

November 22, 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 all Legislators present.

MR. AIELLO moved, seconded by Mr. Ellis that the minutes of the November 9, 2011 session be approved. Carried.

* * * * *

CHAIRMAN O'BRIEN announced this is the time and place called for a public hearing on Act No. 489-2011, Local Law Number 14-2011, "A Local Law Amending Local Law Number 20-2000 (Intro Number 9-2000), Regarding Fees for Cattaraugus County Sheriff's Office Services" 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. 489-2011**, Local Law Number 14-2011, "A Local Law Amending Local Law Number 20-2000 (Intro Number 9-2000), Regarding Fees for Cattaraugus County Sheriff's Office Services", and asked that it be read.

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

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

The vote on Act No. 489-2011, is as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Edstrom 0.8772, Ellis 1.0875, 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 - 20.9999.

Nays: none.

Act No. 489-2011, having received the majority vote of the Legislature, was declared Adopted.

CHAIRMAN O'BRIEN announced this is the time and place called for a public hearing on Act No. 498-2011, Local Law Number 15-2011, "A Local Law Establishing Fees for Department of Nursing Homes Resident Private Pay Rates and Repealing Act 534-2010" 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. 498-2011**, Local Law Number 15-2011, "A Local Law Establishing Fees for Department of Nursing Homes Resident Private Pay Rates and Repealing Act 534-2010", and asked that it be read.

The vote on Act No. 498-2011, is as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Edstrom 0.8772, Ellis 1.0875, 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 - 20.9999.

Nays: none.

Act No. 498-2011, having received the majority vote of the Legislature, was declared Adopted.

* * * * *

ACT NO. 501-2011 by Mr. Marsh

SALE OF TAX TITLE PROPERTIES

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 properties situate in Cattaraugus County, as described below, and

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

WHEREAS, the highest bids received for the properties were the bids listed below, now, therefore, be it

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

RESOLVED, that the County Treasurer be, and hereby is, authorized and directed to execute County Treasurer's Deeds conveying the properties to the following individuals at the bid prices listed:

TOWN OF NEW ALBION

PARCEL NO.	TAX MAP NO.	HIGH BIDDER	ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
247	35.081-3-6	Richard Horth Diane Horth	25 Washington St. Cattaraugus, NY 14719	\$6,699.07	\$100

TOWN OF PORTVILLE

PARCEL NO.	TAX MAP NO.	HIGH BIDDER	ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
357	104.004-1-30	Chris Travis	29 S. Main St. PO Box 633 Portville, NY 14770	\$1,290.40	\$100

CITY OF OLEAN

PARCEL NO.	TAX MAP NO.	HIGH BIDDER	ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
236	94.039-1-8	Trevor Horsley	109 Madison Ave. Olean, NY 14760	\$901.69	\$30
275	94.064-3-28	Ronald B. Malek	5194 Humphrey Rd. PO Box 212 Great Valley, NY 14741	\$14,349.53	\$5,000
280	94.049-1-87	Jodie Martin	1523 Happy Hollow Olean, NY 14760	\$11,784.25	\$7,000
281	94.050-2-67	Barry Armprester Venita Armprester	121 N. 12 th St. Olean, NY 14760	\$17,718.18	\$1,300
296	94.065-5-9	Richard Middaugh	6148 Co. Rd. 18 Alma, NY 14708	\$18,947.73	\$1,100
Totals				\$71,690.85	\$14,630.00
Loss				\$57,060.85	

Approved by 8 members of the Finance Committee and 6 members of the County Operations Committee.

Adopted November 22, 2011 by voice vote.

ACT NO. 502-2011 by Mr. Giardini
and Mr. Ellis and Mr. Ward

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ABATE ASSOCIATES ENGINEERS & SURVEYORS, P.C. FOR
CONSTRUCTION INSPECTION SERVICES FOR
COUNTY ROAD NO. 30 IMPROVEMENT PROJECT**

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

WHEREAS, the County is in need of construction inspection services for the County Road No. 30 (South Nine Mile Road and Chipmunk Road) Improvement Project in the Town of Carrollton, and

WHEREAS, Abate Associates Engineers & Surveyors, P.C., 4455 Genesee Street, Buffalo, New York 14225-0218, has agreed to provide the construction inspection services for the County Road No. 30 Improvement Project for an amount not to exceed \$164,605.00, to be paid periodically on a percent of completion basis as determined by the Department of Public Works, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Abate Associates Engineers & Surveyors, P.C., for the provision of the above-described engineering services, for a term commencing November 22, 2011 and terminating December 31, 2012, according to the above-described terms.

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

Adopted November 22, 2011 by voice vote.

ACT NO. 503-2011 by Mr. Giardini
and Mr. Burrell, Mr. Ellis, Ms. Vickman and Mr. Hebdon

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
MCMAHON & MANN CONSULTING ENGINEERS, P.C. FOR
GEOTECHNICAL EVALUATION SERVICES FOR
COUNTY ROAD NO. 21 SLOPE FAILURE AREA**

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

WHEREAS, Act 244-2010, as amended by Act 625-2010, authorized a contract with McMahon & Mann Consulting Engineers, P.C., 2495 Main Street, Suite 432, Buffalo, New York 14214, for the provision of geotechnical engineering services for the County Road No. 21 slope failure located in the Town of Freedom, 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 geotechnical evaluation services of the remediation project, at no additional cost to the County, and

WHEREAS, McMahon & Mann Consulting Engineers, 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 McMahon & Mann Consulting Engineers, P.C., for the provision of the above-described services, for a term commencing April 29, 2010 and terminating December 31, 2013, according to the above-described terms.

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

Adopted November 22, 2011 by voice vote.

ACT NO. 504-2011 by Mr. Giardini,
and Mr. Ellis, Mr. O'Brien and Mr. McLarney
and Mr. Padlo¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
HUNT ENGINEERS ARCHITECTS & LAND SURVEYORS, P.C. FOR
PHASE III ENGINEERING SERVICES FOR COUNTY ROAD NO. 27
RECONSTRUCTION/REHABILITATION PROJECT**

Pursuant to Section 117 of the Highway Law and
Section 450 of the County Law.

WHEREAS, Act 612-2009 authorized a contract with Hunt Engineers Architects & Land Surveyors, P.C., Airport Corporate Park, 100 Hunt Center, Horseheads, New York 14845, for the provision of Phase III engineering

services for the reconstruction and rehabilitation of County Road No. 27 (Haskell Road) in the Towns of Hinsdale and Portville, 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 in order to complete the aforementioned project, at no additional cost to the County, and

WHEREAS, Hunt Engineers Architects & Land Surveyors, 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 Hunt Engineers Architects & Land Surveyors, P.C., for the provision of the above-described services, for a term commencing November 25, 2009 and terminating December 31, 2013, according to the above-described terms.

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

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

Adopted November 22, 2011 by voice vote.

ACT NO. 505-2011 by Mr. Giardini
and Mr. Ellis and Mr. Murphy

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
STANTEC CONSULTING SERVICES, INC. FOR ENGINEERING SERVICES FOR
NEW ALBION BRIDGE NO. 35 FEDERAL-AID REPLACEMENT PROJECT**

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

WHEREAS, Act 95-2007, as amended by Acts 646-2008 and 549-2010, authorized a contract with Stantec Consulting Services, Inc., 2250 Brighton-Henrietta Town Line Road, Rochester, New York 14623-2706, for the provision of engineering services for the New Albion Bridge No. 35 Replacement Project located on Tannery Street over Tributary South Branch Cattaraugus Creek, BIN 3-32281-0, in the Town of New Albion, 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 in order to complete the aforementioned project, at no additional cost to the County, and

WHEREAS, Stantec Consulting Services, Inc., has agreed to complete the aforementioned project by December 31, 2012, 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 Stantec Consulting Services, Inc., for the provision of the above-described services, for a term commencing February 15, 2007 and terminating December 31, 2012, according to the above-described terms.

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

Adopted November 22, 2011 by voice vote.

ACT NO. 506-2011 by Mr. Giardini
and Mr. Ellis

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
WENDEL DUCHSCHERER ARCHITECTS & ENGINEERS FOR
COUNTY-WIDE BUILDING/SPACE STUDY UPDATE**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 646-2009, as amended by Act 43-2011, authorized a contract with Wendel Duchscherer Architects & Engineers, 140 John James Audubon Parkway, Suite 201, Amherst, New York 14228, for the provision of a county-wide building/space study update, the term of which expires December 31, 2011, and

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

WHEREAS, Wendel Duchscherer Architects & Engineers, P.C., has agreed to complete the aforementioned county-wide building/space study update by December 31, 2012, 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 Wendel Duchscherer Architects & Engineers, for the provision of the above-described services, for a term commencing December 13, 2009 and terminating December 31, 2012, according to the above-described terms.

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

Adopted November 22, 2011 by voice vote.

ACT NO. 507-2011 by Mr. Giardini
and Mr. Ellis and Mr. Murphy

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
ABATE ASSOCIATES ENGINEERS & SURVEYORS, P.C. FOR ENGINEERING SERVICES
FOR OTTO BRIDGE NO. 12 FEDERAL AID REPLACEMENT PROJECT**

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

WHEREAS, Act 732-2007, as amended by Act 86-2010, authorized a contract with Abate Associates Engineers & Surveyors, P.C., 4455 Genesee Street, P.O. Box 218, Buffalo, New York 14225-0218, for the provision of engineering services for the Otto Bridge No. 12, federal aid bridge replacement project, the term of which expires December 31, 2011, and

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

WHEREAS, Abate Associates Engineers & Surveyors, P.C., has agreed to complete the aforementioned project by December 31, 2012, 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 Abate Associates Engineers & Surveyors, P.C., for the provision of the above-described engineering services, for a term commencing December 12, 2007 and terminating December 31, 2012, according to the above-described terms.

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

Adopted November 22, 2011 by voice vote.

ACT NO. 508-2011 by Mr. Giardini
and Mr. Ellis
and Mr. Teachman and Mr. Padlo¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
TOWN OF ALLEGANY FOR ADMINISTRATION OF
ST. BONAVENTURE UNIVERSITY CAMPUS ACCESS PROJECTS**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 411-2008 authorized a contract with the Town of Allegany for the administration of the St. Bonaventure University Campus Access projects, the term of which expires December 31, 2011, and

WHEREAS, the County is desirous of extending the term of the aforementioned contract in order to allow for more time to complete the project, at no additional 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 extension, on behalf of Cattaraugus County, with the Town of Allegany, for the provision of the above-described services, for a term commencing June 9, 2008 and terminating December 31, 2012, according to the above-described terms.

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

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

Adopted November 22, 2011 by voice vote.

ACT NO. 509-2011 by Mr. Giardini
and Mr. Ellis and Mr. Ward
and Mr. Padlo¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
BERGMANN ASSOCIATES, P.C. FOR
ENGINEERING DESIGN SERVICES FOR
GREAT VALLEY BRIDGE NO. 9 FEDERAL AID REPLACEMENT PROJECT**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 569-2009, as amended by Act 623-2010, authorized a contract with Bergmann Associates, P.C., 200 First Federal Plaza, 28 East Main Street, Rochester, New York 14614, for the provision of engineering design services for the Great Valley Bridge No. 9 Federal Aid Replacement Project, the term of which expires December 31, 2012, and

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

WHEREAS, Bergmann Associates 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 Bergmann Associates, P.C., for the provision of the above-described services, for a term commencing October 20, 2009 and terminating December 31, 2013, according to the above-described terms.

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

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

Adopted November 22, 2011 by voice vote.

ACT NO. 510-2011 by Mr. Giardini
and Mr. Ellis, Mr. Boser and Mr. Ward

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
FISHER ASSOCIATES, P.E., L.S., P.C. FOR
COUNTY ROAD NO. 30 REHABILITATION PROJECT
ENVIRONMENTAL CONSULTING SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 274-2010, as amended by Act 42-2011, authorized a contract with Fisher Associates, P.E., L.S., P.C., 135 Calkins Road, Rochester, New York 14623, for the provision of comprehensive environmental services and wetlands mapping services, for the County Road No. 30 (South Nine Mile Road and Chipmunk Road) Rehabilitation Project in the Town of Carrollton, the term of which expires December 31, 2011, and

WHEREAS, additional services are required in order to complete the wetlands and environmental assessment of the aforementioned project, and

WHEREAS, the County Department of Public Works is desirous of extending the term of the aforementioned contract in order to allow for more time to complete the aforementioned project, and

WHEREAS, Fisher Associates, P.E., L.S., P.C., has agreed to provide additional services required to complete the wetlands and environmental assessment, of the aforementioned project, for an additional amount of \$27,252.04, to be paid on a percent of completion basis, as invoiced, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with Fisher Associates, P.E., L.S., P.C., for the provision of the above-described additional services, for a term commencing

May 13, 2010 and terminating December 31, 2012, according to the above-described terms.

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

Adopted November 22, 2011 by voice vote.

ACT NO. 511-2011 by Mr. Giardini
and Mr. Ellis
and Mr. Neal¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COUNTY SOIL & WATER CONSERVATION DISTRICT FOR
2012 STREAMBANK RESTORATION PROGRAM**

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

WHEREAS, 87-2011 authorized a contract with the Cattaraugus County Soil & Water Conservation District (SWCD), 8 Martha Street, P.O. Box 1765, Ellicottville, New York 14731, for the provision of inspection and technical services for four (4) streambank restoration projects, the term of which expires December 31, 2011, and

WHEREAS, inspection and technical services are needed for four (4) emergency streambank repair projects for the 2012 Streambank Restoration Program, and

WHEREAS, the Cattaraugus County Soil & Water Conservation District (SWCD), has agreed to provide the inspection and technical services necessary for the following projects for an amount not to exceed \$6,170.00, to be paid on a percent of completion basis as invoiced, as follows:

Bray Road - Freedom Bridge No. 19	\$2,020.00
Jones Road - Freedom Bridge No. 24	\$ 950.00
Sparks Road - Freedom Bridge No. 25	\$1,550.00
Eagle Street - Freedom Bridge No. 27	\$1,650.00,

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 the Cattaraugus County Soil & Water Conservation District, for the provision of the above-described streambank restoration and bank protection inspection and technical services, for a term commencing January 1, 2012 and terminating December 31, 2012, according to the above-described terms.

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

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

Adopted November 22, 2011 by voice vote.

ACT NO. 512-2011 by Mr. Giardini
and Mr. Ellis

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
E & M ENGINEERS AND SURVEYORS, P.C. FOR
BRIDGE AND MISCELLANEOUS ENGINEERING SERVICES**

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

WHEREAS, Act 641-2009 authorized a contract with E & M Engineers and Surveyors, P.C., 24 Derrick Road, Bradford, Pennsylvania 16701, for the provision of survey tasks and load rating analysis of the assigned bridge structures, the term of which expires December 31, 2011, and

WHEREAS, the New York State Department of Transportation (NYSDOT) prepares rating screen listings which require the owner to arrange for Level I Load Ratings which are then used to confirm the need for posting and determine a posting value, and

WHEREAS, NYSDOT requires that localities have New York State licensed professional engineers certify and provide acceptable documentation that each bridge on the rating screen listing is operating at a safe load level, and

WHEREAS, the Department of Public Works has a need for the review and certification of parcel maps prepared by its engineering division, by a licensed professional surveyor, and

WHEREAS, E & M Engineers and Surveyors, P.C. has submitted a proposal for the continuation of the load rating analysis of the assigned bridge structures and to perform the aforementioned survey services, at a cost not to exceed \$6,000.00 per year on an as-needed basis, 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 E & M Engineers and Surveyors, P.C., 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 8 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted November 22, 2011 by voice vote.

ACT NO. 513-2011 by Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
SYSTEMS DEVELOPMENT GROUP, INC. FOR
REAL PROPERTY TAX SERVICES
IMAGE MATE ONLINE SUPPORT AGREEMENT AND
IMAGE MATE GIS SUPPORT AGREEMENT**

Pursuant to Section 1532 of the Real Property Tax Law and
Section 450 of the County Law.

WHEREAS, Act 688-2010 authorized a contract with Systems Development Group, Inc., 441 Trenton Avenue, Utica, New York 13502, for the

provision of imaging software and services for the County Real Property Tax Service Agency online support, the term of which expires December 31, 2011, and

WHEREAS, the County Real Property Tax Service Agency is desirous of continuing the aforementioned technical support for the Image Mate online, and

WHEREAS, Systems Development Group, Inc., can provide the necessary online support of the Image Mate Online System for an amount as follows:

Annual Fee	\$7,420.00
Software Support	\$85/hr, including travel time
Software Support	\$125/hour
Custom Software Enhancement	\$100/hour,

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, inclusion in the 2012 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with Systems Development Group, Inc., for the provision of the above-described services, for a term commencing January 1, 2012 and terminating December 31, 2012, according to the above-described terms.

Approved by 8 members of the Finance Committee and 6 members of the County Operations Committee.

Adopted November 22, 2011 by voice vote.

ACT NO. 514-2011 by Mr. Snyder and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
DOMINIC DISPENZA FOR DEPARTMENT OF SOCIAL SERVICES
SEXUAL OFFENDER RISK EVALUATIONS**

Pursuant to Section 251 of the Family Court Act and
Section 450 of the County Law.

WHEREAS, the County Department of Social Services is in need of sexual offender risk evaluation services, and

WHEREAS, Dominic Dispenza, 531 Center Road, West Seneca, New York 14224, can provide the aforementioned sexual offender risk evaluations for an amount of \$500.00 per assessment, and

WHEREAS, this program is 62% state and 38% county funded, 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 Dominic Dispenza, for the provision of the aforementioned sexual offender risk evaluations, for a term commencing August 1, 2011 and terminating June 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 8 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted November 22, 2011 by voice vote.

ACT NO. 515-2011 by Mr. Snyder and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR
ARRA IMMUNIZATION BUREAU FUNDING AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Health)**

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

WHEREAS, ARRA funding in an approximate amount of \$2,900.00 is available through the New York State Department of Health Immunization Bureau for the purchase of equipment and software, and

WHEREAS, the County Department of Health is desirous of applying for the aforementioned funding for the purchase of a laptop computer, medical card scanner and software for its immunization program, and

WHEREAS, a grant application must be executed in order to apply for, and receive, the aforementioned funding, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the New York State Department of Health, in order to apply for, and receive, the above-described funding, 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:

Increase Estimated Revenue Account:

A.401.4017.4034.4401.03 PH ARRA Immunizations

\$2,900.00

\$2,900.00.

Adopted November 22, 2011 by voice vote.

Adopted November 22, 2011 by voice vote.

ACT NO. 517-2011 by Mr. Snyder and Mrs. Stockman
and Mr. Aiello¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
WELCO, LKA, INC. FOR HEALTH DEPARTMENT
CLEAN INDOOR AIR ACT COMPLIANCE CHECKS**

Pursuant to Article 13-F of the Public Health Law,
Section 1399-hh(3) of the Public Health Law and
Section 450 of the County Law.

WHEREAS, Act 142-2011 authorized a contract with WELCO, LKA, Inc., 1869 Camp Street Ext., Jamestown, New York 14701, for the provision of Clean Indoor Air Act compliance checks on bars and restaurants within Cattaraugus County, the term of which expired September 30, 2011, and

WHEREAS, the County Health Department is desirous of continuing the aforementioned services for bars only, unless a complaint is received on a facility that is not a bar, and

WHEREAS, WELCO, LKA, Inc., has agreed to continue performing the aforementioned compliance checks on bars, at sites to be determined by the Cattaraugus County Board of Health, for an amount of \$25 per site, plus mileage and meals, not to exceed an amount of \$2,697.20, 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 WELCO, LKA, Inc., for the provision of the above-described services, for a term commencing October 1, 2011 and terminating March 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 8 members of the Finance Committee and 6 members of the Human Services Committee.

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

Adopted November 22, 2011 by voice vote.

ACT NO. 518-2011 by Mr. Snyder and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR
FAMILY PLANNING PROGRAMS**

Pursuant to 10 NYCRR Part 40-1 and
Section 450 of the County Law.

WHEREAS, Act 171-2011 authorized a contract with the New York State Department of Health, Division of Family & Local Health, Corning Tower, Empire State Plaza, Room 878, Albany, New York 12237-0675, for the provision of a Family Planning Program in the County's Health Department, the term of which expired June 30, 2011, and

WHEREAS, the New York State Health Department has awarded the County Health Department an amount of \$134,681.00 for the period June 1, 2011 through December 31, 2011, and

WHEREAS, a contract extension with the New York State Department of Health is needed so that the County can receive the aforementioned grant and extend the term of the contract to December 31, 2011, 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 an amended contract, on behalf of Cattaraugus County, with the New York State Department of Health for the provision of a Family Planning program in Cattaraugus County, for a term commencing June 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.

Approved by 8 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted November 22, 2011 by voice vote.

ACT NO. 519-2011 by Mr. Snyder and Mrs. Stockman
and Mr. Burrell and Mr. Teachman¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN GENERAL HOSPITAL FOR FAMILY PLANNING CLINIC
LABORATORY SERVICES**

Pursuant to Section 2406 of the Public Health Law and
Section 450 of the County Law.

WHEREAS, Act 272-2009 authorized a contract with Olean General Hospital, 515 Main Street, Olean, New York 14760, for the provision of laboratory services for the family planning clinic, which includes the provision of services such as collection, testing, and analyzing of specimens and reporting the results to various providers, the term of which expired June 30, 2011, and

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

WHEREAS, the Olean General Hospital, 515 Main Street, Olean, New York 14760, can provide laboratory services for the County Health Department's family planning clinic, in accordance with the following rate schedule:

88142 Thin Layer Pap Smear	\$18.00
87621 HPV DNA, High Risk	\$35.00
88305 Biopsy	\$45.00
88175 Thin Layer Pap Smear with Imaging	\$25.00,

and

WHEREAS, this program is fee based and funded through private insurances, Medicaid and State Family Planning Grant funds, 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 General Hospital, for the provision of the above-described services, for a term commencing July 1, 2011 and terminating June 30, 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 8 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. Burrell and Mr. Teachman".

Adopted November 22, 2011 by voice vote.

ACT NO. 520-2011 by Mr. Snyder and Mrs. Stockman
and Mr. Burrell and Mr. Teachman¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN GENERAL HEALTHCARE SYSTEMS, LLC FOR
HEALTH DEPARTMENT HOME HEALTH CARE
PROGRAM RESPIRATORY THERAPY SERVICES**

Pursuant to 10 NYCRR 763.3, Section 3602 of the Public Health Law and Section 450 of the County Law.

WHEREAS, Act 639-2010 authorized a contract with Olean General Healthcare Systems, LLC, 234 Homer Street, Olean, New York 14760, for the provision of respiratory therapy services for patients of the County Health Department Home Health Care Program, the term of which expires December 31, 2011, and

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

WHEREAS, Olean General Healthcare Systems, LLC, has agreed to provide respiratory therapy visits at a rate of \$70.00 per visit, with the stipulation that it not refuse any respiratory therapy cases referred to it, and \$28.00 per hour for attendance at meetings, and

WHEREAS, if Olean General Healthcare Systems, LLC, refuses any respiratory therapy homecare case during the term of the 2012 contract, then

the rate for respiratory therapy services shall revert back to the base rate of \$68 per visit, and

WHEREAS, this program is funded through a variety of sources, including, but not limited to, state and federal funding, private pay, private and third-party insurance and the County, 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 Olean General Healthcare Systems, LLC, for the provision of the above-described services, for a term commencing January 1, 2012 and terminating December 31, 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 8 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. Burrell and Mr. Teachman".

Adopted November 22, 2011 by voice vote.

ACT NO. 521-2011 by Mr. Snyder and Mrs. Stockman
and Ms. Edstrom¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
KELLIE SZKATULSKI FOR
HEALTH DEPARTMENT SPEECH THERAPY SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 277-2011 authorized a contract with Kellie Szkatulski, 9811 Mosher Road, South Dayton, New York 14138, for the provision of speech therapy services for the County Health Department home health care program, the term of which expires December 31, 2011, and

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

WHEREAS, Kellie Szkatulski can provide speech therapy services as an independent contractor for home health care patients in accordance with a physician's orders, the patient's plan of care, and/or patient availability, for an amount of \$65.00 per visit, and

WHEREAS, the aforementioned services shall be performed at the patient's home at a mutually agreed upon schedule between Kellie Szkatulski and the patient, but in all cases Kellie Szkatulski must adhere to the established Plan of Care for each patient, 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 Kellie Szkatulski for the provision of the above-described services, for a term commencing January 1, 2012 and terminating December 31, 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 8 members of the Finance Committee and 6 members of the Human Services Committee.

¹ The following Legislator requested her name be listed as an additional sponsor: "Ms. Edstrom".

Adopted November 22, 2011 by voice vote.

ACT NO. 522-2011 by Mr. Snyder and Mrs. Stockman
and Mr. Teachman¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR HEALTH DEPARTMENT WIC CLINIC SPACE**

Pursuant to Section 215 of the County Law and
Act 290-2010 of the Cattaraugus County Legislature.

WHEREAS, Act 633-2010 authorized contracts with various entities for the utilization of space for the Health Department's WIC Program, the terms of which expire December 31, 2011, and

WHEREAS, the County Health Department is desirous of continuing the WIC program in various areas of Cattaraugus County, and

WHEREAS, the entities listed below have agreed to allow the County Health Department to utilize space in their facilities for WIC clinics:

	<u>2011 Rate</u>	<u>2012 Rate</u>
Franklinville Free Methodist Church 41 South Main Street Franklinville, New York 14737	\$300/year	\$300/year
Gowanda Free Methodist Church 149 West Main Street Gowanda, New York 14070	\$60/day of use	\$60/day of use
Roberts Memorial Free Methodist Church 111 South Street Cattaraugus, New York 14719	\$100/year	\$100/year

Town of Randolph
72 Main Street
Randolph, New York 14772

No Cost

No Cost

United Methodist Church of
Little Valley
109 Court Street
Little Valley, New York 14755,

\$50/month

\$50/month

and

WHEREAS, this program is 100% state funded, now, therefore, be it
RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute contracts, 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 the above-listed various entities for the utilization of the aforementioned space, for a term commencing January 1, 2012 and terminating December 31, 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 8 members of the Finance Committee and 6 members of the Human Services Committee.

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

Adopted November 22, 2011 by voice vote.

ACT NO. 523-2011 by Mr. Snyder and Mrs. Stockman
and Mr. Burrell, Mr. Ellis and Mr. Teachman¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN GENERAL HOSPITAL
FOR LABORATORY, RADIOLOGY AND MAMMOGRAPHY SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 646-2010 authorized a contract with the Olean General Hospital, 515 Main Street, Olean, New York 14760, for the provision of laboratory, radiology and mammography services for the County Health Department, the term of which expires December 31, 2011, and

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

WHEREAS, the Olean General Hospital can provide the aforementioned laboratory, radiology and mammography services at the Olean General Hospital approved Medicaid rate, 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 Olean General Hospital, for the provision of the above-described services, for a term commencing January 1, 2012 and terminating December 31, 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 8 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. Burrell, Mr. Ellis and Mr. Teachman".

Adopted November 22, 2011 by voice vote.

ACT NO. 524-2011 by Mr. Snyder and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
JAMESTOWN REHAB SERVICES, PT, OT, SLP, PLLC FOR
HEALTH DEPARTMENT HOME HEALTH CARE PROGRAM
THERAPY SERVICES**

Pursuant to 10 NYCRR 763.3, Section 3602 of the Public Health Law and Section 450 of the County Law.

WHEREAS, Act 752-2010 authorized a contract with Jamestown Rehab Services, PT, OT, SLP, PLLC, 4482 Kathleen Street, Hamburg, New York 14075, for the provision of various therapy services for the patients of the Health Department Home Health Care Program, the term of which expires December 31, 2011, and

WHEREAS, the County Department of Health is desirous of continuing the provision of physical, occupational and speech therapy services, and

WHEREAS, if Jamestown Rehab Services, PT, OT, SLP, PLLC, refuses any physical therapy homecare cases, occupational therapy visits or speech therapy services during the term of the 2012 contract, then the rates for such services shall revert back as follows for the duration of the contract:

Physical Therapy Services	Base Rate of \$68/visit
Occupational Therapy Services	Base Rate of \$68/visit
Speech Therapy Services	Base Rate of \$68/visit
Physical Therapy Assistant Services	Base Rate of \$45/visit,

and

WHEREAS, Jamestown Rehab Services, PT, OT, SLP, PLLC, has agreed to provide physical, occupational and speech therapy services to Cattaraugus County Health Department patients at the following rates:

<u>Service</u>	<u>2011 Rate</u>	<u>2012 Rate</u>
Physical Therapist	\$70/visit	\$71.40/visit
Occupational Therapist	\$70/visit	\$71.40/visit
Speech Therapist	\$70/visit	\$71.40/visit
Physical Therapy Assistant	\$55/visit	\$56.10/visit
Attendance at Meetings	\$28/hour	\$28.56/hour
Evaluations	\$70/visit	\$71.40/visit
PT only admission visit	\$80/visit	\$100/visit
Recruitment & Retention (to be determined by NYSDOH),		

and

WHEREAS, this program is funded through a variety of sources, including, but not limited to, state and federal funding, private pay, private and third-party insurance and the County, 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 Jamestown Rehab Services, PT, OT, SLP, PLLC, for the provision of the above-described services, for a term commencing January 1, 2012 and terminating December 31, 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 8 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted November 22, 2011 by voice vote.

ACT NO. 525-2011 by Mr. Snyder and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
SUSAN K. YOWELL FOR
HEALTH DEPARTMENT SPEECH THERAPY SERVICES**

Pursuant to 10 NYCRR 763.3, Section 3602 of the Public Health Law and Section 450 of the County Law.

WHEREAS, Act 214-2011 authorized a contract with Susan K. Yowell, 713 Gleason Hollow Road, Portville, New York 14770, for the provision of speech therapy services for the County Health Department home health care program, the term of which expires December 31, 2011, and

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

WHEREAS, Susan K. Yowell can provide speech therapy services as an independent contractor for home health care patients in accordance with the doctor's orders, the patient's plan of care, and/or patient availability, for an amount of \$65.00 per visit, and

WHEREAS, the aforementioned services shall be performed at the patient's home at a mutually agreed upon schedule between Susan K. Yowell and the patient, but in all cases Susan K. Yowell must adhere to the established Plan of Care for each patient, 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 Susan K. Yowell for the provision of the above-described services, for a term commencing January 1, 2012 and terminating December 31, 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 8 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted November 22, 2011 by voice vote.

ACT NO. 526-2011 by Mr. Snyder and Mrs. Stockman
and Mr. Teachman¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN MEDICAL GROUP, LLP FOR HEALTH DEPARTMENT
CONTINGENT MEDICAL DIRECTOR SERVICES**

Pursuant to Section 352 of the Public Health Law and
Section 450 of the County Law.

WHEREAS, Act 645-2010 authorized a contract with the Olean Medical Group, LLP, 535 Main Street, Olean, New York 14760, for the provision of a contingent medical director, in the event the County Health Department's medical director is unavailable, the term of which expires December 31, 2011, and

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

WHEREAS, the Olean Medical Group, LLP, can provide the aforementioned medical director services, in the event the County Health Department's current medical director is unavailable, for an amount of \$160.00 per hour, 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, inclusion in the 2012 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with the Olean Medical Group, LLP, for the provision of the above-described services, for a term commencing January 1, 2012 and terminating December 31, 2012, according to the above-described terms.

Approved by 8 members of the Finance Committee and 6 members of the Human Services Committee.

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

Adopted November 22, 2011 by voice vote.

ACT NO. 527-2011 by Mr. Snyder and Mrs. Stockman
and Mr. Teachman¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN MEDICAL GROUP, LLP FOR HEALTH DEPARTMENT
FAMILY PLANNING MEDICAL CONSULTANT**

Pursuant to 10 NYCRR Part 40-1 and
Section 450 of the County Law.

WHEREAS, Act 713-2009 authorized a contract with the Olean Medical Group, LLP, 535 Main Street, Olean, New York 14760, for the provision of family planning services through its Family Planning and Reproductive Health programs, the term of which expires December 31, 2011, and

WHEREAS, the County Health Department is required to have medical direction, preceptorship and collaboration by a physician who specializes in obstetrics and gynecology, and

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

WHEREAS, the Olean Medical Group, LLP, has agreed to continue providing the aforementioned family planning services on a consultant basis for an amount of \$400.00 per month, which is the same rate as the previous contract, 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, inclusion in the 2012 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with the Olean Medical Group, LLP, 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 8 members of the Finance Committee and 6 members of the Human Services Committee.

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

Adopted November 22, 2011 by voice vote.

ACT NO. 528-2011 by Mr. Snyder and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CAROLYN C. RUFFNER, P.T. FOR HEALTH DEPARTMENT
PHYSICAL THERAPY SERVICES**

Pursuant to 10 NYCRR Section 763.3,
Section 3602 of the Public Health Law and
Section 450 of the County Law.

WHEREAS, Act 640-2010 authorized a contract with Carolyn C. Ruffner, 3676 Buffalo Road, Allegany, New York 14706, for the provision of physical therapy services for the patients of the County Health Department's Long-Term Home Health Care Program, the term of which expires December 31, 2011, and

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

WHEREAS, Carolyn C. Ruffner, P.T., has agreed to renew the aforementioned contract for an amount as follows:

<u>Service</u>	<u>2011 Rate</u>	<u>2012 Rate</u>
Physical Therapist	\$68 per visit	\$ 68 per visit
Evaluations	\$70 per evaluation	\$ 70 per evaluation
PT only admission visit	\$80 per visit	\$100 per visit
Attendance at Meetings	\$28 per hour	\$ 28 per hour
Recruitment & Retention	to be determined by NYSDOH,	

and

WHEREAS, this program is funded through a variety of sources, including, but not limited to, state and federal funding, private pay, private and third-party insurance and the County, 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, inclusion in the 2012 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with Carolyn C. Ruffner, P.T., for the provision of the above-described physical therapy services, for a term commencing January 1, 2012 and terminating December 31, 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 8 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted November 22, 2011 by voice vote.

ACT NO. 529-2011 by Mr. Snyder and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ERIE COUNTY FOR MEDICAL EXAMINER OFFICE SERVICES**

Pursuant to Section 119-o of the General Municipal Law and
Sections 450, 673 and 674 of the County Law.

WHEREAS, Act 38-2009 authorized a contract with Erie County for medical examiner office services, including toxicology, the term of which expires December 31, 2011, and

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

WHEREAS, the Erie County Medical Examiner's Office shall provide autopsies, including toxicology services, for Cattaraugus County in accordance with the following fee schedule:

- guarantee up to 20 cases per year, as follows:

2012	\$1,900.00/case - lump sum amount	\$38,000.00
2013	\$1,957.00/case - lump sum amount	\$39,140.00
2014	\$2,015.71/case - lump sum amount	\$40,314.00
- above 20 cases per year, as follows:

<u>2012</u>		
External Exam	\$1,590.00	
Partial Autopsy	\$2,115.00	
Full Autopsy	\$2,500.00	
Autopsy on Inmate	\$2,900.00	
<u>2013</u>		
External Exam	\$1,638.00	
Partial Autopsy	\$2,178.00	
Full Autopsy	\$2,575.00	
Autopsy on Inmate	\$2,987.00	
<u>2014</u>		
External Exam	\$1,687.00	
Partial Autopsy	\$2,243.00	
Full Autopsy	\$2,652.00	
Autopsy on Inmate	\$3,077.00	
- Dental Identification \$150.00 per case, when needed
- Court Testimony will be billed at the following rates:

Criminal/Consultation	\$250.00 per hour
Clerical Staff Time	\$ 50.00 per hour
Travel Expenses	\$250.00 per hour
- Examination of Non-Human Remains (bones) \$110.00 per case
- Additional Costs: (when needed, will be billed to the County),

and

WHEREAS, a new contract reflecting the revised fee schedule is necessary, 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, inclusion in the 2012 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with the County of Erie, for the provision of the above-described services, for a term commencing January 1, 2012 and terminating December 31, 2014, according to the above-described terms.

Approved by 8 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted November 22, 2011 by voice vote.

ACT NO. 530-2011 by Mr. Snyder and Mrs. Stockman
and Mr. Aiello¹

LOCAL LAW NUMBER 16 - 2011
COUNTY OF CATTARAUGUS, NEW YORK

Pursuant to Article 13F of the Public Health Law.

A LOCAL LAW REGULATING ELECTRONIC
CIGARETTES ("E-CIGARETTES") AND HERBAL CIGARETTES

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

SECTION 1. Legislative Intent: The Legislature hereby makes the following findings and determinations:

a) The Legislature hereby finds and determines that new, unregulated high-tech smoking devices, commonly referred to as electronic cigarettes or e-cigarettes, have recently been made available to consumers. To "smoke" e-cigarettes, users inhale vaporized liquid nicotine created by heat through an electronic ignition system. The vapors are expelled through a cartridge that usually contains a concentration of pure nicotine. The cartridge and ignition system are housed in a device created to look like a traditional cigarette, cigar or pipe. After inhaling, the user then exhales the heated vapors producing a "cloud" of undetermined substances that is virtually indistinguishable from cigarettes, cigars and pipes.

b) The Legislature also finds that the nicotine content in e-cigarettes can vary in doses and presents a significant risk of rapid and or continual addiction.

c) The Legislature also finds that it is not in the best interests of the County or its residents to permit the use of e-cigarettes in public places or to permit their sale to persons under the age of eighteen (18).

d) The Legislature also determines that protecting Cattaraugus County residents from an untested nicotine product like e-cigarettes represents sound public health and fiscal policy.

e) Therefore, the purpose of this Local Law is to prohibit the smoking of e-cigarettes, herbal cigarettes, and like products in public places where traditional forms of smoking are already disallowed and to ban the sale of such products to persons under the age of eighteen (18).

SECTION 2. Definitions: As used in this Local Law, the following terms shall have the meanings indicated:

a) "electronic cigarette" or "e-cigarette" shall mean any battery operated device designed to emit a nicotine vapor upon inhalation without being lit. E-cigarettes are composed of a battery, a heating element or atomizer, and a cartridge. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name or style.

b) "electronic cigarette cartridge" or "e-cigarette cartridge" means a component of an e-cigarette that contains liquid nicotine.

c) "food service establishment" and "person" shall, for the purpose of this local law, be defined as such terms are defined in Public Health Law Section 1399-aa.

d) "herbal cigarettes" (also called tobacco free cigarettes or nicotine-free cigarettes) shall mean any product made primarily of an herb or combination of herbs, and intended to be smoked in any of the methods that tobacco is smoked, including but not limited to, as cigarette, cigar or pipe filler.

e) "Board" shall mean the Cattaraugus County Board of Health.

SECTION 3. Sale to Minors Prohibited:

a) Any person operating a place of business wherein electronic cigarettes are sold or offered for sale is prohibited from selling such electronic to individuals under eighteen (18) years of age, and shall post in a conspicuous place a sign upon which there shall be imprinted the following statement: "SALE OF ELECTRONIC TO PERSONS UNDER 18 YEARS OF AGE IS PROHIBITED BY LAW". Such sign shall be printed on a white card in red letters at least one-half inch in height.

b) Sale of electronic cigarettes shall be made only to an individual who demonstrates, through (1) valid drivers license or non-drivers identification card issued by the Commissioner of Motor Vehicles, the federal government, any United States territory, commonwealth or possession, the District of Columbia, a state government within the United States or a provincial government of the Dominion of Canada; or (2) a valid passport issued by the United States government or any other country; or (3) an identification card issued by the Armed Forces of the United States, that the individual is at least eighteen (18) years of age. Such identification need not be required of any individual who reasonably appears to be at least twenty five (25) years of age, provided, however, that such appearance shall not constitute a defense in any proceeding alleging the sale of electronic cigarettes to an individual under eighteen (18) years of age.

(c) (1) No retailer or vendor shall display or store products containing herbal or electronic cigarettes, electronic cigars, electronic pipes, or under any other product name or style, in a manner which allows direct access to the product by the customer prior to the purchase.

(2) No vendor shall allow vending machines containing electronic cigarettes, electronic cigars, electronic pipes, or under any other product name or style to be placed in any location accessible to a person under the age of eighteen (18).

(3) (i) Any person operating a place of business wherein electronic cigarettes are sold or offered for sale may perform a transaction scan as a precondition for such purchases.

(ii) In any instance where the information deciphered by the transaction scan fails to match the information printed on the driver's license or non-driver identification card, or if the transaction scan indicates that the information is false or fraudulent, the attempted transaction shall be denied.

(iii) In any proceeding pursuant to this local law, it shall be an affirmative defense that such person had produced a driver's license or non-driver identification card apparently issued by a governmental entity, successfully completed that transaction scan, and that the electronic cigarettes had been sold, delivered or given to such person in reasonable reliance upon such identification and transaction scan. In evaluating the applicability of such affirmative defense, the Board shall take into

consideration any written policy adopted or implemented by the seller to effectuate the provisions of this local law. The use of a transaction scan shall not excuse any person operating a place of business wherein electronic cigarettes are sold, or the agent or employee of such person, from the exercise of reasonable diligence. Notwithstanding the above provisions, any such affirmative defense shall not be applicable in any civil or criminal proceeding, or in any other forum.

SECTION 4. Restrictions on Smoking Herbal or E-Cigarettes:

The smoking of herbal or electronic cigarettes shall not be permitted and no person shall smoke electronic or herbal cigarettes in indoor areas open to the public in which smoking is prohibited or restricted pursuant to Public Health Law Section 1399-o. For violations of this section, it shall be an affirmative defense that during the relevant time period actual control of the indoor area open to the public was not exercised by the respondent, but rather by a lessee, a sub-lessee or any other person. To establish an affirmative defense, the respondent shall submit an affidavit and may submit any other relevant proof indicating that the respondent did not exercise actual control of said area during the relevant time period. Such affidavit and other proof shall be mailed by certified mail to the Board within 30 days of receipt of such notice of violation.

SECTION 5. Enforcement:

a) The Board shall have sole jurisdiction to enforce the provisions of this local law.

b) If the Board determines after a hearing that a violation of section 3 of this local law has occurred, the Board may impose a civil penalty in the same amount as provided in Public Health Law Section 1399-ee(2), as the same may be amended from time to time. Presently, such civil penalties are as follows: in the minimum amount of \$300, but not to exceed \$1,000 for a first violation, and a minimum of \$500, but not to exceed \$2,000 for each subsequent violation. No other penalty, fine or sanction may be imposed, provided that nothing herein shall be construed to prohibit the Board from commencing a proceeding for injunctive relief to compel compliance with this local law.

c) If the Board determines after a hearing that a violation of Section 4 of this local law has occurred, the Board may impose a civil penalty in the same amount as provided in Public Health Law Section 1399-ee(2), as the same may be amended from time to time. Presently, such civil penalties are as follows: in the minimum amount of \$300, but not to exceed \$1,000 for a first violation, and a minimum of \$500, but not to exceed \$2,000 for each subsequent violation. No other penalty, fine or sanction may be imposed, provided that nothing herein shall be construed to prohibit the Board from commencing a proceeding for injunctive relief to compel compliance with this local law.

d) Hearings held pursuant to the authority of this local law shall be conducted pursuant to the procedures set forth in the Cattaraugus County Sanitary Code by the Board or its designee.

e) The decision of the Board shall be reviewable pursuant to Article 78 of the Civil Practice law and Rules.

f) The County Attorney may bring an action in the name of Cattaraugus County and/or the Board to recover the civil penalty provided by this local law in any court of competent jurisdiction.

SECTION 6. Reverse Preemption: This Local Law shall be null and void on the day that State-wide or federal legislation goes into effect, incorporating

either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Cattaraugus. The County Legislature may determine by resolution whether or not identical or substantially similar state-wide legislation has been enacted for purposes of triggering the provisions of this section.

SECTION 7. Applicability: This law shall apply to all actions occurring on or after the effective date of this Local Law.

SECTION 8. Severability: If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be entered.

SECTION 9. SEQRA Determination: This Legislature, being the state environmental quality review act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II Action pursuant to Section 617.5 (c) (20), (21), and/or (27) of Title VI of the New York Code of Rules and Regulations and within the meaning of Section 8-0109 (2) of the New York Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures and legislative decisions in connection with continuing agency administration, management and information collection. The County Administrator is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

SECTION 10. Effective Date: This law shall take effect sixty days after its filing in the Office of the Secretary of State.

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

ACT NO. 531-2011 by Mr. Snyder and Mrs. Stockman

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 16-2011

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 22, 2011, a proposed Local Law entitled "A Local Law Regulating Electronic Cigarettes ("E-Cigarettes") and Herbal Cigarettes", 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 14th day of December, 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 8 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted November 22, 2011 by voice vote.

ACT NO. 532-2011 by Ms. Vickman and Mr. McClune

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE OFFICE FOR THE AGING FOR VARIOUS PROGRAMS FOR
DEPARTMENT OF AGING**

Pursuant to Title III of the Older Americans Act of 1965,
as amended, Section 541 of the Executive Law and
Section 95-a of the General Municipal Law.

WHEREAS, Act 628-2010 authorized the Chair to apply for, and accept, funding through the New York State Office for the Aging for the 2011 program year for various programs, and

WHEREAS, funding is available for various programs through the New York State Office for the Aging for the 2012 program year, and

WHEREAS, the County Department of Aging is desirous of applying for the following program funding:

Community Services for the Elderly (CSEP)	\$ 97,518.00
Expanded In-Home Services for the Elderly	\$221,701.00
Congregate Services Initiative (CSI)	\$ 1,737.00
Caregiver Resource Center (CRC)	\$ 19,611.00
Supplemental Nutrition Assistance Program (SNAP)	\$212,678.00
Transportation	\$ 4,605.00
HIICAP	\$ 35,084.00
Weatherization Referral and Packaging (WRAP)	\$ 34,717.00,

and

WHEREAS, a contract is necessary with the New York State Office for the Aging in order to accept the aforementioned funds, 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 the New York State Office for the Aging, in order to apply for, and accept, the aforementioned funds, for a term commencing April 1, 2012 and terminating March 31, 2013, 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 8 members of the Finance Committee and 6 members of the Senior Services Committee.

Adopted November 22, 2011 by voice vote.

ACT NO. 533-2011 by Mr. Vecchiarella
and Mr. Aiello, Ms. Edstrom, Mr. Neal and Mr. Teachman¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR
DOMESTIC VIOLENCE PROGRAM HOME VISIT FUNDING**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 176-2011 authorized a contract with New York State Division of Criminal Justice Services for the Domestic Violence Program Home Visit Program, for a grant in the amount of \$25,000.00, the term of which expired September 30, 2011, and

WHEREAS, the term of the aforementioned contract should be extended to March 31, 2012, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with the New York State Division of Criminal Justice Services, to extend the term of the aforementioned contract to March 31, 2012, according to the above-described terms.

Approved by 8 members of the Finance Committee and 6 members of the Public Safety Committee.

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

Adopted November 22, 2011 by voice vote.

ACT NO. 534-2011 by Mr. Vecchiarella
and Mr. Aiello, Mr. Burrell, Mr. Murphy,
Mr. Neal and Mr. Teachman¹

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
FOR 2011 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE (JAG) PROGRAM**

Pursuant to 42 U.S.C. Section 3751(a) and
Section 450 of the County Law.

WHEREAS, funding is available through the New York State Division of Criminal Justice Services for the 2011 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, and

WHEREAS, JAG funds support all components of the criminal justice system, from multijurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives, and

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

WHEREAS, this program is 100% funded through the 2011 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, 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 Division of Criminal Justice Services, in order to apply for the aforementioned funding, 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 8 members of the Finance Committee and 6 members of the Public Safety Committee.

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

Adopted November 22, 2011 by voice vote.

ACT NO. 535-2011 by Ms. Vickman and Mr. McClune

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE OFFICE FOR THE AGING FOR FUNDING UNDER
VARIOUS TITLES OF THE OLDER AMERICANS ACT OF 1965, AS AMENDED**

Pursuant to Titles III-B, III-C1, III-C2, III-D and III-E
of the Older Americans Act of 1965, as amended,
Section 541 of the Executive Law and
Section 95-a of the General Municipal Law.

WHEREAS, Act 629-2010 authorized the Chair to apply for funding through the New York State Office for the Aging for the 2011 program year, and

WHEREAS, federal funding is again available through the New York State Office for the Aging under Titles III-B, III-C1, III-C2, III-D and III-E of the Older Americans Act of 1965, as amended, for the 2012 program year, for the following programs:

- Title III-B - direct services to the senior citizens of Cattaraugus County,
- Title III-C - congregate and home delivered services and other related services to the senior citizens of Cattaraugus County,
- Title III-D - preventative services to senior citizens of Cattaraugus County, and
- Title III-E - family caregiver support program,

and

WHEREAS, it is necessary to file grant applications with the New York State Office for the Aging to obtain this funding, and

WHEREAS, the above-described programs are funded as follows:

Title III-B	-	90% federally funded	\$ 87,520.00
Title III-C1	-	90% federally funded	\$110,983.00
Title III-C2	-	90% federally funded	\$ 52,401.00
Title III-D	-	90% federally funded	\$ 5,462.00
Title III-E	-	75% federally funded	\$ 40,714.00,

now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute the necessary grant applications, 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 the New York State Office for the Aging in order to apply for, and accept, funding under Titles III-B, III-C1, III-C2, III-D and III-E for the 2012 program year, 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 8 members of the Finance Committee and 6 members of the Senior Services Committee.

Adopted November 22, 2011 by voice vote.

ACT NO. 536-2011 by Mr. Snyder and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE CONFERENCE OF LOCAL MENTAL HYGIENE DIRECTORS FOR
ENHANCEMENT OF SYSTEMS OF CARE FOR CATTARAUGUS COUNTY RESIDENTS**

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

WHEREAS, Act 480-2011 authorized the Chair to apply for funding through the New York State Conference of Local Mental Hygiene Directors for the purpose of providing training to enhance collaboration among service providers in Cattaraugus County and receive technical assistance with Systems of Care approach, and

WHEREAS, the County Department of Community Services has been awarded a grant in the amount of \$5,000.00 through the NYS Conference of Local Mental Hygiene Directors for the purpose of enhancing the systems of care for residents of Cattaraugus County, and

WHEREAS, the participating counties agree as follows:

- to participate in a one day educational/orientation session that provides an introduction to the principles of Systems of Care;
- to be actively involved in Learning Collaborative meetings to partner with colleagues to obtain clinical, technical and social supports related to the implementation of the Systems of Care approach;
- to make a commitment to adhere to the Systems of Care principles and values in their counties,

and

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

WHEREAS, this program is 100% funded through other sources, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the New York State Conference of Local Mental Hygiene Directors, in order to receive the above-described funding, for a term commencing October 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.

Approved by 8 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted November 22, 2011 by voice vote.

ACT NO. 537-2011 by Mr. Snyder and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
PINE PHARMACY OF NIAGARA FALLS, LLC FOR
PROVISION OF HALDOL INJECTABLE FOR
DEPARTMENT OF COMMUNITY SERVICES CLIENTS AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

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

WHEREAS, the Department of Community Services is in need of the prescription medication Haldol Injectable for certain clients of the Mental Health Clinics and the PROS Facility, and

WHEREAS, Pine Pharmacy of Niagara Falls, LLC, 1806 Pine Avenue, Niagara Falls, New York 14301, can provide the prescription medication Haldol Injectable for the clients of the Department of Community Services, and

WHEREAS, the Department of Community Services will bill Medicaid and other third party insurance carriers for reimbursement of the cost of the aforementioned prescription medication, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Pine Pharmacy of Niagara Falls, LLC, for the provision of the above-described services, for a term commencing November 9, 2011 to continue in full force and effect until terminated by either party hereto, according to the above-described terms, and be it further

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

Increase Estimated Revenue Account:

A.431.4330.2100.1620.02	Mental Health Fees - Medicaid	\$6,000.00
-------------------------	-------------------------------	------------

Increase Appropriation Account:

A.431.4330.2100.47037	Adult Clinic: Prescription Drugs	\$6,000.00.
-----------------------	----------------------------------	-------------

Approved by 8 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted November 22, 2011 by voice vote.

ACT NO. 538-2011 by Mr. Snyder and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
PINE PHARMACY AND HOME CARE PRODUCTS CENTER, INC. FOR
PROVISION OF PROLIXIN DECANOATE INJECTABLE FOR
DEPARTMENT OF COMMUNITY SERVICES CLIENTS AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

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

WHEREAS, the Department of Community Services is in need of the prescription medication Prolixin Decanoate Injectable for certain clients of the Mental Health Clinics and the PROS Facility, and

WHEREAS, Pine Pharmacy and Home Care Products Center, Inc., 5110 Main Street, Store 101, Williamsville, New York 14221, can provide the prescription medication Prolixin Decanoate Injectable for the clients of the Department of Community Services, and

WHEREAS, the Department of Community Services will bill Medicaid and other third party insurance carriers for reimbursement of the cost of the aforementioned prescription medication, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Pine Pharmacy and Home Care Products Center, Inc., for the provision of the above-described services, for a term commencing November 9, 2011 to continue in full force and effect until terminated by either party hereto, according to the above-described terms, and be it further

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

Increase Estimated Revenue Accounts:

A.431.4330.2100.1620.02	Mental Health Fees - Medicaid	\$1,955.00
-------------------------	-------------------------------	------------

A.431.4340.6340.1620.02	Mental Health Fees - Medicaid	\$ 170.00
-------------------------	-------------------------------	-----------

Increase Appropriation Accounts:

A.431.4330.2100.47037	Adult Clinic: Prescription Drugs	\$1,955.00
A.431.4340.6340.47037	PROS: Prescription Drugs	\$ 170.00.

Approved by 8 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted November 22, 2011 by voice vote.

ACT NO. 539-2011 by Mr. Snyder and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
KIMBERLY CONROY, RN, MS, CS, NPP FOR
DEPARTMENT OF COMMUNITY SERVICES
PSYCHIATRIC NURSE PRACTITIONER SERVICES FOR PROS PROGRAM 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 717-2010 authorized a contract with Kimberly Conroy, RN, MS, CS, NPP, 2656 West State Street, Suite 502, Olean, New York 14760, for the provision of psychiatric nurse practitioner services for clients in the PROS program, the term of which expires December 31, 2011, and

WHEREAS, Act 730-2010 authorized a contract with Jamestown Psychiatric, P.C., for the provision of psychiatric services for the Department of Community Services' clients in the PROS program, the term of which expires December 31, 2011, and

WHEREAS, Jamestown Psychiatric, P.C. is unable to provide the number of hours of service required by the County Department of Community Services, and

WHEREAS, the County Department of Community Services is desirous of increasing the number of service hours that Kimberly Conroy provides, from 286 hours per year to 306 hours per year, and

WHEREAS, Kimberly Conroy, RN, MS, CS, NPP, can provide psychiatric nurse practitioner services to clients in the PROS facility for an amount of \$110.00 per direct care hour, for a maximum of 306 hours per year, not to exceed \$33,660.00, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with Kimberly Conroy, RN, MS, CS, NPP, 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

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

² MS. VICKMAN moved, seconded by Mr. Boser to amend Act No. 540-2011 as follows: In the third Whereas, delete: "\$3.75 per meal" and replace with: "\$4.50 per meal". Carried.

Adopted, as amended, November 22, 2011 by voice vote.

ACT NO. 541-2011 by Human Services Committee:

Mr. Snyder, Mrs. Stockman, Ms. Edstrom,
Mr. Vecchiarella, Ms. Vickman, Mr. McClune and Mr. Ward
and Mr. Burrell¹

**REQUESTING NEW YORK STATE TO ESTABLISH FULL FUNDING AND
MEMORANDUM OF UNDERSTANDING FOR COUNTY HEALTH DEPARTMENT ACTIVITIES
ASSOCIATED WITH GAS WELL DRILLING IN NEW YORK STATE**

Pursuant to Section 153 of the County Law.

WHEREAS, there is intense interest in the reserves of natural gas in New York State due to improved technology and demand, and

WHEREAS, tapping these reserves will involve drilling, production, waste handling, infrastructure development, and the investigation and remediation of gas well related impacts, particularly with respect to the use of horizontal drilling into low permeability formations such as the Marcellus and Utica Shales and the high volume hydraulic fracturing (HVHF) process, and

WHEREAS, there is significant public concern about potential environmental, socioeconomic, and human health impacts associated with increased gas drilling, as has been documented in other states, and

WHEREAS, the New York State Department of Environmental Conservation has released a revised draft Supplemental Generic Environmental Impact Statement (dSGEIS) to determine the methods, controls, resources and authority necessary for the protection of public and environmental health, and

WHEREAS, Section 7.1 of the dSGEIS identifies a myriad of potential impacts, testing, and mitigation measures necessary to monitor and protect water resources, including private and public water supplies, and Section 7.1.4.1 proposes a protocol whereby county health departments will receive such testing data and have primary responsibility for interpreting results, investigating all complaints, and educating the public concerning health effects and treatment options, and

WHEREAS, the Environmental Health and Public Health professionals in New York State's county health departments (CHDs) have responsibility at a local level for ensuring the safety of drinking water supplies and responding to a broad range of public health impacts, emergencies, and nuisance complaints, including air and water contamination, chemical spills, and radiation hazards, and

WHEREAS, local CHDs are the primary point of contact for members of the public that are concerned that they may have health-related impacts or are affected by nuisance conditions caused by gas drilling activities, and

WHEREAS, local CHDs are dependent on state aid and state grants to supplement local assistance particularly when new mandates or guidelines increase program responsibilities, and

WHEREAS, local CHDs will experience a substantial increase in workload if proposals in the dSGEIS are adopted, thereby requiring the addition of an estimated 1 to 2 full-time qualified staff in each affected county, and

WHEREAS, without full funding, this significant workload represents a new unfunded mandate from the State in fiscally difficult times, and

WHEREAS, funding needed to support appropriate multiple-agency oversight can and should be derived from the gas well permit fees and not be a burden borne by county and state taxpayers, and

WHEREAS, NYSDEC Commissioner Martens established a HVHF Advisory Panel to consider these issues and this panel does not have representatives from CHDs, and

WHEREAS, the New York State Department of Health presented resource needs to the Advisory Panel which did not include the needs of CHDs, and

WHEREAS, Section 7.1.4.1 of the dSGEIS also references an informal, obsolete, and inadequately detailed memorandum of understanding (MOU) from 1985 between DEC and three western New York CHDs related to procedures for investigating well and gas drilling complaints, and

WHEREAS, a new, formal, and sufficiently detailed MOU needs to be negotiated with all CHDs statewide which will be impacted by expanded gas well drilling and HVHF in New York State, and

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

RESOLVED, that the Cattaraugus County Legislature hereby requests that Governor Cuomo and the New York State Legislature establish full funding (100%) for necessary professional staff and resources in CHDs impacted by expanded gas well development in New York State, such funding to be derived from permit fees paid by those companies who will profit significantly from gas production, and that such burden not be adopted as an unfunded State mandate to counties and their taxpayers, and be it further

RESOLVED, that NYSDEC Commissioner Martens require the HVHF Advisory Panel to obtain input directly from CHDs concerning potential impacts and resource needs for gas drilling oversight in the impacted counties, and be it further

RESOLVED, that the Governor direct NYSDEC Commissioner Martens to negotiate a formal MOU with CHDs which adequately outlines the procedures, roles, and responsibilities of both DEC and CHD staff in the investigation and resolution of complaints related to gas well drilling and HVHF impacts to ground water resources and public and private drinking water supplies, and be it further

RESOLVED, that the Cattaraugus County Legislature further requests that the aforementioned funding and agreements be put into place prior to permitting of new gas wells in the Marcellus Shale or other low permeability formations anywhere in the state, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Governor Cuomo, Senate Majority Leader Skelos, Assembly Speaker Silver, Senator Young, Assembly Member Giglio, the NYS Association of County Health Officials (NYSACHO), the NYS Conference of Environmental Health Directors (CEHD), the NYS Association of Counties (NYSAC), NYSDOH Commissioner Shah, NYSDEC Commissioner Martens, Chair of Senate-Environmental Conservation Committee Grisanti, Chair of Assembly Environmental Conservation Committee Sweeney, Chair of Senate Health Committee Hannon, Chair of Assembly Health Committee Gottfried, NYS Attorney General Schneiderman, United States Senators Schumer and Gillibrand, Cattaraugus County Board of Health, and the NYS High Volume Hydraulic Fracturing Advisory Panel.

Approved by 8 members of the Finance Committee and 6 members of the Senior Services Committee.

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

Adopted November 22, 2011 by voice vote.

ACT NO. 542-2011 by Mr. Snyder and Mrs. Stockman
**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
McBEE ASSOCIATES, INC. FOR
MEDICARE REVENUE RECOVERY SERVICES**

Pursuant to Act 290-2011 of the Cattaraugus County Legislature.

WHEREAS, Act 636-2010 authorized a contract with McBee Associates, Inc., for the provision of Medicare revenue recovery services for the period October 1, 2009 through December 31, 2010, the term of which expires December 31, 2011, and

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

WHEREAS, McBee Associates, Inc., has agreed to conduct a comprehensive review of all paid Medicare claims for the County Health Department for the period January 1, 2011 through December 31, 2011, for the purpose of correct payment and identifying correction actions that can be implemented by the Department of Health to avoid future lost revenue, and

WHEREAS, McBee Associates, Inc., can provide the aforementioned services on a contingency fee basis of 27.3% of additional cash paid to the agency from claims re-billed as a result of the review of cash recovered, and

WHEREAS, there is no fee if the County does not receive an adjustment, and

WHEREAS, there will also be no charge if there is a negative adjustment, and

WHEREAS, the County should enter into an agreement with McBee Associates, Inc., in order to review the County Health Department's claims for Medicare reimbursement, 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 McBee Associates, Inc., for the provision of the above-described services, for a term commencing January 1, 2012 and terminating December 31, 2012, according to the above-described terms.

Approved by 8 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted November 22, 2011 by voice vote.

ACT NO. 543-2011 by Mr. Aiello, Mr. Burrell and Mr. Marsh

**LOCAL LAW NUMBER 17 - 2011
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Chapter 97-2011 of the Laws of the State of New York and
Section 3-c of the General Municipal Law.

A LOCAL LAW OVERRIDING TAX LEVY LIMIT FOR FISCAL YEAR 2012

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

SECTION 1. Overriding Tax Levy Limit for 2012. For fiscal year 2012, the County of Cattaraugus shall override the real property tax levy limit established by Chapter 97 of the Laws of 2011 of the State of New York and may adopt a budget requiring a tax levy that is greater than such tax levy limit.

SECTION 2. Effective Date. This Local Law shall become effective immediately.

ACT NO. 544-2011 by Mr. Aiello, Mr. Burrell and Mr. Marsh

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 17-2011

Pursuant to Section 10 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on November 22, 2011, a proposed Local Law entitled "A Local Law Overriding Tax Levy Limit For Fiscal Year 2012", 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 14th day of December, 2011, 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.

Referred to the Finance Committee.

ACT NO. 545-2011 by Mr. Snyder and Mrs. Stockman
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE COMMISSION ON NATIONAL AND
COMMUNITY SERVICE FOR AMERICORPS START PROGRAM**

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

WHEREAS, the County Youth Bureau has been notified that it has been awarded \$198,173.00 for the Americorps START Program, and

WHEREAS, it is necessary to execute a contract with the New York State Commission on National and Community Service in order to receive the aforementioned funding, and

WHEREAS, this program is 70% federally funded and 30% grantee funded through agency match, in-kind services, donations, and tax levy, 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 Commission on National and Community Service, for a term commencing October 1, 2011 and terminating December 31, 2012, in order to receive the funding for the Americorps START Program, 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. WARD moved, seconded by Mr. Marsh to waive Rule 12. Carried.

Adopted November 22, 2011 by voice vote.

ACT NO. 546-2011 by Mr. Snyder and Mrs. Stockman
who ask immediate consideration

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING
THROUGH NEW YORK STATE OFFICE OF CHILDREN AND
FAMILY SERVICES/NEW YORK STATE COMMISSION ON NATIONAL AND
COMMUNITY SERVICE FOR AMERICORPS START PROGRAM**

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

WHEREAS, Act 578-2010 authorized the Chair to apply for funding through the New York State Commission on National and Community Service for the Southern Tier Americorps Resource Team (START) Program, and

WHEREAS, funding up to \$250,000.00 per program year is available through the New York State Office of Children and Family Services/New York State Commission on National and Community Service for the 2012-2015 Southern Tier Americorps Resource Team (START) Program term, and

WHEREAS, the County should apply to the New York State Office of Children and Family Services/New York State Commission on National and Community Service for the aforementioned funding, and

WHEREAS, the aforementioned funding, if received, will be used to provide 12 full-time, 6 part-time and 25 minimum-time AmeriCorps members to contracted school districts and agencies as youth mentors and community service providers, and

WHEREAS, the aforementioned program is 66% federally funded, and 34% grantee funded through agency match, in-kind services, donations, and tax levy, 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 Children and Family Services/New York State Commission on National and Community Service, in order to apply for funding for the Americorps START Program, for a term commencing October 1, 2012 and terminating December 31, 2015, 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. BOSER moved, seconded by Mr. McClune to waive Rule 12. Carried.

Adopted November 22, 2011 by voice vote.

ACT NO. 547-2011 by Ms. Edstrom, Mr. Neal, Mr. Teachman,
Ms. Vickman, Mr. Boser and Mr. Padlo
and Mr. Aiello¹
who ask immediate consideration

**BID ACCEPTANCE FOR SIDE ENTRY WHIRLPOOL TUBS FOR
PINES HEALTHCARE AND REHABILITATION CENTER - OLEAN CAMPUS
(Department of Nursing Homes)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the provision of three (3) new and unused current production side entry whirlpool tubs with bath lifts and digital scales for the Pines Healthcare & Rehabilitation Center-Olean Campus, according to specifications provided by the Senior Services Committee, and

WHEREAS, the lowest bid received meeting specifications, for the purchase of the aforementioned tubs, was the bid of Direct Supply, Inc., 6767 North Industrial Road, Milwaukee, Wisconsin 53223, for a total amount of \$42,896.95, and

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

RESOLVED, that the bid of Direct Supply, Inc., be, and the same hereby is, accepted, for a term commencing November 16, 2011 and terminating December 31, 2011, and be it further

RESOLVED, that the vouchers accordingly certified by the Administrator of the County Department of Nursing Homes be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Four sets of specifications were sent out.
Two bids were received.

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

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

Adopted November 22, 2011 by voice vote.

* * * * *

MR. SNYDER moved, seconded by Mr. Giardini to adjourn for the public hearing on the 2012 tentative budget. Carried.

CHAIRMAN O'BRIEN announced that anyone wishing to speak on the 2012 tentative budget may now do so.

Rick LeFeber from the Cattaraugus County Business Development Corporation, thanked the Legislature for their support of the CCBDC.

The following spoke against the proposed elimination of 45 positions, downsizing of the County Laboratory, and the privatization of part of the Community Services Department in the 2012 Tentative Budget:

Rose Teachman	CSEA
Sheri Ambuske	CSEA
Lonny Lewis	CSEA
Dawn Miller,	Director of Community Services

Eric Clayson, Cornell Cooperation Extension and 4-H representative, spoke against no funds being included in the 2012 Tentative Budget. He thanked the Legislature for funding the 4-H program, but without Cooperative Extension funding, there will be no place for 4-H to operate from.

Ellen Winger, former 4-H member, spoke in favor of keeping funding for the 4-H and the Cooperative Extension. She stressed the importance of this program in the lives of young people and how important and worthwhile the program was for her.

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

MR. BURRELL moved, seconded by Mr. Snyder to accept the Finance Committee Report on the 2012 Tentative Budget.

MS. EDSTROM moved, seconded by Mr. Snyder to amend the Tentative Budget by restoring \$15,000 to the Tentative Budget for the Olean Airport from the Contingent Fund.

The vote on the Motion is as follows:

Ayes: Aiello 0.8772, Edstrom 0.8772, Snyder .08772 - 2.6316
Nays: Boser 1.0094, Burrell 1.0915, Ellis 1.0875, Giardini 1.0094, Hebdon 1.0915, Marsh 1.0843, McClune 0.8834, McLarney 1.0632, Murphy 1.0875, Neal 1.0843, Padlo 0.8772, Sprague 1.0530, Stockman 1.0265, Teachman 0.8772, Vecchiarella 0.8834, Vickman 1.0915, Ward 1.0043, O'Brien 1.0632 - 18.3683.

Motion was defeated.

MR. MARSH moved, seconded by Mr. Ward to redistribute the towns' share of the sales tax to reduce the County tax levied against the towns as listed under committee recommendation No. 8. Approved by voice vote.

MR. SNYDER moved, seconded by Ms. Edstrom to amend the Tentative Budget by decreasing the Contingent Fund by \$53,426 to restore funding to the Community Services Department budget for the fourth quarter.

The vote on the Motion is as follows:

Ayes: Edstrom 0.8772, McClune 0.8834, Padlo 0.8772, Snyder .08772, Teachman 0.8772 - 4.3922.

Nays: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Ellis 1.0875, Giardini 1.0094, Hebdon 1.0915, Marsh 1.0843, McLarney 1.0632, Murphy 1.0875, Neal 1.0843, Sprague 1.0530, Stockman 1.0265, Vecchiarella 0.8834, Vickman 1.0915, Ward 1.0043, O'Brien 1.0632 - 16.6077.

Motion was defeated.

MR. PADLO moved, seconded by Mr. Sprague to amend the Tentative Budget by restoring \$3,784 in the Legislative Employee Mileage account from Contingent Fund in the Tentative Budget. Motion defeated by voice vote.

MR. SPRAGUE moved, seconded by Mr. Hebdon to amend the Tentative Budget by eliminating all funds under the Legislative Employee Mileage account and to reimburse the Contingent fund accordingly.

The vote on the Motion is as follows:

Ayes: Hebdon 1.0915, Padlo 0.8772, Sprague 1.0530 - 3.0217.

Nays: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Edstrom 0.8772, Ellis 1.0875, Giardini 1.0094, Marsh 1.0843, McClune 0.8834, McLarney 1.0632, Murphy 1.0875, Neal 1.0843, Snyder .08772, Stockman 1.0265, Teachman 0.8772, Vecchiarella 0.8834, Vickman 1.0915, Ward 1.0043, O'Brien 1.0632 - 17.9782.

Motion was defeated.

MR. MURPHY moved, seconded by Mr. Vecchiarella to accept the Finance Committee recommendations, as amended, to the Tentative Budget.

The vote on the Motion is as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Edstrom 0.8772, Ellis 1.0875, 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 - 20.9999.

Nays: none.

Motion carried.

REPORT OF COMMITTEE ACTIONS
ACCEPTED BY FINANCE COMMITTEE ON NOVEMBER 17, 2011

			Recommended Co. Admin.	Motion	Recommended Committees	Contingent Fund	Impact on Appropriated Fund Balance	Impact on Tax Levy
Tentative Budget						\$ 453,005	\$ 2,000,000	\$ 49,490,790
Public Safety								
# 1 To restore three Deputy positions -								
311	Sheriff/Jail							
	Full Time Wages	A.311.3110.0000.11000	1,568,653	90,637	1,659,290			
	FICA	A.311.3110.0000.81000	140,695	6,934	147,629			
	Retirement	A.311.3110.0000.82000	447,467	24,271	471,738			
	Health Insurance	A.311.3110.0000.83000	331,172	10,870	342,042			
	Dental Insurance	A.311.3110.0000.84000	3,947	263	4,210			
	Full Time Wages	A.311.3150.3151.11000	254,181	49,402	303,583			
	FICA	A.311.3150.3151.81000	27,422	3,779	31,201			
	Retirement	A.311.3150.3151.82000	92,578	12,668	105,246			
	Health Insurance	A.311.3150.3151.83000	59,512	11,689	71,201			
	Dental Insurance	A.311.3150.3151.84000	658	132	790		210,645	
Human Services								
# 2 To recognize Americorps Grant funding -								
731	Youth Bureau							
	Americorps Contributions	A.731.7350.0000.2705.18	0	66,200	66,200			
	Americorps Grant	A.731.7350.0000.4820.03	0	198,173	198,173			
	Full Time Wages	A.731.7350.0000.11000	0	41,546	41,546			
	Accounting Services	A.731.7350.0000.41210	0	1,500	1,500			
	Background Checks	A.731.7350.0000.41433	0	3,486	3,486			
	Transportation	A.731.7350.0000.41601	0	3,000	3,000			
	Living Allowance	A.731.7350.0000.41632	0	157,300	157,300			
	Copy Machine Lease	A.731.7350.0000.45310	0	15	15			
	Employee Mileage Reimbursements	A.731.7350.0000.46102	0	600	600			
	Training	A.731.7350.0000.46106	0	4,000	4,000			
	Postage	A.731.7350.0000.47001	0	300	300			
	Operating Supplies	A.731.7350.0000.47006	0	2,819	2,819			
	Advertising	A.731.7350.0000.48001	0	600	600			
	Americorps Member Gear	A.731.7350.0000.48106	0	2,000	2,000			
	Americorps Health Insurance	A.731.7350.0000.48107	0	23,400	23,400			
	Americorps Workers Compensation	A.731.7350.0000.48108	0	2,900	2,900			
	Americorps FICA	A.731.7350.0000.48109	0	12,034	12,034			
	FICA	A.731.7350.0000.81000	0	3,179	3,179			
	Retirement	A.731.7350.0000.82000	0	7,461	7,461			
	Health Insurance	A.731.7350.0000.83000	0	15,941	15,941			
	Dental Insurance	A.731.7350.0000.84000	0	132	132			
144	Risk Management							
	Unemployment	A.144.9050.0000.40603	300,000	(10,530)	289,470			
901	County General Accounts							
	Contingent Fund	A.901.1990.0000.40601	453,005	(7,310)	445,695	(7,310)		
# 3 To provide additional overtime funding -								
401	Health							
	Overtime	A.401.4017.4034.13000	3,800	4,000	7,800			
	FICA	A.401.4017.4034.81000	26,974	299	27,272			
	Retirement	A.401.4017.4034.82000	64,028	716	64,744			
	Adult Vaccines	A.401.4017.4034.47041.01	60,000	(5,022)	54,978			
	Overtime	A.401.4017.4036.13000	64,300	4,000	68,300			
	FICA	A.401.4017.4036.81000	132,072	241	132,314			
	Retirement	A.401.4017.4036.82000	293,856	717	294,573			
	Medical Supplies	A.401.4017.4036.47035	35,000	(5,022)	29,978		(71)	

Recommended Committees

2011 Tax Levy

% Increase

445,695 2,210,574 49,490,790

329,662 3,000,000 47,473,000

4.25%

ADDITIONAL FINANCE COMMITTEE ACTIONS

			Recommended Committees	Motion	Recommended Finance	Contingent Fund	Impact on Appropriated Fund Balance	Impact on Tax Levy
Recommended Committees						\$ 445,695	\$ 2,210,574	\$ 49,490,790
# 1 To reduce mileage reimbursement rate granted County Legislators -								
101	Legislature							
	Employee Mileage Reimbursement	A.101.1010.0000.46102	21,000	(3,784)	17,216			
901	County General Accounts							
	Contingent Fund	A.901.1990.0000.40601	445,695	3,784	449,479	3,784		
# 2 To restore Cornell Cooperative Extension 4H Program funding -								
298	Contract Agencies							
	Cornell Cooperative Extension 4H Program	A.298.2980.0000.42003.02	0	50,000	50,000			
731	Youth Bureau							
	Contracted Services, Youth Bureau	A.731.7310.0000.41609	50,000	(50,000)	0			
# 3 To restore EMS Contract Agency funding -								
454	EMS Contract Agencies							
	Mercy Flight, Inc.	A.454.4540.0000.42015	0	7,650	7,650			
	Southern Tier Health Care System	A.454.4540.0000.42017	0	15,300	15,300			
901	County General Accounts							
	Contingent Fund	A.901.1990.0000.40601	449,479	(22,950)	426,529	(22,950)		
# 4 To recognize anticipated Historian fees -								
751	Historian							
	Historian Fees	A.751.7510.0000.2089.02	0	500	500			
901	County General Accounts							
	Contingent Fund	A.901.1990.0000.40601	426,529	500	427,029	500		
# 5 To recognize closure of Motor Vehicle offices one day per week -								
141	County Clerk							
	Full Time Wages	A.141.1411.1411.11000	156,202	(32,484)	123,718			
	FICA	A.141.1411.1411.81000	12,249	(2,485)	9,764			
	Retirement	A.141.1411.1411.82000	28,645	(5,833)	22,812			
	Health Insurance	A.141.1411.1411.83000	44,755	(11,689)	33,066			
	Dental Insurance	A.141.1411.1411.84000	527	(132)	395			
	Reorganization	A.141.1411.1411.99999	(122,336)	122,336	0			
	Full Time Wages	A.141.1411.1412.11000	156,378	(33,034)	123,344			
	Pay-In-Lieu of Benefit Hours	A.141.1411.1412.14000	1,118	19,119	20,237			
	FICA	A.141.1411.1412.81000	14,250	(1,065)	13,185			
	Retirement	A.141.1411.1412.82000	32,884	(5,935)	26,949			
	Health Insurance	A.141.1411.1412.83000	39,319	(15,941)	23,378			
	Dental Insurance	A.141.1411.1412.84000	527	(132)	395			
	Full Time Wages	A.141.1411.1413.11000	211,955	(40,150)	171,805			
	Part Time Wages	A.141.1411.1413.12000	24,843	12,422	37,265			
	Pay-In-Lieu of Benefit Hours	A.141.1411.1413.14000	3,272	7,894	11,166			
	FICA	A.141.1411.1413.81000	18,626	(1,517)	17,109			
	Retirement	A.141.1411.1413.82000	46,268	(4,870)	41,398			
	Health Insurance	A.141.1411.1413.83000	71,202	(11,689)	59,513			
	Dental Insurance	A.141.1411.1413.84000	658	(132)	526			
901	County General Accounts							
	Contingent Fund	A.901.1990.0000.40601	427,029	5,758	432,787	5,758	441	
# 6 To reflect continuation of the Laboratory -								
401	Health							
	Laboratory Fees	A.401.4025.0000.1615	260,000	112,000	372,000			
	Full Time Wages	A.401.4025.0000.11000	245,412	(128,547)	116,865			
	Operating Supplies	A.401.4025.0000.47006	62,500	(5,594)	56,906			
	FICA	A.401.4025.0000.81000	20,723	(9,837)	10,886			
	Retirement	A.401.4025.0000.82000	44,370	(23,082)	21,288			
	Health Insurance	A.401.4025.0000.83000	44,754	(39,319)	5,435			
	Dental Insurance	A.401.4025.0000.84000	658	(394)	264			
	Reorganization	A.401.4025.0000.99999	(209,993)	209,993	0			
	Full Time Wages	A.401.4090.0000.11000	540,867	44,798	585,665			
	FICA	A.401.4090.0000.81000	44,454	3,423	47,877			
	Retirement	A.401.4090.0000.82000	99,587	8,044	107,631			
	Health Insurance	A.401.4090.0000.83000	113,394	11,689	125,083			
	Dental Insurance	A.401.4090.0000.84000	1,426	132	1,558			
	Reorganization	A.401.4090.0000.99999	68,090	(68,090)	0		(108,802)	
# 7 To modify the Real Property Tax Levy -								
133	Tax Accounts							
	Real Property Tax Levy	A.133.0000.0000.1001.1	49,490,790	(16,263)	49,474,527			(16,263)
901	County General Accounts							
	Contingent Fund	A.901.1990.0000.40601	432,787	(16,263)	416,524	(16,263)		

Recommended Finance

2011 Tax Levy

% Increase

416,524	2,102,213	49,474,527
329,662	3,000,000	47,473,000
		4.22%

ADDITIONAL MOTIONS

			Recommended Finance	Motion	Recommended Legislature	Contingent Fund	Impact on Appropriated Fund Balance	Impact on Tax Levy
Recommended Finance						\$ 416,524	\$ 2,102,213	\$ 49,474,527
# 1 To reflect amount of Town's Share of Sales Tax to reduce the County Tax levied against the Town -								
133	Tax Accounts							
	Real Property Tax Levy	A.133.0000.0000.1001.1	49,474,527	(1,240,000)	48,234,527			
	Town's Share of Sales Tax to Reduce County Tax Levy	A.133.0000.0000.1115	0	1,240,000	1,240,000			
Adopted						\$ 416,524	\$ 2,102,213	\$ 49,474,527
2011 Tax Levy						338,568	3,000,000	47,473,000
% Increase								4.22%

ACT NO. 548-2011 by Mr. Burrell
who asks immediate consideration

ADOPTION OF 2012 BUDGET

Pursuant to Section 360 of the County Law.

RESOLVED, that the tentative County Budget for the year 2012, as amended and filed with the Clerk of the Legislature and as hereafter attached, is hereby adopted as the County Budget for 2012 and the budget requires the raising by tax of the amount of \$49,474,527.

Adopted November 22, 2011 by voice vote.

ACT NO. 549-2011 by Mr. Burrell
who asks immediate consideration

APPORTIONMENT OF COUNTY BUDGET

Pursuant to Section 804 of the Real Property Tax Law.

RESOLVED, that the following report of the assessed value of all property assessed in each of the several towns and cities of the County for 2012 shows the equalized value of real estate and the amount of the County budget apportioned to each district:

PROPERTY TAX REPORT

November 22, 2011

PROPERTY TAX AMOUNT.....

\$49,474,527

TOWN	Taxable Value	Taxable Value With Fixed Exemptions	Equalization Rate	Full Value	Apportioned Tax	Tax Rate
ALLEGANY	317,460,920	317,477,570	100.00	317,477,570	3,984,728.05	12.5519
ASHFORD	75,853,334	75,864,634	62.00	122,362,313	1,535,795.24	20.2469
CARROLLTON	76,363,868	76,370,568	100.00	76,370,568	958,543.13	12.5523
COLDSPRING	47,086,904	47,091,854	70.00	67,274,077	844,371.15	17.9322
CONEWANGO	33,286,081	33,289,081	66.00	50,438,002	633,058.02	19.0187
DAYTON	49,159,931	49,166,431	80.00	61,458,039	771,372.83	15.6911
EAST OTTO	48,232,744	48,235,234	69.50	69,403,214	871,094.40	18.0602
ELLCOTTVILLE	561,474,402	561,477,402	100.00	561,477,402	7,047,221.49	12.5513
FARMERSVILLE	56,849,966	56,853,266	100.00	56,853,266	713,577.35	12.5519
FRANKLINVILLE	85,517,773	85,598,789	74.00	115,674,039	1,451,849.30	16.9772
FREEDOM	5,099,713	5,122,623	4.70	108,991,979	1,367,981.35	268.2467
GREAT VALLEY	174,675,637	174,675,637	100.00	174,675,637	2,192,390.82	12.5512
HINSDALE	72,043,759	72,050,737	100.00	72,050,737	904,324.02	12.5524
HUMPHREY	49,246,491	49,246,491	100.00	49,246,491	618,103.11	12.5512
ISCHUA	41,400,874	41,415,474	100.00	41,415,474	519,814.36	12.5556
LEON	50,374,498	50,376,398	100.00	50,376,398	632,284.81	12.5517
LITTLE VALLEY	46,876,597	46,889,247	70.00	66,984,639	840,738.35	17.9351
LYNDON	27,910,793	27,910,793	74.00	37,717,288	473,397.65	16.9611
MACHIAS	129,663,804	129,670,304	100.00	129,670,304	1,627,519.38	12.5518
MANSFIELD	106,344,882	106,357,349	100.00	106,357,349	1,334,913.56	12.5527
NAPOLI	32,773,894	32,773,894	59.00	55,548,973	697,206.90	21.2732
NEW ALBION	57,101,892	57,107,892	78.00	73,215,246	918,940.02	16.0930
OLEAN/CITY	498,088,623	498,300,443	100.00	498,300,443	6,254,274.13	12.5565
OLEAN/TOWN	83,486,628	83,504,368	78.00	107,056,882	1,343,693.54	16.0947
OTTO	30,964,487	30,972,287	59.50	52,054,264	653,344.06	21.0998
PERRYSBURG	56,821,581	56,830,331	74.00	76,797,745	963,904.72	16.9637
PERSIA	59,053,737	59,065,237	76.00	77,717,417	975,447.72	16.5180
PORTVILLE	135,840,457	136,138,372	98.00	138,916,706	1,743,572.92	12.8354
RANDOLPH	82,576,400	82,580,050	90.00	91,755,611	1,151,644.06	13.9464
RED HOUSE	106,197,495	106,197,495	100.00	106,197,495	1,332,907.19	12.5512
SALAMANCA/CITY	17,702,021	17,817,321	19.00	93,775,374	1,176,994.53	66.4893
SALAMANCA/TOWN	27,592,186	27,593,336	100.00	27,593,336	346,329.79	12.5517
SOUTH VALLEY	29,750,455	29,751,955	75.00	39,669,273	497,897.43	16.7358
YORKSHIRE	30,034,991	30,049,091	18.00	166,939,394	2,095,291.60	69.7617
	3,302,907,818	3,303,821,954		3,941,812,945	49,474,526.98	
TAX RATE % FULL VALUE		0.0125512112				
TAX RATE % TAXABLE VALUE		0.0149790820				

Adopted November 22, 2011 by voice vote.

ACT NO. 550-2011 by Mr. Burrell
who asks immediate consideration

APPROPRIATIONS FOR THE FISCAL YEAR 2012

Pursuant to Sections 356 and 360 of the County Law.

WHEREAS, the Cattaraugus County Legislature has, by resolution, adopted a budget for the fiscal year 2012, now, therefore, be it

RESOLVED, that the several subtotals specified in such budget, in the column headed "Adopted" opposite the several items of expenditures, be approved for such items, effective January 1, 2012.

Adopted November 22, 2011 by voice vote.

ACT NO. 551-2011 by Mr. Burrell
who asks immediate consideration

AUTHORIZING THE CHAIR AND CLERK TO SIGN AND ATTACH WARRANTS

Pursuant to Section 904 of the Real Property Tax Law.

RESOLVED, that tax levies as extended upon the several rolls of the County be, and they hereby are, approved, and be it further

RESOLVED, that the Chair and the Clerk of the Legislature be, and they hereby are, authorized and directed to sign and attach warrants thereto under the date of December 10, 2011.

Adopted November 22, 2011 by voice vote.

ACT NO. 552-2011 by Mr. Burrell
who asks immediate consideration

**AUTHORIZATION TO DEBIT AND CREDIT
ACCOUNTS OF TOWNS AND CITIES**

Pursuant to Section 940 of the Real Property Tax Law.

WHEREAS, at the meeting of the Legislature on November 22, 2011, a report was filed by the County Treasurer in the Office of the County Treasurer showing the debits and credits of all the towns and cities in the County, now, therefore, be it

RESOLVED, that the Clerk of the Legislature be, and hereby is, authorized and directed to debit and credit the respective towns and cities as set forth on such report in the tax levy:

<u>TOWN</u>	<u>DEBIT</u>	<u>CREDIT</u>
Allegany	2,521.06	
Ashford	93.35	
Carrollton	597.83	
Coldspring	19.11	
Conewango	284.84	
Dayton		272.97
East Otto	4,036.23	
Ellicottville	880.70	

Farmersville		0.12
Franklinville	725.67	
Freedom		0.15
Great Valley	1,952.80	
Hinsdale	0.47	
Humphrey	60.43	
Ischua	32.66	
Leon	357.35	
Little Valley		2.31
Lyndon		0.27
Machias	1,288.45	
Mansfield	583.77	
Napoli	577.13	
New Albion	100.54	
Olean City	13.12	
Olean Town	1,012.41	
Otto	404.00	
Perrysburg	513.11	
Persia		780.81
Portville		33.51
Randolph		0.04
Red House	0.18	
Salamanca City	0.16	
Salamanca Town	1.48	
South Valley	26.26	
Yorkshire	67.38	

Adopted November 22, 2011 by voice vote.

ACT NO. 553-2011 by Mr. Vecchiarella
who asks immediate consideration

**AUTHORIZING RELEVY OF RETURNED SCHOOL TAXES AND
RETURNED CITY TAXES OF THE CITY OF OLEAN**

Pursuant to Section 1330 of the Real Property Tax Law.

RESOLVED, that effective November 16, 2011, the Clerk of the Legislature be, and hereby is, authorized and directed to relevy all returned school taxes and returned city taxes of the City of Olean.

Adopted November 22, 2011 by voice vote.

ACT NO. 554-2011 by Mr. Burrell
who asks immediate consideration

**AUTHORIZING RELEVY OF VILLAGE TAXES OF
THE COUNTY OF CATTARAUGUS**

Pursuant to Section 1442 of the Real Property Tax Law.

RESOLVED, that effective November 16, 2011, the Clerk of the Legislature be, and hereby is, authorized and directed to relevy all returned village taxes of the County of Cattaraugus.

Adopted November 22, 2011 by voice vote.

ACT NO. 555-2011 by Mr. Burrell

**AUTHORIZATION TO APPLY PORTION OF TOWN OF PORTVILLE'S
SHARE OF SALES TAX REVENUE TO REDUCTION OF
COUNTY TAX LEVIED AGAINST THE TOWN**

Pursuant to Article 29 of the Tax Law.

WHEREAS, the Town of Portville has elected to take its share of the sales tax revenue in cash, and

WHEREAS, the share due to the Town of Portville will result in a surplus, and

WHEREAS, the Town of Portville has requested that a portion of such surplus be applied to reduce the County Tax against the Town of Portville (outside), now, therefore, be it,

RESOLVED, that \$300,000.00 of the 2012 sales tax revenue due the Town of Portville be applied to the reduction of the County Tax levied against the real property in the Town of Portville (outside).

Adopted November 22, 2011 by voice vote.

ACT NO. 556-2011 by Mr. Burrell

**AUTHORIZATION TO APPLY PORTION OF TOWN OF GREAT VALLEY'S
SHARE OF SALES TAX REVENUE TO REDUCTION OF
COUNTY TAX LEVIED AGAINST THE TOWN**

Pursuant to Article 29 of the Tax Law.

WHEREAS, the Town of Great Valley has elected to take its share of the sales tax revenue in cash, and

WHEREAS, the share due to the Town of Great Valley will result in a surplus, and

WHEREAS, the Town of Great Valley has requested that a portion of such surplus be applied to reduce the County Tax against the Town of Great Valley, now, therefore, be it,

RESOLVED, that \$450,000.00 of the 2012 sales tax revenue due the Town of Great Valley be applied to the reduction of the County Tax levied against the real property in the Town of Great Valley.

Adopted November 22, 2011 by voice vote.

ACT NO. 557-2011 by Mr. Burrell
who asks immediate consideration

**AUTHORIZATION TO APPLY PORTION OF TOWN OF FARMERSVILLE'S
SHARE OF SALES TAX REVENUE TO REDUCTION OF
COUNTY TAX LEVIED AGAINST THE TOWN**

Pursuant to Article 29 of the Tax Law.

WHEREAS, the Town of Farmersville has elected to take its share of the sales tax revenue in cash, and

WHEREAS, the share due to the Town of Farmersville will result in a surplus, and

WHEREAS, the Town of Farmersville has requested that a portion of such surplus be applied to reduce the County Tax against the Town of Farmersville, now, therefore, be it,

RESOLVED, that \$165,000.00 of the 2012 sales tax revenue due the Town of Farmersville be applied to the reduction of the County Tax levied against the real property in the Town of Farmersville.

Adopted November 22, 2011 by voice vote.

ACT NO. 558-2011 by Mr. Burrell
who asks immediate consideration

**AUTHORIZATION TO APPLY PORTION OF TOWN OF RED HOUSE'S
SHARE OF SALES TAX REVENUE TO REDUCTION OF
COUNTY TAX LEVIED AGAINST THE TOWN**

Pursuant to Article 29 of the Tax Law.

WHEREAS, the Town of Red House has elected to take its share of the sales tax revenue in cash, and

WHEREAS, the share due to the Town of Red House will result in a surplus, and

WHEREAS, the Town of Red House has requested that a portion of such surplus be applied to reduce the County Tax against the Town of Red House, now, therefore, be it,

RESOLVED, that \$325,000.00 of the 2012 sales tax revenue due the Town of Red House be applied to the reduction of the County Tax levied against the real property in the Town of Red House.

Adopted November 22, 2011 by voice vote.

ACT NO. 559-2011 by Mr. Burrell
who asks immediate consideration

ADOPTION OF EQUALIZATION RATES

Pursuant to Section 804 of the Real Property Tax Law.

RESOLVED, that the Cattaraugus County Legislature does hereby adopt the equalization rate fixed by the State Board of Real Property Tax Services for the year 2012 as follows:

<u>TOWNS</u>	<u>EQUALIZATION RATES</u>
Allegany	100.00
Ashford	62.00
Carrollton	100.00
Cold Spring	70.00
Conewango	66.00
Dayton	80.00
East Otto	69.50
Ellicottville	100.00
Farmersville	100.00
Franklinville	74.00
Freedom	4.70

Great Valley	100.00
Hinsdale	100.00
Humphrey	100.00
Ischua	100.00
Leon	100.00
Little Valley	70.00
Lyndon	74.00
Machias	100.00
Mansfield	100.00
Napoli	59.00
New Albion	78.00
Olean, City	100.00
Olean, Town	78.00
Otto	59.50
Perrysburg	74.00
Persia	76.00
Portville	98.00
Randolph	90.00
Red House	100.00
Salamanca, Town	100.00
Salamanca, City	19.00
South Valley	75.00
Yorkshire	18.00

Adopted November 22, 2011 by voice vote.

ACT NO. 560-2011 by Mr. Burrell
who asks immediate consideration

WORKERS' COMPENSATION INSURANCE PREMIUMS CHARGED TO TOWNS

Pursuant to Local Law Number 3-1989.

RESOLVED, that the following items covering workers' compensation self-insurance premiums under the Cattaraugus County Self-Insurance Program for the period January 1, 2010 to January 1, 2011 be charged back to the town set opposite each item and the same be included in taxes levied in the year 2012:

<u>TOWNS</u>	<u>TOTAL TO BE LEVIED</u>
Ashford	\$57,020.25
Cold Spring	\$29,130.73
Dayton	\$11,732.44
East Otto	\$25,736.60
Farmersville	\$15,097.14
Franklinville	\$44,508.88
Great Valley	\$51,119.09
Hinsdale	\$29,426.99
Ischua	\$23,852.35
Leon	\$12,522.95
Little Valley	\$42,294.13
Lyndon	\$ 9,605.10
Machias	\$59,164.82
Mansfield	\$39,552.93
Napoli	\$14,906.51
New Albion	\$11,789.55
Olean	\$34,032.21
Otto	\$22,107.87

Perrysburg	\$36,323.86
Persia	\$10,386.05
Portville	\$41,861.43
Randolph	\$25,098.91
Yorkshire	\$35,223.64

VILLAGES

Cattaraugus	\$31,664.62
Delevan	\$ 8,519.06
Franklinville	\$30,990.67
Gowanda	\$49,260.12
Little Valley	\$36,645.92
South Dayton	\$ 4,052.79

CITY

Salamanca	\$94,058.21
-----------	-------------

Adopted November 22, 2011 by voice vote.

ACT NO. 561-2011 by Mr. Giardini
and Mr. Ellis
who ask immediate consideration

BOND RESOLUTION DATED NOVEMBER 22, 2011.

A RESOLUTION AUTHORIZING THE INSTALLATION OF A NEW PUBLIC SAFETY COMMUNICATIONS SYSTEM IN AND FOR THE COUNTY OF CATTARAUGUS, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,615,615, AND AUTHORIZING THE ISSUANCE OF \$1,615,615 BONDS OF SAID COUNTY TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Cattaraugus, New York, as follows:

Section 1. The installation of a new public safety communications system, including costs incidental thereto, is hereby authorized in and for said County of Cattaraugus at a maximum estimated cost of \$1,615,615.

Section 2. The plan for the financing of such maximum estimated cost shall be by the issuance of \$1,615,615 bonds of said County hereby authorized to be issued pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years, pursuant to subdivision 25 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said County of Cattaraugus, New York, are hereby irrevocable pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the County Treasurer, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the County Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the Salamanca Press and the Olean Times Herald, the official newspapers of such County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

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

The vote on Act No. 561-2011, is as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Edstrom 0.8772, Ellis 1.0875, 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 - 20.9999.

Nays: none.

Act No. 561-2011, having received the two-thirds majority vote of the Legislature, was declared Adopted.

ACT NO. 562-2011 by Mr. Giardini
and Mr. Ellis
who ask immediate consideration

BOND RESOLUTION DATED NOVEMBER 22, 2011.

**A RESOLUTION AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS AT THE
FIVE POINTS LANDFILL IN AND FOR THE COUNTY OF CATTARAUGUS, NEW YORK,
AT A MAXIMUM ESTIMATED COST OF \$1,800,000, AND AUTHORIZING THE ISSUANCE OF
\$1,800,000 BONDS OF SAID COUNTY TO PAY THE COST THEREOF.**

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Cattaraugus, New York, as follows:

Section 1. The construction of improvements at the Five Points Landfill, including pump stations, a new truck loading concrete pad, the landfill cap, as well as costs incidental thereto, is hereby authorized in and for said County of Cattaraugus at a maximum estimated cost of \$1,800,000.

Section 2. The plan for the financing of such maximum estimated cost shall be by the issuance of \$1,800,000 bonds of said County hereby authorized to be issued pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is twenty years, pursuant to subdivision 6-a of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said County of Cattaraugus, New York, are hereby irrevocable pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the County Treasurer, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local

Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the County Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the Salamanca Press and the Olean Times Herald, the official newspapers of such County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

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

The vote on Act No. 562-2011, is as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Edstrom 0.8772, Ellis 1.0875, 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, Stockman 1.0265, Teachman 0.8772, Vecchiarella 0.8834, Vickman 1.0915, Ward 1.0043, O'Brien 1.0632 - 19.9469.

Nays: Sprague - 1.0530.

Act No. 562-2011, having received the two-thirds majority vote of the Legislature, was declared Adopted.

ACT NO. 563-2011 by Mr. Giardini
and Mr. Ellis
who ask immediate consideration

BOND RESOLUTION DATED NOVEMBER 22, 2011.

**A RESOLUTION AUTHORIZING IMPROVEMENTS TO HIGHWAYS, CULVERTS AND
BRIDGES IN AND FOR THE COUNTY OF CATTARAUGUS, NEW YORK, AT A MAXIMUM
ESTIMATED COST OF \$4,220,000, AND AUTHORIZING THE ISSUANCE OF \$2,220,000
BONDS OF SAID COUNTY TO PAY PART OF THE COST THEREOF.**

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Cattaraugus, New York, as follows:

Section 1. Improvements to highways, culverts and bridges, including drainage, landscaping and incidental costs and improvements, is hereby authorized in and for said County of Cattaraugus at a maximum estimated cost of \$4,220,000.

Section 2. The plan for the financing of such maximum estimated cost shall be as follows:

a) By the issuance of \$2,220,000 bonds of said County hereby authorized to be issued pursuant to the provisions of the Local Finance Law; and

b) By the expenditure of \$2,000,000 to be received as State aid.

Section 3. It is hereby determined that the period of probable usefulness of said class of objects or purposes is fifteen years, pursuant to subdivision 91 (subdivisions 20(c), 10 and 4) of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said County of Cattaraugus, New York, are hereby irrevocable pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the County Treasurer, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the County Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the Salamanca Press and the Olean Times Herald, the official newspapers of such County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

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

The vote on Act No. 563-2011, is as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Edstrom 0.8772, Ellis 1.0875, 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 - 20.9999.

Nays: none.

Act No. 563-2011, having received the two-thirds majority vote of the Legislature, was declared Adopted.

ACT NO. 564-2011 by Mr. Giardini
and Mr. Ellis
who ask immediate consideration

BOND RESOLUTION DATED NOVEMBER 22, 2011.

**A RESOLUTION AUTHORIZING THE RELOCATION OF THE FIVE POINTS HIGHWAY
FACILITY IN AND FOR THE COUNTY OF CATTARAUGUS, NEW YORK, AT A MAXIMUM
ESTIMATED COST OF \$525,000, AND AUTHORIZING THE ISSUANCE OF \$525,000
BONDS OF SAID COUNTY TO PAY THE COST THEREOF.**

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Cattaraugus, New York, as follows:

Section 1. The relocation of the Five Points Highway Facility, including costs incidental thereto, is hereby authorized in and for said County of Cattaraugus at a maximum estimated cost of \$525,000.

Section 2. The plan for the financing of such maximum estimated cost shall be by the issuance of \$525,000 bonds of said County hereby authorized to be issued pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five years, pursuant to subdivision 11(b) of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said County of Cattaraugus, New York, are hereby irrevocable pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the County Treasurer, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the County Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the Salamanca Press and the Olean Times Herald, the official newspapers of such County, together with a notice of the Clerk of

the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

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

The vote on Act No. 564-2011, is as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Edstrom 0.8772, Ellis 1.0875, 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 - 20.9999.

Nays: none.

Act No. 564-2011, having received the two-thirds majority vote of the Legislature, was declared Adopted.

ACT NO. 565-2011 by Mr. Giardini
and Mr. Ellis
who ask immediate consideration

BOND RESOLUTION DATED NOVEMBER 22, 2011.

A RESOLUTION AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO A SALT STORAGE SHED IN AND FOR THE COUNTY OF CATTARAUGUS, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$111,000, AND AUTHORIZING THE ISSUANCE OF \$111,000 BONDS OF SAID COUNTY TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Cattaraugus, New York, as follows:

Section 1. The construction of improvements to a salt storage shed, including costs incidental thereto, is hereby authorized in and for said County of Cattaraugus at a maximum estimated cost of \$111,111.

Section 2. The plan for the financing of such maximum estimated cost shall be by the issuance of \$111,111 bonds of said County hereby authorized to be issued pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 12(a)(2) of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said County of Cattaraugus, New York, are hereby irrevocable pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the County Treasurer, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the County Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the Salamanca Press and the Olean Times Herald, the official newspapers of such County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

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

The vote on Act No. 565-2011, is as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Edstrom 0.8772, Ellis 1.0875, 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 - 20.9999.

Nays: none.

Act No. 565-2011, having received the two-thirds majority vote of the Legislature, was declared Adopted.

ACT NO. 566-2011 by Mr. Giardini
and Mr. Ellis
who ask immediate consideration

BOND RESOLUTION DATED NOVEMBER 22, 2011.

**A RESOLUTION AUTHORIZING AN ENGINEERING ASSESSMENT AND
SAFETY/MAINTENANCE PLAN FOR FLOOD CONTROL DAMS IN AND FOR THE
COUNTY OF CATTARAUGUS, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$129,000,
AND AUTHORIZING THE ISSUANCE OF \$129,000 BONDS OF SAID COUNTY
TO PAY THE COST THEREOF.**

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Cattaraugus, New York, as follows:

Section 1. Engineering assessment and safety/maintenance plan for flood control dams, including costs incidental thereto, is hereby authorized in and for said County of Cattaraugus at a maximum estimated cost of \$129,000.

Section 2. The plan for the financing of such maximum estimated cost shall be by the issuance of \$129,000 bonds of said County hereby authorized to be issued pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision 62 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said County of Cattaraugus, New York, are hereby irrevocable pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the County Treasurer, the

chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the County Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the Salamanca Press and the Olean Times Herald, the official newspapers of such County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

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

The vote on Act No. 566-2011, is as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Edstrom 0.8772, Ellis 1.0875, Giardini 1.0094, 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 - 19.9084.

Nays: - Hebdon 1.0915.

Act No. 566-2011, having received the two-thirds majority vote of the Legislature, was declared Adopted.

ACT NO. 567-2011 by Finance Committee:

Mr. Burrell, Mr. Ward, Mr. Aiello,
Mr. Ellis, Mr. Marsh, Mr. McLarney,
Mr. Snyder, Mr. McClune and Mr. Sprague
who ask immediate consideration

**ABOLISHING THREE (3) POSITIONS OF MOTOR VEHICLE
REPRESENTATIVE FILLED ON A FULL-TIME BASIS, IN THE
OFFICE OF THE COUNTY CLERK AND CREATING ONE (1) POSITION OF
MOTOR VEHICLE REPRESENTATIVE TO BE FILLED ON A PART-TIME BASIS**

Pursuant to Section 204 of the County Law.

WHEREAS, due to the fiscal constraints placed on the County of Cattaraugus by the imposition of the State mandated two percent (2%) property tax cap as enacted by the State of New York, and

WHEREAS, in an effort to achieve cost savings and reduction of expenses required to achieve the two percent (2%) property tax cap imposed by the State of New York, it is necessary to identify both filled and unfilled positions in the County workforce which can be eliminated in an effort to achieve needed cost savings, and

WHEREAS, three (3) unfilled positions of Motor Vehicle Representative in the Office of the County Clerk have been identified as positions that can assist in achieving such cost savings, and

WHEREAS, funding for these positions have not been included in the 2012 budget, now, therefore, be it

RESOLVED, that effective January 1, 2012, there are hereby abolished the following positions in the Office of the County Clerk:

<u>TITLE</u>	<u>POSITION NUMBER</u>
Motor Vehicle Representative	141-216-007
Motor Vehicle Representative	141-216-011
Motor Vehicle Representative	141-216-015,

and be it further

RESOLVED, that effective January 1, 2012, there is hereby created the following position, to be filled on a part-time basis, in the Office of the County Clerk:

<u>TITLE</u>	<u>POSITION NUMBER</u>
Motor Vehicle Representative	141-216-007.

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

Adopted November 22, 2011 by voice vote.

ACT NO. 568-2011 by Finance Committee:
Mr. Burrell, Mr. Ward, Mr. Aiello,
Mr. Ellis, Mr. Marsh, Mr. McLarney,
Mr. Snyder, Mr. McClune and Mr. Sprague
who ask immediate consideration

**ABOLISHING FOUR (4) POSITIONS OF ACCOUNT CLERK-TYPIST,
THREE (3) POSITIONS OF KEYBOARD SPECIALIST, ONE (1) POSITION OF
KEYBOARD SPECIALIST II, ONE (1) POSITION OF LICENSED PRACTICAL NURSE,
FOUR (4) POSITIONS OF COMMUNITY MENTAL HEALTH NURSE,
SIX (6) POSITIONS OF MENTAL HEALTH THERAPIST,
TEN (10) POSITIONS OF STAFF SOCIAL WORKER, ONE (1) POSITION OF
PROGRAM DIRECTOR, CLINICAL SERVICES AND
ONE (1) POSITION OF CLINICAL SUPERVISOR IN THE
DEPARTMENT OF COMMUNITY SERVICES**

Pursuant to Section 204 of the County Law.

WHEREAS, due to the fiscal constraints placed on the County of Cattaraugus by the imposition of the State mandated two percent (2%) property tax cap as enacted by the State of New York, and

WHEREAS, in an effort to achieve cost savings and reduction of expenses required to achieve the two percent (2%) property tax cap imposed by the State of New York, it is necessary to identify both filled and unfilled positions in the County workforce which can be eliminated in an effort to achieve needed cost savings, and

WHEREAS, four (4) filled positions of Account Clerk-Typist in the Department of Community Services have been identified as positions that can assist in achieving such cost savings, and

WHEREAS, three (3) filled positions of Keyboard Specialist in the Department of Community Services have been identified as positions that can assist in achieving such cost savings, and

WHEREAS, one (1) filled position of Keyboard Specialist II in the Department of Community Services has been identified as a position that can assist in achieving such cost savings, and

WHEREAS, one (1) filled position of Licensed Practical Nurse in the Department of Community Services has been identified as a position that can assist in achieving such cost savings, and

WHEREAS, two (2) filled, and two (2) unfilled, positions of Community Mental Health Nurse in the Department of Community Services have been identified as positions that can assist in achieving such cost savings, and

WHEREAS, four (4) filled, and two (2) unfilled, positions of Community Mental Health Therapist in the Department of Community Services have been identified as positions that can assist in achieving such cost savings, and

WHEREAS, six (6) filled, and four (4) unfilled, positions of Staff Social Worker in the Department of Community Services have been identified as positions that can assist in achieving such cost savings, and

WHEREAS, one (1) filled position of Program Director Clinical Services in the Department of Community Services has been identified as a position that can assist in achieving such cost savings, and

WHEREAS, one (1) filled position of Clinical Supervisor in the Department of Community Services has been identified as a position that can assist in achieving such cost savings, and

WHEREAS, funding for these positions has not been included in the 2012 budget beyond September 30, 2012, now, therefore, be it

RESOLVED, that effective October 1, 2012, there are hereby abolished the following positions in the Department of Community Services:

<u>TITLE</u>	<u>POSITION NUMBER</u>
Account Clerk Typist	431-002-002
Account Clerk Typist	431-002-003
Account Clerk Typist	431-002-006
Account Clerk Typist	431-002-011
Community Mental Health Nurse	431-058-002
Community Mental Health Nurse	431-058-005
Community Mental Health Nurse	431-058-006
Community Mental Health Nurse	431-058-007
Keyboard Specialist	431-185-001
Keyboard Specialist	431-185-002
Keyboard Specialist	431-185-004
Keyboard Specialist II	431-186-001
Licensed Practical Nurse	431-201-001
Mental Health Therapist	431-214-001
Mental Health Therapist	431-214-002
Mental Health Therapist	431-214-003
Mental Health Therapist	431-214-006
Mental Health Therapist	431-214-007
Mental Health Therapist	431-214-008
Staff Social Worker	431-339-001
Staff Social Worker	431-339-002
Staff Social Worker	431-339-003
Staff Social Worker	431-339-005
Staff Social Worker	431-339-006
Staff Social Worker	431-339-007
Staff Social Worker	431-339-008
Staff Social Worker	431-339-009
Staff Social Worker	431-339-010
Staff Social Worker	431-339-011
Program Director Clinical Services	431-258-001
Clinical Supervisor	431-053-001.

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

Adopted November 22, 2011 by voice vote.

ACT NO. 569-2011 by Finance Committee:

Mr. Burrell, Mr. Ward, Mr. Aiello,
Mr. Ellis, Mr. Marsh, Mr. McLarney,
Mr. Snyder, Mr. McClune and Mr. Sprague
who ask immediate consideration

ABOLISHING ONE (1) POSITION OF CASEWORKER IN THE YOUTH BUREAU

Pursuant to Section 204 of the County Law.

WHEREAS, due to the fiscal constraints placed on the County of Cattaraugus by the imposition of the State mandated two percent (2%) property tax cap as enacted by the State of New York, and

WHEREAS, in an effort to achieve cost savings and reduction of expenses required to achieve the two percent (2%) property tax cap imposed by the State of New York, it is necessary to identify both filled and unfilled positions in the County workforce which can be eliminated in an effort to achieve needed cost savings, and

WHEREAS, one (1) filled position of Caseworker in the Youth Bureau has been identified as a position that can assist in achieving such cost savings, and

WHEREAS, funding for this position has not been included in the 2012 budget beyond September 30, 2012, now, therefore, be it

RESOLVED, that effective October 1, 2012, there is hereby abolished one (1) filled position of Caseworker in the Youth Bureau as follows:

<u>TITLE</u>	<u>POSITION NUMBER</u>
Caseworker	731-034-003.

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

Adopted November 22, 2011 by voice vote.

ACT NO. 570-2011 by Finance Committee:

Mr. Burrell, Mr. Ward, Mr. Aiello,
Mr. Ellis, Mr. Marsh, Mr. McLarney,
Mr. Snyder, Mr. McClune and Mr. Sprague
who ask immediate consideration

**ABOLISHING ONE (1) POSITION OF SENIOR MEDICAL TECHNOLOGIST,
ONE (1) POSITION OF PHLEBOTOMIST, ONE (1) POSITION OF
SENIOR ACCOUNT CLERK-TYPIST, AND ONE (1) POSITION OF
COMMUNITY HEALTH NURSE IN THE HEALTH DEPARTMENT**

Pursuant to Section 204 of the County Law.

WHEREAS, due to the fiscal constraints placed on the County of Cattaraugus by the imposition of the State mandated two percent (2%) property tax cap as enacted by the State of New York, and

WHEREAS, in an effort to achieve cost savings and reduction of expenses required to achieve the two percent (2%) property tax cap imposed by the State of New York, it is necessary to identify both filled and unfilled positions in the County workforce which can be eliminated in an effort to achieve needed cost savings, and

WHEREAS, one (1) filled position of Senior Medical Technologist in the Health Department has been identified as a position that can assist in achieving such cost savings, and

WHEREAS, one (1) filled position of Phlebotomist in the Health Department has been identified as a position that can assist in achieving such cost savings, and

WHEREAS, one (1) filled position of Senior Account Clerk Typist in the Health Department has been identified as a position that can assist in achieving such cost savings, and

WHEREAS, one (1) unfilled position of Community Health Nurse in the Health Department has been identified as a position that can assist in achieving such cost savings, and

WHEREAS, funding for these positions has not been included in the 2012 budget, now, therefore, be it

RESOLVED, that effective January 1, 2012, there are hereby abolished the following positions in the Health Department:

<u>TITLE</u>	<u>POSITION NUMBER</u>
Sr. Medical Technologist	401-325-001
Phlebotomist	401-245-004
Senior Account Clerk Typist	401-313-003
Community Health Nurse	401-057-018.

MS. VICKMAN moved, seconded by Ms. Edstrom to waive Rule 12. Carried.

Adopted November 22, 2011 by voice vote.

ACT NO. 571-2011 by Finance Committee:

Mr. Burrell, Mr. Ward, Mr. Aiello,
Mr. Ellis, Mr. Marsh, Mr. McLarney,
Mr. Snyder, Mr. McClune and Mr. Sprague
who ask immediate consideration

**ABOLISHING ONE (1) POSITION OF HEAD NURSE,
TWO (2) POSITIONS OF RESIDENT SERVICES CLERK,
TWO (2) POSITIONS OF REGISTERED NURSE, TWO (2) POSITIONS OF
PHYSICAL THERAPY AIDE, ONE (1) POSITION OF CERTIFIED NURSE AIDE AND
ONE (1) POSITION OF ASSISTANT LEISURE TIME ACTIVITIES DIRECTOR IN THE
DEPARTMENT OF NURSING HOMES AND CREATING TWO (2) POSITIONS OF
RESIDENT SERVICES CLERK, TO BE FILLED ON A PART-TIME BASIS,
TWO (2) POSITIONS OF PHYSICAL THERAPY AIDE TO BE FILLED ON A
PART-TIME BASIS, ONE (1) POSITION OF ASSISTANT LEISURE
TIME ACTIVITIES DIRECTOR TO BE FILLED ON A PART-TIME BASIS, AND
ONE (1) POSITION OF CERTIFIED NURSE AIDE TO BE FILLED ON A
PART-TIME BASIS IN THE DEPARTMENT OF NURSING HOMES**

Pursuant to Section 204 of the County Law.

WHEREAS, due to the fiscal constraints placed on the County of Cattaraugus by the imposition of the State mandated two percent (2%) property tax cap as enacted by the State of New York, and

WHEREAS, in an effort to achieve cost savings and reduction of expenses required to achieve the two percent (2%) property tax cap imposed by the State of New York, it is necessary to identify both filled and unfilled positions in the County workforce which can be eliminated in an effort to achieve needed cost savings, and

WHEREAS, one (1) filled position of Head Nurse in the Department of Nursing Homes has been identified as a position that can assist in achieving such cost savings, and

WHEREAS, two (2) unfilled positions of Resident Services Clerk in the Department of Nursing Homes have been identified as positions that can assist in achieving such cost savings, and

WHEREAS, two (2) filled positions of Registered Nurse in the Department of Nursing Homes have been identified as positions that can assist in achieving such cost savings, and

WHEREAS, two (2) unfilled positions of Physical Therapy Aide in the Department of Nursing Homes have been identified as positions that can assist in achieving such cost savings, and

WHEREAS, one (1) filled position of Certified Nurse Aide in the Department of Nursing Homes has been identified as a position that can assist in achieving such cost savings, and

WHEREAS, one (1) filled position of Assistant Leisure Time Activities Director in the Department of Nursing Homes has been identified as a position that can assist in achieving such cost savings, and

WHEREAS, certain positions heretofore identified in this resolution will need to be filled or refilled, on a part-time basis, now, therefore, be it

RESOLVED, that effective January 1, 2012, there are hereby abolished the following positions, currently filled on a full-time basis, in the Department of Nursing Homes:

<u>TITLE</u>	<u>POSITION NUMBER</u>
Head Nurse	300-157-111
Resident Services Clerk	300-282-112
Resident Services Clerk	200-282-111
Registered Nurse	300-280-112
Registered Nurse	300-280-113
Physical Therapy Aide	300-246-111
Physical Therapy Aide	200-246-111
Certified Nurse Aide	200-242-142
Assistant Leisure Time Activities Director	200-016-111,

and be it further

RESOLVED, that effective January 1, 2012, there are hereby created the following positions, all to be filled on a part-time basis, in the Department of Nursing Homes:

<u>TITLE</u>	<u>POSITION NUMBER</u>
Resident Services Clerk	300-282-112
Resident Services Clerk	200-282-111
Physical Therapy Aide	300-246-111
Physical Therapy Aide	200-246-111
Assistant Leisure Time Activities Director	200-016-111
Certified Nurse Aide	200-242-142.

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

Adopted November 22, 2011 by voice vote.

ACT NO. 572-2011 by Finance Committee:

Mr. Burrell, Mr. Ward, Mr. Aiello,
Mr. Ellis, Mr. Marsh, Mr. McLarney,
Mr. Snyder, Mr. McClune and Mr. Sprague
who ask immediate consideration

**ABOLISHING TWO (2) POSITIONS OF CLEANER,
SIXTEEN (16) POSITIONS OF SEASONAL LABORER,
ONE (1) POSITION OF SENIOR TRANSFER STATION OPERATOR, AND
ONE (1) POSITION OF HIGHWAY ENGINEER IN
THE DEPARTMENT OF PUBLIC WORKS**

Pursuant to Section 204 of the County Law.

WHEREAS, due to the fiscal constraints placed on the County of Cattaraugus by the imposition of the State mandated two percent (2%) property tax cap as enacted by the State of New York, and

WHEREAS, in an effort to achieve cost savings and reduction of expenses required to achieve the two percent (2%) property tax cap imposed by the State of New York, it is necessary to identify both filled and unfilled positions in the County workforce which can be eliminated in an effort to achieve needed cost savings, and

WHEREAS, two (2) unfilled positions of Cleaner in the Department of Public Works have been identified as positions that can assist in achieving such cost savings, and

WHEREAS, sixteen (16) unfilled positions of Seasonal Laborer in the Department of Public Works have been identified as positions that can assist in achieving such cost savings, and

WHEREAS, one (1) position of Senior Transfer Station Operator, which is expect to become vacant effective July 1, 2012, in the Department of Public Works and which has been identified as a position that can assist in achieving such cost savings, and

WHEREAS, one (1) unfilled position of Highway Engineer in the Department of Public Works has been identified as a position that can assist in achieving such cost savings, and

WHEREAS, funding for these positions has not been included in the 2012 budget, now, therefore, be it

RESOLVED, that effective January 1, 2012, there are hereby abolished the following positions in the Department of Public Works:

<u>TITLE</u>	<u>POSITION NUMBER</u>
Cleaner	502-049-024
Cleaner	502-049-017
Seasonal Laborer	502-918-001
Seasonal Laborer	502-918-002
Seasonal Laborer	502-918-003
Seasonal Laborer	502-918-004
Seasonal Laborer	502-918-005
Seasonal Laborer	502-918-006
Seasonal Laborer	502-918-007
Seasonal Laborer	502-918-008
Seasonal Laborer	502-918-009
Seasonal Laborer	502-918-010
Seasonal Laborer	502-918-011
Seasonal Laborer	502-918-012
Seasonal Laborer	502-918-013
Seasonal Laborer	502-918-014
Seasonal Laborer	502-918-015
Seasonal Laborer	502-918-016
Highway Engineer	502-161-001,

and be it further

RESOLVED, that effective July 1, 2012, there is hereby abolished the following position in the Department of Public Works:

<u>TITLE</u>	<u>POSITION NUMBER</u>
Senior Transfer Station Operator	502-336-002.

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

Adopted November 22, 2011 by voice vote.

ACT NO. 573-2011 by Finance Committee:

Mr. Burrell, Mr. Ward, Mr. Aiello,
Mr. Ellis, Mr. Marsh, Mr. McLarney,
Mr. Snyder, Mr. McClune and Mr. Sprague
who ask immediate consideration

**ABOLISHING ONE (1) POSITION OF KEYBOARD
SPECIALIST (PART-TIME) IN THE
DEPARTMENT OF ECONOMIC DEVELOPMENT, PLANNING AND TOURISM**

Pursuant to Section 204 of the County Law.

WHEREAS, due to the fiscal constraints placed on the County of Cattaraugus by the imposition of the State mandated two percent (2%) property tax cap as enacted by the State of New York, and

WHEREAS, in an effort to achieve cost savings and reduction of expenses required to achieve the two percent (2%) property tax cap imposed by the State of New York, it is necessary to identify both filled and unfilled positions in the County workforce which can be eliminated in an effort to achieve needed cost savings, and

WHEREAS, one (1) unfilled position of Keyboard Specialist in the Department of Economic Development, Planning and Tourism has been identified as a position that can assist in achieving such cost savings, and

WHEREAS, funding for this position has not been included in the 2012 budget, now, therefore, be it

RESOLVED, that effective January 1, 2012, there is hereby abolished the following position in the Department of Economic Development, Planning and Tourism:

<u>TITLE</u>	<u>POSITION NUMBER</u>
Keyboard Specialist	642-185-002.

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

Adopted November 22, 2011 by voice vote.

ACT NO. 574-2011 by Finance Committee:

Mr. Burrell, Mr. Ward, Mr. Aiello,
Mr. Ellis, Mr. Marsh, Mr. McLarney,
Mr. Snyder, Mr. McClune and Mr. Sprague
who ask immediate consideration

**ABOLISHING ONE (1) POSITION OF DATA ENTRY OPERATOR,
ONE (1) POSITION OF KEYBOARD SPECIALIST, ONE (1) POSITION OF COMMUNITY
SERVICES AIDE, ONE (1) POSITION OF ELIGIBILITY WORKER AND
THREE (3) POSITIONS OF EMPLOYMENT SPECIALIST IN THE
DEPARTMENT OF SOCIAL SERVICES AND CREATING TWO (2) POSITIONS OF
DATA ENTRY OPERATOR, TO BE FILLED ON A SEASONAL BASIS IN THE
DEPARTMENT OF SOCIAL SERVICES**

Pursuant to Section 204 of the County Law.

WHEREAS, due to the fiscal constraints placed on the County of Cattaraugus by the imposition of the State mandated two percent (2%) property tax cap as enacted by the State of New York, and

WHEREAS, in an effort to achieve cost savings and reduction of expenses required to achieve the two percent (2%) property tax cap imposed by the State of New York, it is necessary to identify both filled and unfilled positions in the County workforce which can be eliminated in an effort to achieve needed cost savings, and

WHEREAS, one (1) unfilled position of Data Entry Operator in the Department of Social Services has been identified as a position that can assist in achieving such cost savings, and

WHEREAS, one (1) filled position of Keyboard Specialist in the Department of Social Services has been identified as a position that can assist in achieving such cost savings, and

WHEREAS, one (1) unfilled position of Community Services Aide in the Department of Social Services has been identified as a position that can assist in achieving such cost savings, and

WHEREAS, one (1) filled position of Eligibility Worker in the Department of Social Services has been identified as a position that can assist in achieving such cost savings, and

WHEREAS, three (3) filled positions of Employment Specialist in the Department of Social Services have been identified as positions that can assist in achieving such cost savings, and

WHEREAS, funding for these positions has not been included in the 2012 budget for either the full year or partial year depending on the funding source, now, therefore, be it

RESOLVED, that effective January 1, 2012, there are hereby abolished the following positions in the Department of Social Services:

<u>TITLE</u>	<u>POSITION NUMBER</u>
Data Entry Operator	601-085-002
Keyboard Specialist	601-185-018
Eligibility Worker	601-941-007
Employment Specialist	601-134-012
Employment Specialist	601-134-013,

and be it further

RESOLVED, that effective April 1, 2012, there are hereby abolished the following positions in the Department of Social Services:

<u>TITLE</u>	<u>POSITION NUMBER</u>
Community Services Aide	601-060-003
Employment Specialist	601-134-009,

and be it further

RESOLVED, that effective January 1, 2012, there are hereby created the following positions, to be filled on a seasonal basis during the HEAP application processing period, which are federally funded, in the Department of Social Services:

<u>TITLE</u>	<u>POSITION NUMBER</u>
Data Entry Operator	601-085-002
Data Entry Operator	601-085-008.

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

Adopted November 22, 2011 by voice vote.

ACT NO. 575-2011 by Finance Committee:
Mr. Burrell, Mr. Ward, Mr. Aiello,
Mr. Ellis, Mr. Marsh, Mr. McLarney,
Mr. Snyder, Mr. McClune and Mr. Sprague
who ask immediate consideration

**ABOLISHING TWO (2) POSITIONS OF SITE MANAGER (PART-TIME) IN THE
DEPARTMENT OF AGING**

Pursuant to Section 204 of the County Law.

WHEREAS, due to the fiscal constraints placed on the County of Cattaraugus by the imposition of the State mandated two percent (2%) property tax cap as enacted by the State of New York, and

WHEREAS, in an effort to achieve cost savings and reduction of expenses required to achieve the two percent (2%) property tax cap imposed by the State of New York, it is necessary to identify both filled and unfilled positions in the County workforce which can be eliminated in an effort to achieve needed cost savings, and

WHEREAS, two (2) unfilled positions of Site Manager (Part-time) in the Department of Aging have been identified as positions that can assist in achieving such cost savings, and

WHEREAS, funding for these positions has not been included in the 2012 budget, now, therefore, be it

RESOLVED, that effective January 1, 2012, there is hereby abolished two (2) unfilled positions of Site Manager (Part-time) in the Department of Aging as follows:

<u>TITLE</u>	<u>POSITION NUMBER</u>
Site Manager	677-305-011
Site Manager	677-305-013.

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

Adopted November 22, 2011 by voice vote.

MR. McLARNEY moved, seconded by Mr. Neal to adjourn until December 14, 2011 at 3:00 p.m. Carried.

Meeting adjourned at 5:27 p.m.

Ann M. Giglio
Journal Clerk