of the County, agreements, as they relate to payroll, with recognized employee organizations concerning terms and conditions of employment and other matters that may come before the County Treasurer, and recommend necessary action to the County Legislature;

3.7 to implement such time and attendance policies as may be established by the County Legislature;

3.8 to ensure implementation, compliance with and application of federal, state and local labor laws, rules and regulations;

3.9 to have and/or perform such other powers and additional duties as may be authorized by local law, resolution or other direction of the County Legislature.

SECTION 4. Statutory Repeal. All resolutions, local laws and motions inconsistent with the provisions hereof, are hereby superseded.

SECTION 5. Severability. If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication, shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

SECTION 6. Effective Date. This Local Law shall take effect on April 18, 2011.

MRS. STOCKMAN moved, seconded by Mr. McLarney to waive Rule 12. Carried.

MR. MARSH moved, seconded by Mr. Teachman to postpone action on Act No. 118-2011 until March 23, 2011. Carried.

**ACT NO. 119-2011** by Mr. Burrell, Mr. McLarney,  
Mr. O'Brien and Mr. Ward  
who ask immediate consideration

**AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 1-2011**

Pursuant to Section 10 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on March 9, 2011, a proposed Local Law entitled "A Local Law Transferring the Payroll Process to the County Treasurer", and

WHEREAS, no local law shall be adopted until a public hearing thereon has been had by the Cattaraugus County Legislature upon at least five days notice, now, therefore, be it

RESOLVED, that a public hearing shall be held on the proposed local law by this County Legislature on the 23<sup>rd</sup> day of March, 2011, at 3:01 p.m. at the Legislature's Chambers, County Office Building, 303 Court Street, Little Valley, New York, and that at least five days notice of such hearing shall be given by the Clerk by the due posting thereof upon the bulletin board of each County Court House within the County and by publishing such notice at least once in the official newspapers of the County.

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

Adopted March 9, 2011 by voice vote.

**ACT NO. 120-2011** by Mr. Aiello, Mr. Burrell, Ms. Edstrom,  
Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Murphy,  
Mr. Neal, Mr. O'Brien, Mr. Snyder, Mrs. Stockman,  
Mr. Teachman, Mr. Vecchiarella, Ms. Vickman, Mr. Boser,  
Mr. Giardini, Mr. Hebdon, Mr. McClune,  
Mr. Padlo, Mr. Sprague and Mr. Ward  
who ask immediate consideration

**CONGRATULATING SALAMANCA HIGH SCHOOL'S BEN HAAS ON  
2011 NEW YORK STATE WRESTLING CHAMPIONSHIP**

Pursuant to Section 153 of the County Law.

WHEREAS, Salamanca Central School District Junior Ben Haas won the 145 pound weight class New York State Public High School championship title on Saturday, February 26, 2011, at the Times Union Center in Albany, New York, and

WHEREAS, Ben finished the tournament with a perfect 4 - 0 record, having won the final match by a 9 - 2 victory over Phil Czapla from East Aurora, and

WHEREAS, Ben finished this season with a win-loss record of 48 - 3, and

WHEREAS, Ben should be commended for his hard work and dedication, which led to his well-earned success, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby congratulates Salamanca Central School District's Ben Haas for his New York State Wrestling Championship, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to the Superintendent of Schools, J. Douglas Hay, Coach Rich Morton and Ben Haas.

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

Adopted March 9, 2011 by voice vote.

MR. SPRAGUE moved, seconded by Mr. Hebdon to adjourn until March 23, 2011 at 3:00 p.m. Carried.

Meeting adjourned at 3:53 p.m.

Ann M. Giglio  
Journal Clerk