



November 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. Ellis.

MR. GIARDINI moved, seconded by Ms. Edstrom that the minutes of the October 26, 2011 session be approved. Carried.

\* \* \* \* \*

**COMMUNICATIONS:**

Senator Young: Response to letter from Chairman O'Brien regarding Senate Bill S.2888 regarding increasing the percentage of casino host revenues and letter acknowledging receipt of Act No. 452-2011.

Assembly Member Giglio: Letters acknowledging receipt of Act Nos. 452-2011 and 482-2011.

Jerry E. Burrell, Chairman, Finance Committee: Apportionment of Mortgage Taxes from April 1, 2011 through September 30, 2011. (See page 563).

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CHAIRMAN O'BRIEN announced this is the time and place called for a public hearing on Act No. 476-2011, Local Law Number 13-2011, "A Local Law Amending Local Law Number 18-2011 (Intro Number 24-1991), as Amended, to Modify Refuse Disposal Fees" and that anyone wishing to speak for or against this local law, may now do so.

There being no one wishing to speak, CHAIRMAN O'BRIEN declared the public hearing closed.

CHAIRMAN O'BRIEN called up **Act No. 476-2011**, Local Law Number 13-2011, "A Local Law Amending Local Law Number 18-2011 (Intro Number 24-1991), as Amended, to Modify Refuse Disposal Fees", and asked that it be read.

The vote on Act No. 476-2011, is as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Edstrom 0.8772, Giardini 1.0094, Hebdon 1.0915, Marsh 1.0843, McClune 0.8834, McLarney 1.0632, Murphy 1.0875, Neal 1.0843, Padlo 0.8772, Snyder .08772, Sprague 1.0530, Stockman 1.0265, Teachman 0.8772, Vecchiarella 0.8834, Vickman 1.0915, Ward 1.0043, O'Brien 1.0632 - 19.9124.

Nays: none.

Act No. 476-2011, having received the majority vote of the Legislature, was declared Adopted.

\* \* \* \* \*

CHAIRMAN O'BRIEN presented a copy of Act No. 495-2011 to JCC Assistant coaches Dennis Tobolski and Stephen Gravowski. Also in attendance for the presentation were JCC soccer team members Chelsea Wells and Mary Mabon. They were commended for their outstanding season.

To: The Chairman and Legislature of Cattaraugus County:

I, the Chairman of the Finance Committee, which committee has charge of Apportionment of Mortgage Taxes, respectfully report that the amount to be apportioned for the six-month period from April 1, 2011 through September 30, 2011 is \$283,188.20 and recommend that the amounts opposite the names of the cities/towns be paid to the fiscal officers of that city/town, and amounts in the column headed villages, be paid to the treasurers of the respective villages.

Respectfully submitted,

Jerry E. Burrell, Chairman  
Finance Committee

#### APPORTIONMENT OF MORTGAGE TAXES

	ROW 1 CITY/TOWN ASSESSED  VALUATION	ROW 2 DOUBLE CITY/TOWN  VALUATION	ROW 3 VILLAGE ASSESSED  VALUATION	ROW 4 VILLAGE PERCENTAGE  SHARE	ROW 5 TOTAL AMOUNT MORTGAGE TAX DISTRIBUTED	ROW 6 VILLAGE  SHARE	ROW 7 CITY/ TOWN  SHARE
ALLEGANY	320,113,993	640,227,986	68,439,935	0.10689932	27,260.10	2,914.09	24,346.01
ASHFORD	76,084,619	152,169,238		0.00000000	7,586.82	0.00	7,586.82
CARROLLTON	77,505,309	155,010,618	10,418,487	0.06721144	6,898.62	463.67	6,434.95
COLDSPRING	47,043,798	94,087,596		0.00000000	2,162.30	0.00	2,162.30
CONEWANGO	33,330,363	66,660,726	3,460,756	0.05191597	4,266.07	221.48	4,044.59
DAYTON	48,494,919	96,989,838	12,452,522	0.12838997	3,773.38	484.46	3,288.92
EAST OTTO	47,685,136	95,370,272		0.00000000	2,647.69	0.00	2,647.69
ELLCOTTVILLE	555,621,175	1,111,242,350	117,071,160	0.10535160	35,058.78	3,693.50	31,365.28
FARMERSVILLE	56,241,358	112,482,716		0.00000000	4,756.07	0.00	4,756.07
FRANKLINVILLE	85,782,379	171,564,758	33,514,143	0.19534398	9,070.88	1,771.94	7,298.94
FREEDOM	5,118,941	10,237,882		0.00000000	7,339.39	0.00	7,339.39
GREAT VALLEY	3,120,142	6,240,284		0.00000000	12,788.60	0.00	12,788.60
HINSDALE	71,808,622	143,617,244		0.00000000	2,501.65	0.00	2,501.65
HUMPHREY	49,789,245	99,578,490		0.00000000	2,254.48	0.00	2,254.48
ISCHUA	41,676,904	83,353,808		0.00000000	1,822.96	0.00	1,822.96
LEON	27,876,865	55,753,730		0.00000000	5,337.05	0.00	5,337.05
LITTLE VALLEY	47,033,216	94,066,432	19,841,449	0.21093018	2,757.76	581.69	2,176.07
LYNDON	27,667,944	55,335,888		0.00000000	943.04	0.00	943.04
MACHIAS	129,840,738	259,681,476		0.00000000	15,136.59	0.00	15,136.59
MANSFIELD	106,551,619	213,103,238		0.00000000	10,460.53	0.00	10,460.53
NAPOLI	32,750,910	65,501,820		0.00000000	1,464.17	0.00	1,464.17
NEW ALBION	56,725,989	113,451,978	22,024,099	0.19412706	5,450.58	1,058.11	4,392.47
OLEAN, TOWN	83,084,984	166,169,968		0.00000000	10,318.12	0.00	10,318.12
OLEAN, CITY	486,850,733	973,701,466		0.00000000	41,816.89	0.00	41,816.89
OTTO	30,850,797	61,701,594		0.00000000	4,078.23	0.00	4,078.23
PERRYSBURG	57,085,005	114,170,010	7,981,828	0.06991177	2,648.76	185.18	2,463.58
PERSIA	58,392,355	116,784,710	40,922,731	0.35041172	10,477.50	3,671.44	6,806.06
PORTVILLE	137,529,853	275,059,706	28,906,163	0.10509050	11,789.99	1,239.02	10,550.97
EAST RANDOLPH	0	0	7,535,680	0.04619993		466.93	0.00
RANDOLPH	81,555,097	163,110,194	36,881,948	0.22611676	10,106.76	2,285.31	7,354.52
RED HOUSE	97,527,011	195,054,022		0.00000000	192.54	0.00	192.54
SALAMANCA, TOWN	27,917,298	55,834,596		0.00000000	617.41	0.00	617.41
SALAMANCA, CITY	17,975,208	35,950,416		0.00000000	4,032.83	0.00	4,032.83
SOUTH VALLEY	29,440,144	58,880,288		0.00000000	1,534.38	0.00	1,534.38
YORKSHIRE	29,975,424	59,950,848	6,216,690	0.10369645	13,837.28	1,434.88	12,402.40
TOTALS	3,086,048,093		415,667,591		283,188.20	20,471.68	262,716.52

ACT NO. 483-2011 by Mr. Giardini  
and Mr. Ellis

**BID ACCEPTANCE FOR TREE REMOVAL & STUMP GRINDING  
(Department of Public Works)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for tree removal & stump grinding for the Department of Public Works, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest acceptable bids for the tree removal, stump grinding and limbing in the four quadrants of the County is split between the following three (3) bidders:

Covey Tree, Inc.  
P.O. Box 551  
1 Railroad Avenue  
Frewsburg, New York 14738

Terry Tree Service, LLC  
225 Ballantyne Road  
Rochester, New York 14623

Good Neighbor Services  
9276 Dake Hill Road  
Cattaraugus, New York 14719,

and

WHEREAS, the lowest responsible bids received meeting specifications are as follows:

*TERRY TREE SERVICE, LLC*  
*225 Ballantyne Road*  
*Rochester, New York 14623*

**TREE REMOVAL (Per Diameter Inch)**

**Schedule A**

Provide ALL equipment and personnel necessary to complete contract specifications. Minimum requirements for equipment shall include a stump grinder, tractor loader, large dump truck for hauling wood, utility truck, chipper, truck with enclosed chipper box, a 50' high platform hydraulic aerial device, saws, adequate ropes and pulleys, and other related equipment, as well as traffic control.

Quadrant      Rate

NE      \$ 31.00

**Schedule B**

The same as Schedule A except the County will provide traffic control.

NE      \$ 27.00

SE      \$ 30.00

*COVEY TREE, INC.*  
*P.O. Box 551*  
*1 Railroad Avenue*  
*Frewsburg, New York 14738*

**TREE REMOVAL (Per Diameter Inch)**Quadrant      Rate**Schedule A**

Provide ALL equipment and personnel necessary to complete contract specifications. Minimum requirements for equipment shall include a stump grinder, tractor loader, large dump truck for hauling wood, utility truck, chipper, truck with enclosed chipper box, a 50' high platform hydraulic aerial device, saws, adequate ropes and pulleys, and other related equipment, as well as traffic control.

SE      \$ 34.00  
SW      \$ 32.00

**Schedule B**

The same as Schedule A except the County will provide traffic control.

SE      \$ 30.00

**Schedule C**

The same as Schedule A except all wood greater than four (4) inches in diameter will be left on site, in a safe area off the shoulder of the road for the County to dispose. The successful bidder shall remove all wood and debris smaller than 4 inches in diameter. Required equipment will not be as extensive as listed in Schedule A above.

SE      \$ 30.00

**Schedule D**

The same as Schedule C except the County will provide traffic control.

SE      \$ 25.00  
SW      \$ 23.80

**STUMP GRINDING (Per Diameter Inch)****Schedule A**

Same As Schedule "A" Above

SE      \$ 5.50  
SW      \$ 5.25

**Schedule B**

Same As Schedule "B" Above

SE      \$ 4.50  
SW      \$ 4.25

**LIMBING- per Hour FIRST HOUR**

To include mobilization, a 50' bucket truck, operator/sawyer, and one groundsperson. County will provide cleanup, disposal of wood & debris, and traffic control.

NE      \$410.00  
NW      \$350.00  
SE      \$350.00  
SW      \$310.00

**LIMBING- AFTER FIRST HOUR**

This is a "Per Half Hour" rate

NE      \$101.00  
NW      \$101.00  
SE      \$101.00  
SW      \$101.00

GOOD NEIGHBOR SERVICES  
9276 Dake Hill Road  
Cattaraugus, New York 14719

**TREE REMOVAL (Per Diameter Inch)**Quadrant      Rate**Schedule A**

Provide ALL equipment and personnel necessary to complete contract specifications. Minimum requirements for equipment shall include a stump grinder, tractor loader, large dump truck for hauling wood, utility truck, chipper, truck with enclosed chipper box, a 50' high platform hydraulic aerial device, saws, adequate ropes and pulleys, and other related equipment, as well as traffic control.

NW      \$ 31.00

**Schedule B**

The same as Schedule A except the County will provide traffic control.

NW      \$ 26.00  
SW      \$ 28.00

**Schedule C**

The same as Schedule A except all wood greater than four (4) inches in diameter will be left on site, in a safe area off the shoulder of the road for the County to dispose. The successful bidder shall remove all wood and debris smaller than 4 inches

NE      \$ 28.00  
NW      \$ 25.00  
SW      \$ 28.00

in diameter. Required equipment will not be as extensive as listed in Schedule A above.

**Schedule D**

The same as Schedule C except the County will provide traffic control.	NE	\$ 24.00
	NW	\$ 22.00

**STUMP GRINDING (Per Diameter Inch)**

**Schedule A**

Same As Schedule "A" Above	NE	\$ 4.99
	NW	\$ 4.90

**Schedule B**

Same As Schedule "B" Above	NE	\$ 4.99
	NW	\$ 3.99

now, therefore, be it

RESOLVED, that the bid of Covey Tree, Inc., be, and the same hereby is, accepted, for a term commencing January 1, 2012 and terminating December 31, 2012, and be it further

RESOLVED, that the bid of Terry Tree Service, LLC be, and the same hereby is, accepted, for a term commencing January 1, 2012 and terminating December 31, 2012, and be it further

RESOLVED, that the bid of Good Neighbor Services be, and the same hereby is, accepted, for a term commencing January 1, 2012 and terminating December 31, 2012, and be it further

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

No State Bid.

7 sets of specifications were sent out.

Three bids were received.

Approved by 7 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted November 9, 2011 by voice vote.

**ACT NO. 484-2011** by Mr. Giardini  
and Mr. Ellis

**BID ACCEPTANCE FOR PAPER PRODUCTS  
(Department of Public Works)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for paper products, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications for certain paper products was XPEDX, 75 Allied Drive, Cheektowaga, New York 14227, for the term January 1, 2012 through December 31, 2012, as follows:

<u>Price per case of Recycled paper (greater than 40%)</u>	\$33.59 per case
Bleached Folded Hand Towels (Scottfold 01980):	
Size - 9.4" x 12.4" (4375 sheets per case)	

Price per case of Recycled paper (greater than 40%)

Bleached Roll Toilet Tissue (Scott 04460): \$43.37 per case  
Size - 4.1" x 4" (44000 sheets per case)

and

WHEREAS, the lowest responsible bid received meeting specifications for paper products was Clark N Anderson, Inc., 72 Congress Street, Bradford, Pennsylvania 16701, for the term January 1, 2012 through December 31, 2012, as follows:

Price per case of Recycled paper (greater than 40%)

Bleached Roll Towels (Lag 1799): \$21.30 per case  
Size 11" x 9" (2550 sheets per case)

now, therefore, be it

RESOLVED, that the aforementioned bids be, and the same hereby are, accepted, and be it further

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

State Bid does not meet County Specifications.  
Seven sets of specifications were sent out.  
Three bids were received.

Approved by 7 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted November 9, 2011 by voice vote.

**ACT NO. 485-2011** by Mr. Giardini  
and Mr. Ellis  
and Mr. Teachman<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
NEW YORK STATE INDUSTRIES FOR THE DISABLED FOR  
OLEAN OFFICE FACILITY JANITORIAL SERVICES**

Pursuant to Section 162 of the State Finance  
Law and Section 450 of the County Law.

WHEREAS, Act 391-2009 authorized a contract with New York State Industries for the Disabled, 155 Washington Avenue, Suite 400, Albany, New York 12210, through SubCon Industries, Inc., for the provision of janitorial services for the Olean Office Facility, the term of which expires December 31, 2011, and

WHEREAS, County Department of Public Works is desirous of renewing the aforementioned contract for a term commencing January 1, 2012 and terminating December 31, 2013, and

WHEREAS, the New York State Industries for the Disabled, through SubCon Industries, Inc., has agreed to perform the aforementioned janitorial services at a cost not to exceed \$173,210.54 per year, for a total contract amount of \$346,421.07, to be paid on a monthly basis as invoiced, with the option to increase if the minimum wage increases, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, contingent upon and subject to

the inclusion in the 2012 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with New York State Industries for the Disabled, through SubCon Industries, Inc., for the provision of the above-described services, for a term commencing January 1, 2012 and terminating December 31, 2013, according to the above-described terms, and be it further

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

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

Approved by 7 members of the Finance Committee and 8 members of the Public Works Committee.

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

Adopted November 9, 2011 by voice vote.

**ACT NO. 486-2011** by Mr. Ward

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH  
CATTARAUGUS COMMUNITY ACTION, INC. FOR DEPARTMENT OF COMMUNITY SERVICES  
SOCIAL WORKER/MENTAL HEALTH THERAPIST AND  
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS  
(Department of Community Services)**

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

WHEREAS, Act 56-2011 authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, for the provision of social worker/mental health therapist services for the County Department of Community Services Mental Health Clinic, the term of which expires December 31, 2011, and

WHEREAS, the County Department of Community Services is in need of additional social worker/mental health therapist services for its Mental Health Clinic, and

WHEREAS, Cattaraugus Community Action, Inc., can provide an additional clinician for the provision of social worker/mental health therapist services for the Mental Health Clinic for an amount of \$7,985.00 for the period November 14, 2011 through December 31, 2011, for a total contract amount of \$67,297.00, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with Cattaraugus Community Action, Inc., for the provision of the above-described services, for a term commencing January 1,



2011 and terminating December 31, 2011, according to the above-described terms, and be it further

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

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting, and be it further

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

Decrease Appropriation Accounts:

A.431.4331.2100.11000	Child MH Clinic-Full Time Wages	\$6,170.00
A.431.4331.2100.83000	Child MH Clinic-Health Insurance	\$1,801.00
A.431.4331.2100.84000	Child MH Clinic-Dental Insurance	\$ 14.00

Increase Appropriation Account:

A.431.4331.2100.41229	Child MH Clinic-Social Worker Contracted	\$7,985.00.
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Approved by 7 members of the Finance Committee and 4 members of the Human Services Committee.

Adopted November 9, 2011 by voice vote. Ms. Edstrom voting no.

**ACT NO. 487-2011** by Mr. Snyder and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
ACCUMEDIC COMPUTER SYSTEMS, INC. FOR  
DEPARTMENT OF COMMUNITY SERVICES ACCUMED SOFTWARE SYSTEM**

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

WHEREAS, Act 560-2010 authorized a contract with Accumedic Computer Systems, Inc., for the provision of the AccuMed Software System, including licenses for the AccuMed System, the QuicDoc System, and the Scheduler and Patient Accounts modules and training, the term of which expires November 30, 2011, and

WHEREAS, the Department of Community Services is desirous of continuing the customer support for the aforementioned software system, and

WHEREAS, Accumedic Computer Systems, Inc., 11 Grace Avenue, Suite 401, Great Neck, New York 11021, can provide continued customer support for the AccuMed Software System for an amount not to exceed \$12,821.40, and

WHEREAS, the aforementioned services are 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, contingent upon and subject to the inclusion in the 2012 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with Accumedic Computer Systems, Inc., for the provision of the above-described services,

for a term commencing December 1, 2011 and terminating November 30, 2012, according to the above-described terms, and be it further

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

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

Approved by 7 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted November 9, 2011 by voice vote.

**ACT NO. 488-2011** by Mr. Marsh and Mr. Teachman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
JAMES B. SCHWAB CO., INC. FOR RENTAL OF  
COUNTY OFFICE PHOTOCOPIERS**

Pursuant to Sections 208 and 450 of the County Law.

WHEREAS, Act 448-2005, as amended, authorized a contract with James B. Schwab Co., Inc., 223 West Main Street, P.O. Box 6, Falconer, New York 14733-0006, for the provision of photocopiers to Cattaraugus County, the term of which expires December 31, 2011, and

WHEREAS, the Department of Information Services has solicited proposals from twenty (20) companies for the provision of photocopiers for the County offices, and

WHEREAS, James B. Schwab Co., Inc., has been recommended to rent to the County 77 office photocopiers, according to specifications provided by the Department of Information Services, for an amount based on the following schedule:

<u>Quote Parameters</u>	<u>Rate</u>
Price per copy	\$0.0193
Automatic Document Feeder	Included
Duplexer	Included
RADF	Included
Sheet drawer	Included
Sheet LCT	\$0.0017
Print/Scan per page	\$0.01
Color Copiers price per copy	\$0.09
Stapler	\$0.00217
Stand	Included

now, therefore, be it

RESOLVED, that the Chair be, and hereby is, authorized and directed to execute a rental agreement, contingent upon and subject to the inclusion in the 2012 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with James B. Schwab Co., Inc., for the provision of the above-described equipment, for a

term commencing January 1, 2012 and terminating December 31, 2015, according to the above-described terms.

Approved by 7 members of the Finance Committee and 7 members of the County Operations Committee.

<sup>1</sup> MR. MARSH moved, seconded by Mr. Teachman to amend Act No. 488-2011 as follows: In the third Whereas, after "Print", delete: "Scan". Carried.

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

**ACT NO. 489-2011** by Mr. Vecchiarella  
and Mr. Aiello and Mr. Neal<sup>1</sup>

**LOCAL LAW NUMBER 14 - 2011**  
**COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW AMENDING LOCAL LAW NUMBER 20-2000**  
**(INTRO NUMBER 9-2000) REGARDING FEES FOR**  
**CATTARAUGUS COUNTY SHERIFF'S OFFICE SERVICES**

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 amend Local Law No. 20-2000 (Intro Number 9-2000) regarding the fee schedule for certain services provided by the Cattaraugus County Sheriff's Office.

SECTION 2. Fee Schedule. Effective January 1, 2011, the following fees shall be increased:

<u>SERVICE</u>	<u>FEE</u>
<b>PISTOL PERMITS</b>	
Application Packet	\$10.00
Application Processing-Sheriff's Office	\$15.00
Fingerprint Fee	\$10.00
Miscellaneous Photographs	\$10.00
<b>SHERIFF'S ID CARD</b>	
Sheriff's Photo ID	\$20.00

The Sheriff may, at the Sheriff's sole discretion, waive such fees as the Sheriff may feel represent a hardship or an exceptional circumstance.

SECTION 3. Supercession. This local law amends any previously enacted local law or resolution establishing the fees listed in Section 2 supra.

SECTION 4. 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 effect, 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 5. Effective Date. This local law shall take effect immediately.

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

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

**ACT NO. 490-2011** by Mr. Vecchiarella  
and Mr. Neal<sup>1</sup>

**AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 14 - 2011**

Pursuant to Section 20 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on November 9, 2011, a proposed Local Law entitled "A Local Law Amending Local Law Number 20-2000 (Intro Number 9-2000) Regarding Fees For Cattaraugus County Sheriff's Office Services", 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 22<sup>nd</sup> day of November, 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.

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

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

Adopted November 9, 2011 by voice vote.

**ACT NO. 491-2011** by Mr. O'Brien, Mr. Vecchiarella and Mr. Ward

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
TOSKI, SCHAEFER & CO., P.C. FOR  
DEFERRED COMPENSATION AUDITING SERVICES**

Pursuant to 9 NYCRR Section 9005.1 and  
Section 210 of the County Law.

WHEREAS, Act 757-2010 authorized a contract with Toski, Schaefer & Co., P.C. for purposes of auditing the Cattaraugus County Deferred Compensation Plan, the term of which expired December 31, 2010, and

WHEREAS, it is necessary that the County have its Deferred Compensation Plan audited by an independent auditor in order to be in compliance with New York State Finance Law, and

WHEREAS, the firm of Toski, Schaefer & Co., P.C., 555 International Drive, Williamsville, New York, has been recommended to audit the County's Deferred Compensation Plan for an amount as follows:

Plan Year December 31, 2010 Not to exceed \$4,300.00,

and

WHEREAS, the Hartford, Inc., will reimburse the County for the for the cost of the 2010 Deferred Compensation Plan audit, 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 firm of Toski, Schaefer & Co., P.C. for the provision of conducting the 2010 audit of the Deferred Compensation Plan for a term commencing December 1, 2011 and terminating December 31, 2012.

Approved by 7 members of the Finance Committee and 4 members of the Labor Relations Committee.

Adopted November 9, 2011 by voice vote.

**ACT NO. 492-2011** by Mr. O'Brien

**ESTABLISHING STANDARD WORK DAY FOR CERTAIN  
APPOINTED OFFICIALS FOR REPORTING PURPOSES TO  
NEW YORK STATE RETIREMENT SYSTEM**

Pursuant to 2 NYCRR Section 315.4.

WHEREAS, 2 NYCRR Section 315.4, effective August 12, 2009, requires that all newly appointed officials participating in the New York State Retirement System maintain a record of activities for a period three months within 150 days of appointment or the start of a term of office, for purposes of establishing a standard work day, and

WHEREAS, 2 NYCRR Section 315.4 requires that the governing board shall establish, by resolution, a standard work day for each appointed position, and

WHEREAS, certain newly appointed officials have submitted their three-month record of activities, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby establishes the following as standard work days for appointed officials and will report the following days worked to the New York State and Local Employees Retirement System, based on the record of activities maintained and submitted by these officials to the Clerk of the Legislature:

<u>Title</u>	<u>Name</u>	<u>Authority</u>	<u>Term</u>	<u>Standard Work Hrs/Day</u>	<u>Days/Month</u>
Director of Information Services	Patricia A. Davison	Appointed	5/16/2011- 5/15/2015	8	20
Commissioner of Public Works	Joseph T. Pillittere	Appointed	6/12/2011- 6/11/2015	8	20
County Administrator	John R. Searles	Appointed	9/14/2011- 9/13/2015	8	20

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the New York State and Local Employees Retirement System in accordance with 2 NYCRR Section 315.4.

Approved by 7 members of the Finance Committee and 4 members of the Labor Relations Committee.

Adopted November 9, 2011 by voice vote.

**ACT NO. 493-2011** by Mr. Giardini  
and Mr. Ellis

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
U & S SERVICES, INC. FOR HVAC CONTROL SYSTEM MAINTENANCE AND  
FIRE ALARM INSPECTION**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 593-2009 authorized a contract for inspection, testing and maintenance of HVAC controls for the following County Buildings: Public Works Facility, Little Valley County Center, Pines Healthcare & Rehabilitation Center - Olean and Machias Campuses and the Stone House, the term of which expires December 31, 2011, and

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

WHEREAS, the County is also in need of fire alarm inspection and testing services at the Pines Healthcare and Rehabilitation Center - Olean Campus, and

WHEREAS, U & S Services, Inc., 233 Fillmore Avenue, Suite 11, Tonawanda, New York 14150, can provide maintenance services for the HVAC control system at the Public Works Facility, the Little Valley County Center, the Olean Office Facility, the Pines Healthcare & Rehabilitation Center - Olean and Machias Campuses, and the Stone House, and fire alarm inspection and testing services for the Pines Healthcare and Rehabilitation Center - Olean Campus, (includes annual inspection of CO sensors at the Pines in Olean), for an amount as follows:

<u>Facility</u>	<u>2012</u>	<u>2013</u>
Public Works Facility	\$ 4,738.00	\$ 4,833.00
Pines - Machias	\$ 5,078.00	\$ 5,180.00
Pines - Olean	\$ 3,982.00	\$ 4,138.00
LV County Center	\$ 8,260.00	\$ 8,425.00
Stone House	\$ 4,167.00	\$ 4,250.00
Olean Office Building	\$ 8,288.00	\$ 8,454.00
Total	\$34,513.00	\$35,280.00

now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, contingent upon and subject to the inclusion in the 2012 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with U & S Services, Inc., for the provision of the above-described services, for a term commencing January 1, 2012 and terminating December 31, 2013, according to the above-described terms.

Approved by 7 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted November 9, 2011 by voice vote.

**ACT NO. 494-2011** by Mr. Giardini  
and Mr. Burrell, Mr. Ellis, Ms. Vickman and Mr. Hebdon  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH  
DIDONATO ASSOCIATES, ENGINEERING AND  
ARCHITECTURE, P.C. FOR ENGINEERING SERVICES FOR  
ASHFORD BRIDGE NO. 24 REPLACEMENT PROJECT**

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

WHEREAS, Act 566-2006, as amended by Act 280-2010, authorized a contract with DiDonato Associates, Engineering and Architecture, P.C., 689 Main Street, Buffalo, New York 14203, for the provision of engineering services for the Ashford Bridge No. 24 replacement project, located on Thomas Corners Road over Buttermilk Creek, in the Town of Ashford, BIN 3-32065-0, the term of which expires December 31, 2011, and

WHEREAS, the Department of Public Works is desirous of extending the term of the aforementioned contract to December 31, 2013, in order to complete the aforementioned project, at no additional cost to the County, and

WHEREAS, DiDonato Associates, Engineering and Architecture, P.C., has agreed to complete the aforementioned project by December 31, 2013, 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 DiDonato Associates, Engineering and Architecture, P.C., for the provision of the above-described services, for a term commencing December 14, 2006 and terminating December 31, 2013, according to the above-described terms.

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

Adopted November 9, 2011 by voice vote.

**ACT NO. 495-2011** 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 THE JCC-OLEAN CAMPUS LADY JAGUARS  
SOCCER TEAM ON REGION 3B CHAMPIONSHIP**

Pursuant to Section 153 of the County Law.

WHEREAS, the JCC Lady Jaguars won the National Junior College Athletic Association Region 3B Championship on October 29, 2011, and

WHEREAS, the Lady Jaguars defeated Onondaga Community College by a 3-1 score to win the Regional Semi-Finals, and

WHEREAS, the Lady Jaguars defeated Herkimer Community College by a score of 1-0 to win the Championship game, and

WHEREAS, the Lady Jaguars advanced to the National Championships, where the team finished ranked 6<sup>th</sup> in the Nation, and

WHEREAS, almost half the team is composed of players from Cattaraugus County, with the remaining players from the rest of Western New York, together with four (4) international players, and

WHEREAS, the Regional Championship is the first for any sports team at the JCC-Olean Campus, and

WHEREAS, the team also won its first ever Conference Championship, which is also the first for any sports team at the JCC-Olean Campus, and

WHEREAS, over the last two (2) years, the Lady Jaguars have compiled a record of 34 wins and 7 losses, and

WHEREAS, the team should be commended for their hard work and dedication, which led to their first ever Conference and Regional Championships, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby congratulates the JCC-Olean Campus Lady Jaguars soccer team on their Region 3B Championship, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Gregory DiCinque, President; John Sayegh, Vice-President and Dean; Coach Ryan Deppa and Assistant Coaches Steve Grabowski, Darek Panol and Dennis Tobolski.

MR. VECCHIARELLA moved, seconded by Mr. Marsh to waive Rule 12. Carried.

Adopted November 9, 2011 by voice vote.

**ACT NO. 496-2011** by Mr. Snyder and Mrs. Stockman  
who ask immediate consideration

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

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

WHEREAS, Act 362-2010, as amended by Act 753-2010, authorized a contract with the Cattaraugus-Allegany Workforce Investment Board, Inc. (WIB), for the Summer Youth Employment program, the term of which expired March 31, 2011, and

WHEREAS, the Cattaraugus-Allegany Workforce Investment Board, Inc. (WIB), has received funds to enhance the capacity of WIA youth services in the Summer Youth Employment Program, and

WHEREAS, the County Department of Social Services is desirous of providing the summer employment services to youth and can make available all



necessary qualified personnel, licenses, facilities and expertise to perform, or have performed, the services required, and

WHEREAS, the WIB will pay the County an amount of \$14,492.00, to be paid on a monthly basis as invoiced, for the provision of the above-described summer youth employment services, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Cattaraugus-Allegany Workforce Investment Board, Inc., for the provision of the above-described services, for a term commencing May 1, 2011 and terminating September 30, 2011, according to the above-described terms, and be it further

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

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

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

Adopted November 9, 2011 by voice vote.

**ACT NO. 497-2011** by Mr. McLarney and Mr. Boser  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
VARIOUS ENTITIES FOR ADMINISTRATION OF  
COMMUNITY DEVELOPMENT BLOCK GRANT**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 337-2011 authorized the Chair to execute contract with the New York State Office of Community Renewal for the Microenterprise Program Small Cities Funding, and

WHEREAS, the Department of Economic Development, Planning and Tourism is desirous of contracting with the Cattaraugus County Business Development Corporation and H. Sicherman & Company, for the administration of the aforementioned grant, and

WHEREAS, the Cattaraugus County Business Development Corporation, 214 Main Street, Little Valley, New York 14755, is providing an educational course for small businesses for an amount of \$5,000.00, and

WHEREAS, H. Sicherman & Company, 5852 Forest Creek Drive, East Amherst, New York 14051, can assist with the administration of the aforementioned grant for an amount of \$2,000.00, 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 contracts, on behalf of Cattaraugus County, with the Cattaraugus County Business Development Corporation and H.

Sicherman & Company, 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.

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

Adopted November 9, 2011 by voice vote.

**ACT NO. 498-2011** by Ms. Edstrom, Mr. Neal, Ms. Vickman,  
Mr. Boser and Mr. McClune  
who ask immediate consideration

**LOCAL LAW NUMBER 15-2011  
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW ESTABLISHING FEES FOR DEPARTMENT OF NURSING HOMES  
RESIDENT PRIVATE PAY RATES AND REPEALING ACT 534-2010**

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 increase the resident private pay rate for the Department of Nursing Homes.

SECTION 2. Resident Private Pay Rate. Effective January 1, 2012, the resident private pay rate for the County Department of Nursing Homes shall be \$225.00 per day for the Olean Facility and \$260.00 per day for the Machias Facility.

SECTION 3. 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 effect, 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 4. Statutory Repeal. Effective January 1, 2012, Act No. 534-2010, Local Law Number 1-2010 (Intro Number 15-2010), entitled "A Local Law Establishing Fees for Department of Nursing Homes Resident Private Pay Rates", is hereby repealed.

SECTION 5. Effective Date. This Local Law shall take effect immediately.

MR. BOSER moved, seconded by Ms. Vickman to waive Rule 12. Carried.

**ACT NO. 499-2011** by Ms. Edstrom, Mr. Neal, Ms. Vickman,  
Mr. Boser and Mr. McClune  
who ask immediate consideration

**AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 15-2011**

Pursuant to Section 20 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on November 9, 2011, a proposed Local Law entitled "A Local Law Establishing Fees for Department of Nursing Homes Resident Private Pay Rates and Repealing Act 534-2010", 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 22<sup>nd</sup> day of November, at 3:02 p.m. at the Legislature's Chambers, County Center, 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.

MS. EDSTROM moved, seconded by Mrs. Stockman to waive Rule 12. Carried.

Adopted November 9, 2011 by voice vote.

**ACT NO. 500-2011** by Mr. Burrell  
who asks immediate consideration

**AUTHORIZING PUBLIC HEARING ON 2012 TENTATIVE BUDGET**

Pursuant to Section 359 of the County Law.

WHEREAS, Section 359 of the County Law requires that a public hearing shall be held by the Legislature on the tentative budget before final adoption of the budget, and

WHEREAS, any individual or group concerned with the budget should have a reasonable opportunity to be heard, now, therefore, be it

RESOLVED, that the public hearing on the 2012 Cattaraugus County Budget will be held by the County Legislature at the Legislature's Chambers, County Center, 303 Court Street, Little Valley, New York, on Tuesday, November 22, 2011, at 3:03 p.m., and be it further

RESOLVED, that the Clerk of the Legislature be, and hereby is, authorized and directed to cause a notice to be published stating the time, place, and purpose of the public hearing and that copies of the tentative budget on which the public hearing will be held are available at his office and may be inspected or procured there by any interested person during business hours.

MS. VICKMAN moved, seconded by Mrs. Stockman to waive Rule 12. Carried.

Adopted November 9, 2011 by voice vote.

CHAIRMAN O'BRIEN granted privilege of the floor to Jack Searles, County Administrator, who presented the 2012 Tentative Budget to members of the Legislature.

**MOTION TO ADJOURN IN MEMORY OF  
ALICE C. THIBERT**

WHEREAS, Alice C. Thibert, 85, formerly of Ellicottville, passed away on November 2, 2011, at WCA Hospital in Jamestown, and

WHEREAS, Mrs. Thibert began her career with Cattaraugus County in 1961 as a Registered Nurse with the Health Department, and

WHEREAS, Mrs. Thibert was a Public Health Nurse and a Supervising Public Health Nurse from September, 1962 until she was appointed Associate Director of Nursing Services with the Cattaraugus County Department of Nursing Homes in September 1974, and

WHEREAS, she was then appointed for a short time as a Nursing Home Administrator in September 1979, prior to her appointment as the Director of the Cattaraugus County Nursing Homes from November 1979 until she retired in September 1995, and

WHEREAS, she was a member of the Cattaraugus County BOCES (North Center) Advisory Board, the Cattaraugus County Department of Aging Advisory Council, the American College of Nursing Home Administrators, Board member of the New York Association of Homes and Services for the Aging; committee member of several committees of the Western New York Association of Homes and Services for the Aging, and was a former member of the Cattaraugus County Employees Federal Credit Union Board of Directors; she was also a communicant at the Holy Name of Mary Roman Catholic Church in Ellicottville, and

WHEREAS, Mrs. Thibert is survived by a brother, L. James (Gale) Taylor and several nieces and nephews, and

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

MOVE, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of Alice C. Thibert, and this Motion be seconded by the rest of the Legislature, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, until its next meeting, unless specially convened, in memory of Alice C. Thibert, and be it further

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

MR. MURPHY moved, seconded by Mr. Hebdon to adjourn until November 22, 2011 at 3:00 p.m. Carried.

Meeting adjourned at 4:37 p.m.

Ann M. Giglio  
Journal Clerk