



January 25, 2012

The meeting was called to order by the Chairman Norman L. Marsh.

The invocation was given by Rev. Kay.

The Attendance Roll Call disclosed one Legislator absent – Mr. Weller.

MRS. STOCKMAN moved, seconded by Mr. Boser that the minutes of the January 4, 2012 session be approved. Mr. Padlo requested to abstain from vote on Act No. 22-2012. Carried.

\* \* \* \* \*

#### COMMUNICATIONS:

New York State Department of State: Letter acknowledging receipt of Local Law No. 10-2011 and the filing of the same.

Assembly Member Giglio: Letter acknowledging receipt of Act No. 650-2011.

Cherianne Wold, Director, Department of Aging: Letter acknowledging receipt of resignation effective February 29, 2012.

Tompkins County Legislature: Copy of Resolution No. 2011-210 entitled, “Adoption of 2012 Tompkins County Budget and 2012-2016 Tompkins County Capital Program”.

Residents of West Valley Area: Petition requesting the restoration of the Department of Aging’s West Valley meal site to five days a week.

Gary Bays: Letter received against the state 2% tax cap.

Letters of Disclosure From:

Mrs. Susan Labuhn

Mr. William Weller, Sr.

*Dear Legislators:*

*This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #9 of the Cattaraugus County Legislature.*

*It is to further advise you that my husband, William Labuhn, is employed by Rehabilitation Center, an agency with which the County has contractual obligations.*

*This letter is intended as a written disclosure of my official capacities as required by Section 803 of the General Municipal Law.*

*Sincerely, Susan Labuhn*

*Dear Legislators:*

*This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #5 of the Cattaraugus County Legislature.*

*It is to further advise you that my wife, Nancy Weller, is employed by Cattaraugus County as a Medical Records Clerk in the Department of Community Services.*

*This letter is intended as a written disclosure of my official capacities as required by Section 803 of the General Municipal Law.*

*Sincerely, William H. Weller, Sr.*

**APPOINTMENTS:****CATTARAUGUS COUNTY TRAFFIC SAFETY BOARD***Three-year term to expire December 31, 2014*

Dan Hale  
Cattaraugus County Legislator  
P.O. Box 568  
Portville, New York 14770

**CATTARAUGUS COUNTY ARSON TASK FORCE***Four-year terms to expire December 31, 2015*

Connie Brown  
Department of Emergency Services  
303 Court Street  
Little Valley, New York 14755

Lori Rieman  
District Attorney  
303 Court Street  
Little Valley, New York 14755

Joseph Patti  
677 Yacht Club Drive  
Machias, New York 14101

Brandon Walters, Detective  
Sheriff's Office  
301 Court Street  
Little Valley, New York 14755

Ronald Lott, Sergeant  
Sheriff's Office  
301 Court Street  
Little Valley, New York 14755

Timothy Whitcomb, Sheriff  
301 Court Street  
Little Valley, New York 14755

William Nichols, Undersheriff  
Sheriff's Office  
301 Court Street  
Little Valley, New York 14755

Patrick J. Murphy  
County Legislator  
7491 Lovers Lane Road  
Cattaraugus, New York 14719

**CATTARAUGUS COUNTY CRIMINAL JUSTICE****COORDINATING ADVISORY COMMITTEE***Four-year terms to expire December 31, 2015*

William Aiello  
County Legislator  
725 Bishop Street  
Olean, New York 14760

Larry Himelein  
County Judge  
303 Court Street  
Little Valley, New York 14755

Terry Schnell, Chief  
City of Olean Police Department  
Municipal Building  
Olean, New York 14760

Wendy Bourgeois, Commissioner  
Department of Social Services  
1 Leo Moss Drive  
Olean, New York 14760

Joseph Keller  
County Treasurer  
303 Court Street  
Little Valley, New York 14755

John R. Searles  
County Administrator  
303 Court Street  
Little Valley, New York 14755

Thomas C. Brady  
County Attorney  
303 Court Street  
Little Valley, New York 14755

Dawn Miller, Director  
Community Services Department  
1 Leo Moss Drive  
Olean, New York 14760

Tim Talley, Captain  
New York State Police Zone 4  
5591 Route 19  
Belmont, New York 14813

Dominic Papasergi  
Police Chief's Association  
116 North Third Street  
Allegany, New York 14706

Pam McGarry  
Community Services Department  
203 Laurens Street  
Olean, New York 14760

Patrick Murphy  
County Legislator  
7491 Lovers Lane Road  
Cattaraugus, New York 14719

Richard Preston, Justice  
Town of Ashford  
9224 Route 240  
West Valley, New York 14171

Stewart Hill, Justice  
Town of Olean  
1639 Seneca Avenue  
Olean, New York 14760

Mark Williams  
Public Defender  
175 North Union Street  
Olean, New York 14760

Gerald Zimmerman, Director  
Department of Probation & Correctional Alternatives  
1 Leo Moss Drive  
Olean, New York 14760

Daniel French, Captain  
County Jail, Sheriff's Office  
301 Court Street  
Little Valley, New York 14755

Timothy Whitcomb  
County Sheriff  
301 Court Street  
Little Valley, New York 14755

Laurie Peterson  
Youth Bureau  
200 Erie Street  
Little Valley, New York 14755

Laura Elliott-Engle  
Council on Addiction Recovery Services  
201 South Union Street  
Olean, New York 14760

Carl Edwards  
County Legislator  
1893 Route 219  
Limestone, New York 14753

Lori Rieman  
District Attorney  
303 Court Street  
Little Valley, New York 14755

Nicholas DiCerbo  
Administrator of Assigned Counsel  
303 Court Street  
Little Valley, New York 14755

**CATTARAUGUS COUNTY LONG-TERM CARE**  
**ADVISORY COUNCIL**

*Ex-Officio Members, terms Co-terminus with their Positions*

Norman L. Marsh, Chair  
Cattaraugus County Legislature  
303 Court Street  
Little Valley, New York 14755

Donna M. Vickman, Chair  
Senior Services Committee  
971 Back Street  
Farmersville Station, New York 14060

Linda M. Edstrom, Chair  
Human Services Committee  
408 Laurens Street  
Olean, New York 14760

**CATTARAUGUS COUNTY RECORDS MANAGEMENT**  
**ADVISORY BOARD**

*Four-year terms to expire December 31, 2015*

Thomas C. Brady, County Attorney  
303 Court Street  
Little Valley, New York 14755

Joseph Keller, County Treasurer  
303 Court Street  
Little Valley, New York 14755

Sharon Fellows, County Historian  
9824 Route 16  
Machias, New York 14101

John Searles, County Administrator  
303 Court Street  
Little Valley, New York 14755

James Griffith, County Clerk  
303 Court Street  
Little Valley, New York 14755

Ryan West  
104 Tenth Street  
Little Valley, New York 14755

**CATTARAUGUS COUNTY HIPAA COMPLIANCE COMMITTEE**

*Indefinite terms*

Tammy Schmidt, Administrator  
The Pines – Machias Campus  
9822 Route 16  
Machias, New York 14101  
(replacing Susan Gram)

Michael Sharbaugh  
Probation Department  
1 Leo Moss Drive, Suite 3140  
Olean, New York 14760  
(replacing Terry Layton, resigned)

**ROUTE 219 CORRIDOR DEVELOPMENT COMMITTEE**

*Four-year terms to expire December 31, 2015*

Richard Zink, Executive Director  
Southern Tier West  
4039 Route 219, Suite 200  
Salamanca, New York 14779

Memo Yanetsko, CEO  
Greater Olean Chamber of Commerce  
120 North Union Street  
Olean, New York 14760

Robert Keis  
Planning Board  
7621 California Hill Road  
Little Valley, New York 14755

Daniel Brown, Supervisor  
Town of Great Valley  
5318 Snowbrook Road  
Great Valley, New York 14741

Jayne Fenton, President  
Salamanca Chamber of Commerce  
26 West Main Street  
Salamanca, New York 14779

James Boser  
County Legislator  
97 North First Street  
Allegany, New York 14706

Hugh Dunne  
4138 Scott Hollow Road  
Salamanca, New York 14779

Robert Laforge  
618 Grandview Avenue  
Olean, New York 14760

Dennis Eshbaugh  
Route 219 Association  
15 Holiday Valley Road  
Ellicottville, New York 14731

Brad Whitcomb  
NYS OPRHP  
2372 ASP Route 1, Suite 3  
Salamanca, New York 14779

William Weller, Sr.  
County Legislator  
22 Pennsylvania Avenue  
Franklinville, New York 14737

Jody Clark, Transportation Manager  
Seneca Nation of Indians  
3689 Center Road, PO Box 231  
Salamanca, New York 14779

David Zilker  
Agriculture & Farmland Protection Board  
9909 Skyline Drive  
Delevan, New York 14042

Crystal Abers, Director  
Economic Development, Planning & Tourism  
303 Court Street  
Little Valley, New York 14755

Joseph Pillittere, Commissioner  
Department of Public Works  
8810 Route 242  
Little Valley, New York 14755

Corey Wiktor, Executive Director  
Industrial Development Agency  
PO Box 1749  
Ellicottville, New York 14731

Christopher Gerwitz, Supervisor  
Town of Ashford  
PO Box 306  
West Valley, New York 14171

Paul Bishop  
Senior Planner  
303 Court Street  
Little Valley, New York 14755

Charles Coolidge, Mayor  
Village of Ellicottville  
PO Box 384  
Ellicottville, New York 14731

Gary Felton  
County Legislator  
3276 Hazelmere Avenue  
Machias, New York 14101

**CATTARAUGUS EMPIRE ZONE CORPORATION**

*Two-year terms to expire December 31, 2012*

Michael Fischer, Dean  
School of Business, St. Bonaventure University  
St. Bonaventure, New York 14778

Donald Giardini  
Laborers Local #621  
1521 North Union Street  
Olean, New York 14760

Mark Saglimben  
3660 Five Mile Road  
Allegany, New York 14706

Michael Higgins  
Abbott Welding  
509 North First Street  
Olean, New York 14760

John Hare, Supervisor  
Town of Allegany  
3678 Karl Road  
Allegany, New York 14706

James Kirkpatrick  
200 Jefferson Avenue  
Allegany, New York 14706

James J. Snyder  
PO Box 1  
Olean, New York 14760

Gail Speedy, Director  
University Primary Care  
500 Main Street  
Olean, New York 14760

Edward Wilber, VP of Manufacturing  
Dresser-Rand Turbo  
PO Box 560  
Olean, New York 14760

Linda Witte, Mayor  
City of Olean  
Municipal Building  
Olean, New York 14760

Norman L. Marsh, Chairman  
County Legislature  
303 Court Street  
Little Valley, New York 14755

Raymond Jonak  
3408 Fortune drive  
Allegany, New York 14706

James Snyder  
Snyder Manufacturing, Inc.  
270 Rochester Street  
Salamanca, New York 14779

**STANDING COMMITTEES APPOINTED BY CHAIRMAN:**

*\*Chair \*\*Vice-Chair*

**FINANCE:** \*Snyder, Sr., \*\*Sprague, Aiello, Murphy, Vickman, Stockman, Hale, Padlo, Boser

**PUBLIC WORKS:** \*Aiello, \*\*Weller, Edstrom, Teachman, Klancer, Snyder, Jr., Lamberson, Sprague, Koch

**DEVELOPMENT & AGRICULTURE:** \*VanRensselaer, \*\*Boser, Murphy, Snyder, Sr., Teachman, Padlo, Labuhn

**SENIOR SERVICES:** \*Vickman, \*\*Felton, Edstrom, Snyder, Jr., Hale, Labuhn, Koch

**STRATEGIC PLANNING:** \*Stockman, \*\*Labuhn, Felton, Aiello, Edwards, Klancer, Sprague

**PUBLIC SAFETY:** \*Murphy, \*\*Hale, Snyder, Sr., Weller, VanRensselaer, Felton, Koch

**COUNTY OPERATIONS:** \*Teachman, \*\*Padlo, Stockman, Klancer, Snyder, Jr., Weller, Sprague

**HUMAN SERVICES:** \*Edstrom, \*\*Stockman, Vickman, VanRensselaer, Edwards, Lamberson, Labuhn

**LABOR RELATIONS:** \*Aiello, \*\*Lamberson, Vickman, Edwards, Boser

**LEGISLATIVE REPRESENTATIVES**

**AGRICULTURE & FARMLAND PROTECTION BOARD:** Boser

**COMMUNITY SERVICES BOARD:** Edstrom

**CRIMINAL JUSTICE ADVISORY:** Edwards, Aiello, Murphy

**EMPIRE ZONE:** Marsh

**EXTENSION SERVICE:** Sprague

**FEDERATED SPORTSMEN'S ASSOCIATION:** Weller, VanRensselaer

**FIRE ADVISORY BOARD:** Murphy, Koch, Hale

**FLEET MANAGEMENT:** Marsh, Aiello, Teachman, Edstrom, Sprague

**FOREST PRACTICE BOARD:** Felton

**FRIENDS OF THE NURSING HOME:** Boser

**HEALTH BOARD:** Snyder, Sr.

**NURSING HOME QUALITY ASSURANCE:** Vickman, Labuhn

**REGION 9 FISH & WILDLIFE MANAGEMENT BOARD:** Snyder, Jr., Lamberson (Alternate)

**SENECA TRAIL RC&D:** Labuhn

**SOIL CONSERVATION:** Vickman, Lamberson

**TOWN SUPERVISORS ASSOCIATION:** Koch, Edwards

**VILLAGE OFFICIALS ASSOCIATION:** Marsh, Stockman

**YOUTH BOARD:** Aiello

\* \* \* \* \*

ACT NO. 51-2012 by Mr. Marsh  
who asks immediate consideration

#### **APPOINTMENT OF CORONER'S PHYSICIANS**

Pursuant to Section 400 (4-b) of the County Law and Act 138-81.

RESOLVED, that the following individuals are appointed Coroner's Physicians for Cattaraugus County for two years with their terms to expire on December 31, 2013, at the salary which has heretofore, or may hereafter be established:

Erika Connor  
111 Main Street  
Randolph, New York 14772

Robert A. Krall  
21 Euclid Avenue  
Olean, New York 14760

Edward Jordan  
516 Main Street  
Olean, New York 14760

Richard D. Scott  
1102 Four Mile Road  
Allegany, New York 14706

Peter Vasilion  
3399 Four Rod Road  
East Aurora, New York 14052

Jonrika M. Malone  
462 Grider Street  
Buffalo, New York 14215

and be it further

RESOLVED, that the following individuals are appointed Coroner's Physicians for Cattaraugus County for one year with their terms to expire on December 31, 2012, at the salary which has heretofore, or may hereafter be established:

Dean Mast  
10208 Pigeon Valley Road  
Cattaraugus, New York 14719

Scott F. LaPoint  
Erie County Medical Examiner's Office  
462 Grider Street  
Buffalo, New York 14215  
(replacing Steven F. Dunton).

Adopted January 25, 2012 by voice vote.



**ACT NO. 52-2012** by Mr. Marsh  
who asks immediate consideration

**APPOINTMENT OF INTER-COUNTY ASSOCIATION OF  
WESTERN NEW YORK MEMBERS**

Pursuant to Section 153 of the County Law.

RESOLVED, that the following individuals shall be the Cattaraugus County voting members to the Inter-County Association of Western New York for the year 2012:

Richard Lamberson  
124 North Second Street  
Allegany, New York 14706

William Aiello  
725 Bishop Street  
Olean, New York 14760

Donna Vickman  
971 Back Street, PO Box 5  
Farmersville Station, NY 14060

Linda Edstrom (*alternate*)  
408 Laurens Street  
Olean, New York 14760

Norman L. Marsh (*alternate*)  
121 First Street  
Little Valley, New York 14755

James L. Boser (*alternate*)  
97 North First Street  
Allegany, New York 14706,

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Inter-County Association of Western New York.

Adopted January 25, 2012 by voice vote.

**ACT NO. 53-2012** by Mr. Marsh  
who asks immediate consideration

**APPOINTMENT TO CATTARAUGUS COUNTY JURY BOARD**

Pursuant to Section 503 of the Judiciary Law.

RESOLVED, that Norman L. Marsh, 121 First Street, Little Valley, New York 14755, is hereby appointed to the Cattaraugus County Jury Board, the term of which expires on December 31, 2015, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Andrew Isenberg, District Executive, Unified Court System, Eighth Judicial District, 206 Erie County Hall, Buffalo, New York 14202.

Adopted January 25, 2012 by voice vote.

**ACT NO. 54-2012** by Mr. Marsh  
who asks immediate consideration

**APPOINTMENT TO CATTARAUGUS COUNTY BOARD OF HEALTH**

Pursuant to Section 343 of the Public Health Law.

RESOLVED, that James J. Snyder, Sr., 1116 W. Henley Street, PO Box 1, Olean, New York 14760, is hereby reappointed to the Cattaraugus County Board of Health, the term of which expires on December 31, 2015.

Adopted January 25, 2012 by voice vote.

**ACT NO. 55-2012** by Mr. Marsh  
who asks immediate consideration

**APPOINTMENT OF SENECA TRAIL RC & D PROJECT MEMBER**

Pursuant to Section 153 of the County Law.

RESOLVED, that the following individual is appointed to the Seneca Trail RC & D Project with a term to expire December 31, 2012:

Susan Labuhn, Legislator  
430 Broad Street  
Salamanca, New York 14779

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Seneca Trail RC & D Project.

Adopted January 25, 2012 by voice vote.

**ACT NO. 56-2012** by Mr. Marsh  
who asks immediate consideration

**APPOINTMENT OF CORNELL COOPERATIVE EXTENSION BOARD MEMBER**

Pursuant to Section 153 of the County Law.

RESOLVED, that the following individual is appointed to the Cornell Cooperative Extension Board of Directors with a term to expire December 31, 2012:

William Sprague  
3222 Taylor Road, PO Box 659  
Yorkshire, New York 14173,

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Cornell Cooperative Extension.

Adopted January 25, 2012 by voice vote.

**ACT NO. 57-2012** by Mr. Marsh  
who asks immediate consideration

**APPOINTMENTS TO COMMUNITY SERVICES BOARD AND  
APPOINTMENT TO COMMUNITY SERVICES BOARD PEOPLE WITH  
DEVELOPMENTAL DISABILITIES SUBCOMMITTEE**

Pursuant to Section 41.11 of the Mental Hygiene Law.

RESOLVED, that the following individuals are appointed to the Community Services Board with terms to expire December 31, 2015:

Jon Baker  
120 North 21<sup>st</sup> Street  
Olean, New York 14760

Matthew Bull  
4122 Riceville Road  
Machias, New York 14101

Russell Hahn  
4353 South Nine Mile Road  
Allegany, New York 14706

Kenneth McClune  
51 South Main Street  
Salamanca, New York 14779  
(replacing Sheila Rampsey-Milton, who resigned)

Linda Edstrom  
County Legislator  
408 Laurens Street  
Olean, New York 14760,

and be it further

RESOLVED, that the following individual is appointed to the Community Services Board People with Developmental Disabilities Subcommittee with a term to expire December 31, 2015:

Leonard Liguori  
515 ½ West State Street  
Olean, New York 14760.

Adopted January 25, 2012 by voice vote.

**ACT NO. 58-2012** by Mr. Felton, Mr. Marsh, Ms. Vickman,  
Mr. Weller and Mr. Sprague  
*and Mr. Aiello, Ms. Edstrom, Mr. Edwards, Mr. Hale, Mr. Klancer, Mr. Murphy,  
Mr. Snyder, Jr., Mr. Snyder, Sr., Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer,  
Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson and Mr. Padlo<sup>1</sup>*

**REQUESTING NEW YORK STATE TO REOPEN OLD ROUTE 219 BRIDGE  
OVER CATTARAUGUS CREEK AS SOON AS POSSIBLE**

Pursuant to Section 153 of the County Law and  
Section 62 of the Highway Law.

WHEREAS, the New York State Department of Transportation (NYSDOT) closed the old Route 219 bridge on January 5, 2012 due to structural problems and expects the bridge to be closed for at least six (6) weeks, and

WHEREAS, a two-mile detour will take motorists over the new expressway bridge, bypassing the Village of Springville and its businesses, and

WHEREAS, the old Route 219 bridge between Erie County and Cattaraugus County is a major economic lifeline for Western New York, particularly for the Village of Springville, and

WHEREAS, the closure of the old Route 219 bridge will cause a hardship for the surrounding communities and local businesses, and

WHEREAS, the closure of the old Route 219 Bridge will also cause inconvenience for tourists passing through the area who may wish to stop at the local businesses to shop or purchase food and gas, and

WHEREAS, the old Route 219 Bridge is a main evacuation route for area residents and emergency responders, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature urges the Governor, the New York State Legislature, the Commissioner of Transportation, and the Director of the Budget, in the exercise of their discretion and in the best interests of the people of Western New York, to take the necessary actions to repair and reopen the old Route 219 bridge as soon as possible, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a copy of the above-described letter, together with a certified copy of this resolution, to Governor Cuomo, Commissioner of the New York State Department of Transportation Joan McDonald, Director of the Budget Robert L. Megna, Senators Catharine M. Young and Patrick Gallivan, Assembly Members Joseph

M. Giglio and Kevin Smardz, Erie County Executive Mark C. Poloncarz, Chairperson of the Erie County Legislature Betty Jean Grant, and Erie County Commissioner of Public Works John LoFredo, P.E.

<sup>1</sup> The following Legislators requested their names be listed as additional sponsors: “Mr. Aiello, Ms. Edstrom, Mr. Edwards, Mr. Hale, Mr. Klancer, Mr. Murphy, Mr. Snyder, Jr., Mr. Snyder, Sr., Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson and Mr. Padlo”.

Adopted January 25, 2012 by voice vote.

**ACT NO. 59-2012** by Mr. Aiello and Mr. Weller  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
DATAVAL, INC. FOR WATER MONITORING DATA VALIDATION SERVICES  
AT FARWELL AND FIVE POINTS LANDFILLS**

Pursuant to Sections 226-b and 450 of the County Law.

WHEREAS, Act 214-2008 authorized a contract with Dataval, Inc., 518 Hooper Road, PMB 283, Endwell, New York 13760, for the provision of water monitoring data validation services for the Farwell (Town of Ischua) and Five Points (Town of Mansfield) Landfills, the term of which expired December 31, 2011, and

WHEREAS, the consent order agreements between the County and the New York State Department of Environmental Conservation (NYSDEC) require water monitoring at both the Farwell and Five Points Landfills, and

WHEREAS, the County Department of Public Works is desirous of continuing the aforementioned water monitoring data validation services until the New York State Department of Environmental Conservation has formulated the new sampling schedule, and

WHEREAS, Dataval, Inc., shall continue the provision of the aforementioned water monitoring data validation services for the Farwell and Five Points Landfills in accordance with the following rate schedule:

<u>Five Points</u>		<u>Farwell</u>	
2012	\$608.00	2012	\$1,230.00
2013	\$608.00	2013	\$1,342.00
2014	\$608.00 (renewal option)	2014	\$1,230.00 (renewal option)
2015	\$608.00 (renewal option)	2015	\$1,230.00(renewal option),

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 Dataval, Inc., for the provision of the above-described services, for a term commencing January 1, 2012 and terminating December 31, 2013, with the County's sole option to renew for two additional one-year periods at the rates listed above, according to the above-described terms.

Adopted January 25, 2012 by voice vote.

**ACT NO. 60-2012** by Mr. Aiello and Mr. Weller  
who ask immediate consideration

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

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

WHEREAS, Act 485-2011 authorized a contract with New York State Industries for the Disabled, 155 Washington Avenue, Suite 400, Albany, New York 12210, through SubCon Industries, Inc., for the provision of janitorial services for the Olean Office Facility, the term of which expires December 31, 2013, and

WHEREAS, the New York State Industries for the Disabled, through SubCon Industries, Inc., has notified the County Department of Public Works that due to an increase in the prevailing rate schedule, the cost for the aforementioned services has also increased, and

WHEREAS, a contract amendment is necessary due to the aforementioned rate increase, and

WHEREAS, the New York State Industries for the Disabled, through SubCon Industries, Inc., agreed to perform the aforementioned janitorial services at a rate of \$13.68 per hour for a cost not to exceed \$170,033.88 per year, for a total contract amount of \$340,067.77, to be paid on a monthly basis as invoiced, with the option to increase the hourly rates if the prevailing wage rates published in July of 2012 or July of 2013 increase, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with New York State Industries for the Disabled, through SubCon Industries, Inc., for the provision of the above-described services, for a term commencing January 1, 2012 and terminating December 31, 2013, according to the above-described terms, and be it further

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

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

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

Adopted January 25, 2012 by voice vote. Mrs. Labuhn and Mr. Padlo abstaining from vote.

**ACT NO. 61-2012** by Mr. Aiello and Mr. Weller  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
WENDEL DUCHSCHERER FOR ALLEGANY AND FRANKLINVILLE HIGHWAY BARNS  
FUELING ISLAND FIRE PREVENTION ENGINEERING DESIGN SERVICES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the County Department of Public Works is required to install fire prevention systems on the fueling islands located at the Allegany and Franklinville Highway barns, and

WHEREAS, Wendel Duchscherer, 140 John James Audubon Parkway, Suite 101, Buffalo, New York 14228, can provide the engineering design services necessary for the fueling islands located at the Allegany and Franklinville Highway barns, for a lump sum amount of \$7,500.00, plus reimbursable expenses not to exceed \$750.00, 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 Wendel Duchscherer, for the provision of the above-described engineering design services, for a term commencing January 26, 2012 and terminating December 31, 2012, according to the above-described terms.

Adopted January 25, 2012 by voice vote.

**ACT NO. 62-2012** by Mr. Aiello and Mr. Weller  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
TVGA CONSULTANTS FOR LANDFILL WATER MONITORING REPORTING AT  
FARWELL AND FIVE POINTS LANDFILLS**

Pursuant to Sections 226-b and 450 of the County Law.

WHEREAS, Act 215-2008 authorized a contract for water monitoring reporting at both the Farwell (Town of Ischua) and Five Points (Town of Mansfield) Landfills, the term of which expired December 31, 2011, and

WHEREAS, the consent order agreements between the County and the New York State Department of Environmental Conservation (NYSDEC) also require landfill water monitoring reporting at both the Farwell and Five Points Landfills, and

WHEREAS, the County Department of Public Works is desirous of continuing the aforementioned landfill water monitoring reporting until the New York State Department of Environmental Conservation has formulated the new sampling schedule, and

WHEREAS, TVGA Consultants, 620 Main Street, Buffalo, New York 14202-1906, shall continue to provide landfill water monitoring reporting for the Farwell and Five Points Landfills for a total amount not to exceed \$23,900.00 for the two-year period, as follows:

Farwell Landfill	2012	\$8,000.00
	2013	\$8,200.00
Five Points Landfill	2012	\$3,800.00
	2013	\$3,900.00,

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 TVGA Consultants, for the provision of the above-described services, for a term commencing January 1, 2012 and terminating December 31, 2013, with the County's sole option to renew for two one-year periods at the same rates, according to the above-described terms.

Adopted January 25, 2012 by voice vote.

**ACT NO. 63-2012** by Ms. Edstrom and Mrs. Stockman  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
TOTAL SENIOR CARE, INC. FOR  
IN-HOME NURSING AND THERAPY SERVICES**

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

WHEREAS, Act 590-2010 authorized a contract with Total Senior Care, Inc., 519 North Union Street, Olean, New York 14760, for the operation of the PACE Program for the Health Department, the term of which expired December 31, 2011, and

WHEREAS, Total Senior Care, Inc., is authorized by New York State Department of Health and the Centers for Medicare and Medicaid Services to operate a Program for All Inclusive Care for the Elderly (PACE Program) as a comprehensive program of services to participants, and

WHEREAS, Total Senior Care, Inc., is desirous of obtaining in-home nursing and therapy services from the County Department of Health for PACE Program participants, and

WHEREAS, the Department of Health has agreed to provide the following in-home nursing and therapy services to PACE Program participants in accordance with NYS Medicaid approved CHHA rates:

Registered Nurse  
Physical Therapist  
Occupational Therapist  
Speech and Language Pathologist  
Certified Home Health Aide,

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 Total Senior Care, Inc., for the provision of the above-described in-home nursing and therapy services, for a term commencing January 1, 2012 and terminating December 31, 2012, according to the above-described terms.

Adopted January 25, 2012 by voice vote.

**ACT NO. 64-2012** by Ms. Edstrom and Mrs. Stockman  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH  
VARIOUS INDIVIDUALS OR ENTITIES FOR  
HEALTH DEPARTMENT NURSE PRACTITIONER SERVICES**

Pursuant to 10 NYCRR Section 766.10 and Section 450 of the County Law.

WHEREAS, Act 648-2010 authorized contracts with various individuals for the provision of nurse practitioner services for the County Health Department Family Planning and Sexually Transmitted Disease Clinics, the terms of which expired December 31, 2011, and

WHEREAS, the County Health Department is desirous of contracting with various individuals or entities for the provision of the aforementioned services at the rate of \$40.00 per hour for up to 28 hours per week for each Nurse Practitioner, and

WHEREAS, sufficient funds are included in the 2012 budget to cover the costs of the aforementioned services, now, therefore, be it



RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with various individuals or entities, 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.

Adopted January 25, 2012 by voice vote.

**ACT NO. 65-2012** by Ms. Edstrom and Mrs. Stockman  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
WESTERN NEW YORK PHYSICAL & OCCUPATIONAL THERAPY GROUP, PLLC FOR  
HEALTH DEPARTMENT HOME HEALTH CARE PROGRAM  
PHYSICAL AND OCCUPATIONAL THERAPY SERVICES**

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

WHEREAS, Act 642-2010 authorized a contract with Western New York Physical & Occupational Therapy Group, PLLC, 6301 Transit Road, Depew, New York 14043, for the provision of physical and occupational therapy services to patients of the County Health Department Home Health Care Program, the term of which expired December 31, 2011, and

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

WHEREAS, Western New York Physical & Occupational Therapy Group, PLLC, has agreed to provide physical and occupational 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	\$73/visit	N/A
Physical Therapist Aides	\$55/visit	N/A
Occupational Therapist	\$73/visit	N/A
Occupational Therapist Aides	\$55/visit	N/A
Attendance at Meetings	\$28/hour	N/A
Outpatient Office Visits: Physical Therapy		
- per standard visit (60 minutes or greater) (any combination of modalities and/or procedures; CHAA or patient to provide all dressings and ointments)	\$50/visit	\$50/visit
- per short visit (30-59 minutes)	\$22/visit	\$30/visit

Physical Therapy Evaluations + Visit

\$73/visit

\$72.50/visit,

and

WHEREAS, sufficient funds are included in the 2012 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 Western New York Physical & Occupational Therapy Group, 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.

Adopted January 25, 2012 by voice vote.

**ACT NO. 66-2012** by Ms. Edstrom and Mrs. Stockman  
and Mr. Aiello, Mr. Boser and Mr. Padlo<sup>1</sup>  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
MICHELE SIMON FOR HEALTH DEPARTMENT  
AUDIOLOGY SCREENING SERVICES**

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

WHEREAS, Act 500-2009 authorized a contract with Michele Simon, 3799 South Nine Mile Road, Allegany, New York 14706, for the provision of audiology screening services to County Health Department patients, the term of which expired December 31, 2011, and

WHEREAS, the County Health Department is desirous of continuing the provision of audiology services for patients of the County Health Department Home Health Care Program, and

WHEREAS, Michele Simon has agreed to provide audiology screening services to County Health Department patients, on an as-needed basis, at the rate of \$160.00 per screening, and

WHEREAS, this program is 100% state and federally reimbursable, 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 Michele Simon, 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, 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.

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

Adopted January 25, 2012 by voice vote.

**ACT NO. 67-2012** by Ms. Edstrom and Mrs. Stockman  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
RURAL REVITALIZATION CORPORATION D/B/A  
NEIGHBORWORKS® HOME RESOURCES FOR ADMINISTRATION OF  
COUNTY-WIDE WELL AND SEPTIC SYSTEM REPLACEMENT PROGRAM**

Pursuant to 24 CFR Section 570.482(e) and  
Section 450 of the County Law.

WHEREAS, Act 45-2012 authorized a contract with the New York State Division of Housing and Office of Community Renewal for a County-Wide Well and Septic System Replacement Community Development Block Grant, and

WHEREAS, the County Department of Health is desirous of contracting for the administration of the aforementioned grant program, and

WHEREAS, Rural Revitalization Corporation, d/b/a NeighborWorks®, 209 North Union Street, Olean, New York 14760, shall implement the County-Wide Well and Septic System Replacement Project and oversee the replacement, installation and/or repair of 32 septic systems and eight (8) water wells in homes owned and occupied by low and moderate income households, for an amount not to exceed \$257,000.00, to be paid as invoiced, 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 Rural Revitalization Corporation, d/b/a NeighborWorks® Home Resources, for the provision of the above-described services, for a term commencing January 1, 2012 and terminating December 9, 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.

Adopted January 25, 2012 by voice vote.

**ACT NO. 68-2012** by Ms. Edstrom and Mrs. Stockman  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
PATRICK MORRIS D/B/A MORRIS ASSOCIATES FOR  
COUNTY-WIDE WELL AND SEPTIC SYSTEM REPLACEMENT  
PROGRAM CONSULTANT SERVICES**

Pursuant to 24 CFR Section 570.482(e) and  
Section 450 of the County Law.

WHEREAS, Act 45-2012 authorized a contract with the New York State Division of Housing and Office of Community Renewal for a County-Wide Well and Septic System Replacement Community Development Block Grant, and

WHEREAS, the County Department of Health is desirous of obtaining a consultant for the aforementioned grant program, and

WHEREAS, Patrick Morris, d/b/a Morris Associates, 341 Central Avenue, Salamanca, New York 14779, shall provide technical assistance for the County-Wide Well and Septic System Replacement Project for a lump sum amount of \$8,000.00, as follows:

- Completion of Environmental Review
  - Arrange for archeological review
  - Development of program manual
  - SEQR
  - NEPA
  - RROF
  - Assistance with preparation of subrecipient agreement,
- Lump Sum Fee of \$8,000

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 Patrick Morris d/b/a Morris Associates, for the provision of the above-described services, for a term commencing January 1, 2012 and terminating December 9, 2013, according to the above-described terms.

Adopted January 25, 2012 by voice vote.

**ACT NO. 69-2012** by Ms. Edstrom and Mrs. Stockman  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
APRIA HEALTHCARE GROUP, INC. AND  
CORAM HEALTHCARE CORPORATION OF GREATER NEW YORK FOR  
HEALTH DEPARTMENT HOME CARE IV THERAPY SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 294-2010 authorized a contract with Apria Healthcare Group, Inc., 26220 Enterprise Court, Lake Forest, California 92630, through Coram Specialty Infusion Services, 375

North French Road, Suite 108, Amherst, New York 14228, for the provision of home care IV therapy services, the term of which expired December 31, 2011, and

WHEREAS, the County Health Department can provide the aforementioned home care IV therapy services for Apria Healthcare Group's clients, and its subsidiary Coram Healthcare Corporation of Greater New York's clients, for an amount as follows:

\$135.00 per two-hour session

\$65.00 per hour after initial two-hour session,

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 Apria Healthcare Group, Inc., and Coram Healthcare Corporation of Greater New York, for the provision of the above-described services, for a term commencing January 1, 2012 to continue in full force and effect at the same rates until terminated by either party, 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.

Adopted January 25, 2012 by voice vote.

**ACT NO. 70-2012** by Mr. Marsh  
who asks immediate consideration

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

Pursuant to Section 450 of the County Law.

WHEREAS, Act 93-2011 authorized the Chair to execute contracts with various entities for interpreter services for deaf clients, the terms of which expired December 31, 2011, and

WHEREAS, contracts are needed with various entities for the provision of interpreter services for deaf clients at a rate \$25.00 per hour plus mileage at the current mileage rate in effect at the time services are provided, and

WHEREAS, sufficient funds are included in the 2012 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with various entities, for the provision of the above-described services, for a term commencing January 1, 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.

Adopted January 25, 2012 by voice vote.

**ACT NO. 71-2012** by Mr. Felton and Ms. Vickman  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH  
THE REHABILITATION CENTER, INC. FOR MANAGEMENT AND  
OPERATION OF LINWOOD CENTER ADULT DAY SERVICES**

Pursuant to Older Americans Act Title III-E and  
Section 450 of the County Law.

WHEREAS, Act 63-2011 authorized a contract with The Rehabilitation Center, Inc., 1439 Buffalo Street, Olean, New York 14760, for the operation of the Linwood Center adult day services, the term of which expires January 31, 2012, and

WHEREAS, the Department of the Aging is desirous of extending the aforementioned contract to March 31, 2012, and

WHEREAS, The Rehabilitation Center, Inc., shall continue to be responsible for the management of staff, program and activities of the Linwood Center, for an amount of \$29,000.00 per month, and

WHEREAS, The Rehabilitation Center, Inc. is responsible for coordinating, arranging for, and providing transportation for participants as necessary, and

WHEREAS, sufficient funds are included in the 2012 budget to cover the cost of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with The Rehabilitation Center, Inc., for the provision of the above-described services, for a term commencing January 31, 2012 and terminating March 31, 2012, according to the above-described terms.

Adopted January 25, 2012 by voice vote. Mrs. Labuhn and Mr. Padlo abstaining from vote.

**ACT NO. 72-2012** by Mr. Hale and Mr. Murphy  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
WILMAC COMPANY FOR SOFTWARE MAINTENANCE AND SUPPORT FOR  
SHERIFF'S OFFICE WORDNET SERIES 3 VOICE RECORDER**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 485-2004 authorized the Sheriff's Office to purchase a 911 System Digital Logging Wordnet Series 3 Voice Recorder, and

WHEREAS, Act 511-2007 authorized the Sheriff's Office to purchase annual preventative maintenance for an amount of \$12,595.00 per year, and

WHEREAS, the Sheriff's Office is desirous of continuing the annual preventative maintenance, and

WHEREAS, Wilmac Company, P.O. Box 14387, Rochester, New York 14614, has agreed to provide annual software maintenance and support for an amount as follows:

12/1/2011 through 11/30/2012	\$30,303.00
12/1/2012 through 11/30/2013	\$30,909.00
12/1/2013 through 11/30/2014	\$31,529.00
12/1/2014 through 11/30/2015	\$32,159.00
12/1/2015 through 11/30/2016	\$32,800.00,

and

WHEREAS, sufficient funds are included in the budget to cover the costs of the aforementioned costs, 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 Wilmac Company, for the provision of the above-described services, for a term commencing December 1, 2011 and terminating November 30, 2016, according to the above-described terms.

Adopted January 25, 2012 by voice vote.

**ACT NO. 73-2012** by Mr. Aiello and Mr. Weller  
who ask immediate consideration

**SALE OF TAX TITLE PROPERTY TO FORMER OWNER  
(Town of East Otto)**

Pursuant to Section 215 of the County Law and  
Rule 40 of the Rules of Order of the  
Cattaraugus County Legislature.

WHEREAS, Cattaraugus County has tax title to certain property situate in the Town of East Otto, as described below, and

WHEREAS, the former owner of the property has offered to purchase the same at a cost which will cover the County's financial involvement in these premises, and

WHEREAS, the costs involved for these premises have been tendered to the County Treasurer's Office, now, therefore, be it

RESOLVED, that the County Treasurer be, and hereby is, authorized and directed, on behalf of Cattaraugus County, to execute a County Treasurer's Deed conveying these properties to the following individuals:

**TOWN OF EAST OTTO**

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
80	37.011-1-10	Mark Mitchell, Sr. Mark Mitchell, Jr.	6771 Plato Rd. East Otto, NY 14729	\$ 9,081.65
81	37.011-1-46	Mark Mitchell, Sr. Mark Mitchell, Jr.	6771 Plato Rd. East Otto, NY 14729	\$19,392.03

Adopted January 25, 2012 by voice vote.

**ACT NO. 74-2012** by Mr. Hale, Mr. Marsh and Mr. Murphy  
*and Mr. Aiello, Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Klancer, Mr. Snyder, Jr.,  
Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Ms. Vickman,  
Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson, Mr. Padlo and Mr. Sprague*<sup>1</sup>  
who ask immediate consideration

**CREATING FOUR POSITIONS OF DEPUTY SHERIFF IN SHERIFF'S OFFICE AND  
ESTABLISHING COMPENSATION FOR SAME**

Pursuant to Sections 204 and 205 of the County Law and  
Section 22 of the Civil Service Law.

WHEREAS, the Sheriff's Office is desirous of entering into a contract with the Seneca Nation of Indians to provide additional staff and resources for the purposes of combating growing substance abuse problems, and

WHEREAS, it is the intent of the parties that the Sheriff provide four (4) additional Deputy Sheriff positions to assist in thwarting and curtailing drug related problems on lands owned and controlled by the Seneca Nation of Indians, and

WHEREAS, the Seneca Nation of Indians will provide funding for these additional Deputy Sheriff positions in terms of wages, benefit costs and supplies at no cost to the County, and

WHEREAS, the New Position Duties Statement has been submitted to the Cattaraugus County Civil Service Commission, which has approved and certified the titles as Deputy Sheriff in accordance with Section 22 of the Civil Service Law, now, therefore, be it

RESOLVED, that effective immediately, there are hereby created four (4) positions of Deputy Sheriff to be compensated at Grade 23 (\$19.03 – \$23.06 per hour), Sheriff's Department Deputy Unit, and be it further

RESOLVED, that upon termination or reduction in funding for these positions by the Seneca Nation of Indians, then the positions shall be automatically abolished.

<sup>1</sup> The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Klancer, Mr. Snyder, Jr., Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Ms. Vickman, Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson, Mr. Padlo and Mr. Sprague".

Adopted January 25, 2012 by voice vote. Mr. Snyder abstaining from vote.

**ACT NO. 75-2012** by Mr. Hale, Mr. Marsh and Mr. Murphy  
*and Mr. Aiello, Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Klancer, Mr. Snyder, Jr.,  
Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Ms. Vickman,  
Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson, Mr. Padlo and Mr. Sprague*<sup>1</sup>  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
SENECA NATION OF INDIANS FOR DRUG INTERDICTION ACTIVITIES AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Sheriff's Office)**

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



WHEREAS, the Seneca Nation of Indians has requested assistance from the Cattaraugus County Sheriff's Office to combat the growing drug and alcohol abuse problems within the Seneca Nation's Allegany and Cattaraugus Territories, and

WHEREAS, the County Sheriff's Office will utilize \$1,000,000.00, to be received in quarterly installments from the Seneca Nation of Indians to enhance the drug interdiction efforts focused on the Allegany and Cattaraugus Territories of the Seneca Nation of Indians, and

WHEREAS, the aforementioned initiative supports preventative, proactive law enforcement to target and deter criminal activity within the Seneca Nation Territories, and

WHEREAS, the aforementioned initiative further provides for the assignment of school resource officers to the Salamanca and Gowanda School Districts to encourage youths not to abuse drugs or alcohol, and to promote living a safe, law abiding, successful life, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Seneca Nation of Indians, 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, and be it further

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

Increase Estimated Revenue Account:

A.311.3215.0000.2260.05	SNI Strategic Contract	\$422,657.00
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Increase Appropriation Accounts:

A.311.3215.0000.11000	Full-Time Wages	\$199,347.00
A.311.3215.0000.13000	Overtime	\$ 2,000.00
A.311.3215.0000.14000	Pay-in-Lieu of Benefit Hours	\$ 1,000.00
A.311.3215.0000.20101	Vehicles	\$ 64,000.00
A.311.3215.0000.43001	Fleet Maintenance	\$ 10,000.00
A.311.3215.0000.45302	Automobile Expenses, Gas and Oil	\$ 4,000.00
A.311.3215.0000.46106	Training	\$ 500.00
A.311.3215.0000.46111	Uniforms and Personal Equipment	\$ 8,400.00
A.311.3215.0000.81000	FICA	\$ 15,480.00
A.311.3215.0000.82000	Retirement	\$ 58,995.00
A.311.3215.0000.83000	Health Insurance	\$ 58,451.00
A.311.3215.0000.84000	Dental Insurance	\$ 484.00.

<sup>1</sup> The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Klancer, Mr. Snyder, Jr., Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Ms. Vickman, Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson, Mr. Padlo and Mr. Sprague".

Adopted January 25, 2012 by voice vote. Mr. Snyder abstaining from vote.

**ACT NO. 76-2012** by Mr. Murphy  
*and Mr. Aiello, Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Klancer, Mr. Marsh,  
 Mr. Snyder, Jr., Mr. Snyder, Sr., Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer,  
 Ms. Vickman, Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson,  
 Mr. Padlo and Mr. Sprague<sup>1</sup>*  
 who ask immediate consideration

**TRANSFER OF FUNDS**  
**(Sheriff's Office – Snowmobile Law Enforcement)**

Pursuant to Sections 363 and 365 of the County Law.

WHEREAS, a transfer of funds is necessary for the 2012 Snowmobile Law Enforcement Program within the Sheriff's Office, now, therefore, be it

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

Increase Estimated Revenue Accounts:

A.311.3312.0000.3317	State Aid-Snowmobile Law Enforcement	\$2,790.00
A.901.1990.0000.40601	Balance from Contingency Fund	\$4,238.00

Increase Appropriation Accounts:

A.311.3312.0000.12000	Part-Time Wages	\$4,500.00
A.311.3312.0000.45304	Operations	\$1,080.00
A.311.3312.0000.81000	FICA	\$ 345.00
A.311.3312.0000.82000	Retirement	\$1,103.00.

<sup>1</sup> The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. Snyder, Jr., Mr. Snyder, Sr., Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Ms. Vickman, Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson, Mr. Padlo and Mr. Sprague".

Adopted January 25, 2012 by voice vote.

**ACT NO. 77-2012** by Ms. Edstrom and Mrs. Stockman  
 who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
 HEALTHCARE SOLUTIONS WNY, LLC FOR  
 DEPARTMENT OF COMMUNITY SERVICES BILLING AND ACCOUNTS  
 RECEIVABLE MANAGEMENT SERVICES**

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

WHEREAS, Act 756-2010 authorized a contract with Healthcare Solutions WNY, LLC, Apple Tree Business Park, 2875 Union Road, Suite 8, Cheektowaga, New York 14227, for the provision of the billing-related services for the Department of Community Services clinic operations, the term of which expired December 31, 2011, and

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

WHEREAS, Healthcare Solutions WNY, LLC, can provide billing and accounts receivable management services, including analysis, data entry and reporting of productivity statistics and managing the authorization-for-payment process, for a total amount not to exceed \$145,250.00, as follows:

<u>Service</u>	<u>Fees</u>
Billing and Accounts Receivable Management of <u>current</u> claims (from contract date with Healthcare Solutions WNY, LLC)	5.5% of cash receipts, including co-payments, co-insurance and deductibles. This will be converted to a per claim figure on the billing agreement.
Accounts Receivable Management of all <u>outstanding claims</u> (for dates of service prior to contract date)	8.0% of cash receipts, including co-payments, co-insurance and deductibles collected. This will remain a percentage of collections.,
Analysis, data entry and reporting of productivity statistics and managing the authorization-for-payment process for dates of service January 1, 2012 through September 30, 2012	\$1,250 monthly, January 2012 through September 2012,

and

WHEREAS, sufficient funds are included in the 2012 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 Healthcare Solutions WNY, 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.

Adopted January 25, 2012 by voice vote.

**ACT NO. 78-2012** by Ms. Edstrom and Mrs. Stockman  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
INNOVATIVE ART THERAPY FOR  
DEPARTMENT OF COMMUNITY SERVICES ART THERAPY SERVICES**

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

WHEREAS, the Department of Community Services is desirous of providing art therapy services for its clients, and

WHEREAS, Innovative Art Therapy, 722 East State Street, Olean, New York 14760, can provide a maximum of 100 hours of art therapy services for an amount of \$60.00 per hour not to exceed \$6,000.00, to be paid on a monthly basis, as invoiced, 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 Innovative Art Therapy, for the provision of the above-described services, for a term commencing January 25, 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.

Adopted January 25, 2012 by voice vote.

**ACT NO. 79-2012** by Ms. Edstrom and Mrs. Stockman  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COMMUNITY ACTION, INC. FOR  
DEPARTMENT OF COMMUNITY SERVICES  
ON-CALL SOCIAL WORKER/MENTAL HEALTH THERAPIST**

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

WHEREAS, Act 733-2010 authorized a contract with Cattaraugus Community Action, Inc., for the provision of on-call social worker/mental health therapist services for the Department of Community Services Mental Health Clinic, the term of which expired December 31, 2011, and

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

WHEREAS, Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, can provide three (3) clinicians for the provision of on-call social worker/mental health therapist services for the Mental Health Clinic for an amount of \$8,625.00, to be paid on a monthly basis, as invoiced, and

WHEREAS, the aforementioned clinicians will each be on-call 6.5 weeks for the period January 1, 2012 through September 30, 2012, and work on a rotation basis, and

WHEREAS, sufficient funds are included in the 2012 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 Cattaraugus Community Action, Inc., for the provision of the above-described services, for a term commencing January 1, 2012 and terminating September 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.

Adopted January 25, 2012 by voice vote.

**ACT NO. 80-2012** by Ms. Edstrom and Mrs. Stockman  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
NEW YORK STATE OFFICE OF MENTAL HEALTH FOR  
DEPARTMENT OF COMMUNITY SERVICES EARLY RECOGNITION SERVICES AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE 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 479-2011 authorized the Chairman to apply for funding through the New York State Office of Mental Health for the provision of early recognition services, which are necessary to identify mental health concerns among the youth population in Cattaraugus County, provide screenings and engage youth in Mental Health clinical services, and

WHEREAS, the Department of Community Services has been awarded funding in the amount of \$104,492.00 to cover the cost of an Early Recognition Specialist and related supervision and administrative costs, and

WHEREAS, a contract is necessary with the New York State Office of Mental Health in order to accept the aforementioned grant funding, and

WHEREAS, this program is 100% state funded, 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 Office of Mental Health, in order to accept the aforementioned funding, 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, and be it further

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

**Increase Estimated Revenue Accounts:**

A.431.4310.1590.3490.046N	State Aid, OMH C&F Community Support Programs	\$ 9,121.00
A.431.4331.1590.3490.046N	State Aid, OMH C&F Community Support Programs	\$95,371.00

**Decrease Appropriation Accounts:**

A.431.4310.2100.11000	Full Time Wages	\$ 3,694.00
A.431.4310.2100.81000	FICA	\$ 282.00
A.431.4310.2100.82000	Retirement	\$ 648.00
A.431.4310.2100.84000	Dental Insurance	\$ 7.00
A.431.4331.2100.11000	Full Time Wages	\$39,710.00
A.431.4331.2100.41229	Social Worker Contracted	\$15,271.00
A.431.4331.2100.81000	FICA	\$ 762.00

A.431.4331.2100.82000	Retirement	\$ 1,783.00
A.431.4331.2100.83000	Health Insurance	\$17,694.00
A.431.4331.2100.84000	Dental Insurance	\$ 151.00
A.431.4334.0870.11000	Full Time Wages	\$ 2,947.00
A.431.4334.0870.81000	FICA	\$ 224.00
A.431.4334.0870.82000	Retirement	\$ 515.00
A.431.4334.0870.83000	Health Insurance	\$ 797.00
A.431.4334.0870.84000	Dental Insurance	\$ 7.00

Decrease Estimated Revenue Accounts:

A.431.4331.2100.1620.02	Mental Health Fees: Medicaid	\$14,955.00
A.431.4331.2100.1620.03	Mental Health Fees: Third Party Insurances	\$42,584.00
A.431.4331.2100.1620.04	Mental Health Fees: Private Pay	\$ 845.00
A.431.4331.2100.1620.06	Mental Health Fees: Medicaid Supplement	\$25,770.00
A.431.4331.2100.1620.07	Mental Health Fees: CSP	\$ 338.00

Increase Appropriation Accounts:

A.431.4310.1590.11000	Full Time Wages	\$ 6,641.00
A.431.4310.1590.81000	FICA	\$ 506.00
A.431.4310.1590.82000	Retirement	\$ 1,163.00
A.431.4310.1590.83000	Health Insurance	\$ 797.00
A.431.4310.1590.84000	Dental Insurance	\$ 14.00
A.431.4331.1590.11000	Full Time Wages	\$ 9,962.00
A.431.4331.1590.41229	Social Worker Contracted	\$61,091.00
A.431.4331.1590.46102	Employee Mileage	\$ 250.00
A.431.4331.1590.47001	Postage	\$ 500.00
A.431.4331.1590.47006	Operating Supplies	\$ 8,375.00
A.431.4331.1590.47021	Assessment Tools	\$ 1,500.00
A.431.4331.1590.48001	Advertising/PSA	\$ 9,375.00
A.431.4331.1590.81000	FICA	\$ 762.00
A.431.4331.1590.82000	Retirement	\$ 1,783.00
A.431.4331.1590.83000	Health Insurance	\$ 1,753.00
A.431.4331.1590.84000	Dental Insurance	\$ 20.00.

Adopted January 25, 2012 by voice vote.

**ACT NO. 81-2012** by Ms. Edstrom and Mrs. Stockman  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE RENTAL AGREEMENT WITH  
COMMUNITY BANK, N.A. FOR  
DEPARTMENT OF COMMUNITY SERVICES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 364-2005 authorized the Chair to execute a lease agreement with Community Bank, N.A., for space used by the County Department of Community Services, the term of which expired October 31, 2011, and

WHEREAS, the County Department of Community Services is desirous of renting space located in the first floor and basement of 97 Main Street, Salamanca, New York, on a month-to-month basis, and

WHEREAS, Community Bank, N.A., 5790 Widewaters Parkway, DeWitt, New York 13214, has agreed to rent 3,000 square feet of space for the Community Services Department, located in the first floor and basement of 97 Main Street, Salamanca, New York, at monthly rate of \$2,625.00, and

WHEREAS, such rental agreement shall be terminated upon thirty (30) days notice, now, therefore, be it

RESOLVED, that, effective November 1, 2011, the Director of Community Services be, and hereby is authorized, on behalf of Cattaraugus County, to rent the space located in the first floor and basement of 97 Main Street, Salamanca, New York, from Community Bank, N.A., on a month-to-month basis until terminated, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a rental agreement, on behalf of Cattaraugus County, with Community Bank, N.A., for the rental of the above-described space, for a term commencing November 1, 2011 to continue on a month-to-month basis until terminated.

Adopted January 25, 2012 by voice vote.

MR. FELTON moved, seconded by Mr. Murphy to adjourn until February 8, 2012 at 3:00 p.m. Carried.

Meeting adjourned at 3:48 p.m.

Ann M. Giglio  
Journal Clerk