

October 24, 2012

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

The invocation was given by Rev. leFeber.

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

MRS. STOCKMAN moved, seconded by Mr. Boser that the minutes of the October 10, 2012 session be approved. Carried.

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COMMUNICATIONS:

New York State Department of State: Letter acknowledging receipt of Local Law No. 7-2012 and the filing of the same.

APPOINTMENT:

Fleet Management Advisory Committee
Indefinite term

Kirk Liskow
Department of Public Works
8810 Route 242
Little Valley, New York 14755
(replacing Dan Keller who retired)

CHAIRMAN MARSH granted privilege of the floor to Mr. Snyder, Sr. who introduced Congressman Tom Reed. Congressman Reed stopped by to thank the Legislature for all that they do for the residents of Cattaraugus County and to remind them that his office is always open to them for assistance for the betterment of the County.

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ACT NO. 461-2012 by Mr. Aiello and Mr. Weller

**REJECTING CERTAIN DEPARTMENT OF PUBLIC WORKS BIDS FOR
FIRE SUPPRESSION SYSTEMS
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law.

WHEREAS, the Department of Public Works advertised for sealed bids for the purchase and installation of fire suppression systems for the Allegany and Franklinville Highway barns, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the only bid received for the aforementioned services, which was opened on October 5, 2012, should be rejected and rebid due to the price being more than what was budgeted, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby rejects the bid received for the purchase and installation of fire suppression systems for the Allegany and Franklinville Highway barns, which was opened on October 5, 2012, and hereby authorizes the fire suppression systems to be rebid.

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

Adopted October 24, 2012 by voice vote.

ACT NO. 462-2012 by Mr. Aiello and Mr. Weller

**REJECTING CERTAIN DEPARTMENT OF PUBLIC WORKS BIDS FOR
REMOVAL OF STRUCTURE AT 133 NORTH 12TH STREET IN OLEAN
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law.

WHEREAS, the Department of Public Works advertised for sealed bids for the removal of a structure located at 133 North 12th Street in the City of Olean, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the bids received for the aforementioned services, which were opened on October 5, 2012, should be rejected and rebid due to the bidders failing to submit bid on time, or failing to submit required bid bond, or the price being more than what was budgeted, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby rejects the bids received for the removal of a structure located at 133 North 12th Street in the City of Olean, which were opened on October 5, 2012, and hereby authorizes the project to be rebid.

Approved by 9 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted October 24, 2012 by voice vote.

ACT NO. 463-2012 by Mr. Aiello and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
COMFORT PEST CONTROL FOR PEST CONTROL SERVICES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 550-2010 authorized a contract with Comfort Pest Control, 1007 Brigham Road, Dunkirk, New York 14048, for the provision of pest control services at various County buildings located throughout Cattaraugus County, the term of which expires December 31, 2012, and

WHEREAS, continued pest control services are needed at various County buildings located throughout the County, and

WHEREAS, the County Department of Public Works has solicited proposals from seven (7) companies for the aforementioned pest control services, and

WHEREAS, Comfort Pest Control, 1007 Brigham Road, Dunkirk, New York 14048, has been recommended to provide pest control services at various County buildings throughout the County, for an amount as follows:

MONTHLY MAINTENANCE

Cattaraugus County Jail, 301 Court Street, Little Valley

Indoor Treatment	\$100/visit
Indoor/Outdoor Treatment	\$175/visit
Cluster Fly Treatment (as needed)	\$325/treatment

****Note:** Hospital/Nursing Home Approved Bait and/or Spray will be used

Pines Healthcare and Rehabilitation Center – Olean Campus

Indoor Treatment	\$150/visit
Indoor/Outdoor Treatment	\$200/visit
Cluster Fly Treatment (as needed)	\$125/treatment

****Note:** Hospital/Nursing Home Approved Bait and/or Spray will be used

Pines Healthcare and Rehabilitation Center – Machias Campus

Indoor Treatment	\$160/visit
Indoor/Outdoor Treatment	\$200/visit
Cluster Fly Treatment (as needed)	\$200/treatment

****Note:** Hospital/Nursing Home Approved Bait and/or Spray will be used

SEMI-ANNUAL TREATMENT (spring and fall)

Stonehouse Building – Machias

Outdoor Insect Pest Control (2 visits-spring & summer)	\$125/visit
Rodent Control (2 visits-fall & early winter)	\$ 35/visit
(combination – 3 traps & 3 bait stations)	

Cattaraugus County Office Building, 1 Leo Moss Drive, Olean

Indoor Treatment	\$ 75/visit
Indoor/Outdoor Treatment	\$175/visit
Cluster Fly Treatment (as needed)	\$250/treatment
Rodent Treatment (as needed)	\$ 80/visit

Additional Bait Stations \$ 18/each

Mole Trap (any of the listed locations) \$ 75/each

NON-COVERED EMERGENCY TREATMENT: (TIME AND MATERIALS)

Hourly Rate for Weekdays	\$ 50/hour
Hourly Rate for Weeknights	\$ 75/hour
Hourly Rate for Weekends	\$ 85/hour
Hourly Rate for Holidays	\$ 85/hour
Mileage Rate (per mile)	\$ 0/mile,

now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, contingent upon and subject to the inclusion in the 2013 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with Comfort Pest Control, for the provision of the above-described services, for a term commencing January 1, 2013 and terminating December 31, 2014, according to the above-described terms.

Approved by 9 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted October 24, 2012 by voice vote.

ACT NO. 464-2012 by Mr. Aiello and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
REGIONAL COMPUTER RECYCLING AND RECOVERY FOR
ELECTRONIC WASTE RECYCLING COLLECTION PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Department of Public Works is desirous of reducing the amount of electronic waste collected at its transfer stations by recycling such electronic waste, and

WHEREAS, Regional Computer Recycling and Recovery, 7318 Victor Mendon Road (Route 251), Victor, New York 14564, will pay to the County an amount of \$0.071 per pound of electronic waste collected and recycled, 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 Regional Computer Recycling and Recovery, for the provision of the above-described recycling services, for a term commencing January 1, 2013 and terminating December 31, 2013, with the option to renew for two (2) one-year periods at the same rate, according to the above-described terms.

Approved by 9 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted October 24, 2012 by voice vote.

ACT NO. 465-2012 by Mr. Aiello and Mr. Weller

**AUTHORIZING PLACEMENT OF DECLARATION OF
CONSERVATION COVENANTS AND RESTRICTIONS REQUIRED BY
PERMIT OR BANKING INSTRUMENT FOR COUNTY ROAD NO. 30
RECONSTRUCTION PROJECT
(Bray Road, Town of Freedom -
Parcel Nos. BFM-19 and BFM-19A)**

Pursuant to 33 USC Sections 1251-1387, a/k/a Section 404 of the Clean Water Act.

WHEREAS, the County Department of Public Works is desirous of reconstructing portions of County Road No. 30, a/k/a Chipmunk Road and South Nine Mile Road, in the Town of Carrollton, and

WHEREAS, in connection with the aforementioned reconstruction project, the U.S. Department of the Army Corps of Engineers issued Permit number 2009-00786, pursuant to Section 404 of the Clean Water Act, requiring the protection of valuable public water resources, and

WHEREAS, the County of Cattaraugus is qualified to hold a Conservation Easement in accordance with Environmental Conservation Law Section 49-0305, whose primary purpose is the preservation and protection of land in its natural, scenic, historical and forested condition, and

WHEREAS, in order to satisfy the terms of the Permit, and to comply with Section 404 of the Clean Water Act, it is necessary for Cattaraugus County to declare conservation use restrictions on two (2) parcels of property owned by Scott L. Brown, located on Bray Road in the Town of Freedom, known as Parcel Nos. BFM-19 and BFM-19A and being a portion of Tax Map No. 6.003-1-2, and

WHEREAS, the Cattaraugus County Legislature has agreed to authorize the placement of a Declaration of Conservation Covenants and Restrictions in order to declare conservation use restrictions

on the two (2) parcels of property owned by Scott L. Brown known as Parcel Nos. BFM-19 and BFM-19A, now, therefore, be it

RESOLVED, that the execution, delivery and performance of the Declaration of Conservation Covenants and Restrictions (the "Declaration"), is hereby authorized and approved, and the execution of the Declaration by the Chair of the Cattaraugus County Legislature is hereby authorized and shall be conclusive evidence of such approval.

Approved by 9 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted October 24, 2012 by voice vote.

ACT NO. 466-2012 by Mr. Aiello and Mr. Weller
and Mr. Lamberson¹

**AUTHORIZING PLACEMENT OF DECLARATION OF
CONSERVATION COVENANTS AND RESTRICTIONS REQUIRED BY
PERMIT OR BANKING INSTRUMENT FOR COUNTY ROAD NO. 30
RECONSTRUCTION PROJECT
(County Road No. 30 – Town of Carrollton –
Parcel Nos. HCA-30EE, HCA-30FF and HCA-30GG)**

Pursuant to 33 USC Sections 1251-1387, a/k/a Section 404 of the Clean Water Act.

WHEREAS, the County Department of Public Works is desirous of reconstructing a portion of County Road No. 30, a/k/a Chipmunk Road, in the Town of Carrollton, and

WHEREAS, in connection with the aforementioned reconstruction project, the U.S. Department of the Army Corps of Engineers issued Permit number 2009-00786, pursuant to Section 404 of the Clean Water Act, requiring the protection of valuable public water resources, and

WHEREAS, the County of Cattaraugus is qualified to hold a Conservation Easement in accordance with Environmental Conservation Law Section 49-0305, whose primary purpose is the preservation and protection of land in its natural, scenic, historical and forested condition, and

WHEREAS, in order to satisfy the terms of the Permit, and to comply with Section 404 of the Clean Water Act, it is necessary for Cattaraugus County to declare conservation use restrictions on three (3) parcels of property owned by Michael J. McCaffery, located on County Road No. 30 in the Town of Carrollton, known as Parcel Nos. HCA-30EE, HCA-30FF and HCA-30GG and being a portion of Tax Map No. 92.004-1-3.2, and

WHEREAS, the Cattaraugus County Legislature has agreed to authorize the placement of a Declaration of Conservation Covenants and Restrictions in order to declare conservation use restrictions on the three (3) parcels of property owned by Michael J. McCaffery, known as Parcel Nos. HCA-30EE, HCA-30FF and HCA-30GG, now, therefore, be it

RESOLVED, that the execution, delivery and performance of the Declaration of Conservation Covenants and Restrictions (the "Declaration"), is hereby authorized and approved, and the execution of the Declaration by the Chair of the Cattaraugus County Legislature is hereby authorized and shall be conclusive evidence of such approval.

Approved by 9 members of the Finance Committee and 8 members of the Public Works Committee.

¹ The following Legislator requested his name be listed as an additional sponsor: “Mr. Lamberson”.

Adopted October 24, 2012 by voice vote.

ACT NO. 467-2012 by Mr. Aiello and Mr. Weller

**AUTHORIZING PLACEMENT OF DECLARATION OF CONSERVATION
COVENANTS AND RESTRICTIONS REQUIRED BY
PERMIT OR BANKING INSTRUMENT FOR COUNTY ROAD NO. 30
RECONSTRUCTION PROJECT
(Sparks Road, Town of Freedom –
Parcel Nos. BFM-25 and BFM-25A)**

Pursuant to 33 USC Sections 1251-1387, a/k/a Section 404 of the Clean Water Act.

WHEREAS, the County Department of Public Works is desirous of reconstructing a portion of County Road No. 30, a/k/a Chipmunk Road, in the Town of Carrollton, and

WHEREAS, in connection with the aforementioned reconstruction project, the U.S. Department of the Army Corps of Engineers issued Permit number 2009-00786, pursuant to Section 404 of the Clean Water Act, requiring the protection of valuable public water resources, and

WHEREAS, the County of Cattaraugus is qualified to hold a Conservation Easement in accordance with Environmental Conservation Law Section 49-0305, whose primary purpose is the preservation and protection of land in its natural, scenic, historical and forested condition, and

WHEREAS, in order to satisfy the terms of the Permit, and to comply with Section 404 of the Clean Water Act, it is necessary for Cattaraugus County to declare conservation use restrictions on two (2) parcels of property owned by Chad Ellis and Jennifer Vacinek, located on Sparks Road in the Town of Freedom, known as Parcel Nos. BFM-25 and BFM-25A, and being a portion of Tax Map No. 6.003-3-11.8, and

WHEREAS, the Cattaraugus County Legislature has agreed to authorize the placement of a Declaration of Conservation Covenants and Restrictions in order to declare conservation use restrictions on the two (2) parcels of property owned by Chad Ellis and Jennifer Vacinek known as Parcel Nos. BFM-25 and BFM-25A, now, therefore, be it

RESOLVED, that the execution, delivery and performance of the Declaration of Conservation Covenants and Restrictions (the "Declaration"), is hereby authorized and approved, and the execution of the Declaration by the Chair of the Cattaraugus County Legislature is hereby authorized and shall be conclusive evidence of such approval.

Approved by 9 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted October 24, 2012 by voice vote.

ACT NO. 468-2012 by Mr. Aiello and Mr. Weller

**AUTHORIZING PLACEMENT OF DECLARATION OF
CONSERVATION COVENANTS AND RESTRICTIONS REQUIRED BY
PERMIT OR BANKING INSTRUMENT FOR COUNTY ROAD NO. 30
RECONSTRUCTION PROJECT
(County Road No. 32, Town of Ellicottville –
Parcel Nos. HEL-32D and HEL-32E)**

Pursuant to 33 USC Sections 1251-1387, a/k/a Section 404 of the Clean Water Act.

WHEREAS, the County Department of Public Works is desirous of reconstructing a portion of County Road No. 30, a/k/a Chipmunk Road, in the Town of Carrollton, and

WHEREAS, in connection with the aforementioned reconstruction project, the U.S. Department of the Army Corps of Engineers issued Permit number 2009-00786, pursuant to Section 404 of the Clean Water Act, requiring the protection of valuable public water resources, and

WHEREAS, the County of Cattaraugus is qualified to hold a Conservation Easement in accordance with Environmental Conservation Law Section 49-0305, whose primary purpose is the preservation and protection of land in its natural, scenic, historical and forested condition, and

WHEREAS, in order to satisfy the terms of the Permit, and to comply with Section 404 of the Clean Water Act, it is necessary for Cattaraugus County to declare conservation use restrictions on two (2) parcels of property owned by Mark S. Craft, located on County Road No. 32 in the Town of Ellicottville, known as Parcel Nos. HEL-32D and HEL-32E, and being a portion of Tax Map No. 47.002-1-3.1, and

WHEREAS, the Cattaraugus County Legislature has agreed to authorize the placement of a Declaration of Conservation Covenants and Restrictions in order to declare conservation use restrictions on the two (2) parcels of property owned by Mark S. Craft known as Parcel Nos. HEL-32D and HEL-32E, now, therefore, be it

RESOLVED, that the execution, delivery and performance of the Declaration of Conservation Covenants and Restrictions (the "Declaration"), is hereby authorized and approved, and the execution of the Declaration by the Chair of the Cattaraugus County Legislature is hereby authorized and shall be conclusive evidence of such approval.

Referred to the Finance Committee and the Public Works Committee.

ACT NO. 469-2012 by Mr. Edwards

**CANCELING UNENFORCEABLE LIEN
(Town of Carrollton)**

Pursuant to Sections 454 and 558 of the Real Property Tax Law.

WHEREAS, 2004 and 2005 Town and County taxes were levied on parcel 91.001-52-.434 in the Town of Carrollton, and

WHEREAS, Section 454 of the Real Property Tax Law exempts property owned by the Seneca Nation of Indians from taxation, special ad valorem taxes and special adjustments, and

WHEREAS, it is necessary and prudent for the Cattaraugus County Legislature to cancel the unpaid taxes where the lien of such taxes is unenforceable, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby cancels the lien of taxes for the property below, as being unenforceable:

<u>Account No.</u>	<u>Tax Map No.</u>	<u>Amount</u>
2004 24 0434	92.001-51-.434	\$ 977.82
2005 24 0434	92.001-52-.434	<u>\$2,470.24</u>
	Total	<u>\$3,448.06.</u>

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

Adopted October 24, 2012 by voice vote.

ACT NO. 470-2012 by Mr. Marsh

**LOCAL LAW NUMBER 11-2012
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law, Section 1202-u of the Tax Law and Chapter 563 of the Laws of 2003.

A LOCAL LAW CONTINUING THE CATTARAUGUS COUNTY HOTEL AND MOTEL TAX

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

SECTION 1. Legislative Intent. Local Law 20-2003 (Intro Number 21-2003), as continued by Local Law Number 3-2006 (Intro Number 3-2006) and Local Law Number 20-2009 (Intro Number 20-2009), imposed a tax on facilities providing lodging on an overnight basis and provided for the collection thereof in order to make funds available for tourism and economic development. The aforementioned Local Law should be further continued for an additional period of three (3) years.

SECTION 2. Continuation of Hotel and Motel Tax. The Cattaraugus County Hotel and Motel Tax established by Local Law 20-2003 (Intro Number 21-2003), as continued by Local Law Number 3-2006 (Intro Number 3-2006) and Local Law Number 20-2009 (Intro Number 20-2009), shall remain in full force and effect until three years from the date of enactment hereof.

SECTION 3. Effective Date. This Local Law shall take effect immediately.

No action was taken on Act No. 470-2012 at this time.

ACT NO. 471-2012 by Mr. Marsh

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 11-2012

Pursuant to Section 10 of the Municipal Home Rule Law, Section 1202-u of the Tax Law and Chapter 563 of the Laws of 2003.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on October 24, 2012, a proposed Local Law entitled "A Local Law Continuing the Cattaraugus County Hotel and Motel Tax", and

WHEREAS, no local law shall be adopted until a public hearing thereon has been had by the Cattaraugus County Legislature upon at least five days notice, now, therefore, be it

RESOLVED, that a public hearing shall be held on the proposed local law by this County Legislature on the 14th day of November, 2012, at 3:01 p.m. at the Legislature's Chambers, County Office

Building, 303 Court Street, Little Valley, New York, and that at least five days notice of such hearing shall be given by the Clerk by the due posting thereof upon the bulletin board of each County Court House within the County and by publishing such notice at least once in the official newspapers of the County.

Approved by 9 members of the Finance Committee and 7 members of the Development and Agriculture Committee.

Adopted October 24, 2012 by voice vote.

ACT NO. 472-2012 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR AMERICORPS START PROGRAM**

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

WHEREAS, Acts 541-2010 and 675-2011 authorized contracts with various entities for the continuation of the AmeriCorps START Program, and

WHEREAS, the Youth Bureau is desirous of renewing the aforementioned contracts, and

WHEREAS, the following entities have agreed to provide services for the AmeriCorps START Program by contributing amounts as follows:

<u>Entity</u>	<u>Amount</u>	<u>Members</u>
Ellicottville Central School District 5873 Route 219 Ellicottville, New York 14731	\$10,000.00 ¹	2 ¹ Full-Time
New Life Christian School 102 West Forrest Avenue P.O. Box 102 Olean, New York 14760	\$15,000.00	3 Full-Time

and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with various entities, for the continuation of the AmeriCorps START Program, for a term commencing October 1, 2012 and terminating December 18, 2013, according to the above-described terms, and be it further

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

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

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

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

¹ MS. EDSTROM moved, seconded by Mrs. Labuhn to amend Act No. 272-2012 as follows: In the third Whereas, delete: “\$5,000.00” and replace with: “\$10,000.00”; delete: “1 Full-time” and replace with: “2 Full-time”. Carried.

Adopted, as amended, October 24, 2012 by voice vote.

ACT NO. 473-2012 by Mr. Murphy
and Mr. Aiello and Mr. Felton¹

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
PIONEER CENTRAL SCHOOL DISTRICT FOR
SCHOOL RESOURCE OFFICER PROGRAM AND
ADJUSTING VARIOUS APPROPRIATION AND ESTIMATED REVENUE ACCOUNTS
(Sheriff's Office)**

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

WHEREAS, Act 460-2010 authorized a contract with the Pioneer Central School District for a full-time school resource officer in an attempt to deter criminal behavior through positive interactions with students during school hours, the term of which expires June 30, 2013, and

WHEREAS, the Pioneer Central School District has requested an additional school resource officer to serve on a part-time basis, and

WHEREAS, the Pioneer Central School District has agreed to pay the annual actual cost of the aforementioned part-time school resource officer, and

WHEREAS, the Cattaraugus County Sheriff's Office has agreed to assign an additional part-time law enforcement officer to the Pioneer Central School District, 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 an amended contract, on behalf of Cattaraugus County, with the Pioneer Central School District, for the provision of the School Resource Officer Program, for a term commencing July 1, 2012 and terminating June 30, 2013, 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.311.3218.3218.2260.03	Pioneer School Resource Officers	\$2,871.00
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Increase Appropriation Accounts:

A.311.3218.3218.12000	Part-Time Wages	\$2,667.00
A.311.3218.3218.81000	FICA	\$ 204.00.

Approved by 9 members of the Finance Committee and 6 members of the Public Safety Committee.

¹ The following Legislators requested their names be listed as additional sponsors: “Mr. Aiello and Mr. Felton”.

Adopted October 24, 2012 by voice vote.

ACT NO. 474-2012 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
WILLCARE, INC. FOR WIC LICENSED PRACTICAL NURSING SERVICES**

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

WHEREAS, Act 106-2012 authorized a contract with the Willcare, Inc., Westgate Plaza, 700 West State Street, Olean, New York 14760, for the provision of licensed practical nursing (LPN) services for the Health Department WIC Program, the term of which expires December 31, 2012, and

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

WHEREAS, Willcare, Inc., has agreed to provide the aforementioned LPN services to Cattaraugus County for an amount of \$20.60 per hour, plus approved work expenses not to exceed \$1,500.00 and mileage reimbursement at the rate of \$.32 per mile, to be paid on a monthly basis as invoiced, now, therefore, be it

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

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

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

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

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

Adopted October 24, 2012 by voice vote.

ACT NO. 475-2012 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
WILLCARE, INC. FOR HOME HEALTH CARE SERVICES**

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

WHEREAS, Act 670-2011 authorized the Chair to execute a contract with Willcare, Inc. for the provision of home health care services, the term of which expires December 31, 2012, and

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

WHEREAS, Willcare, Inc., Westgate Plaza, 700 West State Street, Olean, New York 14760, has agreed to provide home health care services to Cattaraugus County in accordance with the following rate limits and terms:

<u>Level of Care</u>	<u>2012 Rates**</u>	<u>2013 Rates**</u>
Home Attendant/Housekeeper (Personal Care 1)	\$18.92/hr.	\$18.92/hr.
Personal Care Aide (Personal Care 2)	\$19.41/hr.	\$19.41/hr.
Shared Aide –1/4 hour (Personal Care 1)	\$ 4.73/¼ hr.	\$ 4.73/¼ hr.
Shared Aide –1/4 hour (Personal Care 2)	\$ 4.86/¼ hr.	\$ 4.86/¼ hr.
Certified Home Health Aide	\$19.98/hr.	\$19.98/hr.
Registered Nurse (RN) (Health Dept)	\$38.05/hr.++	\$38.05/hr.++
Registered Nurse (RN) (DSS)	\$26.52/hr.	\$26.52/hr.
Licensed Practical Nurse (LPN) (Health Dept)	\$26.78/hr.++	\$26.78/hr.++
Licensed Practical Nurse (LPN) (DSS)	\$21.42/hr.	\$21.42/hr.
Nursing Supervision Visit	\$64.77/hr.	\$64.77/hr.

++Initial Visit which is less than, or equal to, 1 hour will be billed at 1 hour rate

**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 and receives recruitment and retention add-on funds.

Assumptions:

- In the event the initial Medicaid rates for 2013 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.

now, therefore, be it

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

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

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

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

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

Adopted October 24, 2012 by voice vote.

ACT NO. 476-2012 by Ms. Edstrom and Mrs. Stockman

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

Pursuant to Section 450 of the County Law.

WHEREAS, Act 521-2011 authorized a contract with Kellie Szkatulski, 9811 Mosher Road, South Dayton, New York 14138, for the provision of speech therapy services for the County Health Department home health care program, the term of which expires December 31, 2012, and

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

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

WHEREAS, the aforementioned services shall be performed at the patient's home at a mutually agreed upon schedule between Kellie Szkatulski and the patient, but in all cases Kellie Szkatulski must adhere to the established Plan of Care for each patient, now, therefore, be it

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

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

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

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

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

Adopted October 24, 2012 by voice vote.

ACT NO. 477-2012 by Ms. Edstrom and Mrs. Stockman

**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 139-2012 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 expires December 31, 2012, 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:

<i>Level of Care:</i>	<i>rate limits**</i>
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 2013 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.

now, therefore, be it

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

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

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

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

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

Adopted October 24, 2012 by voice vote.

ACT NO. 478-2012 by Ms. Edstrom and Mrs. Stockman
and Mr. Koch and Mrs. Labuhn¹

**AUTHORIZING THE CHAIR 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
Section 450 of the County Law.

WHEREAS, Act 123-2012 authorized a contract with Doyle Security Systems, Inc., 792 Calkins Road, Rochester, New York 14623, for the provision of various services to the County Departments of Health, Aging and Social Services, the term of which expires December 31, 2012, and

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

WHEREAS, Doyle Security Systems, Inc., 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>2013 Rate</u>
<u>HEALTH DEPARTMENT</u>		
PERS Monitoring	\$18/month/unit	\$18/month/unit
Electronic Medication Monitoring	\$49/month/unit	\$49/month/unit
<u>SOCIAL SERVICES</u>		
PERS Monitoring	\$18/month/unit	\$18/month/unit
Electronic Medication Monitoring	\$49/month/unit	\$49/month/unit
<u>DEPARTMENT OF AGING</u>		
PERS Monitoring (Expanded In-Home Services for the Elderly Program),	\$15/month/unit	\$15/month/unit

and

WHEREAS, this program is 75% state and 25% county funded for the Department of Aging's portion of expenses, now, therefore, be it

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

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

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

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

Approved by 8 members of the Finance Committee, 7 members of the Human Services Committee and 7 members of the Senior Services Committee.

¹ The following Legislators requested their names be listed as additional sponsors: “Mr. Koch and Mrs. Labuhn”.

Adopted October 24, 2012 by voice vote.

ACT NO. 479-2012 by Ms. Edstrom and Mrs. Stockman
*and Mr. Aiello, Mr. Hale, Mr. Klancer, Ms. Vickman, Mr. Lamberson and Mr. Padlo*¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
NEW YORK STATE DEPARTMENT OF HEALTH AND
HEALTH RESEARCH, INC. FOR COMMUNITY
TRANSFORMATION GRANT – CHRONIC DISEASE PREVENTION**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Health Department has been awarded a Community Transformation Grant – Small Communities funding by the Centers for Disease Control and Prevention in the amount of \$450,000.00, and

WHEREAS, the Community Transformation Grant funding is intended to enable communities to reduce the burden of chronic disease, and

WHEREAS, the County Health Department will work with a multi-sector leadership team and coalition to implement a multi-sector implementation plan in the early child care, school and community settings within the Gowanda Central, Olean City and Salamanca City School Districts’ geographic areas, and

WHEREAS, in order to fulfill the goals of the aforementioned initiative, the County is required to maintain a full-time coordinator and school coordinator who is dedicated to carrying out the objectives of this grant, and

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

WHEREAS, Health Research, Inc., shall administer the aforementioned grant on behalf of the New York State Department of Health, at no cost to the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with the New York State Department of Health and Health Research, Inc., in order to accept and administer Community Transformation Grant funds through the Centers for Disease Control and Prevention, for a term commencing September 30, 2012 and terminating September 29, 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.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

¹ The following Legislators requested their names be listed as additional sponsors: “Mr. Aiello, Mr. Hale, Mr. Klancer, Ms. Vickman, Mr. Lamberson and Mr. Padlo”.

Adopted October 24, 2012 by voice vote.

ACT NO. 480-2012 by Ms. Edstrom and Mrs. Stockman

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

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

WHEREAS, Act 525-2012 authorized a contract with Susan K. Yowell, 713 Gleason Hollow Road, Portville, New York 14770, for the provision of speech therapy services for the County Health Department home health care program, the term of which expires December 31, 2012, and

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

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

WHEREAS, the aforementioned services shall be performed at the patient's home at a mutually agreed upon schedule between Susan K. Yowell and the patient, but in all cases Susan K. Yowell must adhere to the established Plan of Care for each patient, now, therefore, be it

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

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

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

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

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted October 24, 2012 by voice vote.

ACT NO. 481-2012 by Ms. Edstrom and Mr. Marsh
who ask immediate consideration

**APPOINTMENTS TO COMMUNITY SERVICES BOARD AND APPOINTMENTS TO
COMMUNITY SERVICES BOARD MENTAL HEALTH SUBCOMMITTEE AND
COMMUNITY SERVICES BOARD ALCOHOL & SUBSTANCE ABUSE SUBCOMMITTEE**

Pursuant to Section 41.11 of the Mental Hygiene Law.

RESOLVED, that the following individual is appointed to the Community Services Board effective August 20, 2012 with a term to expire December 31, 2015:

Gail Hammond
2337 Five Mile Road
Allegany, New York 14706
(replacing *Kenneth McClune, who resigned*),

and be it further

RESOLVED, that the following individual is appointed to the Community Services Board effective September 17, 2012 with a term to expire December 31, 2012:

Leonard Liguori
515 ½ West State Street
Olean, New York 14760
(replacing *Gerald Zimmerman, who resigned*),

and be it further

RESOLVED, that the following individual is appointed to the Community Services Board Mental Health Subcommittee effective September 17, 2012 with a term to expire December 31, 2013:

Leonard Liguori
515 ½ West State Street
Olean, New York 14760
(replacing *Cathleen Wright, who resigned*),

and be it further

RESOLVED, that the following individual is appointed to the Community Services Board Alcohol & Substances Abuse Subcommittee effective February 13, 2012 with a term to expire December 31, 2015:

Megan Ellis
TLC Health Network
845 Route 5 & 20
Irving, New York 14081
(replacing *Wendy Luce, who resigned*),

and be it further

RESOLVED, that the following individual is appointed to the Community Services Board Alcohol & Substances Abuse Subcommittee effective February 13, 2012 with a term to expire December 31, 2012:

Matthew Bull
4122 Riceville Road
Machias, New York 14101
(replacing *Gerald Zimmerman, who resigned*).

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

Adopted October 24, 2012 by voice vote.

ACT NO. 482-2012 by Mr. Aiello, Mr. Felton, Ms. Vickman and Mr. Weller
who ask immediate consideration

**BID ACCEPTANCE FOR PURCHASE OF MINIVANS AND
TRANSFER OF FUNDS
(Contingent Fund - Vehicles)**

Pursuant to Section 103 of the General Municipal Law and
Sections 215, 363 and 365 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the purchase of two (2) new and unused, 2012 or newer, 7-passenger minivans, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications was the bid of Paul Brown Motors, Inc., 1145 East State Street, Olean, New York 14760, for the purchase of two (2) 2013 Dodge Grand Caravans, 3.6 Liter V-6, 283 HP, 6-speed automatic transmission and 143.8 cubic feet of cargo space, for an amount of \$20,225.00 per minivan, for a total amount of \$40,450.00, and

WHEREAS, a transfer of funds is necessary in order to cover the purchase of the aforementioned minivans, now, therefore, be it

RESOLVED, that the bid of Paul Brown Motors, Inc., be, and the same hereby is, accepted, for a term commencing Upon Notice of Award and terminating seven (7) days thereafter, and be it further

RESOLVED, that the vouchers accordingly certified by the Director of the Department of Aging and the Director of the Department of Community Services be audited by the Auditor and paid by the County Treasurer, and be it further

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

Decrease Appropriation Accounts:

A.431.4330.2100.14000	Pay-in-Lieu of Benefit Hours	\$20,225.00
A.901.1990.0000.40601	Contingent Fund	\$20,225.00

Increase Appropriation Accounts:

A.431.4341.0670.20101	Vehicles	\$20,225.00
A.677.6701.0020.20101	Vehicles	\$20,225.00.

No State Bid.

Seventeen sets of specifications were sent out.

Three bids were received.

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

Adopted October 24, 2012 by voice vote.

ACT NO. 483-2012 by Mr. Murphy
who asks immediate consideration

**TRANSFER OF FUNDS
(Contingent Fund - Purchase of Vehicles)**

Pursuant to Sections 363 and 365 of the County Law.

WHEREAS, the Sheriff's Office is desirous of purchasing five (5) vehicles which are available through State Bid, and

WHEREAS, a transfer of funds is necessary to cover the costs of the aforementioned purchase, now, therefore, be it

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

Decrease Appropriation Account:

A.901.1990.0000.40601	Contingent Fund	\$139,500.00
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Increase Appropriation Account:

A.311.3110.0000.20101	Vehicles	\$139,500.00.
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MR. MURPHY moved, seconded by Mr. Padlo to waive Rule 12. Carried.

Adopted October 24, 2012 by voice vote.

ACT NO. 484-2012 by Mr. Aiello and Mr. Weller
who ask immediate consideration

**REJECTING CERTAIN DEPARTMENT OF PUBLIC WORKS BIDS FOR
PAPER PRODUCTS
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law.

WHEREAS, the Department of Public Works advertised for sealed bids for the purchase of paper products, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the two bids received for the provision of paper products, which was opened on October 11, 2012, should be rejected and rebid due to the bids received not meeting specifications, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby rejects the bids received for the provision of paper products, which were opened on October 11, 2012, and hereby authorizes the paper products to be rebid.

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

Adopted October 24, 2012 by voice vote.

ACT NO. 485-2012 by County Operations Committee:
Mr. Teachman, Mr. Padlo, Mr. Klancer, Mr. Snyder, Jr.,
Mrs. Stockman, Mr. Weller and Mr. Sprague
who ask immediate consideration

**CREATING ONE POSITION OF SECRETARY TO COUNTY ATTORNEY IN
THE OFFICE OF COUNTY ATTORNEY TO BE FILLED ON A PART-TIME BASIS AND
ESTABLISHING COMPENSATION FOR SAME**

Pursuant to Sections 204 and 205 of the County Law and
Sections 22 and 64 of the Civil Service Law.

WHEREAS, due to the pending retirement of the Secretary to County Attorney there is a need to appoint an additional Secretary to County Attorney on a part-time basis to ensure an effective and efficient transfer of knowledge, practice and procedures, and

WHEREAS, this part-time position will be filled with an expected retiree of Secretary to County Attorney who will guide and assist the successor in learning the position, and

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

RESOLVED, that effective April 1, 2013, there is hereby created one position of Secretary to County Attorney in the Office of the County Attorney to be filled on a part-time basis and be compensated with an hourly rate of \$16.76 per hour, (Grade 22 Part-Time Non-Bargaining Unit, 2013 rate), and be it further

RESOLVED, that effective March 31, 2014, this position shall automatically be abolished.

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

Adopted October 24, 2012 by voice vote.

ACT NO. 486-2012 by Mr. Felton and Ms. Vickman
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
AUDUBON ARCHITECTURE, ENGINEERING, SURVEYING AND
LANDSCAPE ARCHITECTURE, P.C. FOR ENGINEERING DESIGN SERVICES FOR
CONDITIONS SURVEY**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the roof at the Pines Healthcare and Rehabilitation Center – Olean Campus is in need of replacement, and

WHEREAS, the County Department of Public Works is in need of an "existing conditions survey" of the aforementioned roof, and

WHEREAS, Audubon Architecture, Engineering, Surveying and Landscape Architecture, P.C., (formerly known as Wendel Duchscherer), 140 John James Audubon Parkway, Suite 201, Buffalo, New York 14228, can provide the aforementioned "existing conditions survey" for an

amount of \$9,000.00, plus reimbursable expenses not to exceed \$300.00, to be paid as invoiced and approved by the Department of Public Works, and

WHEREAS, sufficient funds are included in the 2012 budget to cover the cost of the aforementioned survey, 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 Audubon Architecture, Engineering, Surveying and Landscape Architecture, P.C., for the provision of the above-described services, for a term commencing October 25, 2012 and terminating April 30, 2013, according to the above-described terms.

MR. TEACHMAN moved, seconded by Mrs. Labuhn to waive Rule 12. Carried.

Adopted October 24, 2012 by voice vote.

ACT NO. 487-2012 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 WENDY BOURGEOIS ON HER RETIREMENT

Pursuant to Section 153 of the County Law.

WHEREAS, Wendy Bourgeois began serving Cattaraugus County as Commissioner of Social Services on June 3, 1996, and

WHEREAS, Ms. Bourgeois has served Cattaraugus County faithfully and honorably for over 16 years and during that time has distinguished herself by exemplifying the highest ideas and principles of her profession and the utmost in ability and devotion to the County and its citizens, and

WHEREAS, during her 16-year tenure, Ms. Bourgeois managed the Social Services Department and has achieved many departmental goals including, but not limited to:

- Responsibility for the Workforce Investment Act and the development of the One Stop Career Center;
- Supported and implemented the New York Connects statewide initiative in Cattaraugus County designed to link people who need long term care with resources and agencies that can assist them;
- Initiated and procured a grant for the OATS bus using CST funding until 2008;
- Collaborated with St. Bonaventure and United Way on the VITA (Volunteer Income Tax Assistance) Program since 2003;
- Implemented Imaging of all TA, MA, FS & HEAP records;
- Developed Management and Supervisory Training;
- Developed Succession Planning;
- Developed a Strategic Plan and implemented performance measurements;
- Instituted employee evaluations;
- Collaborated with various agencies and school districts to develop a comprehensive placement prevention program;
- Implemented welfare reform and managed care;
- Working with community agencies, developed employment programs to serve the hardest-to-serve of the TANF population;

- Instrumental in developing an integrated system for the delivery of employment and training services;
- Realigned staff for more efficient provision of services thereby cutting down overtime and making services more available to working families;
- Establishing contracts for cost containment to provide better services;
- Redesigned the strength-based service plan review process for families with children in foster care;
- Established Agency Disaster Plan Response;
- Leadership Cattaraugus – Class of 2004 (Alumni of the Year - 2006);
- Developed DSS Employee Orientation and Handbook;
- Started a Unit Planning Initiative with facilitator to identify challenges and offer solutions to improve overall work environment;

and

WHEREAS, Ms. Bourgeois' education includes a Bachelor of Arts in Education from the University of Massachusetts at Amherst in 1965 and a Master of Arts in Administration and Leadership in 1993 from SUNY Plattsburg, and

WHEREAS, Ms. Bourgeois was also a Peace Corp. volunteer and served in Bahia, Brazil from 1965 to 1967, and

WHEREAS, previous to employment with Cattaraugus County, Ms. Bourgeois had over 20 years social services administration experience with Clinton County, New York, and

WHEREAS, Ms. Bourgeois has been a highly effective advocate for and supporter of her department's staff and members of the community and has used her experience and her position as DSS Commissioner to the true good of Cattaraugus County residents in need and has continually worked to create positive relationships and partnerships between human service organizations by maximizing the impact and outcomes of limited funding sources, and

WHEREAS, Ms. Bourgeois has served the Cattaraugus County community on the following boards and committees:

- United Way (Board of Directors and Treasurer)
- Community Services Board
- Workforce Investment Board
- Criminal Justice Advisory Council
- Child Advocacy Center-MDT Council
- Alcohol & Substance Abuse Sub-Committee
- QA-Community Services
- Community Schools Advisory Committee
- CCSI Tier II
- LEICC
- Cooperative Extension
- Long Term Care Council
- Mental Health Court
- DSS Advisory Board
- Housing Consortium
- Western Region Commissioners
- Board of Directors of the New York Public Welfare Association
- Past-Chairman of the American Red Cross,

and

WHEREAS, Ms. Bourgeois will be missed by her many friends, colleagues, and employees in Cattaraugus County, and

WHEREAS, for the foregoing reasons, it is entirely fitting and proper that this Legislature express its most sincere appreciation for all that she has done for Cattaraugus County, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby congratulates Wendy Bourgeois on her retirement from the office of Commissioner of Social Services of Cattaraugus County, and be it further

RESOLVED, that the Cattaraugus County Legislature does hereby express its deepest gratitude to Ms. Bourgeois for all that she has done for the betterment of Cattaraugus County, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Wendy Bourgeois.

MRS. VICKMAN moved, seconded by Mr. VanRensselaer to waive Rule 12. Carried.

Adopted October 24, 2012 by voice vote.

CHAIRMAN MARSH recognized the members of the Student Intern Program in attendance and asked them to stand and introduce themselves.

MRS. STOCKMAN moved, seconded by Mr. Lamberson to adjourn until November 14, 2012 at 3:00 p.m. Carried.

Meeting adjourned at 3:31 p.m.

Ann M. Giglio
Journal Clerk