



March 14, 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. VanRensselaer.

MR. TEACHMAN moved, seconded by Ms. Edstrom that the minutes of the February 22, 2012 session be approved. Carried.

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**COMMUNICATIONS:**

Assembly Member Giglio: Letter acknowledging receipt of Act No. 115-2012; copy of Assembly Bill A.9286 regarding the Allegheny Reservoir and Cattaraugus Creek to the definition of “inland waterways”; and copy of Assembly Bill A.9490 regarding extending the County’s mortgage recording tax.

Allegheny County Board of Legislators: Copy of its Resolution No. 44-12 entitled, “Resolution to Governor Cuomo and the New York State Legislature to Request Advancing Funding and Expediting Completion of Projects in Broome, Delaware, Sullivan and Orange Counties, and Placing Signage Recognizing the Designation of the Daniel Patrick Moynihan Interstate Highway 86”.

Essex County Board of Supervisors: Copy of its Resolution No. 73 entitled, “Resolution Calling on all Counties to Unite to Bring About Real and Meaningful Mandate Relief in New York State”.

Inter-County Legislative Committee of the Adirondacks: Copy of its Resolution No. 2 of 2012 entitled, “Resolution Calling on all Counties to Unite to Bring About Real and Meaningful Mandate Relief in New York State”.

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MR. MARSH granted privilege of the floor to Mrs. Crystal Abers, Director of Economic Development, Planning and Tourism, who introduced Ralph Vinciguerra from the Defense Contract Management Agency. Mr. Vinciguerra presented a check in the amount of \$121,025 to Chairman Marsh for the PTAC program. PTAC begins its 25<sup>th</sup> year of operation in Cattaraugus County.

MR. MARSH granted privilege of the floor to Mr. Snyder, Sr., who introduced Richard Nephew, Seneca Nation of Indians Council President, and Darlene Miller, Seneca Nation of Indians Council Member, who were present at the meeting. Mr. Nephew spoke regarding the need for New York State to honor the exclusivity zone of the Seneca Nation of Indians. He thanked the Legislature for its support in this matter.

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**ACT NO. 116-2012** by Mr. Aiello and Mr. Weller  
*and Ms. Edstrom<sup>1</sup>*

**BID ACCEPTANCE FOR DEMOLITION AND REMOVAL OF HOUSE  
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and  
Section 215 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the demolition and removal of a house located at 719 South Union Street in the City of Olean, New York, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications for the demolition and removal of the aforementioned house was the bid of H. H. Rauh Contracting Co., LLC, in the amount of \$7,450.00, to be paid as invoiced, 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 bid of H. H. Rauh Contracting Co., LLC, be, and the same hereby is, accepted, for a term commencing upon the Notice to Proceed and terminating 60 days thereafter, and be it further

RESOLVED, that vouchers submitted in accordance with the provisions of the General Municipal Law §106-b and certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Thirteen sets of specifications were sent out.

Three bids were received that meet specifications.

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

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

Adopted March 14, 2012 by voice vote.

**ACT NO. 117-2012** by Mr. Aiello and Mr. Weller

**BID ACCEPTANCE FOR FIVE POINTS LANDFILL IMPROVEMENT PROJECT  
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and  
Section 215 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the general construction and electrical portion of the Five Points Landfill Improvement Project, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications for the general construction portion of the project was the bid of Blue Heron Construction, 9293 Bonta Bridge Road, Jordan, New York 13080, in the amount of \$763,000.00, to be paid as invoiced, and

WHEREAS, the lowest responsible bid received meeting specifications for the electrical portion of the project was the bid of BECC Electric, 1007 Central Avenue, Dunkirk, New York 14048, in the amount of \$214,000.00, to be paid as invoiced, 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 bid of Blue Heron Construction be, and the same hereby is, accepted, for a term commencing upon the Notice to Proceed and terminating 240 days thereafter, and be it further

RESOLVED, that the bid of BECC Electric be, and the same hereby is, accepted, for a term commencing upon the Notice to Proceed and terminating 240 days thereafter, and be it further

RESOLVED, that vouchers submitted in accordance with the provisions of the General Municipal Law §106-b and certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

General Construction:

No State Bid.

Twenty-Two sets of specifications were sent out.

Four bids were received.

Electrical Portion:

No State Bid.

Twenty-Two sets of specifications were sent out.

Three bids were received.

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

Adopted March 14, 2012 by voice vote.

**ACT NO. 118-2012** by Mr. Aiello and Mr. Weller

**BID ACCEPTANCE FOR EMERGENCY STREAMBANK RESTORATION  
(Department of Public Works)**

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

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

WHEREAS, the lowest bid received meeting specifications for the following five (5) sites was the bid of D & H Excavating, Inc., 11939 Route 98 South, Arcade, New York 14009, in the amount of \$53,565.00, as follows, to be paid as invoiced:

Ashford Bridge No. 30	\$ 1,250.00
Freedom Bridge No. 19	\$14,200.00
Freedom Bridge No. 24	\$ 9,475.00
Freedom Bridge No. 25	\$13,740.00
Freedom Bridge No. 27	\$14,900.00

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 bid of D & H Excavating, Inc., be, and the same hereby is, accepted, and be it further

RESOLVED, that vouchers submitted in accordance with the provisions of the General Municipal Law §106-b and certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

No State bid.  
Seventeen sets of specifications were sent out.  
Nine bids were received.

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

Adopted March 14, 2012 by voice vote.

**ACT NO. 119-2012** by Mr. Aiello and Mr. Weller  
*and Ms. Edstrom, Mr. Teachman, Mr. Lamberson and Mr. Padlo<sup>1</sup>*

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING  
THROUGH NEW YORK STATE DEPARTMENT OF STATE FOR  
2011-2012 LOCAL GOVERNMENT EFFICIENCY GRANT PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, funding is available through the New York State Department of State for the 2011-2012 Local Government Efficiency Grant Program, and

WHEREAS, the Local Government Efficiency (LGE) program provides financial and technical assistance to local governments to implement projects that produce positive taxpayer impacts, and

WHEREAS, the goal of the Local Government Efficiency (LGE) Grant program is to reduce municipal expenses and property taxes by helping local government entities plan for and implement new service delivery efficiencies, and

WHEREAS, the County Department of Public Works is desirous of applying for the aforementioned funding, 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 Department of State, in order to apply for the Local Government Efficiency Grant, in accordance with the above-described terms.

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

<sup>1</sup> The following Legislators requested their names be listed as additional sponsors: “Ms. Edstrom, Mr. Teachman, Mr. Lamberson and Mr. Padlo”.

Adopted March 14, 2012 by voice vote.

**ACT NO. 120-2012** by Ms. Vickman  
*and Mr. Aiello, Mr. Felton, Mr. Snyder, Jr., Mrs. Stockman and Mr. Sprague<sup>1</sup>*

**SALE OF TAX TITLE PROPERTY TO TOWN OF MACHIAS,  
WAIVING RULE 40 OF THE RULES OF ORDER**

Pursuant to Sections 215 and 450 of the County Law, Rule 33 of the  
Rules of Order of the Cattaraugus County Legislature, and

## Section 72-h of the General Municipal Law.

WHEREAS, Cattaraugus County has tax title to certain property in the Town of Machias described as follows:

Parcel 194: being part of Lot 06, Town 05, Range 05, about 52.00 x 200.00, Acct. No. 0184, TM #31.001-1-37, 3165 Beamer Road, Machias, and

WHEREAS, the Town of Machias is desirous of installing a sewer collection system in the Lime Lake vicinity and is in need of the above-described property for the location of a lift station, and

WHEREAS, The Pines Healthcare and Rehabilitation Center in Machias will be a sewer district customer, thereby relieving most of the ongoing maintenance burden of its private waste collection system, and

WHEREAS, substantial improvement in the environmental health and condition of Lime Lake will be effected once the district collection system is in operation, and

WHEREAS, the Town of Machias has offered to purchase the property for \$1.00, and

WHEREAS, it is in the best interest of the County to convey the aforementioned property to the Town of Machias, and

WHEREAS, that amount has been tendered by the Town of Machias to the County Treasurer, now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized to convey the aforementioned parcel to the Town of Machias by the issuance of a County Treasurer's Deed, and be it further

RESOLVED, that Rule 40 of the Rules of Order of the Cattaraugus County Legislature is hereby waived for this sale.

Approved by 9 members of the Finance Committee and 6 members of the County Operations Committee.

<sup>1</sup> The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Mr. Felton, Mr. Snyder, Jr., Mrs. Stockman and Mr. Sprague".

Adopted March 14, 2012 by voice vote.

**ACT NO. 121-2012** by Mr. VanRensselaer and Mr. Boser  
*and Mr. Murphy<sup>1</sup>*

**AUTHORIZING PUBLIC HEARING ON REQUESTS FOR INCLUSION  
INTO A CERTIFIED AGRICULTURAL DISTRICT OF AGRICULTURAL PARCELS  
SUBMITTED DURING THE 2012 THIRTY-DAY INCLUSION PERIOD**

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

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

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

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

WHEREAS, parcels requesting inclusion are located in the existing Northwest, South Branch, and Southeast and Central Agricultural Districts, and the Towns of Dayton (Tax Map No. 25.002-1-23.3), New Albion (Tax Map No. 44.003-2-28.1) and Portville (Tax Map No. 113.002-2-18), and

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

RESOLVED, that the Cattaraugus County Legislature hereby authorizes a public hearing on the inclusion into a certified agricultural district of agricultural parcels submitted during the 2012 thirty-day inclusion period, to be held at the Cattaraugus County Legislature's Chambers, 303 Court Street, Little Valley, New York, on the 28th day of March, 2012 at 3:01 p.m., and be it further

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

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

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

Adopted March 14, 2012 by voice vote.

**ACT NO. 122-2012** by Mr. Felton and Ms. Vickman

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH  
AFFINITY REHABILITATION, LLP C/O HEALTHPRO MANAGEMENT SERVICES, LLC  
FOR DEPARTMENT OF NURSING HOMES PROFESSIONAL THERAPY SERVICES**

Pursuant to 10 NYCRR Part 415.16 and  
Section 450 of the County Law.

WHEREAS, Act 444-2010, as amended by Act 536-2010, authorized a contract with Affinity Rehabilitation, LLP, c/o HealthPRO Management Services, LLC, 10600 York Road, Suite 105, Cockeysville, Maryland 21030, for the provision of professional occupational therapy, physical therapy and speech/language pathology services for The Pines Healthcare & Rehabilitation Center-Olean and Machias Campuses, and

WHEREAS, it is necessary to amend the aforementioned contract to provide that HealthPRO shall utilize a County-employed Certified Occupational Therapy Assistant (COTA) to provide COTA services, and shall provide a credit to the County on its monthly billing reimbursing the County for five (5) hours per day of the Certified Occupational Therapy Assistant's costs incurred at both the Olean location and the Machias location, and

WHEREAS, in the event HealthPRO utilizes the County-employed COTA for any hours over the aforementioned five (5) hours daily for the Affinity HealthPRO program, then HealthPRO shall provide a credit to the County on its monthly billing, and

WHEREAS, the hourly rate of the COTA shall include fringe benefits, 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 Affinity Rehabilitation, LLP, c/o

HealthPRO Management Services, LLC, for the provision of the above-described services, for a term commencing April 1, 2012 and terminating October 31, 2016, according to the above-described terms.

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

Adopted March 14, 2012 by voice vote.

**ACT NO. 123-2012** by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING COUNTY ADMINISTRATOR TO  
EXECUTE CONTRACT WITH  
DOYLE SECURITY SYSTEMS, INC. FOR  
PERSONAL EMERGENCY RESPONSE UNITS MONITORING  
SERVICES FOR DEPARTMENTS OF  
HEALTH, AGING AND SOCIAL SERVICES**

Pursuant to Section 95-a of the General Municipal Law and  
Act 290-2011 of the Cattaraugus County Legislature.

WHEREAS, Act 647-2010 authorized a contract with VNA Homecare Services, Inc., for the provision of various services to the County Departments of Health, Aging and Social Services, the term of which expired December 31, 2011, and

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

WHEREAS, Doyle Security Systems, Inc., 792 Calkins Road, Rochester, New York 14623, has agreed to provide services to the County Departments of Health, Aging and Social Services, as follows:

<u>Category of Service</u>	<u>2012 Rate</u>
<u>HEALTH DEPARTMENT</u>	
PERS Monitoring	\$18/month/unit
Electronic Medication Monitoring	\$49/month/unit
<u>SOCIAL SERVICES</u>	
PERS Monitoring	\$18/month/unit
Electronic Medication Monitoring	\$49/month/unit
<u>DEPARTMENT OF AGING</u>	
PERS Monitoring (Expanded In-Home Services for the Elderly Program),	\$15/month/unit

and

WHEREAS, this program is 75% state and 25% county funded for the Department of Aging's portion of expenses, 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 County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Doyle Security Systems, 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, 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 9 members of the Finance Committee, 6 members of the Human Services Committee and 6 members of the Senior Services Committee.

Adopted March 14, 2012 by voice vote.

**ACT NO. 124-2012** by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
RONALD JOHNSON D/B/A UNDERWOOD MANOR FOR  
DEPARTMENT OF HEALTH IN-HOME NURSING AND THERAPY SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 653-2010 authorized a contract with Ronald Johnson d/b/a Underwood Manor, 4460 Union Hill Road, Hinsdale, New York 14743, for provision of in-home nursing and therapy services for its assisted living program residents, the term of which expired December 31, 2011, and

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

WHEREAS, Ronald Johnson d/b/a Underwood Manor, 4460 Union Hill Road, Hinsdale, New York 14743, has requested the Department of Health to continue the provision of the aforementioned services, and

WHEREAS, the County Department of Health, through its Home Health Care Program can provide in-home nursing and therapy services for the residents of the Underwood Manor assisted living program, at the following rates:

Skilled Nursing	\$135.00 per visit
Physical Therapy	\$110.00 per visit
Occupational Therapy	\$110.00 per visit
PRI/State Required Nursing Assessment	\$135.00 per assessment,

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 Ronald Johnson d/b/a Underwood Manor, 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 9 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted March 14, 2012 by voice vote.

**ACT NO. 125-2012** by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE 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, as amended by Act 518-2011, 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 December 31, 2011, and

WHEREAS, the New York State Health Department has awarded the County Health Department a grant in the amount of \$273,317.00 for the period January 1, 2012 through December 31, 2012, 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 the New York State Department of Health for the provision of a Family Planning Program in Cattaraugus County, 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 9 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted March 14, 2012 by voice vote.

**ACT NO. 126-2012** by Mrs. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
HEALTHY COMMUNITY ALLIANCE, INC. FOR  
MEDICAID MANAGED CARE RECRUITMENT SPECIALIST AND  
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS  
(Department of Social Services)**

Pursuant to 42 CFR Section 435, Section 363 of  
the Social Services Law and Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 166-2011 authorized a contract with Healthy Community Alliance, Inc., One School Street, Gowanda, New York 14070, for the provision of education, support and outreach services to clients, agency personnel and providers of the Medicaid Managed Care Program, the term of which expires March 31, 2012, and

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

WHEREAS, Healthy Community Alliance, Inc., has agreed to provide the aforementioned services for an amount not to exceed \$49,522.00, which shall be paid in monthly installments, as invoiced, and

WHEREAS, this program is 50% federally funded, 25% state funded through the New York State Department of Health and 25% County funded, 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 a contract, on behalf of Cattaraugus County, with Healthy Community Alliance, Inc., for the provision of the above-described services, for a term commencing April 1, 2012 and terminating March 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, and be it further

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

Decrease Appropriation Account:

A.601.6010.0004.41233	Professional Services	\$4,522.00
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Increase Appropriation Account:

A.601.6010.0004.41014	Medicaid Managed Care	\$4,522.00.
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Approved by 9 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted March 14, 2012 by voice vote.

**ACT NO. 127-2012** by Mr. Murphy  
and Mr. Aiello and Ms. Vickman<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
SAM ASHER COMPUTING SERVICES, INC. FOR  
SHERIFF'S OFFICE HYPER-REACH SYSTEM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 80-2009 authorized a contract with Sam Asher Computing Services, Inc., 3300 Monroe Avenue, Suite 317, Rochester, New York 14618, for the provision of the Hyper-Reach notification system in the Sheriff's Office, for a three year period terminating February 28, 2012, and

WHEREAS, Hyper-Reach notification system enables the County to instantly send voice messages to any number of recipients at the same time, advising of an emergency of any nature, and

WHEREAS, the cost to access the Hyper-Reach notification system has increased and a new contract is necessary, and

WHEREAS, the Sheriff's Office is desirous of continuing the aforementioned Hyper-Reach notification system, and

WHEREAS, Sam Asher Computing Services, Inc., can provide access to the Hyper-Reach notification system for an amount not to exceed \$32,400.00 for the account management fee, plus an amount of \$.10 per minute of usage, for a three year period commencing March 1, 2012, as follows:

3/1/2012 to 2/28/2013	\$10,800.00
3/1/2013 to 2/28/2014	\$10,800.00
3/1/2014 to 2/28/2015	\$10,800.00,

and

WHEREAS, the funding for the above-described system is provided through state 911 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 Sam Asher Computing Services, Inc., for the provision of the above-described services, for a term commencing March 1, 2012 and terminating February 28, 2015, according to the above-described terms.

Approved by 9 members of the Finance Committee and 7 members of the Public Safety Committee.

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

Adopted March 14, 2012 by voice vote.

**ACT NO. 128-2012** by Mr. Murphy  
and Mr. Aiello, Ms. Vickman and Mr. Koch<sup>1</sup>

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS FOR  
CHILD SAFETY SEAT PROGRAM FUNDING  
(Sheriff's Office)**

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

WHEREAS, Act 111-2011 authorized the Chairman to apply for funding through the New York State Governor's Traffic Safety Committee for a Traffic Safety Enforcement Program for the 2011 program year, and

WHEREAS, funding in the amount of \$20,000.00 has been received through the New York State Governor's Traffic Safety Committee for the Child Safety Seat Program component of the Traffic Safety Partnership Program, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned funding, now, therefore, be it

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

Increase Estimated Revenue Account:

A.311.3324.3325.3389.10	Child Passenger Safety Seat Program	\$20,000.00
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Increase Appropriation Accounts:

A.311.3324.3325.47006	Operating Supplies	\$ 4,000.00
A.311.3324.3325.47026	Child Restraint Seats	\$16,000.00.

Approved by 9 members of the Finance Committee and 7 members of the Public Safety Committee.

<sup>1</sup> The following Legislators requested their names be listed as additional sponsors: “Mr. Aiello, Ms. Vickman and Mr. Koch”.

Adopted March 14, 2012 by voice vote.

**ACT NO. 129-2012** by Mr. Murphy  
and Mr. Aiello and Ms. Vickman<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH  
NYS OFFICE OF HOMELAND SECURITY AND EMERGENCY SERVICES FOR  
EXPLOSIVE DETECTION CANINE TEAM GRANT**

Pursuant to Section 450 of the County Law.

WHEREAS, up to \$50,000 in federal funding is available through the New York State Office of Homeland Security for the Explosive Detection Canine Team grant, and

WHEREAS, the primary objectives of this grant are:

- the advancement of explosive detection canine team capabilities;
- the certification of explosive detection canine teams and compliance with annual re-certification requirements;
- promotion of regional partnerships in the development of mutual explosive detection canine team capabilities,

and

WHEREAS, the County should apply for the aforementioned grant through the New York State Office of Homeland Security and Emergency Services, 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 Office of Homeland Security and Emergency Services, in order to apply for the aforementioned funding, according to the above-described terms.

Approved by 9 members of the Finance Committee and 7 members of the Public Safety Committee.

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

Adopted March 14, 2012 by voice vote.

**ACT NO. 130-2012** by Mr. Murphy  
and Mr. Aiello, Mr. Teachman, Ms. Vickman, Mr. Koch and Mr. Padlo<sup>1</sup>

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS FOR  
SENECA NATION OF INDIANS DRUG INTERDICTION ACTIVITIES  
(Sheriff's Office)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, Act 75-2012 authorized the Chair to execute a contract with the Seneca Nation of Indians for the provision of drug interdiction activities within the Seneca Nation's Allegany and Cattaraugus Territories, the term of which expires December 31, 2014, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to reflect a modification in the terms, now, therefore, be it

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

Decrease Estimated Revenue Account:

A.311.3215.0000.2260.05	Strategic Contract	\$ 19,688.00
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Decrease Appropriation Accounts:

A.311.3215.0000.11000	Full Time Wages	\$124,592.00
A.311.3215.0000.20101	Vehicles	\$ 30,000.00
A.311.3215.0000.43001	Fleet Maintenance	\$ 1,750.00
A.311.3215.0000.45302	Automobile Expenses, Gas and Oil	\$ 4,000.00
A.311.3215.0000.46106	Training	\$ 100.00
A.311.3215.0000.46111	Uniforms and Personal Equipment	\$ 4,100.00
A.311.3215.0000.81000	FICA	\$ 9,608.00
A.311.3215.0000.82000	Retirement	\$ 36,506.00
A.311.3215.0000.83000	Health Insurance	\$ 34,539.00
A.311.3215.0000.84000	Dental Insurance	\$ 286.00

Increase Appropriation Accounts:

A.311.3215.0000.13000	Overtime	\$ 9,250.00
A.311.3215.0000.14000	Pay-In-Lieu of Benefit Time	\$ 1,000.00
A.311.3215.0000.20120	Radio Equipment	\$ 6,720.00
A.311.3215.0000.43004	Insurance Shared Service	\$ 1,500.00
A.311.3215.0000.45202	Equipment Repair and Maintenance	\$ 400.00
A.311.3215.0000.45401	Small Equipment/Tools	\$ 6,200.00
A.311.3215.0000.46108	Cellular Phone Charges	\$ 900.00
A.311.3215.0000.85000	Workers Compensation	\$ 2,456.00
A.311.3215.3221.11000	Full Time Wages	\$ 35,973.00
A.311.3215.3221.13000	Overtime	\$ 5,625.00
A.311.3215.3221.14000	Pay-In-Lieu of Benefit Time	\$ 1,000.00
A.311.3215.3221.20101	Vehicles	\$ 17,000.00
A.311.3215.3221.20120	Radio Equipment	\$ 3,360.00
A.311.3215.3221.43001	Fleet Maintenance	\$ 2,625.00
A.311.3215.3221.43004	Insurance Shared Service	\$ 750.00
A.311.3215.3221.45202	Equipment Repair and Maintenance	\$ 200.00
A.311.3215.3221.45401	Small Equipment/Tools	\$ 3,100.00
A.311.3215.3221.46106	Training	\$ 200.00

A.311.3215.3221.46108	Cellular Phone Charges	\$ 450.00
A.311.3215.3221.46111	Uniforms and Personal Equipment	\$ 1,500.00
A.311.3215.3221.81000	FICA	\$ 2,828.00
A.311.3215.3221.82000	Retirement	\$ 10,833.00
A.311.3215.3221.83000	Health Insurance	\$ 11,956.00
A.311.3215.3221.84000	Dental Insurance	\$ 99.00
A.311.3215.3221.85000	Workers Compensation	\$ 1,183.00
A.311.3215.3222.11000	Full Time Wages	\$ 35,974.00
A.311.3215.3222.13000	Overtime	\$ 5,625.00
A.311.3215.3222.14000	Pay-In-Lieu of Benefit Time	\$ 1,000.00
A.311.3215.3222.20101	Vehicles	\$ 17,000.00
A.311.3215.3222.20120	Radio Equipment	\$ 3,360.00
A.311.3215.3222.43001	Fleet Maintenance	\$ 2,625.00
A.311.3215.3222.43004	Insurance Shared Service	\$ 750.00
A.311.3215.3222.45202	Equipment Repair and Maintenance	\$ 200.00
A.311.3215.3222.45401	Small Equipment/Tools	\$ 3,100.00
A.311.3215.3222.46106	Training	\$ 200.00
A.311.3215.3222.46108	Cellular Phone Charges	\$ 450.00
A.311.3215.3222.46111	Uniforms and Personal Equipment	\$ 1,500.00
A.311.3215.3222.81000	FICA	\$ 2,829.00
A.311.3215.3222.82000	Retirement	\$ 10,834.00
A.311.3215.3222.83000	Health Insurance	\$ 11,956.00
A.311.3215.3222.84000	Dental Insurance	\$ 99.00
A.311.3215.3222.85000	Workers Compensation	\$ 1,183.00.

Approved by 9 members of the Finance Committee and 7 members of the Public Safety Committee.

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

Adopted March 14, 2012 by voice vote.

**ACT NO. 131-2012** by Mr. VanRensselaer and Mr. Boser  
*and Mr. Aiello Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Klancer,  
 Mr. Marsh, Mr. Murphy, Mr. Snyder, Jr., Mr. Snyder, Sr., Mrs. Stockman,  
 Mr. Teachman, Ms. Vickman, Mr. Weller, Mr. Koch, Mrs. Labuhn,  
 Mr. Lamberson, Mr. Padlo and Mr. Sprague<sup>1</sup>*

### **URGING NEW YORK STATE TO HONOR EXCLUSIVITY ZONE OF SENECA NATION OF INDIANS**

Pursuant to Section 153 of the County Law.

WHEREAS, Governor Cuomo has proposed the adoption and voter approval of a constitutional amendment to permit a "more comprehensive approach" to gambling in New York State, stating that "over \$1 billion of economic activity can be generated.", and

WHEREAS, the Seneca Nation of Indians, pursuant to its 2002 gaming compact with the State, has exclusive rights to operate casinos in Western New York, and

WHEREAS, the Nation presently operates three Class III gaming facilities, located in Salamanca, Niagara Falls and Buffalo and is one of the largest employers in the region, and

WHEREAS, Cattaraugus County has experienced significant economic growth and direct financial benefits from the Nation's gaming endeavors, and

WHEREAS, the Governor, by his proposal, does not guarantee that the Nation's exclusivity rights would be protected in any such legislation, and

WHEREAS, this Legislature does not oppose a constitutional amendment to permit Class III gaming in other regions of the State such as the Catskills and New York City, but fully supports the Nation's stance that its exclusivity zone cannot be violated, and

WHEREAS, any violation of the Nation's exclusivity rights by the State would have a devastating effect on the economy of the Nation, Cattaraugus County and all of Western New York, now, therefore be it

RESOLVED, that the Cattaraugus County Legislature hereby urges Governor Cuomo and the State Legislature to honor and protect the Nation's exclusivity zone and any existing exclusivity zones of other tribes in any future adoption or approval of legislation to authorize non-Indian owned Class III gaming in the State, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward copies of this resolution to Governor Cuomo, the President of the Seneca Nation of Indians, the members of the Seneca Nation Tribal Council, Senate Majority Leader Skelos, Assembly Speaker Silver, Senator Young, Assembly Member Giglio and the New York State Association of Counties.

Approved by 8 members of the Finance Committee and 4 members of the Development and Agriculture Committee.

<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. Murphy, Mr. Snyder, Jr., Mr. Snyder, Sr., Mrs. Stockman, Mr. Teachman, Ms. Vickman, Mr. Weller, Mr. Koch, Mrs. Labuhn, Mr. Lamberson, Mr. Padlo and Mr. Sprague".

Adopted March 14, 2012 by voice vote.

**ACT NO. 132-2012** by Mr. VanRensselaer

## **OPPOSING CHANGES IN THE LAW GOVERNING AGRICULTURAL YOUTH LABOR**

Pursuant to Section 153 of the County Law.

WHEREAS, the U.S. Department of Labor recently concluded the public comment period for the proposed regulations that would define restricted farm activities for workers under the age of 16, and

WHEREAS, in the proposed regulations, youth under 16 years of age would not be able to work on a farm not owned by the youth's parents and would restrict operations of certain equipment by those under the age of 16, including the operation of a tractor or a mower, even on their family farms, and

WHEREAS, the proposed regulations will also have an effect on those youth involved in FFA and 4-H programs, including those working with livestock, and

WHEREAS, agriculture in Cattaraugus County consists mostly of family farms which include youth who often begin working on a farm in young adulthood and who are trained in many aspects of farm knowledge and safety as they mature, and

WHEREAS, involvement in farm labor teaches young people a good work ethic and gives them skills they can utilize throughout their lives, regardless of the career path they choose, and



WHEREAS, restricting structure and family-led youth learning opportunities on farms could actually undermine the safety of those youths long-term, and

WHEREAS, the Department of Labor's proposal will limit youth employment opportunities on farms at a time when we should be encouraging more young people to go into farming, not prohibiting them from gaining valuable experience in agriculture, which is New York State's number one industry, and

WHEREAS, the Department of Labor intends to revise the rules governing agricultural youth labor, possibly curtailing the activities that youth may engage in on the farm at ages 14 and 15, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby supports the farmers of Cattaraugus County and opposes the U.S. Department of Labor's proposed changes in the rules governing agricultural youth labor that would eliminate personal growth opportunities for our youth, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby supports the adoption by Congress of Concurrent Resolution H.Con.Res.95.IH, entitled "Expressing the sense of Congress that the Secretary of Labor should recognize the unique circumstances of farm family youth workers when issuing regulations under the Fair Labor Standards Act relating to hired farm workers under the age of 16", and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a copy of this resolution to the U. S. Department of Labor, Secretary Hilda L. Solis, U.S. Senator Charles Schumer, U.S. Senator Kirsten Gillibrand, U.S. Congressman Thomas Reed, State Senator Young, State Assembly Member Giglio, American Farm Bureau President Bob Stallman, Cattaraugus County Farm Bureau President Charles Couture, New York Farm Bureau Area Field Supervisor Timothy Bigham, New York State Farm Bureau District 1 Director, Hal Kreher, New York State Association of Counties, and the Western New York Inter-County Association.

Approved by 9 members of the Finance Committee and 5 members of the Development and Agriculture Committee.

Adopted March 14, 2012 by voice vote.

**ACT NO. 133-2012** by Mr. Marsh  
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
MERCY FLIGHT, INC.**

Pursuant to Sections 224 (14) and 450 of the County Law and  
Section 122-b of the General Municipal Law.

WHEREAS, Act 26-2011 authorized a contract with Mercy Flight, Inc., for the provision of vital emergency transportation services to Western New York, the term of which expired December 31, 2011, and

WHEREAS, the 2012 County budget provides for the payment of \$7,650.00 to Mercy Flight, Inc., from Account No. A.454.4540.0000.42015 for these services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2012 with Mercy Flight, Inc., for a term commencing January 1, 2012 and terminating December 31, 2012, according to the above-described terms.

MR. KLANCER moved, seconded by Mr. Koch to waive Rule 12. Carried.

Adopted March 14, 2012 by voice vote.

**ACT NO. 134-2012** by Mr. Marsh  
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH SOUTHERN  
TIER HEALTH CARE SYSTEM, INC., FOR FLYCAR FUNDING**

Pursuant to Section 122-b of the General Municipal Law and  
Section 450 of the County Law.

WHEREAS, Act 27-2011 authorized a contract with Southern Tier Health Care System, Inc., 222 West State Street, Olean, New York 14760, for the Cattaraugus County Advanced Life Support (flycar) Program, the term of which expired December 31, 2011, and

WHEREAS, Southern Tier Health Care System, Inc., is a principal sponsor of the aforementioned program, and

WHEREAS, this program provides pre-hospital emergency medical treatment for ill or injured individuals, and

WHEREAS, the 2012 County budget provides for the payment of \$15,300.00 to Southern Tier Health Care System, Inc., for the provision of these services from Account A.454.4540.0000.42017, 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 Southern Tier Health Care System, Inc., for a term commencing January 1, 2012 and terminating December 31, 2012, for the provision of the above-described services, according the above-described terms.

MR. HALE moved, seconded by Mr. Weller to waive Rule 12. Carried.

Adopted March 14, 2012 by voice vote.

**ACT NO. 135-2012** by Mr. Hale and Mr. Snyder, Jr.  
who ask immediate consideration

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

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 Humphrey, 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 this property, and

WHEREAS, the cost involved for this property has been tendered to the County Treasurer's Office, now, therefore, be it

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

**TOWN OF HUMPHREY**

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
179	76.001-1-5.1	Cynthia West	4520 Five Mile Rd. Allegany, NY 14706	\$10,045.93

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

Adopted March 14, 2012 by voice vote.

**ACT NO. 136-2012** by Mr. Aiello and Mr. Weller  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
TESTAMERICA LABORATORIES, INC. FOR GROUNDWATER MONITORING  
SERVICES AT FARWELL AND FIVE POINTS LANDFILLS AND THE  
ANALYSIS OF ALLEGANY HIGHWAY FACILITY FLOOR DRAIN DISCHARGE AND  
RESCINDING ACT 102-2012**

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

WHEREAS, Act 102-2012 authorized a contract with Upstate Laboratories, Inc., for the provision of leachate, surface and groundwater monitoring services at both the Farwell (Town of Ischua) and Five Points (Town of Mansfield) Landfills, and

WHEREAS, the County Department of Public Works has been advised by Upstate Laboratories, Inc. that they are not able to provide the aforementioned services, and

WHEREAS, Act 102-2012 should be rescinded, and

WHEREAS, Act 216-2008 authorized a contract with TestAmerica Laboratories, Inc., for the provision of leachate, surface and groundwater monitoring services 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) require leachate, surface and groundwater monitoring at both the Farwell and Five Points Landfills, and

WHEREAS, the County Department of Public Works is desirous of obtaining the aforementioned leachate, surface and groundwater monitoring services until the New York State Department of Environmental Conservation has formulated a new sampling schedule, and

WHEREAS, an analysis of floor drain discharge at the Allegany Highway Facility is also needed, and

WHEREAS, TestAmerica Laboratories, Inc., 4101 Shuffel Street, NW, North Canton, Ohio 44720, with local offices at 10 Hazelwood Drive, Amherst, New York 14228-2298, can provide leachate, surface and groundwater sampling, analysis, reporting and analytical testing for the Farwell and Five Points Landfills, and an analysis of the floor drain discharge at the Allegany Highway Facility, for a total amount not to exceed \$46,618.00 over a two-year period, to be paid on a monthly basis as invoiced, as follows:

<u>Facility</u>	<u>2012</u>	<u>2013</u>	<u>Total</u>
Five Points Sampling & Analysis	\$ 7,350.00	\$ 7,350.00	\$14,700.00
Farwell Sampling & Analysis	\$14,284.00	\$16,234.00	\$30,518.00
Allegany Highway Stormwater Discharge	\$ 700.00	\$ 700.00	\$ 1,400.00

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 TestAmerica Laboratories, Inc., for the provision of the above-described services, for a term commencing March 1, 2012 and terminating December 31, 2013, with the County's sole option to renew for two one-year periods at the 2012 rates, according to the above-described terms, and be it further

RESOLVED, that Act 102-2012 be, and hereby is, rescinded.

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

Adopted March 14, 2012 by voice vote.

**ACT NO. 137-2012** by Public Works Committee:

Mr. Aiello, Mr. Weller, Ms. Edstrom, Mr. Klancer, Mr. Snyder, Jr.,  
Mr. Teachman, Mr. Koch, Mr. Lamberson and Mr. Sprague  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
TRACY L. JONES FOR OPERATION OF  
SNACK BAR AT CATTARAUGUS COUNTY CENTER BUILDING**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the County is in need of an operator for the Cattaraugus County Center Building Snack Bar in Little Valley, and

WHEREAS, the Department of Public Works has solicited proposals from five (5) vendors for the aforementioned services, and

WHEREAS, Tracy L. Jones, P.O. Box 112, 7932 Mill Street, East Otto, New York 14729, has been recommended to operate the Snack Bar at the Cattaraugus County Center Building in Little Valley, according to specifications provided by the Department of Public Works, and

WHEREAS, Tracy L. Jones shall pay to the County an amount of \$200.00 per quarter, 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 Tracy L. Jones for the provision of the above-described services, for a term commencing April 1, 2012 and terminating March 31, 2015, with the option to renew for two (2) additional one-year periods, upon mutual agreement of both parties, according to the above-described terms.

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

Adopted March 14, 2012 by voice vote.

**ACT NO. 138-2012** by Ms. Edstrom and Mrs. Stockman  
who ask immediate consideration

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH  
VNA HOMECARE SERVICES, INC. FOR PERSONAL EMERGENCY  
RESPONSE UNITS AND MONITORING SERVICES FOR  
DEPARTMENTS OF HEALTH, AGING AND SOCIAL SERVICES**

Pursuant to Section 95-a of the General Municipal Law and  
Act 290-2011 of the Cattaraugus County Legislature.

WHEREAS, Act 647-2010 authorized a contract with VNA Homecare Services, Inc., 2100 Wehrle Drive, Williamsville, New York 14221, for the provision of various services to the County Departments of Health, Aging and Social Services, the term of which expired December 31, 2012, and

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

WHEREAS, VNA Homecare Services, Inc., have agreed to provide services to the County Departments of Health, Aging and Social Services, as follows:

<u>Category of Service</u>	<u>2011 Rate</u>	<u>2012 Rate</u>
<u>HEALTH DEPARTMENT</u>		
Installation of PERS units	\$25/unit (one time charge)	\$25/unit (one time charge)
PERS Monitoring	NYS Approved Rate (currently \$23/month/unit)	NYS Approved Rate (currently \$23/month/unit)
<u>SOCIAL SERVICES</u>		
Installation of PERS units	NYS Approved Medicaid Rate	NYS Approved Medicaid Rate
PERS Monitoring	NYS Approved Medicaid Rate	NYS Approved Medicaid Rate
<u>DEPARTMENT OF AGING</u>		
Installation of PERS units	\$25/unit	\$25/unit
PERS Monitoring	\$15/month	\$15/month
Replacement of Pendants (lost/damaged/broken)	\$40/unit	\$40/unit
PERS related cost of approved repairs/ maintenance	Approved Cost	Approved Cost

and

WHEREAS, this program is 75% state and 25% County funded for the Department of Aging's portion of expenses, 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 County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with VNA Homecare Services, 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, 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.

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

Adopted March 14, 2012 by voice vote.

**ACT NO. 139-2012** by Ms. Edstrom and Mrs. Stockman  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
VNA HOMECARE SERVICES FOR HOME HEALTH CARE SERVICES**

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

WHEREAS, Act 749-2010 authorized a contract with VNA Homecare Services, 2100 Wehrle Drive, Williamsville, New York 14221, for the provision of home care services for the County Departments of Health, Social Services and Aging, the term of which expired December 31, 2011, and

WHEREAS, the County Departments of Health, Social Services and Aging are desirous of renewing the aforementioned contract, and

WHEREAS, VNA Homecare Services can provide home health care services to Cattaraugus County in accordance with the following rate limits and terms:

<b><i>Level of Care:</i></b>	<b><i>rate limits**</i></b>
Home Attendant/Housekeeper (Personal Care 1)	\$18.55/hr.
Personal Care Aide (Personal Care 2)	\$19.03/hr.
Shared Aide – ¼ hour (Personal Care 1)	\$ 4.64/¼ hr.
Shared Aide – ¼ hour (Personal Care 2)	\$ 4.76/¼ hr.
Certified Home Health Aide	\$19.59/hr.
Licensed Practical Nurse (LPN) (DSS)	\$21.00/hr.
Licensed Practical Nurse (LPN) (Health Dept)	\$26.25/hr.
Registered Nurse (RN) (Health Dept)	\$37.30/hr.
Registered Nurse (RN) (Social Services Dept)	\$26.00/hr.
Nursing Supervision Visit	\$63.50/hr.

\*\*Actual base Medicaid rates as initially established by the State Department of Health to be billed, if lower than caps to all Departments. In addition to the base rate, any recruitment and retention add-on established by the State Department of Health shall be billed to the Department of Social Services only. Cattaraugus County Department of Health has applied for recruitment and retention add-on funds.

*Assumptions:*

- In the event the initial Medicaid rates for 2012 as established by the State Department of Health exceed the County rate limits set forth above, the Contractor agrees to submit rate revision requests to the NYSDOH and request the rate(s) be lowered to comply with the Cattaraugus County rate limits set forth above.
- Rates billed to the Medicaid Management Information System (MMIS) for the DSS personal care program are subject to any limitations of the MMIS and will reflect the requirements of 18 NYCRR 505.14.

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 VNA Homecare Services, for the provision of the above-described services for a term commencing January 1, 2012 and terminating December 31, 2012, 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. SNYDER, JR. moved, seconded by Mr. Boser to waive Rule 12. Carried.

Adopted March 14, 2012 by voice vote.

**ACT NO. 140-2012** by Mr. Murphy  
who asks immediate consideration

**DESIGNATION OF CATTARAUGUS COUNTY AS LEAD AGENCY AND  
DETERMINATION OF NO SIGNIFICANT ENVIRONMENTAL IMPACT FOR  
CATTARAUGUS COUNTY SHERIFF'S OFFICE NEW RADIO COMMUNICATIONS TOWER**

Pursuant to 6 NYCRR Section 617.

WHEREAS, the Cattaraugus County Sheriff's Office is proposing to install and develop the site for a new 12'x26' shelter with indoor generator room and 280 foot self-supported tower at 852 Lyndon Center road in the Town of Lyndon in Cattaraugus County, and

WHEREAS, the proposed action is subject to review under 6 NYCRR Part 617, the New York State Environmental Quality Review (SEQR) Act, which requires the designation of a lead agency in order to conduct an environmental review of the action, and

WHEREAS, Cattaraugus County is the only involved agency pursuant to 6 NYCRR Part 617.6, eliminating the necessity of a coordinated review, and

WHEREAS, a preliminary classification of this project as a Type I Action as described in 6 NYCRR 617 has been made, and

WHEREAS, the Sheriff's Office has prepared an Environmental Assessment Form (EAF) for the project and conducted a preliminary environmental review, now, therefore, be it

RESOLVED, that Cattaraugus County, as the only involved agency, is the lead agency for the proposed Cattaraugus County Sheriff's Office New Radio Communications Tower, pursuant to 6 NYCRR Part 617, and be it further

RESOLVED, that the lead agency determines that this is a Type I Action, which will not have a significant environmental impact, and be it further,

RESOLVED, that as lead agency, Cattaraugus County issues a Negative Declaration for this Type I Action, and that this Notice of Determination of Non-Significance will be filed with the Cattaraugus County Legislature pursuant to 6 NYCRR Part 617.12 (b)(2).

MR. EDWARDS moved, seconded by Mr. Klancer to waive Rule 12. Carried.

Adopted March 14, 2012 by voice vote.

ACT NO. 141-2012 by Mr. Marsh  
who asks immediate consideration

**REQUESTING NEW YORK STATE LEGISLATURE ENACT  
SENATE BILL S.6602 AND ASSEMBLY BILL A.9490 REGARDING  
EXTENDED AUTHORIZATION OF 25 CENT MORTGAGE RECORDING TAX**

Pursuant to Section 40 of the Municipal Home Rule Law.

WHEREAS, the New York State Legislature has authorized most counties in New York State to charge a 25 cent per \$100 mortgage recording tax, and

WHEREAS, Senate Bill S.6602 and Assembly Bill A.9490 have been introduced in the New York State Legislature, which authorize the Cattaraugus County Legislature to extend a 25 cent per \$100 mortgage recording tax for Cattaraugus County, for a term ending December 1, 2015, and

WHEREAS, a necessity exists for the passage of such legislation by the New York State Legislature, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby requests the New York State Legislature hereby enact Senate Bill S.6602 and Assembly Bill A.9490, which authorizes the Cattaraugus County Legislature to extend an additional 25 cent per \$100 mortgage recording tax, in accordance with the above-described terms, and be it further

RESOLVED, that the County Attorney be, and hereby is, authorized and directed to submit one or more Home Rule Requests to the New York State Legislature pursuant hereto, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Senator Young, Assembly Member Giglio and the New York State Department of Taxation and Finance.

MS. VICKMAN moved, seconded by Mr. Klancer to waive Rule 12. Carried.

The vote on Act No. 141-2012 is as follows:

Ayes: Aiello 0.8673, Boser 1.0267, Edstrom 0.8673, Felton 1.0972, Hale 1.0655, Klancer 1.1005, Koch 0.8685, Labuhn 0.8685, Lamberson 1.0267, Murphy 1.1005, Padlo 0.8673, Snyder, Jr. 1.0655, Snyder, Sr. 0.8673, Stockman 1.0003, Teachman 0.8673, Vickman 1.0972, Weller 1.0972, Marsh 1.1278 – 17.8786.



Nays: Edwards 0.9684, Sprague 1.0230 – 1.9914 .

Act No. 141-2012, having received the more than a two-thirds affirmative vote of the Legislature, was declared Adopted.

**ACT NO. 142-201** by Mr. Aiello, Ms. Edstrom, Mr. Snyder, Mrs. Stockman,  
Ms. Vickman, Ms. Labuhn and Mr. Lamberson  
who ask immediate consideration

**REQUESTING A WAIVER FOR THE COUNTY OF CATTARAUGUS TO REMAIN  
THE SOLE PROVIDER OF CERTIFIED HOME HEALTH CARE SERVICES**

Pursuant to Section 153 of the County Law.

WHEREAS, 10 NYCRR Section 760.5 provides the methodology for determining public need in the evaluation of applications involving the establishment of certified home health agencies (CHHAs), and

WHEREAS, for many years New York State has imposed a moratorium on the creation of new CHHAs in service areas, and

WHEREAS, 10 NYCRR Section 760.5 has recently been amended to temporarily lift the moratorium on issuance of new CHHA's and allow for new or expanded CHHA services, and

WHEREAS, since the implementation of home health care services in New York, the Cattaraugus County Health Department has operated as the sole provider of CHHA services for the benefit of the residents of Cattaraugus County, and

WHEREAS, the Cattaraugus County Health Department CHHA provides the highest level of care to patients in their homes, through its nurses, professional therapists and support staff who have expertise in their fields and a deep commitment to their profession, and

WHEREAS, the County's CHHA has been financially responsible, providing care to approximately 1,700 patients annually during a time when other county-owned CHHA's were unable to do so without a County tax levy, and

WHEREAS, the CHHA is a past recipient of the IPRO Quality Award among all home care agencies statewide, and ranked nationally in the top 25% among all Health Care agencies by Home Care Elite, and

WHEREAS, the New York State Department of Health recently issued a Request for Applications (RFA) for organizations that may be interested in either establishing new Certified Home Health Agencies (CHHAs), and

WHEREAS, other agencies have recently applied for certificates of need from the New York State Commissioner of Health to furnish CHHA services within Cattaraugus County and the other counties of New York, and

WHEREAS, the Cattaraugus County Public Health Director has stated that the public need is presently being met by the services provided to residents by the County's CHHA and that there is no public need in this rural county for additional CHHA services to be rendered by other agencies, and

WHEREAS, this Legislature strongly believes that the adoption of these amendments to allow other entities to establish Certified Home Health Agencies in Cattaraugus County was unnecessary and irrational and that permitting other agencies to act as CHHAs in this County poses an additional threat to the stability of the home care system in a time when there are already a profound number of changes affecting the industry, and

WHEREAS, any other CHHA's which become certified by the State will be in competition with Cattaraugus County, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature is seeking an immediate exemption from the amendments to 10 NYCRR 760.5 insofar as they apply to Cattaraugus County and that no new CHHAs be permitted to offer such services in Cattaraugus County, and be it further

RESOLVED, that the Cattaraugus County Legislature is willing and prepared to join in meaningful discussions of sensible reforms that will serve the residents of Cattaraugus County and New York State, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward copies of this resolution to Governor Andrew Cuomo, Senator Young, Assembly Member Giglio, Public Health & Health Planning Council/William Streck, M.D., Chairman; Public Health & Health Planning Council/Angel Alfonso Gutierrez, M.D., Chairman Committee on Codes, Regulations and Legislation; Home Care Association of New York State, Inc., Joanne Cunningham, President; New York State Department of Health/Nirav R. Shah, M.D., M.P.H., Commissioner, Western New York Inter-County Association and the New York State Association of Counties.

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

Adopted March 14, 2012 by voice vote.

**ACT NO. 143-2012** by Mr. Marsh  
who asks immediate consideration

**SUPPORTING THE ENACTMENT OF A PERMANENT BAN ON  
UNFUNDED STATE MANDATES ON LOCAL GOVERNMENTS AND  
PRESERVATION OF HOME RULE**

Pursuant to Section 153 of the County Law.

WHEREAS, counties in New York have long served as the principal partners in administering the State's critical health, human services and public safety programs while preserving Home Rule governance throughout the counties, and

WHEREAS, counties continue to struggle to administer and fund these state mandated services with less state and federal financial support, while also providing the public safety, economic development, quality of life services, and preserving property values that local voters strongly desire to be provided in their community with local tax dollars, and

WHEREAS, New York State has enacted a property tax cap that limits property tax increases to the lower of two percent or the rate of inflation, and

WHEREAS, the major State programs that counties are mandated to finance and administer on behalf of the state have long term annual growth rates many times higher than the allowable two percent threshold, and

WHEREAS, the Governor and State Legislators acknowledged that substantial mandate relief must be provided to local governments in order to successfully implement the property tax cap; and

WHEREAS, nine major state mandates consume more than 90 percent of all county property taxes levied in 2012 (outside of New York City), equaling \$4.2 billion of an estimated \$4.6 billion in county property taxes levied under the cap limit, with the vast majority of county resources consumed by just four of these mandates:

- Medicaid
- Pensions
- Preschool Special Education; and

- Early Intervention,

and

WHEREAS, local taxpayers send \$7.3 billion, in weekly installments, to help fund the State's Medicaid program alone, and

WHEREAS, in 2012, it is expected that counties and the City of New York will send more than \$11.5 billion in local revenue to subsidize the State Treasury, and

WHEREAS, the high level of State imposed mandates continues to contribute to New York's highest in the nation local tax burden for residents and businesses, severely damaging New York's ability to attract, create and maintain good paying jobs, as well as contributing to population losses to other states, and

WHEREAS, counties have long sought an end to the imposition of more state mandates or the expansion of existing state mandates, including those that weaken Home Rule governance as a way to reduce property taxes, preserve property values and provide the quality of life that taxpayers strongly deserve to be provided for in their communities, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature calls on the Governor and the State Legislature to enact a permanent ban on the imposition of new unfunded state mandates on county governments and that significant legislation be enacted during the 2012 legislative session to phase out or reform existing unfunded mandates, especially those that diminish, weaken or remove Home Rule governance, and be it further

RESOLVED, that the ban on unfunded mandates, or the expansion of existing mandates, should be imposed through an amendment to the State Constitution to provide maximum protection for local governments and taxpayers, and be it further

RESOLVED, until such constitutional ban is effective, a statutory ban should be enacted immediately that includes provisions that:

- Allows an override of the new unfunded mandate ban, or the ban on expansion of an existing mandate, by the State Legislature only upon a two-thirds super majority vote of each chamber of the State Legislature,
- Requires a fiscal note from the impacted local government,
- Requires approval of a local law to accept said mandate or expansion of an existing mandate,
- Any new mandate, or expansion of existing mandate, must be fully paid for by the State or other non-local funding source and any reduction in this aid would automatically end any legal requirement that the local government maintain the new, or expanded mandate,

and be it further

RESOLVED, that any new unfunded mandate or expansion of an existing mandate be broadly defined to include any State law, regulation, rule or Executive Order that requires a local government to spend more than \$10,000 annually for any new program, project, activity, or higher level of service for an existing program, or grants a new (or expands an existing) property tax exemption; or devalues any local public asset, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward copies of this resolution to Governor Andrew M. Cuomo, Senator Young, Assembly Member Giglio, New York State Association of Counties, and the Western New York Inter-County Association.

MR. MURPHY moved, seconded by Mr. Snyder, Sr. to waive Rule 12. Carried.

Adopted March 14, 2012 by voice vote.

**ACT NO. 144-2012** by Mr. Aiello, Ms. Edstrom, Mr. Edwards, Mr. Felton,  
Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. Murphy, Mr. Snyder, Jr.,  
Mr. Snyder, Sr., Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer,  
Ms. Vickman, Mr. Weller, Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson,  
Mr. Padlo and Mr. Sprague  
who ask immediate consideration

**CONGRATULATING SALAMANCA HIGH SCHOOL'S BEN HAAS ON  
2012 NEW YORK STATE WRESTLING CHAMPIONSHIP**

Pursuant to Section 153 of the County Law.

WHEREAS, Salamanca City Central School District Senior Ben Haas won the 152 pound weight class New York State Public High School championship title on Saturday, February 25, 2012, at the Times Union Center in Albany, New York, and

WHEREAS, Ben finished the tournament with a perfect 4 – 0 record, having won the final match by a 4-3 victory over Derek Pfluger from Sandy Creek, and

WHEREAS, Ben finished this season with a win-loss record of 48 - 1, and

WHEREAS, Ben also won the state wrestling championship in the 145-pound weight class in February 2011, and

WHEREAS, Ben finished his school wrestling career at 240-40, the school's best all-time record, and was named Most Outstanding Wrestler at both sectionals and the Salamanca tournament, and won the Holiday Classic and the Patrick J. Morales Tournament, and

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

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

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to the Superintendent of Schools, Robert J. Breidenstein, Coaches Mike Ekstrom and Rich Morton and Ben Haas.

MR. SNYDER, JR. moved, seconded by Mr. Felton to waive Rule 12. Carried.

Adopted March 14, 2012 by voice vote.

MR. SNYDER, SR. moved, seconded by Mr. Murphy to adjourn until March 28, 2012 at 3:00 p.m. Carried.

Meeting adjourned at 3:48 p.m.

Ann M. Giglio  
Journal Clerk