

November 13, 2013

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

The invocation was given by Rev. Kay.

The Attendance Roll Call disclosed one Legislator absent – Mr. Snyder, Jr.

MR. BOSER moved, seconded by Mr. Aiello that the minutes of the October 23, 2013 session be approved. Carried.

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**COMMUNICATIONS:**

Essex County Board of Supervisors: Resolution No. 303 entitled, "Resolution Supporting Statewide Ballot Proposal #5".

James J. Snyder, Sr., Chairman, Finance Committee: Apportionment of Mortgage Taxes for the period April 1, 2013 through September 30, 2013. (See page 547)

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**APPOINTMENTS:**

**CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD**

*Term to expire December 31, 2014*

Jeremy Martin, Manager  
Manufacturing Engineering  
Eaton's Cooper Power Systems Business  
1648 Dugan Road  
Olean, New York 14760

**CRIMINAL JUSTICE ADVISORY COMMITTEE**

*Term to expire December 31, 2015*

Daniel Piccioli, Commissioner  
Department of Social Services  
One Leo Moss Drive, Suite 6010  
Olean, New York 14760

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**PROCLAMATIONS:**

CHAIRMAN MARSH recognized the Cattaraugus County Health Department on the celebration of its 90<sup>th</sup> Anniversary in 2013 and commended the entire staff of the Cattaraugus County Health Department as they continue to serve the residents of Cattaraugus County with passion and integrity.

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CHAIRMAN MARSH granted Privilege of the Floor to Nancy Barger. She is a descendant of Civil War veteran, Lowry Barger from the 154<sup>th</sup> Regiment of New York. She asked the legislators to consider repurposing and restoring the former County Museum/Board of Elections building rather than demolish it.

CHAIRMAN MARSH granted Privilege of the Floor to Steve Pancio who spoke regarding a proposed new medical campus in Olean. His family has purchased the former Boardmanville Elementary School which is located in the immediate vicinity of Olean General Hospital with the intention of opening a sub-acute center. The \$4 million project has secured \$2.5 million in private funding and is need of an additional \$1.5 million. They hope to open the facility within a year, starting with 25 construction jobs and eventually 40-50 jobs upon opening. The second and third floors will house the in-patient rehabilitation center with professional offices and therapy services on the first floor. This facility will have approximately 54 beds and will also be used as a training facility.

\* \* \* \* \*

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 April 1, 2013 through September 30, 2013 is \$429,287.86 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	62,211.39	6,697.41	55,513.98
ASHFORD	76,582,174	153,164,348		0.00000000	12,300.41	0.00	12,300.41
CARROLLTON	77,140,927	154,281,854		0.00000000	10,001.31	0.00	10,001.31
COLDSRING	61,023,488	122,046,976		0.00000000	2,927.41	0.00	2,927.41
CONEWANGO	33,335,166	66,670,332		0.00000000	9,296.16	0.00	9,296.16
DAYTON	48,514,865	97,029,730	12,234,671	0.12609198	4,106.38	517.78	3,588.60
EAST OTTO	48,609,428	97,218,856		0.00000000	4,138.29	0.00	4,138.29
ELLCOTTVILLE	566,227,605	1,132,455,210	121,282,884	0.10709729	44,770.96	4,794.85	39,976.11
FARMERSVILLE	57,185,074	114,370,148		0.00000000	5,731.87	0.00	5,731.87
FRANKLINVILLE	85,588,478	171,176,956	33,218,741	0.19406082	15,121.83	2,934.55	12,187.28
FREEDOM	116,718,195	233,436,390		0.00000000	14,045.37	0.00	14,045.37
GREAT VALLEY	173,321,011	346,642,022		0.00000000	18,620.46	0.00	18,620.46
HINSDALE	72,032,108	144,064,216		0.00000000	9,612.79	0.00	9,612.79
HUMPHREY	49,284,320	98,568,640		0.00000000	4,144.74	0.00	4,144.74
ISCHUA	41,116,048	82,232,096		0.00000000	9,498.31	0.00	9,498.31
LEON	48,842,863	97,685,726		0.00000000	4,260.38	0.00	4,260.38
LITTLE VALLEY	46,839,136	93,678,272	19,500,442	0.20816398	9,508.46	1,979.32	7,529.14
LYNDON	46,431,896	92,863,792		0.00000000	3,064.97	0.00	3,064.97
MACHIAS	128,477,874	256,955,748		0.00000000	10,593.62	0.00	10,593.62
MANSFIELD	105,956,145	211,912,290		0.00000000	16,784.84	0.00	16,784.84
NAPOLI	33,008,511	66,017,022		0.00000000	2,858.54	0.00	2,858.54
NEW ALBION	57,430,978	114,861,956	21,971,528	0.19128638	5,631.05	1,077.14	4,553.91
OLEAN, CITY	499,931,693	999,863,386		0.00000000	65,953.28	0.00	65,953.28
OLEAN, TOWN	85,584,001	171,168,002		0.00000000	16,079.80	0.00	16,079.80
OTTO	30,960,804	61,921,608		0.00000000	5,037.94	0.00	5,037.94
PERRYSBURG	56,432,806	112,865,612		0.00000000	8,339.18	0.00	8,339.18
PERSIA	58,598,225	117,196,450	40,519,715	0.34574183	8,059.33	2,786.45	5,272.88
PORTVILLE	135,292,244	270,584,488	28,462,303	0.10518823	15,111.52	1,589.55	13,521.97
RANDOLPH	82,832,208	165,664,416		0.00000000	9,834.95	0.00	9,834.95
RED HOUSE	109,123,085	218,246,170		0.00000000	47.11	0.00	47.11
SALAMANCA, CITY	17,354,234	34,708,468		0.00000000	6,529.91	0.00	6,529.91
SALAMANCA, TOWN	27,449,866	54,899,732		0.00000000	2,003.59	0.00	2,003.59
SOUTH VALLEY	30,153,009	60,306,018		0.00000000	1,140.53	0.00	1,140.53
YORKSHIRE	29,903,778	59,807,556	6,046,606	0.10110104	11,921.18	1,205.24	10,715.94
TOTALS	3,459,679,173		352,652,570		429,287.86	23,582.30	405,705.56

**ACT NO. 490-2013** 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

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
REGARDING PAY OFF OF CERTAIN BOND ANTICIPATION NOTES  
(County Administrator)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, the County Administrator is desirous of using \$1,634,500.00 of Casino funds to pay off the following outstanding Bond Anticipation Notes:

<u>Act No.</u>	<u>Bond Resolution Dated</u>	<u>Purpose</u>	<u>Pay off Amount</u>
658-2012	December 12, 2012	Bridge Improvements	\$765,000.00
659-2012	December 12, 2012	Watershed Improvements	\$269,500.00
662-2012	December 12, 2012	Public Safety Communications System	\$600,000.00

and

WHEREAS, the aforementioned amount of \$1,634,500.00 shall be provided through Casino funds, and

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

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

Increase Estimated Revenue Account:

A.901.0000.0000.2725.1	Tribal Compact Moneys, Tax Immune Proceeds	\$1,634,500.00
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Increase Appropriation Account:

A.990.9950.0000.90504	Transfer to Capital Projects Fund	\$1,634,500.00.
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Approved by 9 members of the Finance Committee.

Adopted November 13, 2013 by voice vote.

**ACT NO. 491-2013** by Mr. Aiello, Mr. Klancer, Mr. Murphy and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
GREENMAN-PEDERSEN, INC. FOR  
CONSTRUCTION INSPECTION SERVICES FOR  
LEON BRIDGE NO. 18 FEDERAL-AID REPLACEMENT PROJECT**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the County is in need of on-site construction inspection services for the Leon Bridge No. 18 federal-aid replacement project, and

WHEREAS, Greenman-Pedersen, Inc., 4950 Genesee Street, Suite 165, Buffalo, New York 14225, can provide the necessary construction inspection services for an amount not to exceed \$159,447.00, to be paid on a percent-of-completion basis, as invoiced, and

WHEREAS, this project is 80% federal, 15% state and 5% county funded, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Greenman-Pedersen, Inc., for the provision of the above-described services, for a term commencing November 13, 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 November 13, 2013 by voice vote.

**ACT NO. 492-2013** by Mr. Aiello and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
SUNNKING, INC. 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, Sunnking, Inc., 4 Owens Road, Brockport, New York 14420, will pay to the County an amount of \$0.04 per pound of non-CRT 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 Sunnking, Inc., for the provision of the above-described recycling services, for a term commencing November 13, 2013 and terminating November 12, 2014, according to the above-described terms.

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 493-2013** by Mr. Aiello and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH  
NEW YORK STATE EMERGENCY MANAGEMENT OFFICE FOR  
HAZARD MITIGATION GRANT PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 580-2011 authorized a contract with the New York State Emergency Management Office for a \$100,000.00 Hazard Mitigation grant with a federal share of \$75,000.00 and a required 25% non-federal matching share of \$25,000.00, for the major disaster declaration FEMA-1857-DR-NY, HMGP Project #1857-0017 for severe storms and flooding, the term of which expired October 30, 2013, and

WHEREAS, the term of the aforementioned contract has been extended to April 30, 2014, and

WHEREAS, a contract extension is necessary in order to obtain the aforementioned funding, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with the New York State Emergency Management Office, in order to accept the aforementioned grant, for a term commencing November 10, 2011 and terminating April 30, 2014, according to the above-described terms.

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 494-2013** by Mrs. Stockman and Mr. VanRensselaer  
*and Mrs. Labuhn<sup>1</sup>*

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH CHAUTAUQUA COUNTY REGARDING  
CONEWANGO CREEK WATERSHED PROTECTION PROJECTS**

Pursuant to Section 450 of the County Law.

WHEREAS, Chautauqua County has established a Chautauqua County Conewango Watershed Protection Project by Resolution No. 263-66, and

WHEREAS, Act 262-1973 established the Cattaraugus County County-Wide Watershed Protection Project, and

WHEREAS, Chautauqua and Cattaraugus Counties entered into a contract dated October 24, 1973, as amended, for the construction, financing, operation and maintenance of a joint Watershed Protection Project ("the Project") for the Conewango Creek Watershed, and

WHEREAS, due to the age of the flood control structures and the continuing need to ensure that they are in compliance with state and federal legislations, the County should take an active role in the management of the Project, and

WHEREAS, a contract is necessary to continue the operation and maintenance of the joint Watershed Protection Project for the Conewango Creek Watershed, and

WHEREAS, the cost of such operation and maintenance in 2014 shall be paid from the Project's funds and thereafter each County shall contribute the amount of \$7,500.00 per year for such purpose, 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 services, for a term commencing January 1, 2014 and terminating December 31, 2018, according to the above-described terms.

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

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 495-2013** by Mr. Murphy

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH STANLEY CONVERGENT SECURITY SOLUTIONS, INC.  
FOR JAIL SECURITY ELECTRONICS SYSTEM**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the Sheriff's Office is desirous of obtaining maintenance services for the Security Electronics System at the Jail, and

WHEREAS, Stanley Convergent Security Solutions, Inc., 14670 Cumberland Road, Noblesville, Indiana 46060, can provide maintenance services for the Security Electronics System at the Jail for an amount of \$1,060.00 per month, which shall cover the following systems:

Touchscreen Control System	Duress/Watchtour System
Door Control System	Utility Control Interface
Intercom System	Security Management System
CCTV System	Software
Access Control Interface,	

and

WHEREAS, additional services provided on an as-needed basis will be charged at the rate of \$148.00 per hour straight time and the rate of \$222.00 per hour overtime, plus travel and living expenses, in increments of two (2) hours, with travel time being charged at the applicable rate minus \$20.00 per hour, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, contingent upon and subject to inclusion in the 2014 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with Stanley Convergent Security Solutions, Inc., for the provision of the above-described services, for a term commencing May 1, 2014 and terminating April 30, 2017, with automatic renewals for consecutive terms of three (3) years, unless terminated by either party, according to the above-described terms.

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 496-2013** by Mr. Murphy

**AUTHORIZING THE CHAIR AND SHERIFF TO EXECUTE CONTRACT WITH  
ONEIDA COUNTY FOR FORENSIC UNIT SERVICES**

Pursuant to Section 504 of the Correction Law and  
Section 450 of the County Law.

WHEREAS, Act 98-2011 authorized a contract with Oneida County for forensic unit services for the Sheriff's Department, the term of which expires December 31, 2013, at a rate of \$165.00 per day per inmate, and

WHEREAS, the Central New York Psychiatric Center has the capability of providing forensic services for the Sheriff's Department, which has inadequate facilities for treating mentally-ill inmates, and

WHEREAS, the Correction Law provides for the designation of substitute jails, and for the removal of the aforementioned mentally-ill inmates from jail to appropriate facilities for care and treatment, and

WHEREAS, the County is desirous of renewing the aforementioned contract with Oneida County, and

WHEREAS, the County of Oneida, through the Central New York Psychiatric Center, has agreed to provide the aforementioned forensic services at a rate of \$165.00 per day per inmate, now, therefore, be it

RESOLVED, that the Chair of the Legislature and the Sheriff be, and hereby are, authorized and directed to execute a contract, contingent upon and subject to the inclusion in the 2014 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with Oneida County for the provision of forensic unit services, through the Central New York Psychiatric Center, for a term commencing January 1, 2014 and terminating December 31, 2016, according to the above-described terms.

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

Adopted November 13, 2013 by voice vote.



**ACT NO. 497-2013** by Mr. Snyder, Sr.

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
SYSTEMS EAST, INC. FOR  
APPLICATION SOFTWARE AND SUPPORT SERVICES FOR  
REAL PROPERTY TAX MANAGEMENT**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 629-2012 authorized a contract with Systems East, Inc., 6 Locust Avenue, Cortland, New York 13045, for the provision of the Total Collection Solution (TCS.web) and related services, which includes application software, training and maintenance, for a total cost of \$178,245.00, plus annual application maintenance and support services, and

WHEREAS, the Treasurer's Office is in need of annual application maintenance and support services, and

WHEREAS, Systems East, Inc. can provide application maintenance and support services for an amount of \$21,276.00, for the period January 1, 2014 through December 31, 2014, 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 2014 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with Systems East, Inc., for the provision of the above-described application maintenance and support services, for a term commencing January 1, 2014 and terminating December 31, 2014, according to the above-described terms.

Approved by 9 members of the Finance Committee.

Adopted November 13, 2013 by voice vote.

**ACT NO. 498-2013** by Mr. VanRensselaer and Mr. Boser  
*and Mr. Teachman and Mrs. Labuhn<sup>1</sup>*

**BID ACCEPTANCE FOR DESIGN OF 2014 CATTARAUGUS COUNTY ACTIVITIES GUIDE  
(Department of Economic Development, Planning & Tourism)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the design of the 2014 Cattaraugus County Activities Guide, according to specifications provided by the Development and Agriculture Committee, and

WHEREAS, the lowest bid received meeting specifications for the design of the 2014 Cattaraugus County Activities Guide was the bid of e8 Creative, LLC, 300 Delaware Avenue, Suite 203, Buffalo, New York 14202, for a total cost not to exceed \$5,500.00, and

WHEREAS, the aforementioned cost is 50% reimbursable through New York State matching funds, now, therefore, be it

RESOLVED, that the bid of e8 Creative, LLC be, and the same hereby is, accepted, for a term commencing November 1, 2013 and terminating April 30, 2014, and be it further

RESOLVED, that the vouchers accordingly certified by the Director of the Department of Economic Development, Planning & Tourism be audited by the Auditor and paid by the County Treasurer.

No State Bid.

24 sets of specifications were sent out.

3 bids received meeting specifications are on file at the Cattaraugus County Department of Economic Development, Planning and Tourism.

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

<sup>1</sup>The following Legislators requested their names be listed as additional sponsors: "Mr. Teachman and Mrs. Labuhn".

Adopted November 13, 2013 by voice vote.

**ACT NO. 499-2013** by Mr. VanRensselaer and Mr. Boser  
and Mr. Teachman and Mrs. Labuhn<sup>1</sup>

**BID ACCEPTANCE FOR PRINTING OF  
2014 CATTARAUGUS COUNTY ACTIVITIES GUIDE  
(Department of Economic Development, Planning & Tourism)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for printing of the 2014 Cattaraugus County Activities Guide, according to specifications provided by the Development and Agriculture Committee, and

WHEREAS, the lowest bid received meeting specifications for 100,000 copies of the 2014 Cattaraugus County Activities Guide was the bid of Kenyon Press, Inc., 1 Kenyon Press Drive, Sherburne, New York 13460-8086, for a total print cost of \$33,596.00, based on each of the following categories:

Printing of 2014 Cattaraugus County Activities Guide

100,000 copies	56 pages	\$28,338.00
8-3/8" x 10-7/8", four color,		
4 page cover - 100# Gloss Text #3;		
Inside 52 pages - 45# Gloss Text #3;		
folded, gathered, saddle stitched and trimmed to size		

<u>Option #1</u> – 100,000 copies	Fold-Out Map Insert	\$ 5,258.00
40# White offset, #3 Coated for map		
Map will be 21.5" x 33.5" flat, folded down,		
trimmed and stitched into center of guide,		

and

WHEREAS, the aforementioned cost is 50% reimbursable through New York State matching funds, now, therefore, be it

RESOLVED, that the bid of Kenyon Press, Inc., be, and the same hereby is, accepted, for a term commencing November 1, 2013 and terminating May 31, 2014, and be it further

RESOLVED, that the vouchers accordingly certified by the Director of the Department of Economic Development, Planning & Tourism be audited by the Auditor and paid by the County Treasurer.

No State Bid.

37 sets of specifications were sent out.

Five bids were received.

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

<sup>1</sup>The following Legislators requested their names be listed as additional sponsors: "Mr. Teachman and Mrs. Labuhn".

Adopted November 13, 2013 by voice vote.

**ACT NO. 500-2013** by Mr. Aiello  
and Mrs. Stockman and Mrs. Labuhn<sup>1</sup>

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH  
PRACTICAL CONSULTANTS, LLC, FOR PURPOSES OF PROVIDING  
WORKPLACE VIOLENCE PREVENTION TRAINING**

Pursuant to Article 2, Section 27-b of the New York State Labor Law  
and Section 205 of the County Law.

WHEREAS, Article 2, Section 27-b of the New York State Labor Law entitled "The Workplace Violence Prevention Act for Public Employees" requires the County to provide annual safety training for its employees, and

WHEREAS, Practical Consultants, LLC, 1549 Friend Road, Penn Yan, New York 14527, can assist Cattaraugus County in complying with the regulations set forth in Title 12 NYCRR Section 800.6 by providing Workplace Violence Prevention training and education, and

WHEREAS, Practical Consultants, LLC, can perform the aforementioned services at a cost of \$1,800.00 per two-session day, including all expenses, and

WHEREAS, sufficient funds are available in the current budget to cover the cost of providing such services for a total of two days for a sum not to exceed \$3,600.00, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Practical Consultants, LLC, for the provision of the above-described services, for a term commencing November 18, 2013 and terminating December 31, 2013, according to the above-described terms.

Approved by 9 members of the Finance Committee and 5 members of the Labor Relations Committee.

<sup>1</sup>The following Legislators requested their names be listed as additional sponsors: "Mrs. Stockman and Mrs. Labuhn".

Adopted November 13, 2013 by voice vote.

**ACT NO. 501-2013** by Mr. Aiello and Mr. Lamberson  
and Mrs. Stockman<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATALOG & COMMERCE SOLUTIONS, LLC, FOR DEVELOPMENT OF A  
PAPERLESS SYSTEM FOR THE PROCESSING AND MANAGEMENT  
OF CIVIL SERVICE APPLICATIONS**

Pursuant to Section 450 of the County Law.

WHEREAS, the Human Resources Department and the Information Services Department are desirous of upgrading the County's current personnel management software system in order to provide a more efficient, paperless, and streamlined on-line application process, and

WHEREAS, Catalog & Commerce Solutions, LLC, 263 East Street, Pittsford, New York 14534, can provide software for an amount not to exceed \$35,450.00, as follows:

Software System	\$29,750.00
Monthly Maintenance Fee	\$ 475.00,

and

WHEREAS, the Catalog & Commerce Solutions system, will further automate civil service functions, which includes the following:

- Computerized roster card maintenance, including a complete listing of employee history, salary changes, promotions, change of status, etc.,
- Ability to transfer data to the New World Payroll System thereby reducing duplication of efforts,
- Electronic submission of Report of Personnel Change Forms (Pink Sheets),
- Unlimited user access with County-controlled levels of authorization,
- Automated electronic candidate notification of examination results,
- On-line examination application and fee processing,
- Electronic posting of examination results and Eligible Lists to County website, and
- Ability to certify payrolls electronically for all agencies under jurisdiction,

and

WHEREAS, this new software system will result in future annual savings to the County, and

WHEREAS, sufficient funds are included in the 2013 budget to cover the cost of the purchase and implementation of this software system, 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 Catalog & Commerce Solutions, LLC, for the

provision of the above-described system, for a term commencing November 18, 2013 to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

Approved by 9 members of the Finance Committee and 5 members of the Labor Relations Committee.

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 502-2013** by Mr. Teachman and Mr. Padlo

**AUTHORIZING THE CHAIR TO EXECUTE LICENSE AGREEMENT WITH  
PICTOMETRY INTERNATIONAL CORP. FOR  
AERIAL PHOTOGRAPHY SOFTWARE SUPPORT SERVICES AND LICENSES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 223-2012 authorized a License Agreement with Pictometry International Corp. for the provision of aerial photography services to the County Office of Real Property Tax Services, and

WHEREAS, software support services and licenses are necessary, and

WHEREAS, Pictometry International Corp., 100 Town Centre Drive, Suite A, Rochester, New York 14623, can provide software support services and licenses to the County for an amount of \$2,000.00, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a License Agreement, on behalf of Cattaraugus County, contingent upon and subject to the inclusion in the 2014 budget of sufficient funds to cover the costs of the aforementioned services, with Pictometry International Corp., for the provision of the above-described software support services and licenses, for a term commencing January 1, 2014 and terminating December 31, 2014, according to the above-described terms.

Approved by 9 members of the Finance Committee and 7 members of the County Operations Committee.

Adopted November 13, 2013 by voice vote.

**ACT NO. 503-2013** by Mr. Teachman and Mr. Padlo  
*and Mrs. Labuhn*<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
NTS DATA SERVICES, LLC FOR BOARD OF ELECTIONS  
IMAGING SOFTWARE SYSTEM MAINTENANCE AND SUPPORT**

Pursuant to Sections 5-708(5.a) and 8-304 of the Election Law  
and Section 450 of the County Law.

WHEREAS, Act 36-2009 authorized a contract with NTS Data Services, LLC, for maintenance and support services for the Team-2000 Voter Information Software system, Sign-it, "IMAGE-IT! Full Document Imaging" software system, and IMS software applications, the term of which expires December 31, 2013, and

WHEREAS, the Board of Elections is desirous of continuing maintenance and support services on the above-described software systems, and

WHEREAS, NTS Data Services, LLC, 1342 Military Road, Niagara Falls, New York 14304, can continue to provide the above-described services, as well as maintenance and support on the soon to be installed TEAM version 6.0 which will include full compliance with the MOVE Act, for an annual cost of \$39,520.64 for a five-year period commencing January 1, 2014, 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, contingent upon and subject to the inclusion in the 2014 budget of sufficient funds to cover the costs of the aforementioned services, with NTS Data Services, LLC, for the provision of the above-described services, for a term commencing January 1, 2014 and terminating December 31, 2018, according to the above-described terms.

Approved by 9 members of the Finance Committee and 7 members of the County Operations Committee.

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 504-2013** by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
BERKSHIRE FARM CENTER & SERVICES FOR YOUTH, INC. FOR  
DEPARTMENT OF SOCIAL SERVICES PATHWAYS PROGRAM PREVENTIVE SERVICES  
FOR OPEN CHILD PROTECTIVE CASES**

Pursuant to Public Law 104-193 and Section 450 of the County Law.

WHEREAS, the Department of Social Services is desirous of obtaining preventive services for open child protective cases, and

WHEREAS, Berkshire Farm Center & Services for Youth, Inc., Tri-Main Center, 2495 Main Street, Suite 330, Buffalo, New York 14214, can provide the aforementioned preventive services,

through the Pathways Program, for an amount not to exceed \$78,500.00, to be paid on a monthly basis as invoiced, and

WHEREAS, services provided by the Pathways Program include crisis intervention to stabilize the family; assessments to identify at-risk issues; home-based services to determine the root causes of these issues; development of treatment plans; and overall support, nurturing, and guidance to help youth and families resolve the issues that place the youth at risk, so the youth can successfully and safely remain at home, 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 a contract, on behalf of Cattaraugus County, with Berkshire Farm Center & Services for Youth, Inc., for the provision of the aforementioned services, for a term commencing November 1, 2013 and terminating October 31, 2014, according to the above-described terms, and be it further

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

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

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

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 505-2013** by Ms. Edstrom and Mrs. Stockman  
*and Mr. Teachman, Mrs. Labuhn and Mr. Padlo<sup>1</sup>*

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
JAMESTOWN COMMUNITY COLLEGE FOR  
TRAINING COORDINATOR SERVICES**

Pursuant to Section 112 of the Social Services Law and  
Section 450 of the County Law.

WHEREAS, Act 510-2012 authorized a contract with Jamestown Community College for an employee education and training program, the term of which expires December 31, 2013, and

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

WHEREAS, Jamestown Community College, P.O. Box 5901, Olean, New York 14760, has agreed to provide a full-time training coordinator who will provide the above-described staff development services to employees of the Cattaraugus County Department of Social Services, and

WHEREAS, the maximum amount for 2014 is \$93,369.00, of which \$65,369.00 is charged to the Cattaraugus County Department of Social Services, and

WHEREAS, this program is 100% reimbursable through state and federal funds, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, contingent upon and subject to the inclusion in the 2014 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with Jamestown Community College, for the provision of the above-described employee education program, for a term commencing January 1, 2014 and terminating December 31, 2014, according to the above-described terms, and be it further

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

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

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

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

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 506-2013** by Ms. Edstrom and Mrs. Stockman  
*and Mr. Teachman and Mr. Padlo<sup>1</sup>*

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
GREATER OLEAN, INC., FOR DEPARTMENT OF SOCIAL SERVICES  
TANF ON-THE-JOB TRAINING SERVICES**

Pursuant to Public Law 104-1993 and Section 450 of the County Law.

WHEREAS, Act 509-2012 authorized a contract with Greater Olean, Inc., for the provision of on-the-job training for TANF-eligible participants, the term of which expires December 31, 2013, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned on-the-job training for TANF-eligible participants, and

WHEREAS, Greater Olean, Inc., 120 North Union Street, Olean, New York 14760, has agreed to develop and manage on-the-job training for participants that are TANF-eligible for an annual amount not to exceed \$53,045.00, to be paid on a monthly basis, as invoiced, 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 a contract, contingent upon and subject to the inclusion in the 2014 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with Greater



Olean, Inc., for a term commencing January 1, 2014 and terminating December 31, 2014, for the provision of the above-described services, 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.

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 507-2013** by Ms. Edstrom and Mrs. Stockman  
and Mr. Teachman, Ms. Vickman and Mr. Padlo<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
GENESIS HOUSE OF OLEAN, INC. FOR HOMELESS SHELTER SERVICES FOR  
DEPARTMENT OF SOCIAL SERVICES ELIGIBLE RECIPIENTS**

Pursuant to Article 2-A of the Social Services Law and  
Section 450 of the County Law.

WHEREAS, Act 508-2012 authorized a contract with the Genesis House of Olean, Inc., for the provision of homeless shelter services for eligible recipients, the term of which expires December 31, 2013, and

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

WHEREAS, Genesis House of Olean, Inc., 107 South Barry Street, Olean, New York 14760, can provide homeless shelter services on an as-needed basis in accordance with the following rate schedule:

Single Person	\$30.00 per night
Family (any size)	\$40.00 per night
After 30 Days	\$35.00 per night
Hotel reimbursement in emergency situations at a reasonable rate for a maximum of 3 nights,	

and

WHEREAS, the above-described services for families are 50% federal, 25% state and 25% local funded and for individuals are 50% state and 50% local funded, 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 2014 budget of sufficient

funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with Genesis House of Olean, Inc., for the provision of the above-described services, for a term commencing January 1, 2014 and terminating December 31, 2014, according to the above-described terms, and be it further

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

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

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

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

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 508-2013** by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
JUDITH GALLEGOS FOR TANF ELIGIBLE DRUG/ALCOHOL  
SCREENING AND CASE MANAGEMENT**

Pursuant to 29 USCS 1604 and Section 450 of the County Law.

WHEREAS, Act 504-2012, as amended by Act 327-2013, authorized a contract with Judith Gallegos for the provision of drug/alcohol screening and comprehensive case management for all public assistance adult applicants/recipients, the term of which expires December 31, 2013, and

WHEREAS, the County Department of Social Services is required to provide the aforementioned services pursuant to the Welfare Reform Act of 1996, and

WHEREAS, Judith Gallegos, 6 North Academy Street, Franklinville, New York 14737, an independent contractor, has agreed to continue providing drug/alcohol screening and comprehensive case management for all public assistance adult applicants/recipients for a total annual amount not to exceed \$55,170.00, to be paid on a bi-weekly basis as invoiced, and

WHEREAS, the aforementioned services are 100% federally funded, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, contingent upon and subject to the inclusion in the 2014 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with Judith Gallegos for the provision of the above-described services, for a term commencing January 1, 2014 and terminating December 31, 2014, according to the above-described terms, and be it further

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

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

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

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 509-2013** by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD, INC. FOR  
YEAR-ROUND YOUTH PROGRAMS**

Pursuant to Workforce Investment Act of 1998 and Section 450 of the County Law.

WHEREAS, Act 440-2012 authorized a contract with the Cattaraugus-Allegany Workforce Investment Board, Inc. (WIB), for the provision of services necessary to operate year-round youth programs, the term of which expired June 30, 2013, and

WHEREAS, the County Department of Social Services is desirous of continuing the provision of services to youth and can make available all necessary qualified personnel, licenses, facilities and expertise to perform, or have performed, the services required, and

WHEREAS, the WIB will pay the County an amount of \$17,514.00 for the provision of the above-described youth services for the period July 1, 2013 through June 30, 2014, 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 a contract, on behalf of Cattaraugus County, with the Cattaraugus-Allegany Workforce Investment Board, Inc., for the provision of the above-described services, for a term commencing July 1, 2013 and terminating June 30, 2014, according to the above-described terms.

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 510-2013** by Ms. Edstrom and Mrs. Stockman  
and Ms. Vickman, Mr. Weller, Mr. Lamberson and Mr. Padlo<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD, INC.  
FOR SUMMER YOUTH EMPLOYMENT PROGRAMS**

Pursuant to Workforce Investment Act of 1998 and Section 450 of the County Law.

WHEREAS, Act 336-2012, as amended by Act 567-2012, authorized a contract with the Cattaraugus-Allegany Workforce Investment Board, Inc. (WIB), for the Summer Youth Employment program, the term of which expired September 30, 2012, and

WHEREAS, the Cattaraugus-Allegany Workforce Investment Board, Inc. (WIB), has received funds to enhance the capacity of WIA youth services in the 2013 Summer Youth Employment Program, and

WHEREAS, the County Department of Social Services is desirous of providing the summer employment services to youth and can make available all necessary qualified personnel, licenses, facilities and expertise to perform, or have performed, the services required, and

WHEREAS, the WIB will pay the County an amount of \$14,704.00, to be paid on a monthly basis as invoiced, for the provision of the above-described summer youth employment services, 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 a contract, on behalf of Cattaraugus County, with the Cattaraugus-Allegany Workforce Investment Board, Inc., for the provision of the above-described services, for a term commencing June 1, 2013 and terminating September 30, 2013, according to the above-described terms, and be it further

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

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

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

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

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 511-2013** by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH  
CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD, INC. FOR  
OPERATION OF WIA ONE-STOP PROGRAM**

Pursuant to P.L. 105-220, Workforce Investment Act of 1998,  
20 USC 9201 and Section 450 of the County Law.

WHEREAS, Act 292-2012 authorized a contract with the Cattaraugus-Allegany Workforce Investment Board, Inc., for the operation of the aforementioned WIA One-Stop program, the term of which expired June 30, 2013, and

WHEREAS, the County Department of Social Services is desirous of continuing the One Stop Operator delivery system services, and

WHEREAS, the WIB will pay the County for the administration of the above-described program the sum of \$468,595.00 for the program year July 1, 2013 through June 30, 2014, to be paid on a monthly basis, as invoiced, 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 an amended contract, on behalf of Cattaraugus County, with the Cattaraugus-Allegany Workforce Investment Board, Inc., for the provision of the above-described services, for a term commencing July 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.

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 512-2013** by Ms. Edstrom and Mrs. Stockman  
*and Ms. Vickman, Mrs. Labuhn and Mr. Padlo<sup>1</sup>*

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COMMUNITY ACTION, INC., FOR  
RESIDENTIAL SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE**

Pursuant to 18 NYCRR Parts 408 and 452.2(b), Article 6-A of  
the Social Services Law and Section 450 of the County Law.

WHEREAS, Act 507-2012 authorized a contract with Cattaraugus Community Action, Inc., for the provision of necessary and available approved residential services to victims of domestic violence, the term of which expires December 31, 2013, and

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

WHEREAS, Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, has agreed to administer the aforementioned program at a cost of \$69.77 per person per day, or at the 2014 rate as set by the New York State Office of Children and Family Services, to be paid on a monthly basis, as invoiced, and

WHEREAS, this program is 50% federal, 25% state and 25% county funded, 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 2014 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with Cattaraugus Community Action, Inc., for the administration of the above-described program, for a term commencing January 1, 2014 and terminating December 31, 2014, according to the above-described terms, and be it further

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

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

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

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

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 513-2013** by Ms. Edstrom and Mrs. Stockman  
*and Mrs. Labuhn and Mr. Padlo<sup>1</sup>*

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COMMUNITY ACTION, INC. FOR HOME ENERGY  
ASSISTANCE PROGRAM (HEAP) FUNDS ADMINISTRATION**

Pursuant to 18 NYCRR Part 393, P.L. 97-35, Section 34 of  
the Social Services Law and Section 450 of the County Law.

WHEREAS, Act 431-2012 authorized a contract with Cattaraugus Community Action, Inc., for the provision of administrative functions for HEAP in Cattaraugus County, the term of which expired March 15, 2013, and

WHEREAS, HEAP is 100% federally funded with State allocations funneled through the United States Department of Health and Human Services, and

WHEREAS, Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, can perform outreach functions of the program for a sum not to exceed \$19,633.30, to be paid as invoiced, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Cattaraugus Community Action, Inc., for the provision of the above-described services, for a term commencing November 18, 2013 and terminating March 17, 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 9 members of the Finance Committee and 7 members of the Human Services Committee.

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 514-2013** by Ms. Edstrom and Mrs. Stockman  
and Mrs. Labuhn<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATHOLIC CHARITIES OF WESTERN NY FOR DEPARTMENT OF  
SOCIAL SERVICES TANF FUNDING FOR MULTI-SYSTEMIC  
THERAPY SERVICES FOR PINS DIVERSION**

Pursuant to Public Law 104-193 and Section 450 of the County Law.

WHEREAS, Act 516-2012 authorized a contract with Catholic Charities of Western NY for the provision of 1 1/2 therapists for the Multi-Systemic Therapy (MST) program, for the provision of preventive and other supportive services to persons in need of supervision (PINS), ages 16 and 17, the term of which expires December 31, 2013, and

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

WHEREAS, Catholic Charities of Western NY, 2636 West State Street, Olean, New York 14760, has agreed to continue the provision of home-based services to 16 and 17 year olds for whom a PINS action has been initiated in an attempt to prevent detention and foster care placements, for a total annual amount not to exceed \$190,964.00, to be paid on a monthly basis as invoiced, and

WHEREAS, this program is funded through federal, state and local funds, now, therefore, be it

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

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

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

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

Approved by 9 members of the Finance Committee, 7 members of the Human Services Committee and 6 members of the Public Safety Committee.

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 515-2013** by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COMMUNITY ACTION, INC., FOR  
NON-RESIDENTIAL SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE**

Pursuant to 18 NYCRR Parts 408 and 452.2(b), Article 6-A of the  
Social Services Law and Section 450 of the County Law.

WHEREAS, Act 518-2012 authorized a contract with Cattaraugus Community Action, Inc., for the provision of mandated approved non-residential services to victims of domestic violence, the term of which expires December 31, 2013, and

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

WHEREAS, Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, has agreed to administer the aforementioned program at an annual cost not to exceed \$25,000.00, to be paid on a monthly basis as invoiced, 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 a contract, on behalf of Cattaraugus County, contingent upon and subject to the inclusion in the 2014 budget of sufficient funds to cover the costs of the aforementioned services, with Cattaraugus Community Action, Inc., for the administration of the above-described program, for a term commencing



January 1, 2014 and terminating December 31, 2014, according to the above-described terms, and be it further

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

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

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

Approved by 9 members of the Finance Committee, 7 members of the Human Services Committee and 6 members of the Public Safety Committee.

Adopted November 13, 2013 by voice vote.

**ACT NO. 516-2013** by Ms. Edstrom and Mrs. Stockman  
*and Mr. Aiello, Ms. Vickman, Mr. Lamberson, Mrs. Labuhn and Mr. Padlo<sup>1</sup>*

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
SOUTHERN TIER HEALTH CARE SYSTEM, INC. FOR CHILD PROTECTION  
SERVICES THROUGH SOUTHERN TIER CHILD ADVOCACY CENTER**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 503-2012 authorized a contract with Southern Tier Health Care System, Inc., for the conduct of examinations and interviews for open child protection cases, the term of which expires December 31, 2013, and

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

WHEREAS, the Southern Tier Health Care System, Inc., One Blue Bird Square, Olean, New York 14760, through its Southern Tier Child Advocacy Center, can conduct the aforementioned examinations and interviews for an annual amount not to exceed \$15,000.00, to be paid on a monthly basis, as invoiced, 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 a contract, contingent upon and subject to the inclusion in the 2014 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with the Southern Tier Health Care System, Inc., for the provision of services through its Southern Tier Child Advocacy Center, for a term commencing January 1, 2014 and terminating December 31, 2014, according to the above-described terms, and be it further

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

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

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

Approved by 9 members of the Finance Committee, 7 members of the Human Services Committee and 6 members of the Public Safety Committee.

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 517-2013** by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH  
VARIOUS ENTITIES FOR DEPARTMENT OF SOCIAL SERVICES  
SKILLED NURSING IN-HOME CARE SERVICES**

Pursuant to Section 3612 of the Public Health Law,  
18 NYCRR Part 505, Section 636-a of the Executive Law, and  
Section 450 of the County Law.

WHEREAS, Act 505-2012 authorized contracts with Pediatric Home Care Services, Inc., and Aurora Home Care, Inc., for the provision of mandated skilled nursing in-home care services for eligible residents of Cattaraugus County, when such services are medically necessary and ordered by a physician, the terms of which expire December 31, 2013, and

WHEREAS, the County Department of Social Services is desirous of continuing the above-described services, and

WHEREAS, Pediatric Home Care Services, Inc., 2829 Sheridan Drive, Tonawanda, New York 14150, and Aurora Home Care, Inc., 3527 Harlem Road, Cheektowaga, New York 14225, have agreed to provide skilled nursing in-home care services in accordance with the following rate schedule:

<u>Skilled Nursing Service</u>	<u>Rates/Care Hour</u>
Licensed Practical Nurse	\$21.00
Licensed Practical Nurse (Premium)	\$24.00
Registered Nurse (Premium)	\$28.00,

and

WHEREAS, this program is 50% federal, 25% state and 25% county funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contracts, contingent upon and subject to the inclusion in the 2014 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with Pediatric Home Care Services, Inc., and Aurora Home Care, Inc., for the provision of the above-described services, for a term commencing January 1, 2014 and terminating December 31, 2014, according to the above-described terms, and be it further

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

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

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

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 518-2013** by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENT  
WITH CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
OLEAN MEDICAL GROUP, LLP FOR DEPARTMENT OF COMMUNITY SERVICES OFFICE SPACE  
AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS  
(Department of Community Services)**

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

WHEREAS, the Cattaraugus County Community Services Board is desirous of providing individual counseling services to children, adolescents and adults at the Olean Medical Group, and

WHEREAS, the Olean Medical Group, LLP, 535 Main Street, Olean, New York 14760, has agreed to lease approximately 120 square feet of general medical space and access to approximately 400 square feet of common area space in its facility to the Cattaraugus County Community Services Board for an amount of \$50.00 for the remainder of 2013 and an amount of \$600.00 per year for the years 2014 and 2015, to be paid on a monthly basis, as invoiced, and

WHEREAS, various appropriation accounts must be adjusted in order to cover the cost of the aforementioned leased space, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a lease agreement, between the Cattaraugus County Community Services Board and Olean Medical Group, LLP, to signify the County's approval, for the provision of the above-described services, for a term commencing December 1, 2013 and terminating November 30, 2015, with the option to extend the lease for one (1) additional year to November 30, 2016, with a 3% increase in the lease payment, if acceptable to both parties, 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:

A.431.4335.2100.48402	Clinic Treatment: Other Expenses	\$50.00
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Increase Appropriation Account:

A.431.4335.2100.44203                      Clinic Treatment: Office Rental                      \$50.00.

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 519-2013** by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND WALDEN UNIVERSITY, LLC  
FOR DEPARTMENT OF COMMUNITY SERVICES MASTER'S LEVEL COUNSELING PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Walden University, LLC, 100 Washington Avenue South, Suite 900, Minneapolis, Minnesota 55401, offers a Master's Level Counseling program, and

WHEREAS, the Cattaraugus County Community Services Board is desirous of working collaboratively with Walden University in the implementation of its field instruction program, 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 a contract, on behalf of the Cattaraugus County, with the Cattaraugus County Community Services Board and Walden University, LLC, to signify the County's approval, for a term commencing January 1, 2014 to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 520-2013** by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
CATTARAUGUS REHABILITATION CENTER, INC. FOR  
DEPARTMENT OF COMMUNITY SERVICES RESPITE SERVICES**

Pursuant to Section 41.55 of the Mental Hygiene Law and  
Section 450 of the County Law.

WHEREAS, Act 622-2012 authorized a contract with Cattaraugus Rehabilitation Center, Inc., for the provision of respite services for consumers of mental health services, the term of which expires December 31, 2013, and

WHEREAS, the Cattaraugus County Community Services Board is desirous of utilizing respite services for consumers of mental health services, and

WHEREAS, Cattaraugus Rehabilitation Center, Inc., 1439 Buffalo Street, Olean, New York 14760, has agreed to provide the aforementioned respite services for an amount not to exceed \$17,377.00, to be paid on a monthly basis, as invoiced and in accordance with the current rate schedule, and

WHEREAS, this program is 65% state and 35% County funded, 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 2014 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with the Cattaraugus County Community Services Board and the Cattaraugus Rehabilitation Center, Inc., to signify the County's approval, for the provision of the above-described services, for a term commencing January 1, 2014 and terminating December 31, 2014, according to the above-described terms, and be it further

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

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

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

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

Adopted November 13, 2013 by voice vote. Mrs. Labuhn and Mr. Padlo abstained from vote.

**ACT NO. 521-2013** by Ms. Edstrom and Mrs. Stockman  
and Mr. Padlo<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
OLEAN CHILD DAY CARE CENTER, INC. FOR DAY CARE SERVICES FOR  
DEPARTMENT OF COMMUNITY SERVICES PROS CLIENTS**

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

WHEREAS, Act 623-2012 authorized a contract with Olean Child Day Care Center, Inc., for the provision of day care services to PROS clients with children, in order to allow clients to attend programs more regularly, the term of which expires December 31, 2013, and

WHEREAS, the Cattaraugus County Community Services Board is desirous of continuing the provision of the aforementioned services, and

WHEREAS, Olean Child Day Care Center, Inc., 212 Laurens Street, Olean, New York 14760, has agreed to provide the aforementioned day care services for an amount not to exceed a total program amount of \$3,643.00, in accordance with the Olean Child Day Care Center's current rate schedule, to be paid as invoiced, and

WHEREAS, this program is 37% county funded and 63% state funded, 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 2014 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with the Cattaraugus County Community Services Board and Olean Child Day Care Center, Inc., to signify the County's approval, for the provision of the above-described services, for a term commencing January 1, 2014 and terminating December 31, 2014, according to the above-described terms, and be it further

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

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

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

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

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 522-2013** by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
NEW DIRECTIONS YOUTH & FAMILY SERVICES, INC. FOR RESPITE SERVICES**

Pursuant to 14 NYCRR Sections 587.9(d)(6) and 587.9(e)(1) and (2) and  
Section 450 of the County Law.

WHEREAS, Act 620-2012 authorized a contract with New Directions Youth & Family Services, Inc., for the provision of short-term respite placement services for consumers of mental health services, the term of which expires December 31, 2013, and

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

WHEREAS, New Directions Youth & Family Services, Inc., 356 Main Street, Randolph, New York 14772, has agreed to provide therapeutic foster care respite homes for the provision of respite services based upon the current rate schedule not to exceed an annual amount of \$17,377.00, to be paid in monthly installments as invoiced, and

WHEREAS, this program is 65% state and 35% county funded, 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 2014 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of the Cattaraugus County, with the Cattaraugus County Community Services Board and New Directions Youth & Family Services, Inc., to signify the County's approval, for the provision of the above-described services, for a term commencing January 1, 2014 and terminating December 31, 2014, according to the above-described terms, and be it further

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

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

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

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 523-2013** by Ms. Edstrom and Mrs. Stockman  
and Mrs. Labuhn<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS  
WITH CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD  
AND ALLIED ALARM SERVICES, INC.  
FOR SECURITY SYSTEM ENHANCEMENT AT PROS FACILITY**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the Cattaraugus County Community Services Board is desirous of enhancing the security system at the PROS Facility, located at 203 Laurens Street, Olean, New York, by installing a Panic Alarm System and a Camera System, and

WHEREAS, Allied Alarm Services, Inc., 2020 Allen Street Extension, Falconer, New York 14733, can provide all material, tools and labor required to install a complete and workable security system as follows:

- Panic Alarm System (equipment and installation)      \$3,345.00
- Cellular Monitoring Services      \$39.95 per month
- C.C.T.V. Camera System      \$2,824.00,

and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned services and equipment, 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 Community

Services Board and Allied Alarm Services, Inc., to signify the County's approval, for the provision of the above-described services, with installation being completed within fourteen (14) days of the start of the project for the equipment portion of the contract, and be it further

RESOLVED, that the term of the monitoring portion of the aforementioned contract commence November 14, 2013 and continue for a five-year period terminating November 13, 2018, with automatic month-to-month renewals thereafter under the same terms and conditions, according to the above-described terms.

Approved by 9 members of the Finance Committee, 7 members of the Human Services Committee and 6 members of the Public Safety Committee.

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

Adopted November 13, 2013 by voice vote. Mr. Weller abstained from vote.

**ACT NO. 524-2013** by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
NEW YORK STATE OFFICE OF MENTAL HEALTH FOR  
DEPARTMENT OF COMMUNITY SERVICES EARLY RECOGNITION SERVICES**

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

WHEREAS, Act 525-2012 authorized a contract with the New York State Office of Mental Health in order to accept funding in the amount of \$106,418.00 for the Department of Community Services Early Recognition Specialist and related supervision and administrative costs for the 2013 program year, and

WHEREAS, funding in the amount of \$108,836.00 has been awarded to the Department of Community Services to cover the cost of an Early Recognition Specialist and related supervision, administrative and operating costs for the 2014 program year, and

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

WHEREAS, this program is 100% state funded, 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 2014 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with the New York State Office of Mental Health, in order to accept the aforementioned funding, for a term commencing January 1, 2014 and terminating December 31, 2014, according to the above-described terms, and be it further

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

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



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

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 525-2013** by Ms. Edstrom and Mrs. Stockman

**APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY  
SERVICES BOARD AND CATTARAUGUS COMMUNITY ACTION, INC.  
FOR DEPARTMENT OF COMMUNITY SERVICES  
THERAPY AND SUPPORT SERVICES FOR MENTAL HEALTH CLINIC**

Pursuant to Section 41.13(a)(6) of the Mental Hygiene Law and  
Section 450 of the County Law.

WHEREAS, Act 262-2012, as amended by Act 439-2012, authorized a contract with Cattaraugus Community Action, Inc., for the provision of various therapy and support services for Department of Community Services mental health clinic, the term of which expires December 31, 2013, and

WHEREAS, the Cattaraugus County Community Services Board is desirous of contracting for various therapy and support services for the Department of Community Services mental health clinic, and

WHEREAS, Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, will provide the following staff for the provision of therapy and support services for the mental health clinic for a total contract amount not to exceed \$1,672,409.00, to be paid on a monthly basis, as invoiced:

- 16 Social Worker/Mental Health Therapists
- 1 Clinician to perform in capacity of Early Recognition Specialist
- 1 Engagement Specialist
- 1 Clinical Director
- 5 Customer Service Representatives (full-time)
- 1 Customer Service Representative (part-time)
- 2 Senior Customer Service Representatives
- 1 Quality Assurance Specialist,

and

WHEREAS, the costs of these services are provided through a combination of state aid, billable insurance, and county funds, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, contingent upon and subject to the inclusion in the 2014 budget of sufficient funds to cover the costs of the aforementioned services, between the Cattaraugus County Community Services Board and Cattaraugus Community Action, Inc., to signify the County's approval, for the

provision of the above-described services, for a term commencing January 1, 2014 and terminating December 31, 2014, according to the above-described terms, and be it further

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

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

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

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 526-2013** by Ms. Edstrom and Mrs. Stockman

**APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY  
SERVICES BOARD AND JAMESTOWN PSYCHIATRIC, P.C. FOR  
DEPARTMENT OF COMMUNITY SERVICES NURSING AND PSYCHIATRIC SERVICES  
FOR MENTAL HEALTH CLINIC**

Pursuant to Section 41.13(a)(6) of the Mental Hygiene Law  
and Section 450 of the County Law.

WHEREAS, Act 261-2012, as amended by Act 338-2012, authorized a contract with Jamestown Psychiatric, P.C., for the provision of nursing and psychiatric services for the Department of Community Services mental health clinic, the term of which expires December 31, 2013, and

WHEREAS, the Cattaraugus County Community Services Board is desirous of contracting for the provision of nursing and psychiatric services for the Department of Community Services mental health clinic and nursing services for its PROS program, and

WHEREAS, Jamestown Psychiatric, P.C., 305 East Fairmount Avenue, Lakewood, New York 14750, shall provide the following staff for the provision of nursing and psychiatric services for the mental health clinic and nursing services for its PROS program for a total contract amount not to exceed \$779,499.00, to be paid on a monthly basis, as invoiced:

- two (2) registered nurses (Clinic)
- two (2) licensed practical nurses (Clinic)
- one (1) registered nurse (PROS Program)
- psychiatric medical services (Clinic) – total not to exceed 3,175 hours
  - child psychiatrist \$175.00/hour of direct care
  - psychiatrist \$165.00/hour of direct care
  - allied health professional \$110.00/hour of direct care
  - travel \$50.00/hour not to exceed 150 hours,

and

WHEREAS, the costs of these services are provided through a combination of state aid, billable insurance, and county funds, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, contingent upon and subject to the inclusion in the 2014 budget of sufficient funds to cover the costs of the aforementioned services, between the Cattaraugus County Community Services Board and Jamestown Psychiatric, P.C., to signify the County's approval, for the provision of the above-described services, for a term commencing January 1, 2014 and terminating December 31, 2014, according to the above-described terms, and be it further

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

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

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

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 527-2013** by Ms. Edstrom and Mrs. Stockman

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
ADVANCE PRACTICE SOLUTIONS FOR  
DEPARTMENT OF COMMUNITY SERVICES  
SCRIBE SUPPORT STAFF FOR MENTAL HEALTH CLINIC**

Pursuant to Section 41.13(a)(6) of the Mental Hygiene Law  
and Section 450 of the County Law.

WHEREAS, Act 438-2012 authorized a contract with Advance Practice Solutions for the provision of scribe support staff to assist psychiatric professionals with clinical documentation in the Department of Community Services mental health clinic, the term of which expires December 31, 2013, and

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

WHEREAS, Advance Practice Solutions, 305 East Fairmount Avenue, Lakewood, New York 14750, can provide scribe support staff to assist psychiatric professionals with clinical documentation in the Department of Community Services mental health clinic for an amount not to exceed \$31,750.00, to be paid on a monthly basis, as invoiced, and

WHEREAS, the funding for these services are provided through a combination of state aid, billable insurance, and county funds, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, contingent upon and subject to the inclusion in the 2014 budget of sufficient funds to cover the costs of the aforementioned services, between the Cattaraugus County Community Services Board and Advance Practice Solutions, to signify the County's approval, for the provision of the above-described services, for a term commencing January 1, 2014 and terminating December 31, 2014, according to the above-described terms, and be it further

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

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

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

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 528-2013** by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
HEALTH RESEARCH, INC. THROUGH NEW YORK STATE DEPARTMENT OF HEALTH  
FOR TECHNOLOGICAL SUPPORT FOR IMMUNIZATION BILLING IMPLEMENTATION**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Department of Health was awarded a grant in the amount of \$14,544.00 to purchase or upgrade immunization billing systems, and

WHEREAS, a contract is necessary with Health Research, Inc., through the New York State Department of Health, 150 Broadway, Suite 560, Menands, New York 12204, in order to receive the aforementioned one-time funding, and

WHEREAS, this program is 100% federally funded, 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 Health Research, Inc., through the New York State Department of Health, in order to receive the aforementioned grant funding, for a term commencing September 1, 2013 and terminating August 31, 2014, according to the above-described terms, and be it further

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

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

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

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 529-2013** by Mr. Murphy

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH  
NEW YORK STATE OFFICE OF HOMELAND SECURITY FOR  
STATE HOMELAND SECURITY PROGRAM GRANT**

Pursuant to Public Law 107-56, Department of Homeland Security  
Appropriations Act of 2005, Public Law 108-334 and  
Section 450 of the County Law.

WHEREAS, Act 681-2010 authorized the Chair to execute grant documents with the New York State Office of Homeland Security for the State Homeland Security Program grant, the term of which expired July 31, 2013, and

WHEREAS, under the aforementioned grant, the Sheriff's Office was awarded funding in the amount of \$79,823.00 through the New York State Office of Homeland Security for the aforementioned State Homeland Security Program, and

WHEREAS, the term of the aforementioned contract has been extended to February 28, 2014, and

WHEREAS, a contract extension is necessary, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with the New York State Office of Homeland Security, in order to use the above-described grant funding, according to the above-described terms.

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 530-2013** by Mr. Snyder, Sr.

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
SYSTEMS DEVELOPMENT GROUP, INC. FOR TREASURER'S OFFICE  
TOTAL COLLECTION SOLUTION (TCS.WEB) INTEGRATION  
(Tax Billing Details)**

Pursuant to Section 450 of the County Law.

WHEREAS, the Treasurer's Office is desirous of enhancing the Image Mate Online (IMO) services to provide a unified view of tax billing details, tax payment activity and delinquent tax payment information for individual Cattaraugus County parcels, and

WHEREAS, to achieve the aforementioned goal, retrieval and presentation of Systems East Total Collection Solution (TCS.web) data will be incorporated within the existing IMO framework, and

WHEREAS, Systems Development Group, Inc., 441 Trenton Avenue, Utica, New York 13502, can provide the services necessary to coordinate an appropriate real time data access strategy for the Systems East TCS Integration for a base project cost of \$15,900.00, plus system enhancements at a rate of \$100.00 per hour, (quoted individually at fixed rates or not to exceed amounts), 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 Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Systems Development Group, Inc., for the provision of the above-described TCS Integration services, for a term commencing December 1, 2013 and terminating December 31, 2014, according to the above-described terms.

Approved by 9 members of the Finance Committee.

Adopted November 13, 2013 by voice vote.

**ACT NO. 531-2013** by Mr. VanRensselaer  
*and Mr. Aiello, Mr. Hale, Mr. Klancer, Mr. Murphy, Mrs. Stockman, Mr. Teachman,  
Ms. Vickman, Mr. Boser, Mr. Koch, Mrs. Labuhn and Mr. Lamberson<sup>1</sup>*

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
FOR RADIO PROGRAMMING OF LOW BAND FREQUENCY  
(Sheriff's Office and Emergency Services)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, the County Sheriff's Office and the Department of Emergency Services are desirous of adding a private line (PL) code to all of the fire radios and base stations within the County in an effort to eliminate the current radio interference ("skip") from Indiana County and Somerset County, Pennsylvania, and

WHEREAS, adding this PL code would eliminate the "skip" and open up the frequencies for only our County's fire and EMS, and

WHEREAS, the County shall make available an amount of \$25,000.00 to assist with the aforementioned radio programming project for 42 base stations, 400 portable radios and 400 mobile radios for equipment and Chiefs, and

WHEREAS, the aforementioned amount of \$25,000.00 includes all programming on site and travel costs for the radio vendor and shall be provided through Casino funds, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned \$25,000.00, now, therefore, be it

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

Increase Estimated Revenue Accounts:

A.901.0000.0000.2725.1	Tribal Compact Moneys, Tax Immune Proceeds	\$25,000.00
H.990.9950.0000.5031	Transfer from General Fund	\$25,000.00

Increase Appropriation Accounts:

A.990.9950.0000.90504	Transfer to Capital Projects Fund	\$25,000.00
H.311.3197.0000.21049.41603	Communications System-Phase II	\$25,000.00.

Approved by 9 members of the Finance Committee, 7 members of the Development and Agriculture Committee and 6 members of the Public Safety Committee.

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 532-2013** by Mr. Aiello, Ms. Edstrom, Mr. Snyder, Sr.,  
Mr. Padlo and Mr. Teachman

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
FOR HISTORICAL PROGRAM AT COUNTY MUSEUM  
(Department of Economic Development, Planning & Tourism)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, the County Museum is desirous of providing historical programs to publicize Cattaraugus County, and

WHEREAS, historical tourism has become very popular and museums are now both a destination and a platform for activities that bolster tourism, and

WHEREAS, this project will allow the County Museum to develop programming that will be tourism related and widely publicized, and

WHEREAS, the County shall make available an amount of \$25,000.00 to assist with the aforementioned historical project, and

WHEREAS, the aforementioned amount of \$25,000.00 shall be provided through Casino funds, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned \$25,000.00, now, therefore, be it

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

Increase Estimated Revenue Accounts:

A.901.0000.0000.2725.1	Tribal Compact Moneys, Tax Immune Proceeds	\$25,000.00
ED.990.9901.0000.5031	Interfund Transfers	\$25,000.00

Increase Appropriation Accounts:

A.990.9901.0000.90642	Transfer to Economic Development Fund	\$25,000.00
ED.745.7450.0000.48520	Historical Program at County Museum	\$25,000.00.

Held in the Finance Committee, the County Operations Committee and the Development and Agriculture Committee.

**ACT NO. 533-2013** by Mr. Felton, Mr. Snyder, Sr., Ms. Vickman and Mr. Weller  
and Mr. Aiello, Ms. Edstrom, Mr. Murphy, Mrs. Stockman, Mr. Teachman,  
Mr. VanRensselaer, Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson and Mr. Padlo<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
ONTARIO KNIFE COMPANY FOR EXPANSION PROJECT AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Economic Development, Planning & Tourism)**

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

WHEREAS, Ontario Knife Company, 26 Empire Street, Franklinville, New York 14737, is proposing to acquire updated manufacturing equipment and to renovate and expand its existing plant in Franklinville by adding approximately 25,000 square feet of space on the north side of the building and reallocating existing operations from the second floor to the first floor, and

WHEREAS, the updated facility, enhanced business opportunities, and outlet store will increase sales tax revenue in the Franklinville community and provide for economic growth, and

WHEREAS, the County shall make available an amount of \$300,000.00, to be made in periodic payments approved by the County Administrator, to assist with the aforementioned expansion project, and

WHEREAS, a contract is necessary with the Ontario Knife Company, and

WHEREAS, such contract shall provide that the Ontario Knife Company must not reduce the size of its workforce at the Franklinville location for a period of five (5) years, and that if its workforce is reduced during such time, Ontario Knife will be required to repay this grant to the County on a pro-rated basis, and

WHEREAS, the aforementioned amount of \$300,000.00 shall be provided to the Ontario Knife Company through Casino funds, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned \$300,000.00, 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 Ontario Knife Company, in order to provide the aforementioned funding, for a term commencing November 14, 2013 and terminating December 31, 2018, 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.901.0000.0000.2725.1	Tribal Compact Moneys, Tax Immune Proceeds	\$300,000.00
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Increase Appropriation Account:

A.298.6420.0000.42043	Ontario Knife Company	\$300,000.00.
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Approved by 9 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

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

Adopted November 13, 2013 by voice vote. Mr. Hale voting No.

CHAIRMAN MARSH granted Privilege of the Floor to Kenneth Trbovich, President and CEO of Ontario Knife Company, and Robert Breton, Mayor of the Village of Franklinville, who thanked the Legislature for supporting this resolution.

**ACT NO. 534-2013** by Mr. Klancer and Mr. Murphy

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
GOWANDA AREA REVITALIZATION CORPORATION FOR  
ZOAR VALLEY GATEWAY PARK PROJECT AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Economic Development, Planning & Tourism)**

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

WHEREAS, the Gowanda Area Revitalization Corporation, 13437 Quaker Street, Collins, New York 14034, has requested funds to continue the final phases of restoring the former Peter Cooper Superfund Site to a usable property, and

WHEREAS, the overall project will result in a recreational park positioned on Cattaraugus Creek, which will serve as the gateway to the State-owned Zoar Valley Multiple Use Area and conservation site, and

WHEREAS, the project shall include the installation of active sports fields and playground, restroom facilities, concession stands and a non-motorized trail, and

WHEREAS, the County shall make available an amount of \$203,952.00, to be made in periodic payments approved by the County Administrator, to assist with the construction of the Zoar Valley Gateway Park , and

WHEREAS, a contract is necessary with the Gowanda Area Revitalization Corporation, and

WHEREAS, the aforementioned amount of \$203,952.00 shall be provided to the Gowanda Area Revitalization Corporation through Casino funds, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned \$203,952.00, 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 Gowanda Area Revitalization Corporation, in order to provide the aforementioned funding, for a term commencing November 14, 2013 and terminating December 31, 2014, according to the above-described terms, and be it further

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

Increase Estimated Revenue Account:

A.901.0000.0000.2725.1	Tribal Compact Moneys, Tax Immune Proceeds	\$203,952.00
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Increase Appropriation Account:

A.298.7110.0000.42041	Zoar Valley Gateway Park	\$203,952.00.
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Held in the Finance Committee and the Development and Agriculture Committee.

**ACT NO. 535-2013** by Mr. Klancer and Mr. Murphy

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
GOWANDA'S HISTORIC HOLLYWOOD THEATER, LTD FOR RESTORATION PROJECT  
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Economic Development, Planning & Tourism)**

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

WHEREAS, Gowanda's Historic Hollywood Theater, Ltd., P.O. Box 164, 3910 Main Street, Gowanda, New York 14070, which is a 501(c)(3) not-for-profit organization, is requesting funding to assist with Phase IV of a multi-phase historic restoration project, and

WHEREAS, Phase IV of the restoration project will address engineering and the retro-fit of a 1926 truss in preparation for the replacement of air handling units, flat and ornate plaster work, testing, cleaning and painting of ceiling surfaces, placement of HVAC duct work, dry storage area and the replacement of metal exit stairs, and

WHEREAS, the re-opening of the historic theater will create jobs, encourage heritage tourism and potentially mold the economic future of this rural tri-county area, and

WHEREAS, the assistance received from the County will also allow the Gowanda's Historic Hollywood Theater, Ltd., to leverage additional grant funding, and

WHEREAS, the County shall make available an amount of \$104,388.00, to be made in periodic payments approved by the County Administrator, to assist with the aforementioned project, and

WHEREAS, a contract is necessary with the Gowanda's Historic Hollywood Theater, Ltd., and

WHEREAS, the aforementioned \$104,388.00 shall be provided to Gowanda's Historic Hollywood Theater, Ltd., through Casino funds, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned \$104,388.00, 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 Gowanda's Historic Hollywood Theater, Ltd., in order to provide the aforementioned funding, for a term commencing November 14, 2013 and terminating December 31, 2014, according to the above-described terms, and be it further

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

Increase Estimated Revenue Account:

A.901.0000.0000.2725.1	Tribal Compact Moneys, Tax Immune Proceeds	\$104,388.00
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Increase Appropriation Account:

A.298.7520.0000.42042	Gowanda's Historic Hollywood Theater	\$104,388.00.
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Held in the Finance Committee and the Development and Agriculture Committee.

**ACT NO. 536-2013** by Mr. Marsh  
and Ms. Vickman and Mr. Padlo<sup>1</sup>

**REQUESTING NEW YORK STATE LEGISLATURE AND GOVERNOR CUOMO TO ADOPT THE  
UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT**

Pursuant to Section 153 of the County Law.

WHEREAS, the Military Family Assistance Program of the New York National Guard, which is based at the Connecticut Street Armory in Buffalo, has brought up a matter of serious concern to custodial parents who are deployed overseas, that the Family Care Plan required by the U.S. military for custodial parents who are deployed may not honor the wishes of the service member in certain custody disputes that arise during deployment, and

WHEREAS, military advocates are aware of situations where a non-custodial parent petitions Family Court for a change in custody while the custodial parent is deployed overseas, often in combat areas, and

WHEREAS, the service member is disadvantaged by an inability to contest this petition while deployed, and the non-parents now caring for the children (whether they are the children's grandparent, step-parent or other relative) have no legal standing to appear in court on behalf of the custodial parent who is deployed, and

WHEREAS, even a temporary change in custody can tear children away from their current loving and stable guardian homes, so designated in accordance with the wishes of the deployed service member in the Family Care Plan submitted to their military chain-of-command, and

WHEREAS, the children (who already are experiencing stress) are often separated from their step-siblings and are withdrawn from their neighborhood, friends, school, as well as extra-curricular and community sports and recreational activities, which disrupts the life of that child, and

WHEREAS, the federal government has a requirement that deployed service members must be able to maintain contact with their families while overseas; yet in contested custody situations, a biological custodial parent may be less likely to maintain that communication than the guardian so designated in the Family Care Plan, and

WHEREAS, this is a heartbreaking scenario for the family that may detrimentally impact the morale of a deployed service member and the emotional well-being of the child, and

WHEREAS, there is a legislative remedy to this situation, thanks to the intensive work of the National Conference of Commissioners on Uniform State Laws, also known as the Uniform Law Commission, and

WHEREAS, the Commission has proposed and recommends for enactment in every U.S. state the "Uniform Deployed Parents Custody and Visitation Act" to better protect the rights of custodial parents when they are deployed, and

WHEREAS, all parties agree that the "best interests of the child are paramount", but Family Court decisions may ignore the legitimate concerns of the deployed service member, and

WHEREAS, our citizens should not have to make a choice between serving our nation and assuring their parental rights, and that these rights should be protected by the Laws of New York State, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby requests the New York State Legislature and Governor Cuomo adopt the Uniform Deployed Parents Custody and Visitation Act, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Governor Cuomo, State Senator Catharine Young, Assemblyman Joseph Giglio, Western New York Inter-County Association and the New York State Association of Counties.

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

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 537-2013** by Mr. Marsh  
and Mr. Aiello, Mr. Murphy, Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Ms. Vickman,  
Mr. Weller, Mr. Boser, Mr. Lamberson, Mrs. Labuhn, Mr. Padlo and Mr. Sprague<sup>1</sup>

**REQUESTING NEW YORK STATE TO ESTABLISH A RESIDENCY REQUIREMENT  
FOR RECEIVING WELFARE BENEFITS**

Pursuant to Section 153 of the County Law.

WHEREAS, there is no residency requirement in New York State for anyone to receive welfare benefits, and

WHEREAS, other states throughout the country have been known to send people to New York State to receive welfare benefits because of the total benefit package, including Medicaid, that New York State provides, and

WHEREAS, Cattaraugus County has experienced an influx of out-of-state residents seeking to receive welfare benefits resulting in an increase of hundreds of thousands of dollars to County taxpayers, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby requests that the New York State Legislature establish a residency requirement for the receiving of welfare benefits, and be it further

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

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

<sup>1</sup>The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Mr. Murphy, Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Ms. Vickman, Mr. Weller, Mr. Boser, Mr. Lamberson, Mrs. Labuhn, Mr. Padlo and Mr. Sprague".

Adopted November 13, 2013 by voice vote.

**ACT NO. 538-2013** by Mr. Teachman and Mr. Padlo  
who ask immediate consideration

**AMENDING ACT 626-2011 REGARDING GRIEVANCE PROCEDURE AND  
DESIGNATING ADA COORDINATOR UNDER  
THE AMERICANS WITH DISABILITIES ACT**

Pursuant to 24 CFR Sections 8.53 and 8.54, 28 CFR Section 35.107(b),  
Section 504 of the Rehabilitation Act of 1973, as amended, and  
the Americans with Disabilities Act of 1990.

WHEREAS, by Act 626-2011, the Cattaraugus County Legislature adopted grievance procedures under the Americans with Disabilities Act (ADA), and

WHEREAS, Act 626-2011 should be amended to designate a new ADA Coordinator, and

WHEREAS, the following adopted grievance procedures, as amended, shall be published within fifteen (15) days of such adoption, of the ADA Policy, at least once in the official newspapers of the County, and

WHEREAS, the ADA Coordinator shall, within thirty (30) days after adoption, provide notice of such procedures by posting such notice upon the bulletin board of each County Court House within the County and by further posting such notice on the County's website in accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby adopts the following Grievance Procedure for compliance regarding the Americans with Disabilities Act, effective immediately:

**GRIEVANCE PROCEDURE UNDER  
THE AMERICANS WITH DISABILITIES ACT**

**I. Authority.**

This Grievance Procedure complies with the Americans with Disabilities Act of 1990 ("ADA") and has been adopted by the County of Cattaraugus to provide prompt and equitable resolution of disability discrimination complaints that are prohibited by Title II of the ADA. Any individual may file a complaint alleging discrimination of a disabled individual regarding services, programs, or activities provided by the County of Cattaraugus.

**II. Designation of Responsible Person.**

The ADA Coordinator for the County of Cattaraugus is:

Wenona Scott  
Cattaraugus County Compliance Officer  
303 Court Street  
Little Valley, New York 14755  
(716) 938-2280

**III. Complaint.**

A. The complaint shall be in writing on the form entitled *Title II Americans with Disability Act Disability Discrimination Complaint Form*.

B. The aforementioned complaint form shall be available online at <http://ww2.cattco.org/> and from the following County of Cattaraugus offices:

1. Wenona Scott  
Cattaraugus County Compliance Officer  
303 Court Street  
Little Valley, New York 14755
2. Cattaraugus County Department of Human Resources  
Human Resources Director  
303 Court Street  
Little Valley, New York 14755
3. Cattaraugus County Administrator's Office  
County Administrator  
303 Court Street  
Little Valley, New York 14755

C. The complaint form shall be in blue or black ink or typed and shall include the following information:

1. The complainant's name, address, and telephone number;

2. If the complainant is unable to complete the form or file the complaint without assistance, then the complaint shall also include the name, address, and telephone number of the individual who completed the form and filed the complaint;
3. Description of the alleged discrimination including the date, location, and facts;
4. Desired remedy or solution requested; and
5. List of witnesses who can provide information supporting the complaint.

D. If the complainant is unable to complete the form and does not have anyone to assist with completing the form, then the complainant shall notify the ADA Coordinator who will provide appropriate alternative means to complete the form such as personal interviews, tape recordings, or larger font.

**IV. Filing the Complaint.**

A. The complaint should be filed as soon as possible, but no later than sixty (60) calendar days, after the date of the alleged discrimination.

- B. File the completed complaint form with:
- Wenona Scott  
Cattaraugus County Compliance Officer  
303 Court Street  
Little Valley, New York 14755  
(716) 938-2280

C. The complaint form may be filed online, in-person, or mailed to the address listed above. If the complaint is filed in person, then the complainant shall be provided with a copy of the completed complaint form.

- D. The filing deadline may be extended upon show of good cause.

**V. Investigation.**

A. The ADA Coordinator, or a designee, shall mail a hearing notice to the complainant, by way of the United States Postal Service certified mail with return receipt requested and regular mail, to the address indicated on the complaint form, no later than fifteen (15) working days after the date of which the complaint form was filed or postmarked.

B. The hearing shall be scheduled no later than thirty (30) working days after the date of which the complaint form was filed or postmarked. This deadline may be extended upon show of good cause.

C. Auxiliary aids and services required to ensure effective communication will be provided upon request. The request must be made to the ADA Coordinator at least five (5) working days before the scheduled hearing to ensure availability.

D. The complainant must present all evidence including photographs at the time of the scheduled hearing (photographs will not be returned).

E. All witnesses must be present at the time of the scheduled hearing.

F. Affidavits or notarized statements are not acceptable substitutes for live testimony.

G. The hearing shall be recorded using an audio device.

**VI. Response.**

A. No later than fifteen (15) working days after the date of the hearing, the ADA Coordinator shall submit a written response to the complainant, in a format accessible to the complainant, by way of the United States Postal Service certified mail with return receipt requested and regular mail, to the address indicated on the complaint form.

B. The written response shall explain the position of the County of Cattaraugus and offer options for substantive resolution of the complaint.

C. The deadline may be extended upon show of good cause.

**VII. Appeal.**

A. If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant may appeal the ADA Coordinator's decision to the County Administrator or his/her designee no later than thirty (30) working days after the postmark date of the response.

B. The appeal shall be in writing on the form entitled Title II Americans with Disability Act Disability Discrimination Appeal Form.

C. The aforementioned appeal form shall be available online at <http://ww2.cattco.org/> and from the following County of Cattaraugus offices:

1. Wenona Scott  
Cattaraugus County Compliance Officer  
303 Court Street  
Little Valley, New York 14755
2. Cattaraugus County Department of Human Resources  
Human Resources Director  
303 Court Street  
Little Valley, New York 14755
3. Cattaraugus County Administrator's Office  
County Administrator  
303 Court Street  
Little Valley, New York 14755

**VIII. Filing The Appeal.**



A. The appeal may not be filed later than thirty (30) working days after the postmark date of the ADA Coordinator's response.

B. File the completed appeal form with:  
Wenona Scott  
Cattaraugus County Compliance Officer  
303 Court Street  
Little Valley, New York 14755

C. The appeal form may be filed online, in-person or mailed to the address listed above. If the appeal is filed in person then the appellant shall be provided with a copy of the completed appeal form.

D. The filing deadline may be extended upon show of good cause.

**IX. Appeal Hearing.**

A. The County Administrator, or a designee, shall mail a hearing notice to the appellant, by way of the United States Postal Service regular mail, to the address indicated on the appeal form, no later than fifteen (15) working days after the date of which the appeal form was filed or postmarked.

B. The hearing shall be scheduled no later than thirty (30) working days after the date of which the appeal form was filed or postmarked. This deadline may be extended upon show of good cause.

C. Auxiliary aids and services required to ensure effective communication will be provided upon request. The request must be made to the Office of the County Administrator at least five (5) working days before the scheduled hearing to ensure availability.

D. The appellant must present all evidence a second time at the appeal hearing.

E. All photographs in the complaint file that were presented at the time of the original hearing will be provided to the County Administrator for the appeal hearing.

F. All witnesses must testify a second time and must be present at the time of the scheduled appeal hearing.

G. Affidavits or notarized statements are not acceptable substitutes for live testimony.

H. The hearing shall be recorded using an audio device.

**X. Appeal Response.**

A. No later than fifteen (15) working days after the date of filing the Appeal Form, the County Administrator, or his designee, will mail a final written resolution of the complaint, in a format accessible to the appellant, by way of the United States Postal Service certified mail with return receipt requested and regular mail, to the address indicated on the appeal form.

B. The County Administrator's deadline may be extended upon show of good cause.

**XI. Record Retention.**

A. The ADA Coordinator shall maintain a complete and accurate record of all complaints, investigations, and responses on file for at least three (3) years.

B. The County Administrator shall provide to the ADA Coordinator copies of all written responses regarding any complaints or appeals pertaining to Title II of the Americans with Disabilities Act.

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 539-2013** by Mr. Teachman and Mr. Padlo  
who ask immediate consideration

**CATTARAUGUS COUNTY LEGISLATURE REAFFIRMS AND  
RESTATES POLICY FOR COMPLIANCE REGARDING  
AMERICANS WITH DISABILITIES ACT OF 1990 AND  
SECTION 504 OF THE REHABILITATION ACT OF 1973**

Pursuant to 24 CFR Sections 8.53 and 8.54, 28 CFR Section 35.107(b),  
Section 504 of the Rehabilitation Act of 1973, as amended, and  
the Americans with Disabilities Act of 1990.

WHEREAS, the County is desirous of reaffirming its policy and practice that physical facilities and programs, services and activities of Cattaraugus County government are accessible to members of the public, including qualified individuals with disabilities, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby adopts the following policy for compliance regarding the Americans with Disabilities Act ("ADA"), effective immediately, and be it further

RESOLVED, that the ADA Coordinator is hereby authorized and directed to take all actions deemed necessary to implement and enforce the terms of such policy.

**SEE PAGE 595 FOR POLICY**

# **County of Cattaraugus**

## **Policy for Compliance Regarding Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973**



County of Cattaraugus  
303 Court Street  
Little Valley, NY 14755  
(716)938-9111  
Website: [Cattco.org](http://Cattco.org)

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## 1.0 SUBJECT TITLE

Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 Compliance.

## 2.0 PURPOSE

To reaffirm Cattaraugus County's policy and practice that physical facilities, and programs, services and activities of Cattaraugus County government are accessible to members of the public, including qualified individuals with disabilities.

## 3.0 ORGANIZATIONS AFFECTED

3.1 Americans with Disabilities Act (ADA) – All Cattaraugus County Departments, Divisions, Offices and Agencies.

3.2 Section 504 of the Rehabilitation Act of 1973 – County departments receiving federal funding for specified programs, services and activities.

## 4.0 REFERENCES

4.1 Americans with Disabilities Act of 1990 (Title II ADA).

4.2 Section 504 of the Rehabilitation Act of 1973, as amended (Section 504).

4.3 New York State Building Code: International Building Code as adopted by the County of Cattaraugus.

4.4 Regulations promulgated under Section 504 include those by the U.S. Departments of Agriculture (7 CFR 156), Education (34 CFR 104), Health and Human Services (45 CFR 84), Justice (28 CFR 42), Interior (43 CFR 17), Housing and Urban Development (24 CFR 8), Labor and Transportation (49 CFR 27) implementing the ADA and Section 504 Requirements.

4.5 Regulations promulgated by New York State agencies implementing state disability non-discrimination laws.

## 5.0 DEFINITIONS

5.1 The County of Cattaraugus shall hereinafter be referred to as the "County".

5.2 "Qualified individual with disability": An individual with a disability who meets the essential eligibility requirements for the receipt of services or the participation in program or activities provided to the public by the County, with or without reasonable modifications to rules, policies, or practices, the removal of architectural or communication barriers, or the provision of auxiliary aids and services. (Section 504 of the Rehabilitation Act of 1973, as amended, 42 U.S.C. Section 12131 et seq., 28 CFR Part 35, the Americans with Disabilities Act of 1990)

5.3 Barrier-free design: Design that gives users the opportunity for movement without restriction. By using principles of barrier-free design, people with disabilities will be able to participate fully and avail themselves equally of the opportunities to benefit from County programs and services.

5.4 Usability: Within facilities constructed prior to the passage of the ADA, some architectural elements may not meet current codes and requirements for accessibility. If a

barrier to access by people with disabilities does not result, the facility is usable and complies with this policy. In other cases, though requirements of the applicable laws, codes, and regulations have been met, a barrier may exist to a qualified individual with a disability. In such cases, it may be necessary to modify the element in the facility to make the facility usable by qualified individuals with disabilities providing that such change and/or alteration do not result in an undue financial burden.

- 5.5 Overall Program Accessibility: The ADA requires that programs as a whole be accessible to people with disabilities, and requires the County to account for the manner in which the program's elements work together as a whole and how services are delivered.
- 5.6 Self-evaluation: The evaluation of policies, practices, and physical features to identify potential barriers to accessibility and corrective actions to reduce or eliminate those barriers.
- 5.7 Disability Transition Plan for Physical Facilities: A written plan updated annually which outlines identified physical barriers and a schedule of activities to remove those barriers and improve program accessibility. By definition, a transition plan must contain:
  - 5.7.1 Identify physical barriers that limit accessibility to county programs, activities and services;
  - 5.7.2 Outline of the methods which will be used to remove the barriers and make the facility more accessible;
  - 5.7.3 The schedule for the necessary steps to achieve improved compliance; and
  - 5.7.4 The name of the management staff responsible for the plan's implementation.

## 6.0 POLICIES

- 6.1 In accordance with Title II of the ADA and its implementing regulations and Section 504, as they currently exists or may hereafter be amended, (collectively called the "disability non-discrimination laws"), no qualified individual with a disability shall, on the basis of such disability, be subjected to discrimination or be excluded from participation in, or denied benefits of the services, programs, activities or physical facilities which the County provides to the public.
- 6.2 County departments shall comply with the disability nondiscrimination laws regarding access applicable to programs, activities, services, and physical facilities.
- 6.3 To the extent possible, County departments will ensure that physical facilities are usable by qualified individuals with disabilities. Where physical facilities cannot be made usable, overall program accessibility must be ensured.
- 6.4 Physical facilities owned by the County of Cattaraugus shall comply with the applicable regulations on barrier-free design and physical accessibility.
- 6.5 The construction and renovation of county facilities shall comply with applicable regulations on barrier-free design and physical accessibility.

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- 6.6 Public meetings will be held at accessible locations and in such a manner that qualified people with disabilities are able to participate fully.
- 6.7 Qualified people with disabilities shall not be discriminated against in participation on boards, commissions, or on advisory and planning committees.
- 6.8 All County offices and programs shall be accessible to users of TTYs (teletypewriters), either by having a TTY to provide direct TTY access or via the Sorenson IPRelay® (SIPRelay®) Service.
- 6.9 Cattaraugus County departments and offices shall provide written notice on all written documents and communiqués distributed to the public information on how to request alternate formats. At a minimum, information shall include the following: “For alternative formats, contact the Cattaraugus County ADA Compliance Office – 303 Court Street, Little Valley, New York 14755; (716)938-9111; Email: wrscott@cattco.org.
- 6.10 Individuals with disabilities accompanied by service animals will be afforded access to all County facilities, programs, services, and activities as are open to other members of the public. The County may ask an individual with a disability to remove a service animal from the premises if (1) the animal is out of control and the animal’s handler does not take effective action to control it; or (2) the animal is not housebroken. If the animal is properly excluded, the County shall give the individual with a disability the opportunity to participate in the service, program or activity without having the service animal on the premises. In addition, as a matter of policy, not compliance, Cattaraugus County will afford access to individuals and their accompanying service animals and will be subject to the conditions and limitations established by law and applicable to individuals with disabilities and their service animals.
- 6.11(a) The County will furnish, free of charge, appropriate auxiliary aids and services (e.g., assistive listening devices, sign language interpreters, Braille), as are necessary to ensure effective communication and to afford qualified disabled individuals and/or companions an equal opportunity to participate in and enjoy the benefits of the services, programs, activities, and physical facilities provided to the public by the County. Primary consideration will be given to the requests of the qualified disabled individual or companion unless another equally effective accommodation is available, or the use of the means requested would result in a fundamental alteration of the service, program, and activity or in undue financial or administration burden.
- 6.11(b) General Assessment Criteria for Clients of County Departments.
1. Deaf and Hard of Hearing Disabilities. Cattaraugus County departments and offices shall consult with the deaf or hard of hearing client and/or companion to determine which auxiliary aids and services are needed to ensure effective communication. The assessment made by the County shall take into account all relevant facts and circumstances, including without limitation the following:
    - i. The nature, length, and importance of the communication at issue;
    - ii. The individual's disability and communication skills and knowledge;
    - iii. The individual's health status or changes thereto;

- iv. The individual's request for or statement of the need for an auxiliary aid or service and type of auxiliary aid or service requested by the deaf or hard of hearing person; and
- v. The reasonably foreseeable activities of the client (e.g. meetings with social workers, discussions concerning billing or insurance, etc.).

In the event that communication is not effective after the initial provision of auxiliary aids or services, the County shall reassess which auxiliary aids and services are necessary, in consultation with the person with a disability.

2. General Circumstances When Qualified Interpreters Will Be Provided. The County shall provide appropriate qualified interpreters to clients and/or companions who are deaf or hard of hearing in any situations where such provision is necessary for effective communication. Such situations may include, but are not limited to:

- i. Accepting and discussing applications for services and benefits;
- ii. Providing case management services;
- iii. Determining the level of services or benefits to be provided to a client;
- iv. Obtaining consent or permission for service or benefit options;
- v. Communicating during counseling sessions;
- vi. Discussing financial or insurance matters; and
- vii. Any other circumstances in which qualified interpreters are necessary to ensure a client's privacy, confidentiality or other rights provided by federal, state or local law.

The foregoing list is not exhaustive and does not imply that there are no other circumstances when it may be appropriate to provide qualified interpreters for effective communication.

- 3. Initial Assessment. County personnel shall consult with the deaf or hard of hearing client and/or companion to determine which appropriate auxiliary aids or services are needed for effective communication, consistent with the General Assessment Criteria set forth above, at the time an appointment is scheduled or prior to the first appointment. If a client and/or companion who is deaf or hard of hearing has an ongoing relationship with the County and an initial assessment indicates that auxiliary aids and services are necessary for effective communication, the County shall provide appropriate auxiliary aids and services during subsequent client visits, without requiring subsequent requests by the client and/or companion.
- 4. Documentation. The fact of the assessment and the need for and provision of any auxiliary aids or services shall be documented in a conspicuous location in the client's record to alert staff that auxiliary aids and services must be provided.



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5. Determination Not to Provide Requested Auxiliary Aids or Services. If, after conducting the assessment of a deaf or hard of hearing client and/or companion as described above, the County decides not to provide a particular auxiliary aid or service requested by the deaf or hard of hearing individual, County staff shall so advise the individual and document the basis for the determination, including the date of the determination, the name and title of the staff member who made the determination, and the alternative auxiliary aid or service, if any, that the County has decided to provide.
  6. Interpreter Services. When a qualified interpreter is necessary for effective communication, the County shall ensure that a qualified interpreter is provided in a timely manner, consistent with the following standards:
    - i. Scheduled Appointments:

For scheduled appointments (appointments scheduled twenty four hours in advance), the County shall make a qualified interpreter available at the time of the appointment.
    - ii. Non-Scheduled Incidents:

Non-scheduled incidents refer to all situations not covered by the definition of "scheduled appointments." For non-scheduled incidents, the County shall use reasonable efforts to make a qualified interpreter available as soon as practicable. "Reasonable efforts" means making every reasonable effort to secure the services of a qualified interpreter, within 15 minutes of an individual's request.
    - iii. Interim Services:

Between the time that an interpreter is requested and the time an interpreter arrives, the County shall continue to try to communicate with the client and/or companion who are deaf or hard of hearing for such purposes and to the same extent as it would have communicated with the person but for the hearing impairment.
  7. Restricted Use of Certain Persons to Facilitate Communication. Due to privacy and confidentiality concerns, potential emotional involvement, and other factors that may adversely affect the ability to facilitate communication, the County shall never require or coerce a family member, advocate or friend of a deaf or hard of hearing client and/or companion to interpret or facilitate communication between County personnel and the client and/or companion. The County may rely on an adult accompanying a client and/or companion who is deaf or hard of hearing if:
    - i. The client and/or companion specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on that adult for such assistance is appropriate under the circumstances;
    - ii. The client and/or companion has been made aware of the availability of qualified interpreters free of charge;

- iii. The availability of qualified interpreters has been effectively communicated to the client and/or companion using the necessary auxiliary aids or services or language assistance services; and
- iv. The client and/or companion provides written confirmation that he or she was made aware of the availability of qualified interpreters free of charge and agrees to the use of such person to interpret.

If use of the family member, advocate, or friend is not necessary or appropriate under the circumstances, or if the family member or friend is unable to provide competent interpretation under the given circumstances, the County shall provide interpreter services in place of or, if appropriate, in addition to the person selected by the person with a disability. County personnel shall inform the individual who is deaf or hard of hearing who has declined the offer for the County to provide an interpreter free of charge that he or she may reconsider and request an interpreter at any time.

- 8. Procedures for Obtaining Qualified Interpreters. In the event that a qualified interpreter is required for effective communication with a client and/or companion, the County shall request a qualified interpreter from a list of qualified interpreters maintained by the County or from an agency with whom the County has an ongoing contract or other arrangement for qualified interpreter services.
- 9. Prohibition of Surcharges. All appropriate auxiliary aids and services required by this Agreement shall be provided free of charge to the deaf or hard of hearing client and/or companion.
- 10. Auxiliary aids and services available include teletypewriters, Braille, sign language interpreters.
- 11. All County contractors, except contractors providing tangible goods, shall comply with Section 504/ADA Disability Assurance of Compliance, unless an accessibility waiver is obtained.
- 12. All County departments administering Section 504 contracts whereupon the contractor, other than another government entity, provides programs, services, or activities to the public, shall require the contractor to comply with the Section 504/ADA requirements applicable to governments. The contracting County department shall monitor respective contracts for compliance with Section 504/ADA.
- 13. The County will adopt and follow a procedure for prompt and equitable resolution of grievances alleging discrimination on the basis of disability in the County's provision of programs, services, and activities, and access to physical facilities.

## 7.0 RESPONSIBILITIES

- 7.1 The County Administration is responsible for ensuring the County's compliance with disability non-discrimination laws regarding access. Under the law, the County is required to have at least one designated ADA coordinator. The Cattaraugus County Legislature has designated the Cattaraugus County Compliance Officer as the ADA Coordinator to facilitate the County's efforts to comply with disability non-discrimination laws regarding access.

- 7.2 Department heads and officials shall cooperate with the County ADA Coordinator to ensure compliance with the requirements of disability nondiscrimination laws regarding access, and with this policy and related procedures. Compliance-related activities include documenting:
- 7.2.1.1 Disability accessibility accommodations made within their departments;
  - 7.2.1.2 Participation in the evaluation of programs, services, activities, and physical facilities to identify potential barriers to accessibility;
  - 7.2.1.3 The preparation of necessary Disability Corrective Action Plans and/or Disability Transition Plans; and
  - 7.2.1.4 The coordination of budget approval to implement such plans.
- 7.3 The ADA Coordinator will provide technical assistance to County personnel on disability access issues.
- 7.4 The ADA Coordinator shall establish and implement internal grievance procedures to receive and resolve grievances from the public alleging non-compliance with disability non-discrimination laws regarding access. The Executive Services Director will serve as the point of appeal regarding ADA grievances.
- 7.5 The ADA Coordinator shall also develop such other policies and procedures necessary to improve accessibility of programs, services, activities, and physical facilities of Cattaraugus County government.

## 8.0 TITLE II ADA GRIEVANCES – COMPLAINT PROCEDURE

- 8.1 Cattaraugus County Grievance Procedure – The grievance procedure for the County was adopted by Act 626-2011 of the Cattaraugus County Legislature on December 14, 2011, amended by Act 538-2013 of the Cattaraugus County Legislature on November 13, 2013, and as established herein shall address concerns regarding Title II of the ADA as it applies to Cattaraugus County department programs, services and activities accessible by members of the public. The grievances procedure may be used to file a complaint alleging:
- 8.1.1 Policies regarding the provision of services, activities, programs, or benefits provided by Cattaraugus County.
  - 8.1.2 Structural and parking accessibility issues on County owned or controlled property.
  - 8.1.3 Note: Employment complaints shall be directed to the Cattaraugus County Human Resource Department and investigated pursuant to Human Resource policies and applicable labor contracts.
- 8.2 Title II ADA Complaint Procedure and Format
- 8.2.1 Act 626-2011, as amended by Act 538-2013, of the Cattaraugus County Legislature established the grievance procedure. See Attachment A, which is attached hereto and made a part hereof.

### 8.3 Complaints.

Persons with disabilities who believe they have been subjected to discrimination prohibited by Title II of the ADA may file a complaint with the County. Any person who believes that a specific class of persons has been subjected to discrimination prohibited by Title II of the ADA and who is a member of that class or who is the authorized representative of a member of that class may file a complaint with the County. To file a complaint, contact may be made with:

Cattaraugus County ADA Compliance Office  
303 Court Street  
Little Valley, New York 14755

Filing a complaint with the County does not prevent persons with disabilities and/or its authorized representatives from filing a complaint with the:

U.S. Department of Health & Human Services  
Office for Civil Rights  
Jacob Javits Federal Building  
26 Federal Plaza  
Room 3312  
New York, New York 10278

## 9.0 SECTION 504 – COMPLIANCE (FEDERAL GRANTS)

The objective of Section 504 of the Rehabilitation Act of 1973 is to ensure that entities receiving federal funding or grants do not discriminate against persons with disabilities. Some County departments receive federal funding in support of specific programs, services and activities administered by those departments.

### 10.0 SECTION 504 – RECIPIENT DEFINED

10.1 Regulations define “recipient” as any State or its political subdivision, any instrumentality of a State or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended for any program or activity directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance. An entity or person receiving housing assistance payments from a recipient on behalf of eligible families under a housing assistance payments program or a voucher program is not a recipient or sub-recipient merely by virtue of receipt of such payments [24 CFR 8.3].

### 11.0 SECTION 504 – COVERAGE

11.1 Section 504 covers all programs, services and activities of recipients of federal assistance, including, for example:

11.1.1 Outreach and public contact, including contact with program applicants and participants.

11.1.2 Eligibility criteria.

11.1.3 Application process.

11.1.4 Admission to the program.

11.1.5 Tenancy, including eviction.

11.1.6 Service delivery.

11.1.7 Employment policies and practices.

## 12.0 SECTION 504 – PROHIBITIONS AGAINST DISCRIMINATION

<u>Guarantee</u>	<u>Prohibition</u>
Opportunity to participate	12.1 Denying a qualified individual with disabilities the opportunity to participate in, or benefit from, the housing, aid, benefit, or service.
Equality of Benefits	12.2 Failing to afford a qualified individual with disabilities the opportunity for equal participation and benefit.
Equality of opportunity	12.3 Failing to provide a qualified individual with disabilities a program or service that affords the same opportunity to benefit as that afforded others.
No unnecessary difference or separateness	12.4 Providing different or separate housing, aid, benefits or services on the basis of disability unless providing such is necessary to provide housing or benefits that are as effective as that provided to persons without disabilities.
No assistance to entities that discriminate	12.5 Providing significant assistance to an agency, organization or person that discriminates on the basis of disability in any aspect of a federally assisted activity.
Opportunity to serve on boards	12.6 Denying a qualified individual with disabilities the opportunity to participate as a member of planning or advisory boards.
No denial of right to a dwelling	12.7 Denying a dwelling to an otherwise qualified buyer or renter because of a disability of that buyer or renter or another prospective tenant.
No discriminatory limitation of benefits	12.8 Limiting in any other manner a qualified individual with disabilities in the enjoyment of any right, privilege, advantage, or opportunity afforded to others.
Most integrated setting	12.9 Providing programs or services to qualified individuals with disabilities in settings that are unnecessary separate, segregated or restricted.

## 13.0 SECTION 504 – COUNTY RESPONSIBILITIES

13.1 To comply with Section 504 on federally funded projects administered by the County, the County shall:

13.1.1 Appoint a Section 504 Coordinator.

13.1.2 Take steps to ensure effective communication with applicants, beneficiaries, and members of the public. [24 CFR 8.6]

- 13.1.3 Take steps to ensure that employment activities, including job announcements, recruitment, interviews, hiring, work assignments, promotions and dismissals, do not discriminate on the basis of disability. [24 CFR 8.10 – 8.13]
- 13.1.4 Ensure that all programs are operated in a manner that does not discriminate on the basis of disability and that new construction and alterations of facilities are made accessible in accordance with applicable standards. [24 CFR 8.21]
- 13.1.5 Provide reasonable accommodations which may be necessary for a person with a disability to use or participate in the program, service or activity; unless the recipient can demonstrate that the accommodation will result in an undue financial and administrative burden or a fundamental alteration in the nature of the program, service or activity. A reasonable accommodation is an adaptation or modification to a policy, program, service, or workplace which will allow a qualified person with a disability to participate fully in a program, take advantage of a service, or perform a job. Reasonable accommodations may include, but are not limited to, adjustments or modifications to buildings, facilities, dwellings, and may also include provision of auxiliary aids, such as readers, interpreters, and materials in accessible formats. [24 CFR 8.4, 8.11, 8.20, 8.21, 8.24, 8.25, 8.33]
- 13.1.6 Conduct any required self-evaluations of programs, services, and activities to determine if they are programmatically and physically accessible to persons with disabilities, and involve persons with disabilities in these evaluations. [24 CFR 8.51]
- 13.1.7 Designate an employee to ensure the recipients' programs, services and activities meet the requirements of Section 504; adopt a grievance procedure to effect due process standards and prompt and equitable resolutions of complaints. [24 CFR 8.53]
- 13.1.8 Notify participants, beneficiaries, applicants and employees of the County's nondiscriminatory provisions. [24 CFR 8.54]
- 13.1.9 Maintain records and reports of efforts to meet the requirements of Section 504, and keep these records on file so that they are available if a complaint is filed, or if {a Federal compliance office} conducts a compliance review. [24 CFR 8.55]

#### 14.0 SECTION 504 – DEPARTMENT SECTION 504 COORDINATOR RESPONSIBILITIES

- 14.1 Assure that respective departments comply with all grant requirements through developing, implementing and monitoring processes.
- 14.2 Create and insure that appropriate communication of complaint procedures for the public, employees and service recipients are posted or made known.
- 14.3 Create and implement effective communication mechanisms to acquaint participants, beneficiaries, applicants and employees of rights under all grants.
- 14.4 Assure that sub-recipients comply with all grant requirements and that sub-recipients have complaint and compliance procedures in place.

- 14.5 Investigate complaints filed under Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by the County of Cattaraugus, as well as to sub-recipients, consultants and contractors.
- 14.6 Serve as the department liaison with grantor agencies on compliance issues including on-site compliance monitoring activities.
- 14.7 Work with the County ADA Coordinator as needed when grant requires ADA compliance.
- 14.8 Maintain all related files and reports.

15.0 SECTION 504 – ADA COORDINATOR RESPONSIBILITIES

- 15.1 The County ADA Coordinator will oversee Department 504 Coordinators with ADA compliance issues pursuant to Federal grant compliance requirements. Responsibilities include but may not be limited to:
  - 15.1.1 Direct complaints and inquiries regarding grants to the appropriate County departments.
  - 15.1.2 Assist and advise County Department 504 Coordinators with complaints and investigations regarding alleged non-compliance with grant mandates.
  - 15.1.3 Prepare ADA accessible surveys for inspections.
  - 15.1.4 Conduct or assist with ADA inspections when requested.
  - 15.1.5 Serve as a resource on ADA issues.

16.0 SECTION 504 – CONTRACTOR ASSURANCE OF COMPLIANCE

- 16.1 Contractors, sub-contractors and entities participating in Section 504 programs will be required to show compliance with the ADA and Section 504 regulations. The County of Cattaraugus has established a recording procedure for all Section 504 contractor participants. Assurance of compliance documentation will be required. Documentation includes:
  - 16.1.1 Section 504 of the Rehabilitation Act of 1973 & ADA – General information.
  - 16.1.2 ADA Self-Evaluation Questionnaire.
  - 16.1.3 Checklist for Readily Achievable Barrier Removal.
  - 16.1.4 Assurance of Compliance Form.
  - 16.1.5 Corrective Action Plan.
  - 16.1.6 Notice to Program Applicants.

**17.0 SECTION 504 – NOTICE TO PARTICIPANTS AND APPLICANTS OF PROGRAM**

Where possible, Section 504 Coordinators will distribute and post (or have posted) a notice to applicants and participants, that the program, service or activity is federally funded and must meet the mandates of Section 504.

**18.0 SECTION 504 - COMPLAINTS**

Persons with disabilities who believe they have been subjected to discrimination prohibited by Section 504 may file a complaint with the Cattaraugus County ADA Compliance Office when discrimination is alleged. Any person who believes that a specific class of persons has been subjected to discrimination prohibited by Section 504 and who is a member of that class or who is the authorized representative of a member of that class may file a complaint with the County. [24 CFR 8.26(c)] To file a complaint, contact may be made with:

County of Cattaraugus  
County Administrator's Office  
303 Court Street  
Little Valley, New York 14755

Filing a complaint with the County does not prevent persons with disabilities and/or its authorized representatives from filing a complaint with the:

U.S. Department of Health & Human Services  
Office for Civil Rights  
Jacob Javits Federal Building  
26 Federal Plaza  
Room 3312  
New York, New York 10278



## ATTACHMENT A

ACT NO. 538-2013

by Mr. Teachman and Mr. Padlo

**AMENDING ACT 626-2011 REGARDING GRIEVANCE PROCEDURE AND  
DESIGNATING ADA COORDINATOR UNDER  
THE AMERICANS WITH DISABILITIES ACT**

Pursuant to 24 CFR Sections 8.53 and 8.54, 28 CFR Section 35.107(b),  
Section 504 of the Rehabilitation Act of 1973, as amended, and  
the Americans with Disabilities Act of 1990.

- I. WHEREAS, by Act 626-2011, the Cattaraugus County Legislature adopted grievance procedures under the Americans with Disabilities Act (ADA), and
- II. WHEREAS, Act 626-2011 should be amended to designate a new ADA Coordinator, and
- III. WHEREAS, the following adopted grievance procedures, as amended, shall be published within fifteen (15) days of such adoption, of the ADA Policy, at least once in the official newspapers of the County, and
- IV. WHEREAS, the ADA Coordinator shall, within thirty (30) days after adoption, provide notice of such procedures by posting such notice upon the bulletin board of each County Court House within the County and by further posting such notice on the County's website in accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973, now, therefore, be it
- I. RESOLVED, that the Cattaraugus County Legislature hereby adopts the following Grievance Procedure for compliance regarding the Americans with Disabilities Act, effective immediately:

**GRIEVANCE PROCEDURE UNDER  
THE AMERICANS WITH DISABILITIES ACT****I. Authority.**

This Grievance Procedure complies with the Americans with Disabilities Act of 1990 ("ADA") and has been adopted by the County of Cattaraugus to provide prompt and equitable resolution of disability discrimination complaints that are prohibited by Title II of the ADA. Any individual may file a complaint alleging discrimination of a disabled individual regarding services, programs, or activities provided by the County of Cattaraugus.

**II. Designation of Responsible Person.**

The ADA Coordinator for the County of Cattaraugus is:

Wenona Scott  
Cattaraugus County Compliance Officer  
303 Court Street  
Little Valley, New York 14755  
(716) 938-2280

**III. Complaint.**

A. The complaint shall be in writing on the form entitled *Title II Americans with Disability Act Disability Discrimination Complaint Form*.

B. The aforementioned complaint form shall be available online at <http://ww2.cattco.org/> and from the following County of Cattaraugus offices:

1. Wenona Scott  
Cattaraugus County Compliance Officer  
303 Court Street  
Little Valley, New York 14755
2. Cattaraugus County Department of Human Resources  
Human Resources Director  
303 Court Street  
Little Valley, New York 14755
3. Cattaraugus County Administrator's Office  
County Administrator  
303 Court Street  
Little Valley, New York 14755

C. The complaint form shall be in blue or black ink or typed and shall include the following information:

1. The complainant's name, address, and telephone number;
2. If the complainant is unable to complete the form or file the complaint without assistance, then the complaint shall also include the name, address, and telephone number of the individual who completed the form and filed the complaint;
3. Description of the alleged discrimination including the date, location, and facts;
4. Desired remedy or solution requested; and
5. List of witnesses who can provide information supporting the complaint.

D. If the complainant is unable to complete the form and does not have anyone to assist with completing the form, then the complainant shall notify the ADA Coordinator who will provide appropriate alternative means to complete the form such as personal interviews, tape recordings, or larger font.

**IV. Filing the Complaint.**

A. The complaint should be filed as soon as possible, but no later than sixty (60) calendar days, after the date of the alleged discrimination.

- B. File the completed complaint form with:
- Wenona Scott  
Cattaraugus County Compliance Officer  
303 Court Street  
Little Valley, New York 14755  
(716) 938-2280

C. The complaint form may be filed online, in-person, or mailed to the address listed above. If the complaint is filed in person, then the complainant shall be provided with a copy of the completed complaint form.

D. The filing deadline may be extended upon show of good cause.

**V. Investigation.**

A. The ADA Coordinator, or a designee, shall mail a hearing notice to the complainant, by way of the United States Postal Service certified mail with return receipt requested and regular mail, to the address indicated on the complaint form, no later than fifteen (15) working days after the date of which the complaint form was filed or postmarked.

B. The hearing shall be scheduled no later than thirty (30) working days after the date of which the complaint form was filed or postmarked. This deadline may be extended upon show of good cause.

C. Auxiliary aids and services required to ensure effective communication will be provided upon request. The request must be made to the ADA Coordinator at least five (5) working days before the scheduled hearing to ensure availability.

D. The complainant must present all evidence including photographs at the time of the scheduled hearing (photographs will not be returned).

E. All witnesses must be present at the time of the scheduled hearing.

F. Affidavits or notarized statements are not acceptable substitutes for live testimony.

G. The hearing shall be recorded using an audio device.

**VI. Response.**

A. No later than fifteen (15) working days after the date of the hearing, the ADA Coordinator shall submit a written response to the complainant, in a format accessible to the complainant, by way of the United States Postal Service certified mail with return receipt requested and regular mail, to the address indicated on the complaint form.

B. The written response shall explain the position of the County of Cattaraugus and offer options for substantive resolution of the complaint.

C. The deadline may be extended upon show of good cause.

**VII. Appeal.**

A. If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant may appeal the ADA Coordinator's decision to the County Administrator or his/her designee no later than thirty (30) working days after the postmark date of the response.

B. The appeal shall be in writing on the form entitled Title II Americans with Disability Act Disability Discrimination Appeal Form.

C. The aforementioned appeal form shall be available online at <http://ww2.cattco.org/> and from the following County of Cattaraugus offices:

1. Wenona Scott  
Cattaraugus County Compliance Officer  
303 Court Street  
Little Valley, New York 14755
2. Cattaraugus County Department of Human Resources  
Human Resources Director  
303 Court Street  
Little Valley, New York 14755
3. Cattaraugus County Administrator's Office  
County Administrator  
303 Court Street  
Little Valley, New York 14755

**VIII. Filing The Appeal.**

A. The appeal may not be filed later than thirty (30) working days after the postmark date of the ADA Coordinator's response.

B. File the completed appeal form with:

Wenona Scott  
Cattaraugus County Compliance Officer  
303 Court Street  
Little Valley, New York 14755

C. The appeal form may be filed online, in-person or mailed to the address listed above. If the appeal is filed in person then the appellant shall be provided with a copy of the completed appeal form.

D. The filing deadline may be extended upon show of good cause.

**IX. Appeal Hearing.**

A. The County Administrator, or a designee, shall mail a hearing notice to the appellant, by way of the United States Postal Service regular mail, to the address indicated on the appeal form, no later than fifteen (15) working days after the date of which the appeal form was filed or postmarked.

B. The hearing shall be scheduled no later than thirty (30) working days after the date of which the appeal form was filed or postmarked. This deadline may be extended upon show of good cause.

C. Auxiliary aids and services required to ensure effective communication will be provided upon request. The request must be made to the Office of the County Administrator at least five (5) working days before the scheduled hearing to ensure availability.

D. The appellant must present all evidence a second time at the appeal hearing.

E. All photographs in the complaint file that were presented at the time of the original hearing will be provided to the County Administrator for the appeal hearing.

F. All witnesses must testify a second time and must be present at the time of the scheduled appeal hearing.

G. Affidavits or notarized statements are not acceptable substitutes for live testimony.

H. The hearing shall be recorded using an audio device.

**X. Appeal Response.**

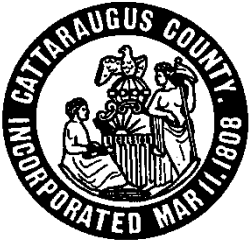
A. No later than fifteen (15) working days after the date of filing the Appeal Form, the County Administrator, or his designee, will mail a final written resolution of the complaint, in a format accessible to the appellant, by way of the United States Postal Service certified mail with return receipt requested and regular mail, to the address indicated on the appeal form.

B. The County Administrator's deadline may be extended upon show of good cause.

**XI. Record Retention.**

A. The ADA Coordinator shall maintain a complete and accurate record of all complaints, investigations, and responses on file for at least three (3) years.

B. The County Administrator shall provide to the ADA Coordinator copies of all written responses regarding any complaints or appeals pertaining to Title II of the Americans with Disabilities Act.



**ATTACHMENT B**  
**NOTICE UNDER THE AMERICANS WITH**  
**DISABILITIES ACT**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the County of Cattaraugus, will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

The County of Cattaraugus will provide appropriate aids and services free of charge to qualified persons with disabilities so they can participate equally in Cattaraugus County programs, services, and activities. Such aids and services include qualified sign language interpreters, documents in Braille, and other resources for making information and communications accessible to people who have speech, hearing, or vision impairments.

The County of Cattaraugus will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Cattaraugus County offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Cattaraugus County, should contact the Cattaraugus County Compliance Officer, 303 Court Street, Little Valley, New York 14755, as soon as possible but no later than 48 hours before the scheduled event.

The County does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the Americans with Disabilities Act.

The ADA does not require Cattaraugus County to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints, that a program, service, or activity of Cattaraugus County is not accessible to persons with disabilities, should be directed to the Cattaraugus County Compliance Officer, 303 Court Street, Little Valley, New York 14755. The County of Cattaraugus will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 540-2013** by Mr. Aiello, Mr. Snyder, Sr., Mr. Teachman,  
Ms. Edstrom, Mr. Padlo and Mr. Sprague  
who ask immediate consideration

**SALE OF TAX TITLE PROPERTY TO FORMER OWNERS  
(City of Olean and Town of Yorkshire)**

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

WHEREAS, Cattaraugus County has tax title to certain property situate in the City of Olean and the Town of Yorkshire, and

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

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

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

**CITY OF OLEAN**

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
54	94.058-6-11	Mary A. Snyder Odell Snyder	513 Spring St. Olean, NY 14760	\$13,263.21

**TOWN OF YORKSHIRE**

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
380	12.044-1-28	Jacqueline I. Kuhn James G. Kuhn David F. Wright Catherine M. Wright	10267 McKinstry Rd. Delevan, NY 14042 63 N. Main St., PO Box 16 Delevan, NY 14042	\$14,239.33
381	21.002-1-15	Jacqueline I. Kuhn James G. Kuhn	10267 McKinstry Rd. Delevan, NY 14042	\$18,961.93

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 541-2013** by Mr. Aiello, Ms. Edstrom, Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. Murphy, Mr. Snyder, Jr., Mr. Snyder, Sr., Mr. Teachman, Mr. VanRensselaer, Mr. Boser, Mr. Lamberson and Mr. Padlo who ask immediate consideration

### **SALE OF TAX TITLE PROPERTIES**

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

WHEREAS, Cattaraugus County has tax title to certain properties situate in Cattaraugus County, as described below, and

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

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

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

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

#### **CITY OF OLEAN**

<b>PARCEL NO.</b>	<b>TAX MAP NO.</b>	<b>HIGH BIDDER</b>	<b>ADDRESS</b>	<b>COUNTY INVOLVEMENT</b>	<b>BID AMOUNT</b>
7	94.063-4-51	Ronald DaPolito Colleen DaPolito	1802 W. State St. Olean, NY 14760	\$15,444.18	\$15,750.00

#### **TOWN OF ALLEGANY**

<b>PARCEL NO.</b>	<b>TAX MAP NO.</b>	<b>HIGH BIDDER</b>	<b>ADDRESS</b>	<b>COUNTY INVOLVEMENT</b>	<b>BID AMOUNT</b>
66	93.043-3-17	Dale Anderson Patrice Anderson	105 S. Ninth St. Olean, NY 14760	\$20,574.76	\$6,000.00

#### **TOWN OF LYNDON**

<b>PARCEL NO.</b>	<b>TAX MAP NO.</b>	<b>HIGH BIDDER</b>	<b>ADDRESS</b>	<b>COUNTY INVOLVEMENT</b>	<b>BID AMOUNT</b>
257	59.001-1-51.1	Kent Cobado Barbara Cobado	4544 Five Mile Rd. Allegany, NY 14706	\$9,420.79	\$7,000.00



**TOWN OF NAPOLI**

<b>PARCEL NO.</b>	<b>TAX MAP NO.</b>	<b>HIGH BIDDER</b>	<b>ADDRESS</b>	<b>COUNTY INVOLVEMENT</b>	<b>BID AMOUNT</b>
243	62.054-2-30	Randy Marsh Susan Marsh	12 Kings Hwy S. Randolph, NY 14772	\$622.31	\$50.00

**TOWN OF OTTO**

<b>PARCEL NO.</b>	<b>TAX MAP NO.</b>	<b>HIGH BIDDER</b>	<b>ADDRESS</b>	<b>COUNTY INVOLVEMENT</b>	<b>BID AMOUNT</b>
307	36.009-2-8	Colleen A. Robertson	9114 Otto-E Otto Rd. Otto, NY 14766	\$8,900.82	\$4,600.00

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 542-2013** by Mr. Teachman and Mr. Padlo  
who ask immediate consideration

**AMENDING ACT 294-2002 REGARDING HIPAA COMMITTEE AND  
CHANGING NAME TO HIPAA / HITECH COMMITTEE**

Pursuant to 42 USCS 1320d and 45 CFR 164.530.

WHEREAS, Act 294-2002 established the Health Insurance Portability and Accountability Act (HIPAA) Compliance Committee, and

WHEREAS, it is necessary to amend Act 294-2002 to include responsibility for the administration of the Health Information Technology for Economic and Clinical Health Act, known as "HITECH", and to reduce the number of committee members, and

WHEREAS, the Federal Health Insurance Portability and Accountability Act (HIPAA) requires the establishment of a HIPAA / HITECH Compliance Committee to insure that the County consistently complies with applicable federal and state laws relating to the use, maintenance and disclosure of protected health information, and

WHEREAS, a Privacy Officer and Security Officer are also needed, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby establishes a committee to be known as the HIPAA / HITECH Compliance Committee to consist of fifteen (15) members to be appointed by the Chair of the Legislature, and be it further

RESOLVED, that the Chairperson of the Committee may, at his/her discretion, call a meeting and request the presence of the members as necessary to ensure compliance with HIPAA / HITECH deadlines, and be it further

RESOLVED, that the purpose of the HIPAA / HITECH Compliance Committee is to:

1. Acquire an understanding of applicable federal and state privacy and security laws and regulations, including HIPAA, HITECH and accreditation standards, and facilitate management's understanding of same;

2. Establish the organizational structure of the HIPAA / HITECH compliance effort;
3. Conduct or facilitate a risk assessment to determine areas of HIPAA / HITECH non-compliance;
4. Develop a work plan and budget to achieve HIPAA / HITECH compliance;
5. Implement and/or facilitate implementation of the work plan, including reviewing and revising forms, policies and procedures;
6. Ensure that all employees, volunteers and independent contractors receive necessary HIPAA / HITECH training; and
7. Facilitate on-going education of staff and monitoring of HIPAA / HITECH compliance,

and be it further

RESOLVED, that the members of the HIPAA / HITECH Compliance Committee are hereby authorized to take such actions as may be reasonably necessary to facilitate the completion of the above tasks, and be it further

RESOLVED, that the Chair of the Legislature is hereby authorized to appoint a Privacy Officer, whose responsibilities are the development, implementation and on-going administration of the County's policies and procedures for maintaining the privacy of personal health information as required by federal and state laws, and be it further

RESOLVED, that the Chair of the Legislature is hereby authorized to appoint a Security Officer, whose responsibilities are the management and supervision of the use of security measures to protect health information and the conduct of personnel in relation to the protection of health information.

MS. VICKMAN moved, seconded by Mrs. Labuhn to waive Rule 12. Carried.

Adopted November 13, 2013 by voice vote.

CHAIRMAN MARSH appointed the following individuals to the HIPAA / HITECH Committee:

Wenona Scott  
HIPAA Privacy Officer

Tammy Williams, Paralegal  
County Attorney's Office

Jeff VanDeCar  
Deputy County Administrator

Patricia Davison  
HIPAA Security Officer

Rita Fischer  
Systems Analyst Programmer  
Information Services Department

Becky Dash  
Administrative Coordinator  
Community Services Department

Kevin Watkins  
Public Health Director

Dawn Miller, Director  
Community Services Department

Bev Fehringer, Nursing Director  
Department of Nursing Homes

Carol Torrey, Nursing Director  
Department of Nursing Homes

Ann Pleakis, Controller  
Department of Nursing Homes

Jennette Kent, Inservice Coordinator  
Department of Nursing Homes

Kristine Phinney  
Human Resources Specialist

Daniel French  
Jail Superintendent

Susan Andrews  
Director of Patient Services  
Health Department

**ACT NO. 543-2013** by Public Safety Committee:  
Mr. Murphy, Mr. Hale, Mr. Felton, Mr. Snyder, Sr.,  
Mr. VanRensselaer, Mr. Weller and Mr. Koch  
who ask immediate consideration

**CREATING ONE POSITION OF DEPUTY SHERIFF SERGEANT IN THE SHERIFF'S DEPARTMENT,  
ESTABLISHING COMPENSATION FOR SAME AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Sheriff's Office)**

Pursuant to Sections 204, 205, 363 and 366 of the County Law and  
Section 22 of the Civil Service Law.

WHEREAS, the Sheriff's Department is desirous of entering into an agreement with the New York State Department of Taxation and Finance to provide additional staff and resources for the purposes of investigating the illegal trafficking of cigarettes and tobacco, and

WHEREAS, it is the intent of the parties that the Sheriff provide one additional Deputy Sheriff Sergeant to assist in this effort, and

WHEREAS, the New York State Department of Taxation and Finance will provide funding for this additional position in terms of wages, benefit costs and supplies, at no cost to the County, and

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

WHEREAS, various appropriation and revenue accounts must be adjusted to cover the cost of the aforementioned position, now, therefore, be it

RESOLVED, that effective immediately, there is hereby created one position of Deputy Sheriff Sergeant to be compensated at Pay Grade 25 (\$24.60– \$27.25 per hour), Sheriff's Department Deputy Supervisory Unit, and be it further

RESOLVED, that upon termination or reduction of funding for this position by the New York State Department of Taxation and Finance then the position shall be automatically abolished, and be it further

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

## Increase Estimated Revenue Account:

A.311.3313.0000.3389.14	NYS Taxation and Finance Enforcement	\$ 11,483.00
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## Increase Appropriation Accounts:

A.311.3313.0000.11000	Full Time Wages	\$ 6,724.00
A.311.3313.0000.81000	FICA	\$ 515.00
A.311.3313.0000.82000	Retirement	\$ 2,233.00
A.311.3313.0000.83000	Health Insurance	\$ 1,993.00
A.311.3313.0000.84000	Dental Insurance	\$ 18.00

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 544-2013** by Labor Relations Committee:

Mr. Aiello, Mr. Lamberson, Mr. Edwards,  
Ms. Vickman and Mr. Boser  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO ENTER INTO AN AGREEMENT  
REGARDING TERMS AND CONDITIONS OF PUBLIC EMPLOYMENT  
BETWEEN THE COUNTY OF CATTARAUGUS AND THE  
CATTARAUGUS COUNTY SUPERVISORY UNIT OF THE  
CIVIL SERVICE EMPLOYEES ASSOCIATION, INC. LOCAL 1000,  
AFSCME AFL-CIO FOR THE PERIOD  
JANUARY 1, 2013 TO DECEMBER 31, 2013**

Pursuant to Article 14 of the Civil Service Law.

WHEREAS, the Cattaraugus County Supervisory Unit is the bargaining agent for supervisory employees of Cattaraugus County, and

WHEREAS, an agreement has been reached on terms and conditions of employment which include a 0% wage increase for employees for the year 2013 with minimal increases in shift differential starting January 1, 2014, and

WHEREAS, this settlement also provides for the implementation of an employee wellness program which is beneficial to both the employees and the County, and

WHEREAS, the items agreed upon for the Articles of Agreement have heretofore been disclosed to the County Legislature for information, and

WHEREAS, the Cattaraugus County Supervisory Unit of Civil Service Employees Association, Inc. Local 1000, AFSCME AFL-CIO has heretofore ratified such agreement, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed, on behalf of the County of Cattaraugus, to execute the Articles of Agreement with the Cattaraugus County Supervisory Unit.

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

Adopted November 13, 2013 by voice vote.

**ACT NO. 545-2013** by Mr. Murphy and Mr. Teachman  
and Mr. Aiello, Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Klancer,  
Mr. Marsh, Mr. Snyder, Sr., Mrs. Stockman, Mr. VanRensselaer, Ms. Vickman, Mr. Weller,  
Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson, Mr. Padlo and Mr. Sprague<sup>1</sup>  
who ask immediate consideration

**DENYING THE STATE OF NEW YORK PERMISSION TO USE THE NAME AND/OR SEAL OF  
CATTARAUGUS COUNTY FOR PURPOSES RELATED TO THE RECERTIFICATION OF PISTOL PERMITS**

Pursuant to Section 153 of the County Law.

WHEREAS, the State of New York has passed a gun control law referred to as the SAFE Act, and

WHEREAS, this Act clearly indicates that the enforcement of this law is the responsibility of New York State, and

WHEREAS, the State has recently indicated an interest in using the Seal of Cattaraugus County and the names of the Cattaraugus County Sheriff and the Cattaraugus County Clerk in pistol permit recertification notices, and

WHEREAS, the Cattaraugus County Sheriff and the County Clerk have voiced their strong objection to this request and suggestion, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby rejects and prohibits the use by the State of New York of the name and/or seal of Cattaraugus County, or any of its officers, its letterhead or address for purposes of correspondence with legal and registered gun owners regarding permit recertification or for any other purpose associated with the SAFE Act, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a copy of this resolution to Governor Cuomo, the Superintendent of the New York State Police, Senator Young, Assembly Member Giglio, the legislature of every County in the State of New York, the New York State Association of Counties and the Western New York Inter-County Association.

MR. VANRENSELAER moved, seconded by Mr. Edwards to waive Rule 12. Carried.

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

Adopted by November 13, 2013 by unanimous vote.

**ACT NO. 546-2013** by Mr. Aiello, Ms. Edstrom, Mr. Edwards, Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. Murphy, Mr. Snyder, Jr., Mr. Snyder, Sr., Mrs. Stockman, Mr. VanRensselaer, Ms. Vickman, Mr. Weller, Mr. Boser, Mrs. Labuhn, Mr. Padlo and Mr. Sprague and Mr. Felton, Mr. Teachman, Mr. Koch and Mr. Lamberson<sup>1</sup> who ask immediate consideration

**SALE OF TAX TITLE PROPERTY TO BRETT THORBURN AND  
WAIVING RULE 40 OF THE RULES OF ORDER  
(Town of Dayton)**

Pursuant to Section 215 of the County Law, Rule 33 of the Rules of Order of the Cattaraugus County Legislature, and Section 72-h of the General Municipal Law.

WHEREAS, the building and property located in the Town of Dayton, known as Tax Map Numbers 33.041-1-5 and 33.041-1-6, formerly owned and operated by Nestle U.S.A. ("the Property") appears on the County's 2012 in rem tax foreclosure list, and

WHEREAS, the aforementioned property is currently owned by Eagle Forest Products, and

WHEREAS, taxes in the approximate amount of \$45,000.00 on the aforementioned Property remain unpaid, and

WHEREAS, the Property is subject to foreclosure by the County Treasurer, and

WHEREAS, the property has been unproductive for approximately twenty (20) years, and is presently used by the current owner only for the storage of hardwood, and

WHEREAS, since it has been determined that there is no practical method of enforcing tax liens on the Property in the future, the Legislature on October 23, 2013 adopted Act No. 455-2013 directing the County Treasurer to issue a certificate of prospective cancellation of tax liens on the Property thereby rendering it exempt from real property taxation, and

WHEREAS, Brett Thorburn, an Australian entrepreneur who is the managing director of Houghton Cider Company of Australia, a highly successful apple cider production facility, has expressed his commitment to establish a similar facility at the Property and to take all actions that may be required, including environmental remediation, to make the facility operational, and

WHEREAS, the creation of this business would lead to the creation of six (6) to ten (10) jobs by the end of 2014 and more thereafter, and

WHEREAS, conveyance of the Property to Mr. Thorburn, the waiver of delinquent taxes and the creation of jobs is in the best interests of the County, and

WHEREAS, such conveyance would enable the County Legislature to restore the Property to the tax roll, now, therefore, be it

RESOLVED, that upon obtaining title to the Property through the in rem foreclosure process, or if the Court so orders, the County Treasurer shall be, and hereby is, authorized and directed to execute a deed or deeds conveying the property to Brett Thorburn, or any company in which he owns a majority interest, for an amount of \$1.00, on the condition that Mr. Thorburn execute an agreement, the form of which shall be acceptable to the County Attorney, requiring that he complete all required environmental remediation of the property, open the above-described business and employ at least five (5) persons in full-time permanent positions by December 31, 2014, and be it further

RESOLVED, that in the event Brett Thorburn fails to perform the aforementioned conditions, he will, on or before January 31, 2015, pay to the County the sum of \$45,000.00, and be it further

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

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

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

Adopted November 13, 2013 by unanimous vote.

MR. HALE moved, seconded by Mr. Teachman to adjourn until November 26, 2013 at 3:00 p.m. Carried.

Meeting adjourned at 4:36 p.m.

Ann M. Giglio  
Journal Clerk