

May 8, 2013

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

The invocation was given by Rev. Kay.

The Attendance Roll Call disclosed two Legislators absent – Mr. Klancer and Mr. VanRensselaer.

MR. TEACHMAN moved, seconded by Mr. Sprague that the minutes of the April 24, 2013 session be approved. Carried.

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COMMUNICATIONS:

James J. Snyder, Sr., Chairman, Finance Committee: Apportionment of Mortgage Taxes from October 1, 2012 through March 30, 2013. (See page 248)

Broome County Legislature: Copy of its Resolution No. 2013-169 entitled, “Resolution Opposing the Process of Enactment and Mandates Contained Within the New York State Safe Act”.

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CHAIRMAN MARSH announced this is the time and place called for a public hearing on **Act No. 186-2013**, Local Law Number 2–2013, entitled, “A Local Law Amending Local Law Number 3-2011 (Intro No. 3-2011) Regarding Fees for Cattaraugus County Health Department Services”, and that anyone wishing to speak for or against this local law, may now do so.

There being no one wishing to speak, CHAIRMAN MARSH declared the public hearing closed.

CHAIRMAN MARSH called up Act No. 186-2013 and asked that it be read.

CHAIRMAN MARSH requested a Roll Call Vote on Act No. 186-2013, Local Law Number 2-2013, which disclosed as follows:

Ayes: Aiello 0.8673, Boser 1.0267, Edstrom 0.8673, Edwards 0.9684, Felton 1.0972, Hale 1.0655, Koch 0.8685, Labuhn 0.8685, Lamberson 1.0267, Murphy 1.1005, Padlo 0.8673, Snyder, Jr. 1.0655, Snyder, Sr. 0.8673, Sprague 1.0230, Stockman 1.0003, Teachman 0.8673, Vickman 1.0972, Weller 1.0972, Marsh 1.1278 – 18.7695.

Nays: none.

Act No. 186-2013, Local Law Number 2-2013, having received the majority vote of the legislature was declared adopted.

To: The Chairman and Legislature of Cattaraugus County:

I, the Chairman of the Finance Committee, which committee has charge of Apportionment of Mortgage Taxes, respectfully report that the amount to be apportioned for the six-month period from October 1, 2012 through March 31, 2013 is \$463,416.26 and recommend that the amounts opposite the names of the cities/towns be paid to the fiscal officers of that city/town, and amounts in the column headed villages, be paid to the treasurers of the respective villages.

Respectfully submitted,

James J. Snyder, Chairman
Finance Committee

APPORTIONMENT OF MORTGAGE TAXES

	ROW 1 CITY/TOWN ASSESSED VALUATION	ROW 2 DOUBLE CITY/TOWN VALUATION	ROW 3 VILLAGE ASSESSED VALUATION	ROW 4 VILLAGE PERCENTAGE SHARE	ROW 5 TOTAL MORTGAGE TAX DISTRIBUTED	ROW 6 AMOUNT VILLAGE SHARE	ROW 7 CITY/ TOWN SHARE
ALLEGANY	322,396,930	644,793,860	69,415,680	0.10765562	43,947.66	4,731.21	39,216.45
ASHFORD	76,582,174	153,164,348		0.00000000	12,031.81	0.00	12,031.81
CARROLLTON	77,140,927	154,281,854		0.00000000	11,991.37	0.00	11,991.37
COLDSPRING	61,023,488	122,046,976		0.00000000	1,827.51	0.00	1,827.51
CONEWANGO	33,335,166	66,670,332		0.00000000	3,902.45	0.00	3,902.45
DAYTON	48,514,865	97,029,730	12,234,671	0.12609198	7,080.13	892.75	6,187.38
EAST OTTO	48,609,428	97,218,856		0.00000000	6,198.78	0.00	6,198.78
ELLCOTTVILLE	566,227,605	1,132,455,210	121,282,884	0.10709729	49,223.29	5,271.68	43,951.61
FARMERSVILLE	57,185,074	114,370,148		0.00000000	3,928.47	0.00	3,928.47
FRANKLINVILLE	85,588,478	171,176,956	33,218,741	0.19406082	6,824.54	1,324.38	5,500.16
FREEDOM	116,718,195	233,436,390		0.00000000	9,424.72	0.00	9,424.72
GREAT VALLEY	173,321,011	346,642,022		0.00000000	17,313.92	0.00	17,313.92
HINSDALE	72,032,108	144,064,216		0.00000000	8,472.88	0.00	8,472.88
HUMPHREY	49,284,320	98,568,640		0.00000000	3,461.54	0.00	3,461.54
ISCHUA	41,116,048	82,232,096		0.00000000	4,366.07	0.00	4,366.07
LEON	48,842,863	97,685,726		0.00000000	3,227.36	0.00	3,227.36
LITTLE VALLEY	46,839,136	93,678,272	19,500,442	0.20816398	6,236.28	1,298.17	4,938.11
LYNDON	46,431,896	92,863,792		0.00000000	4,100.67	0.00	4,100.67
MACHIAS	128,477,874	256,955,748		0.00000000	18,927.57	0.00	18,927.57
MANSFIELD	105,956,145	211,912,290		0.00000000	14,700.53	0.00	14,700.53
NAPOLI	33,008,511	66,017,022		0.00000000	4,468.03	0.00	4,468.03
NEW ALBION	57,430,978	114,861,956	21,971,528	0.19128638	4,855.23	928.74	3,926.49
OLEAN, CITY	499,931,693	999,863,386		0.00000000	95,143.08	0.00	95,143.08
OLEAN, TOWN	85,584,001	171,168,002		0.00000000	19,731.75	0.00	19,731.75
OTTO	30,960,804	61,921,608		0.00000000	2,960.54	0.00	2,960.54
PERRYSBURG	56,432,806	112,865,612		0.00000000	6,291.03	0.00	6,291.03
PERSIA	58,598,225	117,196,450	40,519,715	0.34574183	49,209.91	17,013.92	32,195.99
PORTVILLE	135,292,244	270,584,488	28,462,303	0.10518823	13,483.07	1,418.26	12,064.81
RANDOLPH	82,832,208	165,664,416		0.00000000	8,692.39	0.00	8,692.39
RED HOUSE	109,123,085	218,246,170		0.00000000	132.46	0.00	132.46
SALAMANCA, CITY	17,354,234	34,708,468		0.00000000	7,214.02	0.00	7,214.02
SALAMANCA, TOWN	27,449,866	54,899,732		0.00000000	5,105.02	0.00	5,105.02
SOUTH VALLEY	30,153,009	60,306,018		0.00000000	1,792.98	0.00	1,792.98
YORKSHIRE	29,903,778	59,807,556	6,046,606	0.10110104	7,149.20	722.79	6,426.41
TOTALS	3,459,679,173		352,652,570		463,416.26	33,601.90	429,814.36

ACT NO. 194-2013 by Mr. Aiello, Mr. Felton, Ms. Vickman and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
GREENMAN-PEDERSEN, INC. FOR
ON-SITE CONSTRUCTION INSPECTION SERVICES FOR
ASHFORD BRIDGE NO. 24 REPLACEMENT PROJECT**

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

WHEREAS, the County is in need of on-site construction inspection services for the Ashford Bridge No. 24 Replacement Project in the Town of Ashford, and

WHEREAS, Greenman-Pedersen, Inc., 4950 Genesee Street, Buffalo, New York 14225-5550, has agreed to provide on-site construction inspection services for the Ashford Bridge No. 24 Replacement Project for an amount not to exceed \$94,401.00, to be paid periodically on a percent-of-completion basis as determined by the Department of Public Works, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned project, 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 Greenman-Pedersen, Inc., for the provision of the above-described engineering services, for a term commencing April 1, 2013 and terminating March 31, 2014, according to the above-described terms.

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

Adopted May 8, 2013 by voice vote.

ACT NO. 195-2013 by Mr. Aiello, Mr. Klancer, Mr. Murphy and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
GREENMAN-PEDERSEN, INC. FOR
ON-SITE CONSTRUCTION INSPECTION SERVICES FOR
EAST OTTO BRIDGE NO. 15 REPLACEMENT PROJECT**

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

WHEREAS, the County is in need of on-site construction inspection services for the East Otto Bridge No. 15 Replacement Project in the Town of East Otto, and

WHEREAS, Greenman-Pedersen, Inc., 4950 Genesee Street, Buffalo, New York 14225-5550, has agreed to provide on-site construction inspection services for the East Otto Bridge No. 15 Replacement Project for an amount not to exceed \$27,657.00, to be paid periodically on a percent-of-completion basis as determined by the Department of Public Works, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned project, 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 Greenman-Pedersen, Inc., for the provision of the above-described engineering services, for a term commencing May 8, 2013 and terminating March 31, 2014, according to the above-described terms.

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

Adopted May 8, 2013 by voice vote.

ACT NO. 196-2013 by Mr. Aiello, Mr. Hale, Mr. Snyder, Jr. and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HUNT ENGINEERS ARCHITECTS & LAND SURVEYORS, P.C. FOR
ON-SITE INSPECTION SERVICES FOR COUNTY ROAD NO. 27
RECONSTRUCTION/REHABILITATION PROJECT**

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

WHEREAS, Act 612-2009, as amended by Act 504-2011, authorized a contract with Hunt Engineers Architects & Land Surveyors, P.C., Airport Corporate Park, 100 Hunt Center, Horseheads, New York 14845, for the provision of Phase III engineering services for the reconstruction and rehabilitation of County Road No. 27 (Haskell Road) in the Towns of Hinsdale and Portville, the term of which expires December 31, 2013, and

WHEREAS, on-site inspection services are needed for the aforementioned project, and

WHEREAS, Hunt Engineers Architects & Land Surveyors, P.C., can provide the necessary on-site inspection services for an amount not to exceed \$162,618.00, to be paid on a percent-of-completion basis, as invoiced and approved by the Department of Public Works, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned expenses, 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 Hunt Engineers Architects & Land Surveyors, P.C., for the provision of the above-described services, for a term commencing May 8, 2013 and terminating December 31, 2014, according to the above-described terms.

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

Adopted May 8, 2013 by voice vote.

ACT NO. 197-2013 by Mr. Aiello and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CHAUTAUQUA COUNTY FOR REPLACEMENT OF
JOINTLY-OWNED COUNTY BRIDGE NO. 941 (CONEWANGO BRIDGE NO. 5) AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS**

Pursuant to Section 119-o of the General Municipal Law and
Sections 363, 366 and 450 of the County Law.

WHEREAS, Chautauqua and Cattaraugus Counties jointly own County Bridge No. 941 a/k/a Conewango Bridge No. 5, which runs over Clear Creek, is identified as BIN 3-32455-0 and is located on County Road No. 64 (Bush Road), and

WHEREAS, the aforementioned bridge is in need of replacement, and

WHEREAS, Chautauqua County is the project sponsor and will arrange for the bridge replacement in accordance with its contract with the New York State Department of Transportation, and

WHEREAS, Chautauqua and Cattaraugus Counties are desirous of equally sharing the local cost of such replacement, and

WHEREAS, Cattaraugus County's estimated share will be \$65,075.00, and

WHEREAS, the project should be reimbursed by state and federal aid at the maximum level of 95% of the project cost, and

WHEREAS, various appropriation accounts must be adjusted in order to cover the costs of the aforementioned project, 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 Chautauqua County for the provision of the above-described project, for a term commencing May 8, 2013 and terminating December 31, 2015, according to the above-described terms, and be it further

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

Decrease Appropriation Account:

H.504.5197.5198.25031.41603	Yorkshire Bridge No. 20	\$65,075.00
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Increase Appropriation Account:

H.504.5197.5195.25030.41603	Conewango Bridge No. 5	\$65,075.00.
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Approved by 7 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted May 8, 2013 by voice vote.

ACT NO. 198-2013 by Mr. Aiello and Mr. Weller¹
and Mrs. Stockman, Ms. Vickman and Mr. Lamberson

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COUNTY SOIL & WATER CONSERVATION DISTRICT FOR
2013 STREAMBANK RESTORATION PROGRAM**

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

WHEREAS, Act 511-2011 authorized a contract with the Cattaraugus County Soil & Water Conservation District (SWCD), 8 Martha Street, P.O. Box 1765, Ellicottville, New York 14731, for the provision of inspection and technical services for four (4) streambank restoration projects, the term of which expired December 31, 2012, and

WHEREAS, inspection and technical services are needed for various emergency streambank repair projects for the 2013 Streambank Restoration Program, and

WHEREAS, the Cattaraugus County Soil & Water Conservation District (SWCD), has agreed to provide the inspection and technical services necessary for the following projects for an amount not to exceed \$6,200.00, to be paid on a percent-of-completion basis as invoiced, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Cattaraugus County Soil & Water Conservation District, for the provision of the above-described streambank restoration and bank protection inspection and technical services, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms.

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

¹The following Legislators requested their names be listed as additional sponsors: "Mrs. Stockman, Ms. Vickman and Mr. Lamberson".

Adopted May 8, 2013 by voice vote.

ACT NO. 199-2013 by Mr. Aiello and Mr. Weller¹
and Mr. Murphy

**REJECTING CERTAIN DEPARTMENT OF PUBLIC WORKS BIDS
FOR REPLACEMENT OF JAIL BOILER
(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 replacement of the boilers at the Little Valley Jail, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the bid came in higher than budgeted and should be rejected, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature, effective May 8, 2013, hereby rejects the bids received for the replacement of the boilers at the Little Valley Jail, which were opened on April 19, 2013.

Approved by 7 members of the Finance Committee, 6 members of the Public Safety Committee and 8 members of the Public Works Committee.

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

Adopted May 8, 2013 by voice vote.

ACT NO. 200-2013 by Ms. Edstrom and Mrs. Stockman¹
and Mr. VanRensselaer, Mr. Lamberson and Mr. Padlo

**BID ACCEPTANCE FOR MOSQUITO SPRAYING
(Health Department)**

Pursuant to Section 103 of the General Municipal Law and
Section 450 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for aerial application and insect control, according to specifications provided by the Cattaraugus County Health Department, and

WHEREAS, the only bid received was Duflo Spray-Chemical, Inc., 8369 State Route 812, Lowville, New York 13367, as follows:

Applications - Applied Rates

Teknar HP-D & Zoecon Altosid Mixture

1st larvicide application	\$12.25/acre x 3,223.56 acres = \$39,488.61
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Subsequent larvicide application	\$11.85/acre x 3,223.56 acres = \$38,199.19
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1st adulticide application

if Scourge is used	\$4.35/acre x 10,639 acres = \$46,279.65
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subsequent adulticide	\$4.18/acre x 10,639 acres = \$44,471.02
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2nd adulticide application

if Anvil 10 + 10 is used	\$4.35/acre x 10,639 acres = \$46,279.65
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subsequent adulticide	\$4.18/acre x 10,639 acres = \$44,471.02,
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and

WHEREAS, the aforementioned services are 100% locally funded, and

WHEREAS, sufficient funds are included in the 2013 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the bid of Duflo Spray-Chemical, Inc. be, and the same hereby is, accepted, for a term commencing May 1, 2013 and terminating December 31, 2013, and be it further

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

No State Bid.

10 sets of specifications were sent out.

Only one bid was received.

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

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

Adopted May 8, 2013 by voice vote.

ACT NO. 201-2013 by Ms. Edstrom and Mrs. Stockman¹
and Mr. Lamberson and Mr. Padlo

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
VARIOUS TOWNS AND CITIES FOR
MOSQUITO CONTROL PROGRAM FUNDING**

Pursuant to Section 119-o of the General Municipal Law and
Section 450 of the County Law.

WHEREAS, Act 225-2012 authorized contracts with various towns and cities within the County for the provision of local funding for a portion of the mosquito control spraying program, the terms of which expired December 31, 2012, and

WHEREAS, the County is desirous of providing mosquito control spraying, and

WHEREAS, it is proposed that the County contract with various towns and cities within the County, in order to provide local funding by the towns and cities for a portion of the program, according to the following schedule:

Town of Allegany	\$10,143.73
Town of Carrollton	\$ 1,656.81
Town of Great Valley	\$ 3,949.38
Town of Hinsdale	\$ 0.00
Town of Olean	\$ 1,842.02
Town of Portville	\$ 3,183.02
Town of Randolph	\$ 0.00
City of Olean	\$14,054.79
City of Salamanca	\$ 4,658.86,

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 towns and cities, for the provision of the above-described services, for a term commencing May 1, 2013 and terminating December 31, 2013, according to the above-described terms.

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

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

Adopted May 8, 2013 by voice vote.

ACT NO. 202-2013 by Ms. Edstrom and Mrs. Stockman¹
and Mr. Padlo

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR MEDICAL AND TESTING SERVICES**

Pursuant to 45 CFR Parts 74 and 92 and
Section 450 of the County Law.

WHEREAS, Act 619-2011 authorized contracts with various entities for the provision of medical and testing services for persons needing evaluations, the terms of which expired December 31, 2012, and

WHEREAS, the County is desirous of continuing the provision of medical and testing services for various County Departments, and

WHEREAS, the following various entities can provide medical and testing services for persons needing evaluations in accordance with the following rate schedules:

<u>Company</u>	<u>Test</u>	<u>Rates</u>
Council on Addiction Recovery Services, Inc. 201 South Union Street Olean, New York 14760	- 5 Panel Urine Drug Screen with Collection (Active Client)	\$ 35.00
	- 5 Panel Urine Drug Screen with Collection (Non-Active Client)	\$ 60.00
	- Psychological Evaluations (2 sessions) Cost per session	\$ 77.00
Occupational Health Services, Inc. 187 Center Street Salamanca, New York 14779	- Drug Screen (results within 48-72 hours)	\$ 50.00
	- Breathalyzer/Alcohol Testing	\$ 20.00
	- Drug Test (Hair)	\$145.00
	- Drug Test (Saliva)	\$105.00

Occupational Wellness Center	- Pre-Employment History & Physical	\$ 85.00
2666 West State Street	- 10 Panel Urine Drug Collection & Screen	\$141.00
Olean, New York 14760	- Breath Alcohol Screen	\$ 32.00
	- Breath Alcohol Confirmation	\$ 32.00
	- Professional Panel Urine Drug Collection and Screen	\$152.00
	- Hair Collection and Screen	\$110.00
	- Urine Drug collection only **	\$ 26.00
	- Medtox Lab Fee – 5 Panel **	\$ 48.00
	- Medtox Lab Fee – 10 Panel **	\$105.00
	- Medtox Lab Fee – Professional Panel **	\$116.00
	- MRO Review	\$ 10.00
	- Breath Alcohol Test (initial)	\$ 32.00
	- Drug Testing (after hours charge-post accidents/reasonable suspension)	\$ 53.00
	- OSHA Medical Questionnaire Review for Respiratory Fit,	\$ 26.00

and

WHEREAS, this program is 62% state and 38% county 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 the above-listed various entities 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 7 members of the Finance Committee and 7 members of the Human Services Committee.

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

Adopted May 8, 2013 by voice vote.

ACT NO. 203-2013 by Mr. Teachman and Mr. Padlo¹
and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
PHOENIX GRAPHICS, INC., FOR ELECTION BALLOT PRINTING**

Pursuant to Section 4-136 of the Election Law and
Section 450 of the County Law.

WHEREAS, Act 447-2005 authorized a contract with Phoenix Graphics, Inc., 464-470 State Street, Rochester, New York 14708, for the preparation and printing of election ballots for primaries and general elections, the term of which has expired, and

WHEREAS, the County Board of Elections is desirous of contracting with Phoenix Graphics, Inc., to cover all primaries, general elections, special elections, village elections and school elections for a four-year term commencing May 1, 2013, and

WHEREAS, Phoenix Graphics, Inc., can prepare and print the necessary election ballots for an amount as follows:

14" & 17" ballots	\$.48 per ballot
22" ballots	\$.54 per ballot,

and

WHEREAS, in the event the price per ballot decreases, during the term of this contract, below the above-listed prices, then Phoenix Graphics, Inc. shall charge the County the lower price, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned expenses, 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 Phoenix Graphics, Inc., for the provision of the above-described printing services, for a term commencing May 1, 2013 and terminating April 30, 2017, according to the above-described terms.

Approved by 7 members of the Finance Committee and 6 members of the County Operations Committee.

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

Adopted May 8, 2013 by voice vote.

ACT NO. 204-2013 by Mr. Teachman and Mr. Padlo
who ask immediate consideration

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
JAMES MACK D/B/A JIMMY MACK'S AUCTION CO. FOR
AUCTIONEER SERVICES**

Pursuant to Act 290-2011 of the Cattaraugus County Legislature and
Rule 40.3 of the Rules of Order.

WHEREAS, Cattaraugus County obtained title to several parcels of real property through foreclosure proceedings, and

WHEREAS, the County is desirous of selling the aforementioned parcels at public auction, and

WHEREAS, the County is in need of the services of an auctioneer to conduct the public auction, and

WHEREAS, James Mack, d/b/a Jimmy Mack's Auction Co., 4530 Windmill Road, Randolph, New York 14772, has agreed to provide the aforementioned auctioneer services for an amount of \$1,000.00, and

WHEREAS, sufficient funds are included in the 2013 budget to cover the cost of the aforementioned services, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized to execute a contract, on behalf of Cattaraugus County, with James Mack, d/b/a Jimmy Mack's Auction Co., for auctioneer services, for a one-day term commencing May 18, 2013 and terminating upon completion of the auction, according to the above-described terms.

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

Adopted May 8, 2013 by voice vote.

ACT NO. 205-2013 by Mr. Aiello and Mr. Weller
who ask immediate consideration

**REJECTING CERTAIN DEPARTMENT OF PUBLIC WORKS BIDS
FOR 2013 BRIDGE DECK SEALING
(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 2013 bridge deck sealing, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the bids received for the 2013 bridge deck sealing did not meet specifications and should be rejected and rebid, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby rejects the bids received for the 2013 bridge deck sealing, which were opened on April 26, 2013, authorizes the 2013 bridge deck sealing to be rebid, and authorizes all actions previously taken by the Department of Public Works regarding such rejection and rebidding nunc pro tunc.

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

Adopted May 8, 2013 by voice vote.

ACT NO. 206-2013 by Mr. Aiello and Mr. Weller
who ask immediate consideration

**AMENDING ACT 76-2013 REGARDING GRANT DOCUMENTS WITH
NEW YORK STATE EMERGENCY MANAGEMENT OFFICE
FOR HAZARD MITIGATION GRANT FUNDS**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 76-2013 authorized the Chairman to execute grant documents with the New York State Emergency Management Office for Hazard Mitigation Grant funds from the Federal Emergency Management Agency (FEMA) for the Depot Street Drainage Improvement Project in the Town of Ashford, Project 1869-0003, and

WHEREAS, Act 76-2013 should be amended to change the term of the grant documents, now, therefore, be it

RESOLVED, that Act 76-2013 be, and hereby is, amended as follows: In the 1st Resolved, delete: "February 13, 2013" and "December 31, 2013", and replace with: "April 5, 2013" and "October 5, 2014".

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

Adopted May 8, 2013 by voice vote.

ACT NO. 207-2013 by Mr. Murphy
who asks immediate consideration

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH
U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY-ORIENTED
POLICING SERVICES FOR COPS HIRING PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, funding is available through the U.S. Department of Justice, Office of Community Oriented Policing Services for the three-year COPS Hiring Program, and

WHEREAS, the COPS Hiring Program provides funding directly to law enforcement agencies having primary law enforcement authority to create and preserve jobs and to increase their community policing capability and crime-prevention efforts, and

WHEREAS, the COPS Hiring Program grant funds may be used to hire school resource officers, new full-time sworn officer positions, to rehire officers who have been laid off, or to rehire officers who are scheduled to be laid off on a specific future date as a result of local budget cuts, and

WHEREAS, the County Sheriff's Office is desirous of applying for the aforementioned funding, and applications must be filed no later than May 22, 2013, and

WHEREAS, this program will provide up to \$125,000.00 per officer for the three-year grant program, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a grant application, on behalf of Cattaraugus County, with the U.S. Department of Justice, Office of Community Oriented Policing Services, in order to apply for the aforementioned funding, according to the above-described terms, and be it further

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

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

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

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

Adopted May 8, 2013 by voice vote.

ACT NO. 208-2013 by Ms. Edstrom and Mrs. Stockman
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HEALTHY COMMUNITY ALLIANCE, INC. FOR
COORDINATOR OF PUBLIC HEALTH EMERGENCY PREPAREDNESS &
RESPONSE TO BIOTERRORISM AND
RESCINDING ACT 94-2013**

Pursuant to Sections 224 (8) and 450 of the County Law.

WHEREAS, Acts 378-2011 and 379-2011 authorized the Chair to execute contracts with Cornell Cooperative Extension-Cattaraugus County, for the services of a Coordinator of Public Health Preparedness & Response to Bioterrorism, an Emergency Preparedness Resource Specialist, and a Coordinator of Emergency Medical Services, the terms of which have expired, and

WHEREAS, the County Health Department is in need of the services of a Coordinator of Public Health Emergency Preparedness & Response to Bioterrorism (PHEP Coordinator), and

WHEREAS, the Coordinator of Public Health Emergency Preparedness & Response to Bioterrorism shall be responsible for ensuring that the County Health Department is prepared to respond and react to environmental and/or health-related disasters which may affect Cattaraugus County, and

WHEREAS, Healthy Community Alliance, Inc., 1 School Street, Suite 100, Gowanda, New York 14070, can provide personnel to perform the tasks of PHEP Coordinator, which shall include the investigation and implementation of possible educational services to the County in connection with applicable educational programs associated with the County Health Department, for a total amount of \$68,785.50, as follows, to be paid as invoiced:

May 1, 2013 - June 30, 2013	\$ 9,261.29
July 1, 2013 – June 30, 2014	\$59,524.21,

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 Healthy Community Alliance, Inc., for the provision of the above-described services, for a term commencing May 1, 2013 and terminating June 30, 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, and be it further RESOLVED, that Act 94-2013 be, and hereby is, rescinded.

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

Adopted May 8, 2013 by voice vote.

ACT NO. 209-2013 by Mr. Murphy
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HEALTHY COMMUNITY ALLIANCE, INC. FOR
COORDINATOR OF EMERGENCY MEDICAL SERVICES AND
PUBLIC HEALTH EMERGENCY PREPAREDNESS RESOURCE SPECIALIST AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS AND
RESCINDING ACT 94-2013
(Office of Emergency Services)**

Pursuant to Sections 224 (8), 363, 366 and 450 of the County Law.

WHEREAS, Acts 378-2011 and 379-2011 authorized the Chair to execute a contract with Cornell Cooperative Extension-Cattaraugus County, for the services of a Coordinator of Public Health Preparedness & Response to Bioterrorism, an Emergency Preparedness Resource Specialist, and a Coordinator of Emergency Medical Services, the terms of which have expired, and

WHEREAS, the County Office of Emergency Services is in need of a Coordinator of Emergency Medical Services and a Public Health Emergency Preparedness Resource Specialist, and

WHEREAS, the Coordinator of Emergency Medical Services shall be responsible for the preparation, review and approval of a basic grant application form, which is forwarded to the State for final approval of state-reimbursed EMT courses, and

WHEREAS, the Public Health Emergency Preparedness Resource Specialist shall be responsible for assisting the Coordinator in ensuring that the County Office of Emergency Services is prepared to respond and react to environmental and/or health-related disasters which may affect Cattaraugus County, and

WHEREAS, Healthy Community Alliance, Inc., 1 School Street, Suite 100, Gowanda, New York 14070, can provide personnel to perform the tasks of Coordinator of Emergency Medical Services and Public Health Emergency Preparedness Resource Specialist, which shall include assistance with:

- emergency medical services projects,
- the Cattaraugus County All Hazard Mitigation Plan,
- emergency preparedness deliverables,
- federal and state emergency management,
- the national and state Homeland Security Program,
- coordination for all emergency medical services training within the County, including, but not limited to, emergency medical technician training (EMT), original and refresher courses, first aid and CPR and critical first responder (CFR) training,

for a total amount of \$59,134.28, as follows, to be paid as invoiced:

April 1, 2013 - June 30, 2013	\$11,203.77
July 1, 2013 – June 30, 2014	\$47,930.51,

and

WHEREAS, this program is 100% state funded, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Healthy Community Alliance, Inc., for the provision of the above-described services, for a term commencing April 1, 2013 and terminating June 30, 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, and be it further

RESOLVED, that Act 94-2013 be, and hereby is, rescinded, and be it further

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

Decrease Estimated Revenue Accounts:

A.401.4030.0000.1689.01	EMT Textbooks	\$ 1,000.00
A.401.4030.0000.1689.02	EMS Course Fees	\$ 9,000.00
A.401.4030.0000.3450.05	State Aid, Emergency Medical Services	\$63,000.00

Decrease Appropriation Accounts:

A.401.4030.0000.11000	Full Time Wages	\$36,723.00
A.401.4030.0000.41010	Contracted EMS Director	\$15,173.00
A.401.4030.0000.41233	Professional Services	\$32,000.00
A.401.4030.0000.43002	Telephone Shared Service	\$ 200.00
A.401.4030.0000.43003	Information Services Shared Service	\$ 752.00
A.401.4030.0000.43004	Insurance Shared Service	\$ 278.00
A.401.4030.0000.43006	Maintenance Shared Service	\$ 1,034.00
A.401.4030.0000.44101	Telephone Shared Service	\$ 160.00
A.401.4030.0000.45310	Copy Machine Lease	\$ 1,000.00
A.401.4030.0000.46102	Employee Mileage Reimbursements	\$ 50.00
A.401.4030.0000.47001	Postage	\$ 500.00
A.401.4030.0000.47002	Office Supplies	\$ 800.00
A.401.4030.0000.47007	Printing	\$ 25.00
A.401.4030.0000.47008	Publications/Instructional Materials	\$ 100.00
A.401.4030.0000.47009	Educational Materials/Supplies	\$ 1,100.00
A.401.4030.0000.47010	Text Books	\$ 1,000.00
A.401.4030.0000.81000	FICA	\$ 2,810.00
A.401.4030.0000.82000	Retirement	\$ 7,513.00
A.401.4030.0000.83000	Health Insurance	\$ 5,195.00

A.401.4030.0000.84000	Dental Insurance	\$ 132.00
A.401.4030.0000.85000	Workers Compensation	\$ 783.00

Increase Estimated Revenue Accounts:

A.364.4030.0000.1689.01	EMT Textbooks	\$ 1,000.00
A.364.4030.0000.1689.02	EMS Course Fees	\$ 9,000.00
A.364.4030.0000.3450.05	State Aid, Emergency Medical Services	\$63,000.00

Increase Appropriation Accounts:

A.364.4030.0000.11000	Full Time Wages	\$36,723.00
A.364.4030.0000.41010	Contracted EMS Director	\$15,173.00
A.364.4030.0000.41233	Professional Services	\$32,000.00
A.364.4030.0000.43002	Telephone Shared Service	\$ 200.00
A.364.4030.0000.43003	Information Services Shared Service	\$ 752.00
A.364.4030.0000.43004	Insurance Shared Service	\$ 278.00
A.364.4030.0000.43006	Maintenance Shared Service	\$ 1,034.00
A.364.4030.0000.44101	Telephone Shared Service	\$ 160.00
A.364.4030.0000.45310	Copy Machine Lease	\$ 1,000.00
A.364.4030.0000.46102	Employee Mileage Reimbursements	\$ 50.00
A.364.4030.0000.47001	Postage	\$ 500.00
A.364.4030.0000.47002	Office Supplies	\$ 800.00
A.364.4030.0000.47007	Printing	\$ 25.00
A.364.4030.0000.47008	Publications/Instructional Materials	\$ 100.00
A.364.4030.0000.47009	Educational Materials/Supplies	\$ 1,100.00
A.364.4030.0000.47010	Text Books	\$ 1,000.00
A.364.4030.0000.81000	FICA	\$ 2,810.00
A.364.4030.0000.82000	Retirement	\$ 7,513.00
A.364.4030.0000.83000	Health Insurance	\$ 5,195.00
A.364.4030.0000.84000	Dental Insurance	\$ 132.00
A.364.4030.0000.85000	Workers Compensation	\$ 783.00.

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

Adopted May 8, 2013 by voice vote.

ACT NO. 210-2013 by Mr. Murphy
who asks immediate consideration

**TRANSFER POSITION OF KEYBOARD SPECIALIST II FROM
HEALTH DEPARTMENT TO OFFICE OF EMERGENCY SERVICES**

Pursuant to Sections 205 of the County Law and
Section 70(2) of the Civil Service Law.

WHEREAS, the functions of Emergency Services Preparedness, specifically EMS services, are more appropriately encompassed within the Office of Emergency Services, and

WHEREAS, this transfer of functions will provide for a more effective and efficient manner of providing EMS services, and

WHEREAS, the Health Department and the Office of Emergency Services have heretofore agreed that EMS services would be provided for by the Office of Emergency Services, now, therefore, be it

RESOLVED, that effective July 1, 2013 the following position of employment within the Health Department, along with the permanent incumbent thereof, is hereby transferred to the Office of Emergency Services: Keyboard Specialist II, Position No. 401-186-012, and be it further

RESOLVED, that in accordance with Civil Service Law Section 70, a copy of this resolution be conspicuously posted in the Health Department, and be it further

RESOLVED, that upon such transfer, the permanent incumbent thereof shall continue to be employed with all the rights and benefits heretofore acquired through Civil Service in the classified service as provided in Civil Service Law Section 70(2).

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

Adopted May 8, 2013 by voice vote.

ACT NO. 211-2013 by Mr. Aiello, Ms. Vickman, Mr. Boser and Mr. Lamberson¹
and Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Marsh,
Mr. Murphy, Mr. Snyder, Jr., Mr. Snyder, Sr., Mrs. Stockman, Mr. Teachman,
Mr. Weller, Mr. Koch, Mrs. Labuhn, Mr. Padlo and Mr. Sprague
who ask immediate consideration

**RESOLUTION DECLARING "MAYDAY FOR MANDATE RELIEF" AND URGING
THE STATE TO ADOPT LAWS THAT DO NOT IMPOSE FURTHER FISCAL
STRESS ON LOCAL GOVERNMENTS AND TAXPAYERS AND BUILD UPON
RECENT EFFORTS TO REFORM COSTLY UNFUNDED MANDATES**

Pursuant to Section 153 of the County Law.

WHEREAS, counties are mandated to administer and finance dozens of state and federal programs, and

WHEREAS, many counties in New York State face significant fiscal challenges made worse by the recent recession and slow economic recovery, and

WHEREAS, these county fiscal challenges are also directly tied to state-imposed mandates and in recent years reduced state reimbursement, and

WHEREAS, the New York State Association of Counties has identified nine (9) state mandates that consume 90% of all county property taxes levied across the state (outside of New York City), representing over \$4 billion in county property taxes levied, which include: Medicaid, Public Assistance Safety Net, Child Welfare Protective and Preventive Care, Special Education Pre-School, Early Intervention, Probation, Indigent Defense, Youth Detention, and Pensions, and

WHEREAS, these mandated and fixed employee costs can consume more than 80% of a county's total budget, leaving fewer local dollars that can be devoted to local programs and services, and

WHEREAS, these State mandates are the root cause of high county property and sales taxes in New York and have led to a decline in the delivery of important local services, now, therefore, be it

RESOLVED, that Cattaraugus County hereby declares the month of May to be "Mayday for Mandate Relief" to raise awareness that decisions made in Albany have a direct impact on the property tax levy and local community services here in Cattaraugus County, and be it further

RESOLVED, that Cattaraugus County strongly encourages the Governor and State Legislature to continue working to enact meaningful mandate relief, and be it further

RESOLVED, that Cattaraugus County calls on State Lawmakers to enact legislation preventing future unfunded mandates without corresponding state aid to pay for them, and be it further

RESOLVED, that NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

MR. HALE moved, seconded by Ms. Edstrom to waive Rule 12. Carried.

¹The following Legislators requested their names be listed as additional sponsors: "Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Marsh, Mr. Murphy, Mr. Snyder, Jr., Mr. Snyder, Sr., Mrs. Stockman, Mr. Teachman, Mr. Weller, Mr. Koch, Mrs. Labuhn, Mr. Padlo and Mr. Sprague".

Adopted May 8, 2013 by voice vote.

ACT NO. 212-2013 by Mr. Marsh, Mr. Snyder, Sr. and Mr. Snyder, Jr.
who ask immediate consideration

**AUTHORIZE ACCEPTANCE OF GIFT OF REAL PROPERTY FROM
ROGER TORY PETERSON INSTITUTE OF NATURAL HISTORY TO
JAMESTOWN COMMUNITY COLLEGE**

Pursuant to Section 153 of the County Law.

WHEREAS, Jamestown Community College (JCC) has enjoyed a long and beneficial relationship with the Roger Tory Peterson Institute of Natural History (RTPI) in providing both credit and non-credit courses, and both organizations wish to further this relationship, and

WHEREAS, RTPI is located at 311 Curtis Street in the City of Jamestown directly across the street from the western boundary of JCC's Jamestown Campus, and the RTPI premises contain an approximately 26,000 square foot facility on 27 acres of land designated on the Chautauqua County Tax Map as tax parcels 370.12-3-5, 370.12-3-6, 370.12-3-7, 370.12-3-8, 370.12-3-9, 370.12-3-10, 370.12-3-42, 370.12-3-50, 370.12-3-51, 370.12-3-61, 370.12-3-62, and 370.12-3-63 (the "Property"), and

WHEREAS, RTPI and JCC have entered into a memorandum of intent whereby RTPI shall gift the Property to JCC for its future academic needs and related activities, and after transfer of the Property to JCC, RTPI shall receive a 30-year no-fee lease of a portion of the premises and the parties

intend to collaborate when appropriate on educational and environmental programming for their mutual benefit, and

WHEREAS, Section 6310(10) of the Education Law requires that all proposals for the acquisition of college facilities adopted by a community college regional board of trustees be approved by the legislative body of all local governments appointing members to such board of trustees, and

WHEREAS, the County of Cattaraugus will incur no local share expense related to the gift of the Property to JCC, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the acceptance by JCC of the gift of Property from RTPI.

MRS. STOCKMAN moved, seconded by Ms. Vickman to waive Rule 12. Carried.

Adopted May 8, 2013 by voice vote.

MS. EDSTROM moved, seconded by Mr. Weller to adjourn until May 22, 2013 at 3:00 p.m. Carried.

Meeting adjourned at 3:25 p.m.

Ann M. Giglio
Journal Clerk