

August 24, 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 one Legislator absent - Mr. Burrell.

MR. TEACHMAN moved, seconded by Mr. Aiello that the minutes of the July 27, 2011 session be approved. Carried.

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COMMUNICATIONS:

New York State Department of State: Letter acknowledging receipt of Local Law Nos. 4-2011 and 5-2011 and the filing of the same.

SUNY FREDONIA: Letter of thanks for the warm welcome shown to students and teacher from China who were guests of SUNY Fredonia.

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APPOINTMENT:

Emergency Medical Services Advisory Council
Term to expire December 31, 2013

Eric Butler, Captain
Sheriff's Office
301 Court Street
Little Valley, New York 14755

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CHAIRMAN O'BRIEN granted privilege of the floor to Joseph Keller, County Treasurer, who introduced Joseph Klimak of Toski, Schaefer & Co. who gave the 2010 year-end financial report of the County.

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ACT NO. 369-2011 by Mr. Giardini
and Mr. Ellis
and Mr. Burrell¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
SERVINSKY ENGINEERING, PLLC FOR
RETROFIT AND/OR REPAIR OF LITTLE VALLEY AND
FRANKLINVILLE COVER-ALL SALT BARN BUILDINGS**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the Cover-All salt barn buildings located at Little Valley and Franklinville are in need of retrofit and/or repair, and

WHEREAS, Servinsky Engineering, PLLC, 280 Douglas Avenue, Holland, Michigan 49424-1122, can provide the following services for an amount of \$6,200.00:

<u>Little Valley Facility</u>	Amount
Phase 1:	Review existing building shop drawings; \$2,200.00

	Structural Analysis Report; and Letter of Recommendation	
Phase 2:	Sealed CAD Modifications to retro-fit and/or repair existing Titan Series 2 (TBS-2) Cover-All Building	\$1,000.00
<u>Franklinville Facility</u>		
Phase 1:	Review existing building shop drawings; Structural Analysis Report; and Letter of Recommendation	\$2,000.00
Phase 2:	Sealed CAD Modifications to retro-fit and/or repair existing Cover-All Legend Building Series	<u>\$1,000.00</u>
	TOTAL	\$6,200.00,

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 Servinsky Engineering, PLLC, for the provision of the above-described services, for a term commencing August 24, 2011 and terminating October 31, 2011, according to the above-described terms.

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

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

Adopted August 24, 2011 by voice vote.

ACT NO. 370-2011 by Mr. Giardini
and Mr. Ellis and Mr. Murphy

**AUTHORIZING THE CHAIR TO TRANSFER EXCESS PROPERTY
ACQUIRED FOR HIGHWAY PURPOSES IN THE TOWN OF MANSFIELD FOR
COUNTY ROAD NO. 15 RELOCATION PROJECT TO FORMER OWNERS**

Pursuant to Section 118-a of the Highway Law and
Section 450 of the County Law.

WHEREAS, the County acquired title for highway purposes to certain property located near Mansfield Bridge No. 14 on County Road No. 15 in the Town of Mansfield, from Michael and Ursula Davis, P.O. Box 244, Hamlin, New York 14464, and

WHEREAS, the County Road No. 15 Relocation Project is now complete and the County Department of Public Works is desirous of transferring the excess, unneeded highway property back to Michael and Ursula Davis, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute transfer documents, on behalf of Cattaraugus County, transferring by quit-claim deed the following described property to Michael and Ursula Davis:

ALL THOSE PARCELS OF LAND situate in the Town of Mansfield, County of Cattaraugus, State of New York, being part of Lots 33 and 34, Town 4, Range 7 of the Holland Land Company's survey bounded and describe as follows:

PARCEL MMN-14B

BEGINNING AT A POINT lying on the existing northerly bounds of County Road 15 along the lands of Michael and Ursula Davis (reputed owners) as described in a deed recorded in the Cattaraugus County Clerk's office in Liber 739 at Page 828, said point also lying at a distance of 47.82 feet, measured radially, from station 101+21.30 of the proposed centerline of County Road 15 as established by the Cattaraugus County Department of Public Works in April 2009 for the replacement of Mansfield Bridge 14 and the relocation of a portion of County Road 15;

THENCE southwesterly along the existing northerly bounds of County Road 15 following a curve to the left having a radius of 505.92 feet and an arc length of 58.05 feet to a point lying on the southerly bounds of Lot 34, said point located 46.78 feet, measured radially, from station 100+65.26 of the aforementioned centerline;

THENCE southeasterly through right of way lands a distance of 22.03 feet to a point located 24.75 feet, measured radially, from station 100+65.26 of the aforementioned centerline, said point lying on the proposed northerly bounds of County Road 15;

THENCE easterly along the proposed northerly bounds of County Road 15 following a curve to the right having a radius of 1364.75 feet and an arc length of 46.43 feet to a point located 24.75 feet, measured radially, from station 101+10.86 of the aforementioned centerline;

THENCE northeasterly through right of way lands a distance of 25.44 feet to the POINT OF BEGINNING, Containing 1195.24 square feet (0.027 acres) of land, more or less.

PARCEL MMN-14C

BEGINNING AT A POINT lying at the intersection of the existing northerly bounds of County Road 15 and the easterly bounds of the lands of Michael and Ursula Davis (reputed owners) as described in a deed recorded in the Cattaraugus County Clerk's office in Liber 739 at Page 828, said point also lying at a distance of 35.44 feet, measured radially, from station 102+47.90 of the proposed centerline of County Road 15 as established by the Cattaraugus County Department of Public Works in April 2009 for the replacement of Mansfield Bridge 14 and the relocation of a portion of County Road 15;

THENCE westerly along the existing northerly bounds of County Road 15 a distance of 29.81 feet to a point located 39.47 feet, measured radially, from station 102+19.17 of the aforementioned centerline;

THENCE westerly along the existing northerly bounds of County Road 15 following a curve to the left having a radius of 505.92 feet and an arc length of 58.63 feet to a point located 45.86 feet, measured radially, from station 101+62.72 of the aforementioned centerline;

THENCE southwesterly through right of way lands a distance of 22.96 feet to a point located 24.75 feet, measured radially, from station 101+53.93

of the aforementioned centerline, said point lying on the proposed northerly bounds of County Road 15;

THENCE easterly along the proposed northerly bounds of County Road 15 following a curve to the right having a radius of 1364.75 feet and an arc length of 94.37 feet to a point located 24.75 feet, measured radially, from station 102+46.59 of the aforementioned centerline;

THENCE northerly through right of way lands along a projection of the easterly bounds of Davis a distance of 10.78 feet to the POINT OF BEGINNING, Containing 1517.14 square feet (0.035 acres) of land, more or less.

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

Adopted August 24, 2011 by voice vote.

ACT NO. 371-2011 by Mr. Giardini
and Mr. Ellis and Mr. Murphy

**AUTHORIZING THE CHAIR TO TRANSFER EXCESS PROPERTY
ACQUIRED FOR HIGHWAY PURPOSES IN THE TOWN OF MANSFIELD FOR
COUNTY ROAD NO. 15 RELOCATION PROJECT TO FORMER OWNER**

Pursuant to Section 118-a of the Highway Law and
Section 450 of the County Law.

WHEREAS, the County acquired title for highway purposes to certain property located near Mansfield Bridge No. 14 on County Road No. 15 in the Town of Mansfield, from Marilyn Brown, 7970 Dublin Road, Salamanca, New York 14779, and

WHEREAS, the County Road No. 15 Relocation Project is now complete and the County Department of Public Works is desirous of transferring the excess, unneeded highway property back to Marilyn Brown, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute transfer documents, on behalf of Cattaraugus County, transferring by quit-claim deed the following described property to Marilyn Brown:

ALL THAT PARCEL OF LAND situate in the Town of Mansfield, County of Cattaraugus, State of New York, being part of Lot 33, Town 4, Range 7 of the Holland Land Company's survey bounded and describe as follows:

PARCEL MMN-14

BEGINNING AT A POINT lying at the intersection of the existing northerly bounds of County Road 15 and the easterly bounds of the lands of Marilyn Brown (reputed owner) as described in a deed recorded in the Cattaraugus County Clerk's office in Liber 800 at Page 258, said point also lying at a distance of 41.94 feet, measured radially, from station 100+12.64 of the proposed centerline of County Road 15 as established by the Cattaraugus County Department of Public Works in April 2009 for the replacement of Mansfield Bridge 14 and the relocation of a portion of County Road 15;

THENCE southwesterly along the existing northerly bounds of County Road 15 following a curve to the left having a radius of 505.92 feet and an arc length of 18.40 feet to a point located 39.47 feet, measured radially, from station 99+94.94 of the aforementioned centerline;

THENCE southwesterly along the existing northerly bounds of County Road 15 a distance of 200.98 feet to a point located 24.75 feet, measured radially, from station 97+99.02 of the aforementioned centerline, said point lying at the intersection of the proposed northerly bounds of County Road 15 and the existing northerly bounds of County Road 15;

THENCE northeasterly along the proposed northerly bounds of County Road 15 following a curve to the right having a radius of 1364.75 feet and an arc length of 212.26 feet to a point located 24.75 feet, measured radially, from station 100+07.42 of the aforementioned centerline;

THENCE northerly through right of way lands along a projection of the easterly bounds of Brown a distance of 18.00 feet to the POINT OF BEGINNING, Containing 1222.92 square feet (0.028 acres) of land, more or less.

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

Adopted August 24, 2011 by voice vote.

ACT NO. 372-2011 by Mr. Giardini
and Mr. Ellis and Mr. Murphy

**AUTHORIZING THE CHAIR TO TRANSFER EXCESS PROPERTY
ACQUIRED FOR HIGHWAY PURPOSES IN THE TOWN OF MANSFIELD FOR
COUNTY ROAD NO. 15 RELOCATION PROJECT TO FORMER OWNERS**

Pursuant to Section 118-a of the Highway Law and
Section 450 of the County Law.

WHEREAS, the County acquired title for highway purposes to certain property located near Mansfield Bridge No. 14 on County Road No. 15 in the Town of Mansfield, from Stephen and Amanda Montgomery, 7902 Dublin Road, Salamanca, New York 14779, and

WHEREAS, the County Road No. 15 Relocation Project is now complete and the County Department of Public Works is desirous of transferring the excess, unneeded highway property back to Stephen and Amanda Montgomery, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute transfer documents, on behalf of Cattaraugus County, transferring by quit-claim deed the following described property to Stephen and Amanda Montgomery:

ALL THAT PARCEL OF LAND situate in the Town of Mansfield, County of Cattaraugus, State of New York, being part of Lot 34, Town 4, Range 7 of the Holland Land Company's survey bounded and describe as follows:

PARCEL MMN-14D

BEGINNING AT A POINT lying at the intersection of the existing northerly bounds of County Road 15 and the westerly bounds of the lands of Stephen and Amanda Montgomery (reputed owners) as described in a deed recorded in the Cattaraugus County Clerk's office as Instrument No. 66732-001, said point also lying at a distance of 35.44 feet, measured radially, from station 102+47.90 of the proposed centerline of County Road 15 as established by the Cattaraugus County Department of Public Works in April 2009 for the replacement of Mansfield Bridge 14 and the relocation of a portion of County Road 15;

THENCE easterly along the existing northerly bounds of County Road 15 a distance of 171.17 feet to a point located 24.75 feet, measured radially, from station 104.15.10 of the aforementioned centerline;

THENCE westerly along the proposed northerly bounds of County Road 15 following a curve to the left having a radius of 1364.75 feet and an arc length of 171.62 feet to a point located 24.75 feet, measured radially, from station 102+46.59 of the aforementioned centerline;

THENCE northerly through right of way lands along a projection of the westerly bounds of Montgomery a distance of 10.78 feet to the POINT OF BEGINNING, Containing 613.92 square feet (0.014 acres) of land, more or less.

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

Adopted August 24, 2011 by voice vote.

ACT NO. 373-2011 by Mr. Giardini
and Mr. Ellis and Mr. Murphy

**AUTHORIZING THE CHAIR TO TRANSFER EXCESS PROPERTY
ACQUIRED FOR HIGHWAY PURPOSES IN THE TOWN OF MANSFIELD FOR
COUNTY ROAD NO. 15 RELOCATION PROJECT TO FORMER OWNERS**

Pursuant to Section 118-a of the Highway Law and
Section 450 of the County Law.

WHEREAS, the County acquired title for highway purposes to certain property located near Mansfield Bridge No. 14 on County Road No. 15 in the Town of Mansfield, from the Salamanca Conservation Club, 4345 Route 353, Salamanca, New York 14779, and

WHEREAS, the County Road No. 15 Relocation Project is now complete and the County Department of Public Works is desirous of transferring the excess, unneeded highway property back to the Salamanca Conservation Club, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute transfer documents, on behalf of Cattaraugus County, transferring by quit-claim deed the following described property to the Salamanca Conservation Club:

ALL THAT PARCEL OF LAND situate in the Town of Mansfield, County of Cattaraugus, State of New York, being part of Lot 33, Town 4, Range 7 of the Holland Land Company's survey bounded and describe as follows:

PARCEL MMN-14A

BEGINNING AT A POINT lying at the intersection of the existing northerly bounds of County Road 15 and the westerly bounds of the lands of the Salamanca Conservation Club (reputed owner) as described in a deed recorded in the Cattaraugus County Clerk's office in Liber 564 at Page 414, said point also lying at a distance of 41.94 feet, measured radially, from station 100+12.64 of the proposed centerline of County Road 15 as established by the Cattaraugus County Department of Public Works in April 2009 for the replacement of Mansfield Bridge 14 and the relocation of a portion of County Road 15;

THENCE northeasterly along the existing northerly bounds of County Road 15 following a curve to the right having a radius of 505.92 feet and an arc length of 54.61 feet to a point located 46.78 feet, measured radially, from station 100+65.26 of the aforementioned centerline, said point lying at the intersection of said northerly highway bounds and the northerly bounds of Lot 33;

THENCE southeasterly through right of way lands a distance of 22.03 feet to a point located 24.75 feet, measured radially, from station 100+65.26 of the aforementioned centerline, said point lying on the proposed northerly bounds of County Road 15;

THENCE southwesterly along the proposed northerly bounds of County Road 15 following a curve to the left having a radius of 1364.75 feet and an arc length of 58.91 feet to a point located 24.75 feet, measured radially, from station 100+07.42 of the aforementioned centerline;

THENCE northerly through right of way lands along a projection of the easterly bounds of Brown a distance of 18.00 feet to the POINT OF BEGINNING, Containing 1121.14 square feet (0.026 acres) of land, more or less.

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

Adopted August 24, 2011 by voice vote.

ACT NO. 374-2011 by Mr. Vecchiarella
and Mr. Aiello, Mr. Neal and Mr. McClune¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR
DISTRICT ATTORNEY AID TO PROSECUTION PROGRAM**

Pursuant to Section 450 of the County Law and
Chapter 53 of the Laws of 1990.

WHEREAS, Act 461-2010 authorized a contract with the New York State Division of Criminal Justice Services for funding for the Aid to Prosecution Program, and

WHEREAS, the District Attorney has been notified by the New York State Division of Criminal Justice Services that the District Attorney's

Office is eligible for a grant in the amount of \$29,200.00 under the Aid to Prosecution Program for the period April 1, 2011 to March 31, 2012, and

WHEREAS, the purpose of this program is to expedite the processing of repeat and serious felony offenders, to maintain increased levels of experienced prosecution personnel, to seek the imposition of maximum sentences and minimum plea bargaining options for defendants, to limit the caseloads of experienced attorneys in order to maintain a policy of vertical prosecution and to screen all potentially Aid to Prosecution eligible felony cases, and

WHEREAS, a contract is necessary with the New York State Division of Criminal Justice Services in order to accept the aforementioned funding, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute the aforementioned contract, on behalf of Cattaraugus County, with the New York State Division of Criminal Justice Services, for the provision of the above-described program, for a term commencing April 1, 2011 and terminating March 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 Public Safety Committee.

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

Adopted August 24, 2011 by voice vote.

ACT NO. 375-2011 by Mr. Marsh

**AUTHORIZING COUNTY TREASURER TO APPEAR IN CERTAIN
COMMERCIAL CLAIMS ACTIONS ON BEHALF OF CATTARAUGUS COUNTY**

Pursuant to Sections 1809 and 1809-A of the Uniform City Court Act,
Sections 501 and 1809 of the Uniform Justice Court Act and
Section 321 of the Civil Practice Law and Rules.

RESOLVED, that the County Treasurer is hereby authorized to appear, for and on behalf of Cattaraugus County, in Commercial Claims actions, commenced by Cattaraugus County, involving unpaid taxes or fees due to the Treasurer's Office, pursuant to Section 1809-A(d) of the Uniform City Court Act.

Approved by 9 members of the Finance Committee.

Adopted August 24, 2011 by voice vote.

ACT NO. 376-2011 by Mr. McLarney and Mr. Ward

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
EBS-RMSCO, INC. FOR
GASB 45 ACTUARIAL, CONSULTING AND ADMINISTRATIVE SERVICES**

Pursuant to Section 1860D-22 of the Social Security Act,
42 CFR Section 423.880, 42 USC Section 1395w-101 and
Act 290-2011 of the Cattaraugus County Legislature.

WHEREAS, Act 686-2009 authorized a contract with EBS Benefit Solutions, Inc., 30 Perinton Hills Mall, Fairport, New York 14450, for the provision of GASB 45 actuarial services for the Cattaraugus County Health Plan, the term of which expired, and

WHEREAS, the County is desirous of obtaining actuarial, consulting and administrative services for postretirement medical benefits valuations for the fiscal year ending December 31, 2011, and

WHEREAS, EBS-RMSCO, Inc., has been recommended to provide the aforementioned services for fiscal year ending December 31, 2011, for an amount of \$7,350, 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 County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with EBS-RMSCO, Inc., for the provision of the above-described services, for a term commencing September 1, 2011 and terminating December 31, 2011, according to the above-described terms.

Approved by 9 members of the Finance Committee and 6 members of the Labor Relations Committee.

Adopted August 24, 2011 by voice vote.

ACT NO. 377-2011 by Mr. Snyder and Mrs. Stockman
and Mr. Aiello¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NATIONAL ASSOCIATION OF COUNTY & CITY HEALTH OFFICIALS (NACCHO) FOR
TOBACCO CONTROL PROGRAM PLANNING MEETING COORDINATION**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Health Department has been selected to coordinate a one-day planning meeting to discuss strategies to sustain local tobacco control efforts, at no cost to the County, and

WHEREAS, the National Association of County & City Health Officials (NACCHO), 1100 17th Street NW, Seventh Floor, Washington, DC 20036, has funding in the amount of \$5,500.00 available to cover costs associated with the coordination of the one-day planning meeting, which will be paid to the County Health Department in four installments, after meeting deliverables, and

WHEREAS, a contract is necessary with the NACCHO in order to agree to coordinate the aforementioned one-day planning meeting and receive the aforementioned funding, 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 National Association of County & City Health Officials (NACCHO), for a term commencing September 1, 2011 and terminating August 31, 2012, according to the above-described terms.

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

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

Adopted August 24, 2011 by voice vote.

ACT NO. 378-2011 by Mr. Snyder and Mrs. Stockman
and Mr. Aiello¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CORNELL COOPERATIVE EXTENSION-CATTARAUGUS COUNTY FOR
COORDINATOR OF PUBLIC HEALTH PREPAREDNESS & RESPONSE TO
BIOTERRORISM AND EMERGENCY PREPAREDNESS RESOURCE SPECIALIST**

Pursuant to Sections 224 (8) and 450 of the County Law.

WHEREAS, Act 539-2010 authorized the Chair to execute a contract with Cornell Cooperative Extension-Cattaraugus County, 28 Parkside Drive, Ellicottville, New York 14731, for the services of a Coordinator of Public Health Preparedness & Response to Bioterrorism and An Emergency Preparedness Resource Specialist, the term of which expired August 9, 2011, and

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

WHEREAS, the Coordinator of Public Health Preparedness & Response to Bioterrorism shall be responsible for ensuring that the County Health Department is prepared to respond and react to environmental and/or health-related disasters which may affect Cattaraugus County, and

WHEREAS, the Emergency Preparedness Resource Specialist shall be responsible for assisting the Coordinator in ensuring that the County Health Department is prepared to respond and react to environmental and/or health related disasters which may affect Cattaraugus County, and

WHEREAS, Cornell Cooperative Extension-Cattaraugus County can provide personnel to perform the tasks of Coordinator of Public Health Preparedness & Response to Bioterrorism and Emergency Preparedness Resource Specialist, in accordance with the following:

Coordinator	a total amount not to exceed \$45,017.00, as follows:		
	Wages & Other Costs	not to exceed	\$44,017.00
	Work Related Expenses	not to exceed	\$ 1,000.00
Resource Specialist	a total amount not to exceed \$33,749.00, as follows:		
	Wages & Other Expenses	not to exceed	\$33,249.00
	Work Related Expenses	not to exceed	\$ 500.00

* Approved work-related expenses will be reimbursed at cost, including approved work-related cell phone usage

** Mileage will be reimbursed at the Cornell established rate of \$.485/mile,
and

WHEREAS, this program is 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 Cornell Cooperative Extension-Cattaraugus County, for the provision of the above-described services, for a term commencing August 10, 2011 and terminating August 9, 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.

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

Adopted August 24, 2011 by voice vote.

ACT NO. 379-2011 by Mr. Snyder and Mrs. Stockman
and Mr. Aiello¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CORNELL COOPERATIVE EXTENSION-CATTARAUGUS COUNTY FOR
COORDINATOR OF EMERGENCY MEDICAL SERVICES**

Pursuant to Sections 224(8) and 450 of the County Law.

WHEREAS, Act 538-2010 authorized the Chair to execute a contract with Cornell Cooperative Extension-Cattaraugus County, 28 Parkside Drive, Ellicottville, New York 14731, for the services of a Coordinator of Emergency Medical Services, the term of which expired August 9, 2011, and

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

WHEREAS, the Coordinator of Emergency Medical Services shall be responsible for the preparation, review and approval of a basic grant application form, which is forwarded to the State for final approval of state-reimbursed EMT courses, and

WHEREAS, Cornell Cooperative Extension-Cattaraugus County can provide personnel to perform the tasks of Coordinator of Emergency Medical Services, for an amount not to exceed \$15,173.00, as follows:

Wages & Other Expenses not to exceed	\$14,673.00
Work Related Expenses not to exceed	\$ 500.00

* Approved work-related expenses will be reimbursed at cost, including approved work-related cell phone usage

** Mileage will be reimbursed at the Cornell established rate of \$.485/mile,

and

WHEREAS, this program is 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 Cornell Cooperative Extension-Cattaraugus County, for the provision of the above-described services, for a term commencing August 10, 2011 and terminating August 9, 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.

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

Adopted August 24, 2011 by voice vote.

ACT NO. 380-2011 by Mr. Snyder and Mrs. Stockman
and Mr. Aiello¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CORNELL COOPERATIVE EXTENSION-CATTARAUGUS COUNTY FOR
VARIOUS HEALTH DEPARTMENT WIC PROGRAMS**

Pursuant to 42 USCS Section 1786 and
Section 450 of the County Law.

WHEREAS, Act 537-2010, as amended by Act 258-2011, authorized contracts with Cornell Cooperative Extension-Cattaraugus County, 28 Parkside Drive, Ellicottville, New York 14731, for the provision of the following components for the Health Department WIC program, the terms of which expire September 30, 2011:

- Breastfeeding Peer Counselors (part-time),
- Two (2) Nutrition Program Aides, and
- Breastfeeding Coordinator, and

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

WHEREAS, Cornell Cooperative Extension of Allegany and Cattaraugus Counties, has agreed to provide the aforementioned WIC program components, in accordance with the following:

<u>*Breastfeeding Peer Counselor (two part-time)</u>		Rate
Peer Counselor Wages	not to exceed	\$12,257.00
(\$11.18/hr for no more than 20 hrs/week)		
Work-Related Expenses	not to exceed	\$ 2,500.00
TOTAL	not to exceed	\$14,757.00
<u>*Nutrition Program Aide Services (two)</u>		
Wages & Other costs	not to exceed	\$66,527.00
(\$17.24/hour for up to 35 hours per week)		
Work-Related Expenses-reimbursed at cost	not to exceed	\$ 1,700.00
TOTAL	not to exceed	\$68,227.00
<u>*Breast Feeding Peer Counselor Coordinator</u>		
Wages & Other Costs	not to exceed	\$43,597.00
(\$22.60/hour for up to 35 hours per week)		
Work Related Expenses	not to exceed	\$ 1,200.00
TOTAL	not to exceed	\$44,797.00

*Approved work-related expenses will be reimbursed at cost, including

approved work-related cell phone usage
*Mileage will be reimbursed at the Cornell established rate of \$.485/mile

and

WHEREAS, these programs are 100% funded through the WIC Program, 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 Cornell Cooperative Extension-Cattaraugus County, for the provision of the above-described services, for a term commencing October 1, 2011 and terminating September 30, 2012, according to the above-described terms, and be it further

RESOLVED, that upon the reduction or termination of funding for any of the aforementioned programs, then that program shall be automatically abolished.

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

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

Adopted August 24, 2011 by voice vote.

ACT NO. 381-2011 by Mr. Snyder and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR
IMMUNIZATION CONSORTIUM REIMBURSEMENT**

Pursuant to 10 NYCRR Section 40-1.52 and
Section 450 of the County Law.

WHEREAS, Act 251-2010 authorized a contract with the New York State Department of Health for the administration of the Western Region Immunization Consortium, the term of which expired March 31, 2011, and

WHEREAS, the Western Region Immunization Consortium will receive \$41,007 from the New York State Department of Health in order to enhance immunization rates and increase the distribution of vaccines to families who might otherwise not obtain vaccination, and

WHEREAS, the New York State Department of Health has been designated as Lead Agency for the Western Region Immunization Consortium for the administration of the above-referenced program, and

WHEREAS, the Cattaraugus County Health Department is desirous of participating in the above-referenced program in order to expand the vaccine distribution in Cattaraugus County and ensure that children who are uninsured, underinsured and Medicaid-eligible have access to immunization clinics, and

WHEREAS, the County must enter into a contract with the New York State Department of Health in order to obtain reimbursement through the above-referenced program, 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 in order to obtain reimbursement through the above-referenced program, for a term commencing

April 1, 2011 and terminating March 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.

Adopted August 24, 2011 by voice vote.

ACT NO. 382-2011 by Ms. Vickman and Mr. McClune

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
D'YOUVILLE COLLEGE FOR EDUCATIONAL CLINICAL EXPERIENCE PROGRAMS FOR
DEPARTMENT OF NURSING HOMES**

Pursuant to Section 450 of the County Law.

WHEREAS, D'Youville College, 320 Porter Avenue, Buffalo, New York 14201, offers clinical field work training and educational programs to students who would benefit from field placement experience at the Pines Healthcare and Rehabilitation Centers - Machias and Olean Campuses, and

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

WHEREAS, this program is provided 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 a contract, on behalf of Cattaraugus County, with D'Youville College, for the provision of clinical field work training and educational programs, for a term commencing September 1, 2011, to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

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

Adopted August 24, 2011 by voice vote.

ACT NO. 383-2011 by Ms. Vickman and Mr. McClune
and Mr. Aiello, Mr. Teachman and Mr. Padlo¹

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

Pursuant to Section 450 of the County Law.

WHEREAS, Act 432-2006 authorized a contract with Jamestown Community College, 525 Falconer Street, Jamestown, New York 14701, for a clinical field work training and educational program at the Pines Healthcare and Rehabilitation Centers - Machias and Olean Campuses, the term of which expires August 31, 2011, and

WHEREAS, the Department of Nursing Homes is desirous of continuing the aforementioned clinical field work training and educational program to students who would gain clinical experience at the Cattaraugus County Nursing Home facilities, and

WHEREAS, there is no cost involved with the aforementioned program, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Jamestown Community College, for the provision of the above-described clinical experience program, for a term commencing September 1, 2011 to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

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

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

Adopted August 24, 2011 by voice vote.

ACT NO. 384-2011 by Ms. Vickman and Mr. McClune
and Mr. Aiello, Mr. Teachman and Mr. Padlo¹

**AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENT WITH
ECOLAB, INC., FOR WATER SOFTENER**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Department of Nursing Homes is in need of a water softener for the dishwasher at the Pines Healthcare and Rehabilitation Center - Olean Campus, and

WHEREAS, Ecolab, Inc., Ecolab Center, 370 Wabasha Street, St. Paul, Minnesota 55102, can lease a water softener for the aforementioned dishwasher for an amount of \$495.00, plus \$67.00 per month, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a lease agreement, on behalf of Cattaraugus County, with Ecolab, Inc., for the provision of the above-described leased water softener, for a term commencing August 20, 2011 and terminating August 19, 2012, according to the above-described terms.

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

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

Adopted August 24, 2011 by voice vote.

ACT NO. 385-2011 by Mr. McLarney and Mr. Boser
and Mr. Aiello, Ms. Edstrom, Mr. Ellis, Mr. Marsh, Mr. Murphy,
Mr. Neal, Mr. O'Brien, Mr. Snyder, Mrs. Stockman, Mr. Teachman,
Mr. Vecchiarella, Ms. Vickman, Mr. Giardini, Mr. Hebdon, Mr. McClune,
Mr. Padlo, Mr. Sprague and Mr. Ward¹

**CLASSIFICATION OF THE MAINTENANCE OF SNOWMOBILE TRAILS FOR
THE CATTARAUGUS COUNTY SNOWMOBILE FEDERATION UNDER
CATTARAUGUS COUNTY LEGISLATURE SPONSORED NEW YORK STATE GRANT
AS A SEQR TYPE II ACTION**

Pursuant to 6 NYCRR Section 617.5

WHEREAS, the Cattaraugus County Federation of Snowmobile Clubs, Inc., is in need of funding to maintain snowmobile trails in Cattaraugus County, and

WHEREAS, New York State requires the County to be the local sponsor to apply for this funding for snowmobile clubs throughout the County, and

WHEREAS, Act No. 346-2006 of the Cattaraugus County Legislature, authorized the County to act as local sponsor for the grant application, and

WHEREAS, the proposed project has been examined to determine its eligibility for review pursuant to 6 NYCRR Part 617 of the implementing regulations of Article 8 [State Environmental Quality Review (SEQR) Act] of the Environmental Law of the State of New York, and

WHEREAS, 6 NYCRR Part 617.5, referring to Type II Actions states that: "Actions or classes of actions identified in subdivision (c) of this section are not subject to review under this Part", and

WHEREAS, 6 NYCRR Part 617.5 (c) (1) states that: "maintenance or repair involving no substantial changes in an existing structure or facility," is a Type II Action, and

WHEREAS, 6 NYCRR Part 617.5 (c) (2) states that: "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in Section 617.4 of this Part," is a Type II Action, and

WHEREAS, the proposed action involves the maintenance of snowmobile trails with no substantial changes in existing trails to be included in the trail network proposed for funding, and

WHEREAS, any scheduled repair work on any structure or facility that is part of the snowmobile trail network will be done so in kind, and on the same site, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby classifies the proposed action involving the maintenance of snowmobile trails for the Cattaraugus County Snowmobile Federation as a Type II Action as defined by Article 8 of the Environmental Conservation Law and its underlying regulations, and be it further

RESOLVED, that since Type II Actions have been determined not to have a significant impact on the environment and are otherwise precluded from environmental review under the Environmental Conservation Law, Article 8, the Cattaraugus County Legislature hereby determines that the proposed action is one which will not have a significant environmental impact, and that the review process is complete.

Approved by 9 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

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

Adopted August 24, 2011 by voice vote.

ACT NO. 386-2011 by Mr. McLarney and Mr. Boser
and Mr. Aiello, Ms. Edstrom, Mr. Ellis, Mr. Marsh, Mr. Murphy,
Mr. Neal, Mr. O'Brien, Mr. Snyder, Mrs. Stockman, Mr. Teachman,
Mr. Vecchiarella, Ms. Vickman, Mr. Giardini, Mr. Hebdon, Mr. McClune,
Mr. Padlo, Mr. Sprague and Mr. Ward¹

**AUTHORIZING THE CHAIR TO EXECUTE GRANT APPLICATION WITH
NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION FOR
SNOWMOBILE TRAIL MAINTENANCE PROGRAM FUNDING**

Pursuant to Article 27 of the Parks, Recreation and
Historic Preservation Law and Section 450 of the County Law.

WHEREAS, Act 445-2010 authorized the Chair to execute a grant application with the New York State Office of Parks, Recreation and Historic Preservation for snowmobile trail maintenance program funding for the 2010-2011 program year, and

WHEREAS, funding is again available through the New York State Office of Parks, Recreation and Historic Preservation for maintenance of snowmobile trails, and

WHEREAS, Cattaraugus County has been requested by the Cattaraugus County Snowmobile Federation to act as a local sponsor for the grant application, and

WHEREAS, if the grant application is successful, then the legislature would consider legislation entering into contracts with either the Cattaraugus County Federation of Snowmobile Clubs, Inc. or the snowmobile clubs for the snowmobile trail maintenance, now, therefore, be it

RESOLVED, that the Chair of the Legislature, be, and hereby is, authorized and directed to execute a grant application, on behalf of Cattaraugus County, with the New York State Office of Parks, Recreation and Historic Preservation, for the 2011-2012 program year, 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 6 members of the Development and Agriculture Committee.

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

Adopted August 24, 2011 by voice vote.

ACT NO. 387-2011 by ¹Mr. Snyder
and Mr. Aiello and Mr. Padlo¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN CITY SCHOOL DISTRICT FOR YOUTH BUREAU EVENSTART PROGRAM**

Pursuant to 34 CFR Part 74 and Section 450 of the County Law.

WHEREAS, Act 577-2011 authorized the County Youth Bureau to provide services through the Evenstart Program, and

WHEREAS, the County Youth Bureau is desirous of continuing to provide these services, and

WHEREAS, the Evenstart Program is a family literacy program which arranges for (1) adult education, (2) early childhood education, (3) parenting education and (4) interactive literacy, and

WHEREAS, the Olean City School District currently partners with the Cattaraugus/Allegany Headstart Program for the provision of the Evenstart Program in the Olean area, and

WHEREAS, pursuant to program requirements, the Olean City School District must "partner" with another sponsor to assist with the aforementioned program, and

WHEREAS, funding is available through the New York State Department of Education for the continuation of an Evenstart Program in Cattaraugus County, and

WHEREAS, Cattaraugus County will receive up to \$60,000 per year from the Olean City School District for the provision of the aforementioned program, 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 Olean City School District, for the provision of the above-described services, for a term commencing September 1, 2011 and terminating August 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.

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello and Mr. Padlo"; the following Legislator requested her name to be deleted as a sponsor: "Ms. Edstrom".

Adopted August 24, 2011 by voice vote. Ms. Edstrom was absent while the vote was taken.

ACT NO. 388-2011 by Mr. Snyder and Mr. Ward
and Mr. Aiello, Ms. Edstrom and Mr. Padlo¹

**AUTHORIZING YOUTH BUREAU DIRECTOR TO EXECUTE CONTRACTS WITH
VARIOUS INDIVIDUALS FOR
PRE-SCHOOL HANDICAPPED TRANSPORTATION SERVICES**

Pursuant to 8 NYCRR Part 200, Section 4410 of the Education Law and
Section 450 of the County Law.

WHEREAS, Act 62-2011 authorized contracts for reimbursement to individuals for the transportation of pre-school handicapped children to schools located in Erie County at a maximum rate of \$0.45 per mile, and

WHEREAS, the County is desirous of increasing the reimbursement for the transportation of pre-school handicapped children to schools located in Erie County to the IRS approved rate² per mile as adjusted in the future² effective September 1, 2011, now, therefore, be it

RESOLVED, that the Director of the Youth Bureau be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with various parents, for the provision of the above-described transportation services, for terms commencing September 1, 2011 to continue in full force and effect until terminated or amended by either party hereto, according to the above-described terms.

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

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

² MR. AIELLO moved, seconded by Ms. Edstrom to amend Act No. 388-2011 as follows: In the second Whereas, delete: "a maximum rate of \$0.55" and replace with "the IRS approved rate"; after per mile, add: "as adjusted in the future". Carried.

Adopted, as amended, August 24, 2011 by voice vote.

ACT NO. 389-2011 by Mr. Snyder and Mrs. Stockman
and Mr. Aiello, Ms. Edstrom and Ms. Vickman¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATHOLIC CHARITIES OF WESTERN NEW YORK, INC., FOR
DEPARTMENT OF SOCIAL SERVICES KINSHIP PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 434-2010 authorized a contract with Catholic Charities of Western New York, Inc., 520 West State Street, Olean, New York 14760, for the provision of a Kinship Program for grandparents or other relatives who obtain custody of children, the term of which expires August 31, 2011, and

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

WHEREAS, the Kinship Program will serve approximately 50 participants and is for those children who are placed with relatives in lieu of foster care, and

WHEREAS, Catholic Charities of Western New York, Inc., can provide the aforementioned Kinship Program for a total amount not to exceed \$70,000.00, and

WHEREAS, this program is 100% funded through the Flexible Fund for Family 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 Catholic Charities of Western New York, Inc., for the provision of the above-described services, for a term commencing September 1, 2011 and terminating August 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 6 members of the Human Services Committee.

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Ms. Edstrom and Ms. Vickman".

Adopted August 24, 2011 by voice vote.

ACT NO. 390-2011 by Mr. Aiello, Ms. Edstrom, Mr. Snyder,
Mr. Teachman and Mr. Padlo

**SALE OF TAX TITLE PROPERTY TO FORMER OWNER
(City of Olean)**

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 City of Olean, 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:

CITY OF OLEAN

PAR.#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
272	94.072-1-24	Francis Foster, Jr.	1107 W. Henley St. Olean, NY 14760	\$12,622.96

Approved by 9 members of the Finance Committee.

Adopted August 24, 2011 by voice vote.

ACT NO. 391-2011 by Mr. Aiello and Mr. Snyder
and Mr. Murphy and Mr. Sprague¹
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE LEASE DOCUMENTS WITH
BI INCORPORATED FOR YOUTH BUREAU YOUTH PLACEMENT
PREVENTION ELECTRONIC MONITORING PROGRAM**

Pursuant to Section 65.10 of the Penal Law and
Section 450 of the County Law.

WHEREAS, Acts 411-2005, 445-2006 and 481-2008 authorized the Chair to execute lease documents for the provision of electronic monitoring devices for the Youth Bureau Youth Placement Prevention Electronic Monitoring Program, the terms of which expire August 31, 2011, and

WHEREAS, BI Incorporated, 6400 Lookout Road, Boulder, Colorado 80301, has agreed to provide the following monitoring equipment and services for a total amount not to exceed \$25,000.00 for a one year term, as follows:

<u>Equipment & Monitoring</u>	<u>Quantity</u>	<u>Monthly Price</u>	<u>Annual Cost</u>
HomeGuard 200 Units	5	\$258.54	\$3,102.50
Monitoring Cost		\$334.58	\$4,015.00
HomeGuard 206 Units	4	\$438.00	\$5,256.00
Monitoring Cost		\$231.17	\$2,774.00
ExacuTrack One Units	3	\$410.63	\$4,927.50
Monitoring Cost		\$136.88	\$1,642.50

Replacement Cost:

HomeGuard 200 Equipment: \$575.00-transmitter, \$1,320.00-receiver

HomeGuard 206 Equipment: \$575.00-transmitter, \$1,620.00-receiver

ExacuTrack One Equipment: \$60.00-fiberoptic strap & wallcharger,
\$250.00-beacon, \$1,740 tracking unit,

and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute lease documents, on behalf of Cattaraugus County, with BI Incorporated, for the provision of the above-described services, for a term commencing September 1, 2011 and terminating August 31, 2012, according to the above-described terms.

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

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

Adopted August 24, 2011 by voice vote.

ACT NO. 392-2011 by 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. Ward¹
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE SUPPLEMENTAL MEDICAID UPPER
PAYMENT LIMIT SCHEDULE REQUEST FOR DEPARTMENT OF NURSING HOMES
SUPPLEMENTAL FUNDING AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Nursing Homes)**

Pursuant to Section 2808(12)(e-1) of the Public Health Law and
Sections 363, 366 and 450 of the County Law.

WHEREAS, the New York State Public Health Law provides for Supplemental Medicaid Upper Payment Limit payments of up to \$300,000,000 statewide to non-state operated public nursing facilities, for State fiscal years 2009-10 and 2010-11, and

WHEREAS, the amounts of \$167,000,000 and \$189,000,000 have been allocated to each qualifying nursing home based upon the ratio of each facility's reported Medicaid days divided by the total reported Medicaid days for all eligible public nursing homes for each of the 2007 and 2008 years, respectively, with a total amount available for the two-year period up to \$356,000,000, and

WHEREAS, the County's Pines Healthcare and Rehabilitation Centers are eligible for payments of \$4,314,187.00 for the Machias facility and \$3,957,023.00 for the Olean facility, for a total of \$8,271,210.00, and

WHEREAS, the County is responsible for transferring the full non-federal share of such payments to the State prior to the corresponding 100 percent payment being released to the Nursing Homes, and

WHEREAS, the total non-federal share required to draw down the supplemental Medicaid upper payments totaling \$8,271,210.00 is in the amount of \$3,176,972.00, out of which the County has previously accrued the sum of \$2,286,364.00, leaving an unfunded balance of \$1,466,165.00, and

WHEREAS, it is proposed that the County apply for the entire two-year payment to be received by the County in November, 2011, and

WHEREAS, in order to make such application, it will be necessary to allocate the sum of \$1,466,165.00 from undesignated fund balance, and

WHEREAS, the appropriation account for the IGT payment must be adjusted, now, therefore be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute the Supplemental Medicaid Upper Payment Limit Schedule Request Form for the County Department of Nursing Homes as described above, and be it further

RESOLVED, that the County Administrator is hereby directed to appropriate from General Fund Balance the amount of \$1,466,165.00, and be it further

RESOLVED, that the County Administrator is hereby directed to increase Appropriation Account A.601.6102.0000.40608 (IGT Payment) in the amount of \$1,466,165.00.

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

¹ The following Legislators requested their names be listed as additional sponsors: "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".

Adopted August 24, 2011 by voice vote.

ACT NO. 393-2011 by 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. Ward¹
who ask immediate consideration

**JOINING THE NATIONAL MOMENT OF REMEMBRANCE OF
THE TENTH ANNIVERSARY OF SEPTEMBER 11TH**

Pursuant to Section 153 of the County Law.

WHEREAS, the Cattaraugus County Legislature hereby expresses their support of the United States Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2011, in honor of the tenth anniversary of the terrorist attacks committed against the United States on September 11, 2001, and

WHEREAS, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York, and

WHEREAS, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center, and

WHEREAS, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense, and

WHEREAS, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and in doing so, gave their lives to save countless others, and

WHEREAS, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001, and

WHEREAS, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center, and as witnesses to this tragedy, are forever changed, and

WHEREAS, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel and volunteers responded immediately and heroically to those horrific events, and

WHEREAS, the Fire Department of the City of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history, and

WHEREAS, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day, and

WHEREAS, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks, and

WHEREAS, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored, and

WHEREAS, ten years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day, and

WHEREAS, ten years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States, and

WHEREAS, on the tenth anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001, and their families, and

WHEREAS, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life, and

WHEREAS, in 2009, Congress and the President joined together to designate September 11th as a National Day of Service and Remembrance under the Serve America Act (Public Law 111-13; 123 Stat. 1460), and

WHEREAS, in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance, and

WHEREAS, September 11th will never, and should never, be just another day in the hearts and minds of all people of the United States, now, therefore be it

RESOLVED, that the Cattaraugus County Legislature hereby recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks, and in doing so, bravely risked and often gave their own lives, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and be it further

RESOLVED, that on the tenth anniversary of this tragic day in United States history the Cattaraugus County Legislature calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including (i) media outlets; (ii) houses of worship; (iii) military organizations; (iv) veterans organizations; (v) airlines; (vi) airports; (vii) railroads; (viii) sports teams; (ix) the Federal Government; (x) State and local governments; (xi) police, fire, and other public institutions; (xii) educational institutions; (xiii) businesses; and (xiv) other public and private institutions, and be it further

RESOLVED, that the Cattaraugus County Legislature encourages the observance of the moment of remembrance to last for one minute beginning at 1:00 p.m. Eastern Daylight Savings Time by, to the maximum extent practicable, ceasing all work or other activity, and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

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

¹ The following Legislators requested their names be listed as additional sponsors: "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".

Adopted August 24, 2011 by voice vote.

MS. EDSTROM moved, seconded by Mr. Aiello to adjourn until September 14, 2011 at 3:00 p.m. Carried.

Meeting adjourned at 3:47 p.m.

Ann M. Giglio
Journal Clerk