



November 26, 2013

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

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed all Legislators present.

MR. WELLER moved, seconded by Ms. Edstrom that the minutes of the November 13, 2013 session be approved. Carried.

\* \* \* \* \*

**COMMUNICATIONS:**

New York State Member of Assembly Joseph M. Giglio: Letter acknowledging receipt of Act Nos. 536-2013, 537-2013, and 545-2013.

Delaware County Board of Supervisors: Resolution No. 197 entitled, "Resolution In Support of Establishing a Southern Tier Office of Mental Health Department of Mental Health".

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**APPOINTMENTS:**

**CATTARAUGUS COUNTY ARSON TASK FORCE**

*Term to expire December 31, 2015*

Vern R. McMillen, Deputy  
Sheriff's Office  
301 Court Street  
Little Valley, New York 14755

\* \* \* \* \*

**RECOGNITION:**

CHAIRMAN MARSH commended the staff of the Cattaraugus County Department of Aging for the national recognition the department received for their successful efforts in the "Share Your Love" campaign sponsored by Subaru and the Meals on Wheels Association of America. Cattaraugus County was one of only five programs across the nation which was commended for its success.

CHAIRMAN MARSH recognized the following individuals, who through their combined life-saving efforts, assisted an unconscious female outside the County building on November 1, 2013: Captain Robert Buchhardt; Deputy James Bean; Office of Emergency Services Emergency Medical Technicians Catherine Peters and Robert Kuhn; Paramedic Timothy McVaugh; Assistant Fire Chief and EMT Kory Gross; Firefighter Vance Hess; and County Employees Lori Pangborn and Tammy Williams.

\* \* \* \* \*

MR. AIELLO moved, seconded by Mr. Boser to adjourn for the public hearing on the 2014 Tentative Budget. Carried.

CHAIRMAN MARSH announced that anyone wishing to speak on the 2014 Tentative Budget may now do so.

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

MR. SNYDER, SR. moved, seconded by Mr. Teachman to accept the Finance Committee Report on the 2014 Tentative Budget.

\* \* \* \* \*

CHAIRMAN MARSH called up the budget resolutions for immediate consideration.

**ACT NO. 575-2013** by Mr. Snyder, Sr.  
who asks immediate consideration

**ADOPTION OF 2014 BUDGET**

Pursuant to Section 360 of the County Law.

RESOLVED, that the tentative County Budget for the year 2014, as amended and filed with the Clerk of the Legislature and as hereafter attached, is hereby adopted as the County Budget for 2014 and the budget requires the raising by tax of the amount of \$52,353,822.00.

Adopted November 26, 2013 by voice vote.

**ACT NO. 576-2013** by Mr. Snyder, Sr.  
who asks immediate consideration

**APPORTIONMENT OF COUNTY BUDGET**

Pursuant to Section 804 of the Real Property Tax Law.

RESOLVED, that the following report of the assessed value of all property assessed in each of the several towns and cities of the County for 2014 shows the equalized value of real estate and the amount of the County budget apportioned to each district:

## PROPERTY TAX REPORT

November 26, 2013

PROPERTY TAX AMOUNT.....

\$52,353,822

TOWN	Taxable Value	Taxable Value With Fixed Exemptions	Equalization Rate	Full Value	Apportioned Tax	Tax Rate
ALLEGANY	324,666,036	324,683,736	100.00	324,683,736	4,282,641.53	13.1909
ASHFORD	76,273,188	76,284,488	62.00	123,039,497	1,622,914.86	21.2777
CARROLLTON	75,507,443	75,511,143	100.00	75,511,143	996,006.64	13.1908
COLDSPRING	59,826,033	59,830,533	100.00	59,830,533	789,176.35	13.1912
CONEWANGO	33,492,690	33,495,690	64.00	52,337,016	690,335.40	20.6115
DAYTON	49,230,284	49,236,784	79.00	62,325,043	822,079.42	16.6987
EAST OTTO	49,350,765	49,353,255	71.50	69,025,531	910,460.16	18.4488
ELLCOTTVILLE	568,509,603	568,512,603	100.00	568,512,603	7,498,791.64	13.1903
FARMERSVILLE	56,901,047	56,904,347	100.00	56,904,347	750,579.39	13.1910
FRANKLINVILLE	84,285,242	84,363,608	72.00	117,171,678	1,545,517.19	18.3367
FREEDOM	117,284,048	117,296,958	100.00	117,296,958	1,547,169.66	13.1916
GREAT VALLEY	166,832,625	166,832,625	100.00	166,832,625	2,200,554.72	13.1902
HINSDALE	72,513,735	72,520,713	100.00	72,520,713	956,562.29	13.1915
HUMPHREY	49,465,610	49,465,610	100.00	49,465,610	652,461.00	13.1902
ISCHUA	40,797,512	40,807,112	100.00	40,807,112	538,253.73	13.1933
LEON	48,292,428	48,294,328	100.00	48,294,328	637,011.57	13.1907
LITTLE VALLEY	46,456,994	46,465,144	71.00	65,443,865	863,217.29	18.5810
LYNDON	45,871,500	45,871,500	100.00	45,871,500	605,053.99	13.1902
MACHIAS	128,132,811	128,140,811	100.00	128,140,811	1,690,202.18	13.1910
MANSFIELD	106,604,403	106,615,370	100.00	106,615,370	1,406,277.44	13.1916
NAPOLI	32,925,538	32,925,538	59.00	55,805,997	736,091.94	22.3563
NEW ALBION	57,059,859	57,062,859	76.00	75,082,709	990,355.51	17.3564
OLEAN/CITY	499,030,915	499,183,935	100.00	499,183,935	6,584,333.04	13.1942
OLEAN/TOWN	87,064,789	87,081,239	78.00	111,642,614	1,472,587.76	16.9137
OTTO	55,211,519	55,219,319	100.00	55,219,319	728,353.54	13.1921
PERRYSBURG	55,929,302	56,051,962	67.16	83,460,337	1,100,858.05	19.6830
PERSIA	58,439,628	58,451,128	78.00	74,937,344	988,438.12	16.9138
PORTVILLE	135,349,045	135,654,575	98.00	138,423,036	1,825,826.73	13.4898
RANDOLPH	82,970,849	82,973,849	88.00	94,288,465	1,243,683.16	14.9894
RED HOUSE	107,207,946	107,207,946	100.00	107,207,946	1,414,093.63	13.1902
SALAMANCA/CITY	17,225,471	17,325,171	19.00	91,185,111	1,202,749.32	69.8239
SALAMANCA/TOWN	27,330,012	27,330,912	100.00	27,330,912	360,500.04	13.1906
SOUTH VALLEY	30,328,760	30,330,260	78.00	38,884,949	512,900.03	16.9113
YORKSHIRE	29,841,506	29,855,606	18.00	165,864,478	2,187,784.68	73.3135
	3,476,209,136	3,477,140,657		3,969,147,171	52,353,822.00	
TAX RATE % FULL VALUE		0.0131901942				
TAX RATE % TAXABLE VALUE		0.0150606077				

\*\*\* Assessment Values as of November 26, 2013.

Adopted November 26, 2013 by voice vote.

**ACT NO. 577-2013** by Mr. Snyder, Sr.  
who asks immediate consideration

**APPROPRIATIONS FOR THE FISCAL YEAR 2014**

Pursuant to Sections 356 and 360 of the County Law.

WHEREAS, the Cattaraugus County Legislature has, by resolution, adopted a budget for the fiscal year 2014, now, therefore, be it

RESOLVED, that the several subtotals specified in such budget, in the column headed "Adopted" opposite the several items of expenditures, be approved for such items, effective January 1, 2014.

Adopted November 26, 2013 by voice vote.

**ACT NO. 578-2013** by Mr. Snyder, Sr.  
who asks immediate consideration

**AUTHORIZING THE CHAIR AND CLERK TO SIGN AND ATTACH WARRANTS**

Pursuant to Section 904 of the Real Property Tax Law.

RESOLVED, that tax levies as extended upon the several rolls of the County be, and they hereby are, approved, and be it further

RESOLVED, that the Chair and the Clerk of the Legislature be, and they hereby are, authorized and directed to sign and attach warrants thereto under the date of December 11, 2013.

Adopted November 26, 2013 by voice vote.

**ACT NO. 579-2013** by Mr. Snyder, Sr.  
who asks immediate consideration

**AUTHORIZATION TO DEBIT AND CREDIT ACCOUNTS OF TOWNS AND CITIES**

Pursuant to Section 940 of the Real Property Tax Law.

WHEREAS, at the meeting of the Legislature on November 26, 2013, a report was filed by the County Treasurer in the Office of the County Treasurer showing the debits and credits of all the towns and cities in the County, now, therefore, be it

RESOLVED, that the Clerk of the Legislature be, and hereby is, authorized and directed to debit and credit the respective towns and cities as set forth on such report in the tax levy:

<u>TOWN</u>	<u>DEBIT</u>	<u>CREDIT</u>
Allegany		
Ashford		
Carrollton	2.65	
Coldspring		
Conewango		
Dayton		
East Otto		
Ellicottville		
Farmersville	0.09	
Franklinville		
Freedom		0.51
Great Valley		
Hinsdale		
Humphrey		
Ischua		
Leon	0.29	
Little Valley		
Lyndon		
Machias		
Mansfield		
Napoli		1.30
New Albion		
Olean City	0.70	
Olean Town		
Otto		
Perrysburg		
Otto		
Perrysburg		
Persia		0.10
Portville		
Randolph	0.09	
Red House	0.56	
Salamanca City	0.53	
Salamanca Town		
South Valley		10.50
Yorkshire		

Adopted November 26, 2013 by voice vote.

**ACT NO. 580-2013** by Mr. Snyder, Sr.  
who asks immediate consideration

**AUTHORIZING RELEVY OF RETURNED SCHOOL TAXES AND  
RETURNED CITY TAXES OF THE CITY OF OLEAN**

Pursuant to Section 1330 of the Real Property Tax Law.

RESOLVED, that effective November 30, 2013, the Clerk of the Legislature be, and hereby is, authorized and directed to relevy all returned school taxes and returned city taxes of the City of Olean.

Adopted November 26, 2013 by voice vote.

**ACT NO. 581-2013** by Mr. Snyder, Sr.  
who asks immediate consideration

**AUTHORIZING RELEVY OF VILLAGE TAXES OF  
THE COUNTY OF CATTARAUGUS**

Pursuant to Section 1442 of the Real Property Tax Law.

RESOLVED, that effective November 30, 2013, the Clerk of the Legislature be, and hereby is, authorized and directed to relevy all returned village taxes of the County of Cattaraugus.

Adopted November 26, 2013 by voice vote.

**ACT NO. 582-2013** by Mr. Snyder, Sr.  
who asks immediate consideration

**AUTHORIZATION TO APPLY PORTION OF TOWN OF PORTVILLE'S  
SHARE OF SALES TAX REVENUE TO REDUCTION OF  
COUNTY TAX LEVIED AGAINST THE TOWN**

Pursuant to Article 29 of the Tax Law.

WHEREAS, the Town of Portville has elected to take its share of the sales tax revenue in cash, and

WHEREAS, the share due to the Town of Portville will result in a surplus, and

WHEREAS, the Town of Portville has requested that a portion of such surplus be applied to reduce the County Tax against the Town of Portville (outside), now, therefore, be it,

RESOLVED, that \$323,000.00 of the 2014 sales tax revenue due the Town of Portville be applied to the reduction of the County Tax levied against the real property in the Town of Portville (outside).

Adopted November 26, 2013 by voice vote.

**ACT NO. 583-2013** by Mr. Snyder, Sr.  
who asks immediate consideration

**AUTHORIZATION TO APPLY PORTION OF TOWN OF GREAT VALLEY'S  
SHARE OF SALES TAX REVENUE TO REDUCTION OF  
COUNTY TAX LEVIED AGAINST THE TOWN**

Pursuant to Article 29 of the Tax Law.

WHEREAS, the Town of Great Valley has elected to take its share of the sales tax revenue in cash, and

WHEREAS, the share due to the Town of Great Valley will result in a surplus, and

WHEREAS, the Town of Great Valley has requested that a portion of such surplus be applied to reduce the County Tax against the Town of Great Valley, now, therefore, be it,

RESOLVED, that \$500,000.00 of the 2014 sales tax revenue due the Town of Great Valley be applied to the reduction of the County Tax levied against the real property in the Town of Great Valley.

Adopted November 26, 2013 by voice vote.

**ACT NO. 584-2013** by Mr. Snyder, Sr.  
who asks immediate consideration

**AUTHORIZATION TO APPLY PORTION OF TOWN OF FARMERSVILLE'S  
SHARE OF SALES TAX REVENUE TO REDUCTION OF  
COUNTY TAX LEVIED AGAINST THE TOWN**

Pursuant to Article 29 of the Tax Law.

WHEREAS, the Town of Farmersville has elected to take its share of the sales tax revenue in cash, and

WHEREAS, the share due to the Town of Farmersville will result in a surplus, and

WHEREAS, the Town of Farmersville has requested that a portion of such surplus be applied to reduce the County Tax against the Town of Farmersville, now, therefore, be it,

RESOLVED, that \$168,000.00 of the 2014 sales tax revenue due the Town of Farmersville be applied to the reduction of the County Tax levied against the real property in the Town of Farmersville.

Adopted November 26, 2013 by voice vote.



**ACT NO. 585-2013** by Mr. Snyder, Sr.  
who asks immediate consideration

**AUTHORIZATION TO APPLY PORTION OF TOWN OF RED HOUSE'S  
SHARE OF SALES TAX REVENUE TO REDUCTION OF  
COUNTY TAX LEVIED AGAINST THE TOWN**

Pursuant to Article 29 of the Tax Law.

WHEREAS, the Town of Red House has elected to take its share of the sales tax revenue in cash, and

WHEREAS, the share due to the Town of Red House will result in a surplus, and

WHEREAS, the Town of Red House has requested that a portion of such surplus be applied to reduce the County Tax against the Town of Red House, now, therefore, be it,

RESOLVED, that \$320,000.00 of the 2014 sales tax revenue due the Town of Red House be applied to the reduction of the County Tax levied against the real property in the Town of Red House.

Adopted November 26, 2013 by voice vote.

**ACT NO. 586-2013** by Mr. Snyder, Sr.  
who asks immediate consideration

**ADOPTION OF EQUALIZATION RATES**

Pursuant to Section 804 of the Real Property Tax Law.

RESOLVED, that the Cattaraugus County Legislature does hereby adopt the equalization rates fixed by the State Board of Real Property Tax Services for the year 2014 as follows:

<b><u>TOWNS</u></b>	<b><u>EQUALIZATION</u></b>
	<b><u>RATES</u></b>
Allegany	100.00
Ashford	62.00
Carrollton	100.00
Cold Spring	100.00
Conewango	64.00
Dayton	79.00
East Otto	71.50
Ellicottville	100.00
Farmersville	100.00
Franklinville	72.00
Freedom	100.00
Great Valley	100.00
Hinsdale	100.00
Humphrey	100.00
Ischua	100.00

Leon	100.00
Little Valley	71.00
Lyndon	100.00
Machias	100.00
Mansfield	100.00
Napoli	59.00
New Albion	76.00
Olean, City	100.00
Olean, Town	78.00
Otto	100.00
Perrysburg	67.16
Persia	78.00
Portville	98.00
Randolph	88.00
Red House	100.00
Salamanca, City	19.00
Salamanca, Town	100.00
South Valley	78.00
Yorkshire	18.00

Adopted November 26, 2013 by voice vote.

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CHAIRMAN MARSH called up **Act No. 534-2013**, 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) and asked that it be read.

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

MRS. LABUHN moved, seconded by Mr. Sprague to refer Act No. 534-2013 back to the Finance Committee and Development and Agriculture Committee.

MR. SPRAGUE and MRS. LABUHN requested a Roll Call vote on the Motion, which disclosed as follows:

Ayes: Boser 1.0267, Edwards 0.9684, Koch 0.8685, Labuhn 0.8685, Lamberson 1.0267, Sprague 1.0230 – 5.7818.

Nays: Aiello 0.8673, Edstrom 0.8673, Felton 1.0972, Hale 1.0655, Klancer 1.1005, Murphy 1.1005, Padlo 0.8673, Snyder, Sr. 0.8673, Snyder, Jr. 1.0655, Stockman 1.0003, Teachman 0.8673, VanRensselaer 1.1278, Vickman 1.0972, Weller 1.0972, Marsh 1.1278 – 15.216.

Motion Failed to receive a majority vote of the Legislature.

Adopted November 26, 2013 by voice vote. Sprague voting No.

CHAIRMAN MARSH called up **Act No. 535-2013**, 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) and asked that it be read.

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

MR. EDWARDS moved, seconded by Mr. Lamberson to reduce the amount of funding to \$52,000.00. Motion Failed.

Adopted November 26, 2013 by voice vote. Edwards voting No.

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**ACT NO. 547-2013** by Mr. Aiello and Mr. Weller

**BID ACCEPTANCE FOR PAPER PRODUCTS  
(Department of Public Works)**

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

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

WHEREAS, the lowest responsible bid received meeting specifications for certain paper products was XPEDX, 75 Allied Drive, Cheektowaga, New York 14227, for the term January 1, 2014 through December 31, 2014, as follows:

<u>Price per case of Recycled paper (greater than 40%)</u>	
Bleached C-Folded Hand Towels (Scottfold 01980):	\$34.68 per case
Size – 9.4" x 12.4" (4375 sheets per case)	
<u>Price per case of Recycled paper (greater than 40%)</u>	
Bleached Roll Towels (Reliable 4440560):	\$19.88 per case
Size 11" x 8.780" (30 rolls per case)	
<u>Price per case of Recycled paper (greater than 40%)</u>	
Bleached Roll Toilet Tissue (Reliable 4226040):	\$38.45 per case
Size – 4.375" x 3.750" (96 rolls per case)	

now, therefore, be it

RESOLVED, that the aforementioned bid be, and the same hereby is, accepted, contingent upon and subject to the inclusion in the 2014 budget of sufficient funds to cover the costs of the aforementioned paper products, and be it further

RESOLVED, that the vouchers accordingly certified by the County Commissioner of Public Works be audited by the Auditor and paid by the County Treasurer.

State Bid does not meet County Specifications.  
 10 sets of specifications were sent out.  
 2 bids were received.

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

Adopted November 26, 2013 by voice vote.

**ACT NO. 548-2013** by Mr. Aiello and Mr. Weller

**BID ACCEPTANCE FOR TREE REMOVAL & STUMP GRINDING  
 (Department of Public Works)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for tree removal & stump grinding for the Department of Public Works, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest acceptable bids for the tree removal, stump grinding and limbing in the four quadrants of the County are split between four (4) bidders, and

WHEREAS, the lowest responsible bids received meeting specifications are as follows:

RAY N. FISHER, D/B/A  
 GOOD NEIGHBOR SERVICES  
 9276 Dake Hill Road  
 Cattaraugus, New York 14719

**Tree Removal (Per Diameter Inch)**

	<u>Quadrant</u>	<u>Rate</u>
<u>Schedule A</u>		
Provide ALL equipment and personnel necessary to complete contract specifications.	NE	\$ 31.00
Minimum requirements for equipment shall include a stump grinder, tractor loader,	NW	\$ 31.00
large dump truck for hauling wood, utility truck, chipper, truck with enclosed chipper	SE	\$ 32.50
box, a 50' high platform hydraulic aerial device, saws, adequate ropes and pulleys, and	SW	\$ 31.00
other related equipment, as well as traffic control.		
<u>Schedule B</u>		
The same as Schedule A except the County will provide traffic control.	NE	\$ 28.00
	NW	\$ 26.00
	SE	\$ 29.00
	SW	\$ 28.00
<u>Schedule C</u>		
The same as Schedule A except all wood greater than four (4) inches in diameter will	NE	\$ 26.00
be left on site, in a safe area off the shoulder of the road for the County to dispose. The	NW	\$ 25.00
successful bidder shall remove all wood and debris smaller than 4 inches in diameter.	SE	\$ 29.00
Required equipment will not be as extensive as listed in Schedule A above.	SW	\$ 28.00

<u>Schedule D</u>		
The same as Schedule C except the County will provide traffic control.	NE	\$ 24.00
	NW	\$ 22.00
	SW	\$ 23.00

**Stump Grinding (Per Diameter Inch)**

<u>Schedule A</u>		
Same As Schedule "A" Above	SE	\$ 5.00
	SW	\$ 5.00

<u>Schedule B</u>		
Same As Schedule "B" Above	SE	\$ 5.00
	SW	\$ 5.00

**Limbing- Per Hour First Hour**

To include mobilization, a 50' bucket truck, operator/sawer, and one groundsperson.	NE	\$195.00
County will provide cleanup, disposal of wood & debris, and traffic control.	NW	\$175.00
	SW	\$185.00

**Limbing- After First Hour**

This is a " <u>Per Half Hour</u> " rate.	NE	\$ 95.00
	NW	\$ 85.00
	SW	\$ 92.00

MODERN TREE SERVICE, INC.  
7858 Boston Colden Road  
Boston, New York 14025

<b><u>Tree Removal (Per Diameter Inch)</u></b>	<u>Quadrant</u>	<u>Rate</u>
<u>Schedule D</u>		
The same as Schedule C except the County will provide traffic control.	NE	\$ 24.00

**Stump Grinding (Per Diameter Inch)**

<u>Schedule A</u>		
Same As Schedule "A" Above	NE	\$ 4.25
	NW	\$ 4.25

<u>Schedule B</u>		
Same As Schedule "B" Above	NE	\$ 4.25
	NW	\$ 4.25

**Limbing- Per Hour First Hour**

To include mobilization, a 50' bucket truck, operator/sawer, and one groundsperson.	SE	\$265.00
County will provide cleanup, disposal of wood & debris, and traffic control.		

**Limbing- After First Hour**

This is a " <u>Per Half Hour</u> " rate.	SE	\$115.00
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TERRY TREE SERVICE, LLC  
225 Ballantyne Road  
Rochester, New York 14623

<b><u>Tree Removal (Per Diameter Inch)</u></b>	<u>Quadrant</u>	<u>Rate</u>
<u>Schedule D</u>		

The same as Schedule C except the County will provide traffic control. SE \$ 25.00

BENTLEY TREE CARE  
9357 Route 20 (Box 841)  
Ripley, New York 14775

**Stump Grinding (Per Diameter Inch)**

Schedule A

Same As Schedule "A" Above	SE	\$ 5.00
	SW	\$ 5.00

Schedule B

Same As Schedule "B" Above	SE	\$ 5.00
	SW	\$ 5.00

now, therefore, be it

RESOLVED, that the bid of Ray N. Fisher d/b/a Good Neighbor Services be, and the same hereby is, accepted, for a term commencing January 1, 2014 and terminating December 31, 2014, and be it further

RESOLVED, that the bid of Modern Tree Services, Inc. be, and the same hereby is, accepted, for a term commencing January 1, 2014 and terminating December 31, 2014, and be it further

RESOLVED, that the bid of Bentley Tree Care be, and the same hereby is, accepted, for a term commencing January 1, 2014 and terminating December 31, 2014, and be it further

RESOLVED, that the bid of Terry Tree Service, LLC be, and the same hereby is, accepted, for a term commencing January 1, 2014 and terminating December 31, 2014, and be it further

RESOLVED, that the acceptance of the aforementioned bids are contingent upon and subject to the inclusion in the 2014 budget of sufficient funds to cover the costs of the aforementioned services, and be it further

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

No State Bid.

13 sets of specifications were sent out.

4 bids were received.

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

Adopted November 26, 2013 by voice vote.

**ACT NO. 549-2013** by Mr. Aiello, Mr. Klancer, Mr. Murphy and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 1  
WITH NYSDOT TO AMEND NON-MARCHISELLI AGREEMENT FOR COUNTY ROAD NO. 57  
AND BENTLEY ROAD INTERSECTION IMPROVEMENT PROJECT AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Public Works)**

Pursuant to Title 23 U.S. Code and

Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 66-2009 authorized a contract with the New York State Department of Transportation (NYSDOT) and authorized the County to participate in the federal-aid project administered by the NYSDOT known as the County Road No. 57 and Bentley Road intersection improvement project, in the Town of Dayton, Cattaraugus County, PIN 5759.09 (the "Project"), and

WHEREAS, the County desires to advance the above Project by making a commitment of 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) phases of the Project, PIN 5759.09, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby approves the above-described project, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to pay in the first instance 100% of the Federal and Non-Federal shares of the costs of the Preliminary Engineering (Design I-VI) phases of the Project, or portions thereof, and be it further

RESOLVED, that the sum of \$160,000 was appropriated by Act 66-2009 and made available to cover the cost of participation in the above phases of the Project, and be it further

RESOLVED, that in the event the amount required to pay the full Federal and Non-Federal shares of the cost of the Project's Preliminary Engineering (Design I-VI) phases exceeds the amount appropriated above, the County of Cattaraugus shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof, and be it further

RESOLVED, that in the event that the approved Federal aid for this project, or any part of it, becomes unavailable, this resolution shall be deemed rescinded and of no further effect, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute all necessary documents, on behalf of Cattaraugus County, with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and be it further

RESOLVED, that this Resolution shall take effect immediately, and be it further

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

Increase Estimated Revenue Account:

H.504.5197.5195.3591.01	Marchiselli Program	\$12,000.00
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Increase Appropriation Account:

H.504.5197.5195.27018.41603	County Road No. 57	\$12,000.00.
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Approved by 9 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted November 26, 2013 by voice vote.

**ACT NO. 550-2013** by Mr. Aiello, Mr. Edwards and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH  
BERGMANN ASSOCIATES, P.C. FOR ENGINEERING DESIGN SERVICES FOR  
GREAT VALLEY BRIDGE NO. 9 FEDERAL AID REPLACEMENT PROJECT**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 569-2009, as amended by Acts 623-2010 and 509-2011, authorized a contract with Bergmann Associates, P.C., 200 First Federal Plaza, 28 East Main Street, Rochester, New York 14614, for the provision of engineering design services for the Great Valley Bridge No. 9 Federal Aid Replacement Project, the term of which expires December 31, 2013, and

WHEREAS, the County Department of Public Works is desirous of extending the term of the aforementioned contract in order to allow for more time to complete the project, at no additional cost to the County, and

WHEREAS, Bergmann Associates, P.C. has agreed to complete the aforementioned project by 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 extension, on behalf of Cattaraugus County, with Bergmann Associates, P.C., for the provision of the above-described services, for a term commencing October 20, 2009 and terminating December 31, 2014, according to the above-described terms.

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

Adopted November 26, 2013 by voice vote.

**ACT NO. 551-2013** by Mr. Aiello<sup>1</sup> and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH  
GREENMAN-PEDERSEN, INC. FOR ENGINEERING SERVICES FOR RECONSTRUCTION  
OF COUNTY ROAD NO. 57 INTERSECTION WITH BENTLEY ROAD**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 315-2010, as amended by Acts 624-2010, 287-2011 and 493-2012, authorized a contract with Abate Associates Engineers & Surveyors, P.C., 4455 Genesee Street, P.O. Box 218, Buffalo, New York 14225-0218, for the provision of engineering services for the reconstruction of County Road No. 57 intersection with Bentley Road in the Town of Dayton, the term of which expires December 31, 2013, and

WHEREAS, an extension of the aforementioned contract to December 31, 2014 is necessary in order to complete the aforementioned reconstruction project, at no additional 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 extension, on behalf of Cattaraugus County, with Greenman-Pederson, Inc. (formerly Abate Associates Engineers & Surveyors, P.C.) for the provision of the above-described



services, extending the term of the contract which commenced March 1, 2010 to terminate December 31, 2014, according to the above-described terms.

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

<sup>1</sup>The following Legislator requested her name be removed as a sponsor: "Mrs. Stockman".

Adopted November 26, 2013 by voice vote.

**ACT NO. 552-2013** by Mr. Aiello, Mr. Klancer, Mr. Murphy and Mr. Weller  
*and Mrs. Stockman*<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH  
STANTEC CONSULTING SERVICES, INC. FOR ENGINEERING SERVICES FOR  
NEW ALBION BRIDGE NO. 35 FEDERAL-AID REPLACEMENT PROJECT**

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

WHEREAS, Act 95-2007, as amended by Acts 646-2008, 549-2010, 505-2011 and 74-2013, authorized a contract with Stantec Consulting Services, Inc., 2250 Brighton-Henrietta Town Line Road, Rochester, New York 14623-2706, for the provision of engineering services for the New Albion Bridge No. 35 Replacement Project located on Tannery Street over Tributary South Branch Cattaraugus Creek, BIN 3-32281-0, in the Town of New Albion, the term of which expires December 31, 2013, and

WHEREAS, the Department of Public Works is desirous of extending the term of the aforementioned contract in order to complete the aforementioned project, at no additional cost to the County, and

WHEREAS, Stantec Consulting Services, Inc., has agreed to complete the aforementioned project by 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 extension, on behalf of Cattaraugus County, with Stantec Consulting Services, Inc., for the provision of the above-described services, for a term commencing February 15, 2007 and terminating December 31, 2014, according to the above-described terms.

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

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

Adopted November 26, 2013 by voice vote.

**ACT NO. 553-2013** by Mr. Aiello and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH  
HUNT ENGINEERS, ARCHITECTS & LAND SURVEYORS, P.C. FOR  
SAWMILL RUN DEVELOPMENT OF ONOVILLE MARINA  
ENGINEERING SERVICES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 250-2008, as amended by Acts 642-2009, 61-2011 and 494-2012, authorized a contract with Hunt Engineers, Architects & Land Surveyors, P.C., Airport Corporate Park, 100 Hunt Center, Horseheads, New York 14845, for the provision of engineering services for the proposed Sawmill Run Development of the Onoville Marina, the term of which expires December 31, 2013, and

WHEREAS, an extension of the aforementioned contract is necessary in order to complete the detail site design and regulatory approval for the aforementioned project, at no additional 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 extension, on behalf of Cattaraugus County, with Hunt Engineers, Architects & Land Surveyors, P.C., for the provision of the above-described services, extending the term of the contract which commenced January 1, 2011, to terminate December 31, 2014, according to the above-described terms.

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

Adopted November 26, 2013 by voice vote.

**ACT NO. 554-2013** by Mr. Aiello and Mr. Weller  
*and Mr. Klancer<sup>1</sup>*

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH  
WATTS ARCHITECTURE AND ENGINEERING, P.C. FOR  
LEON BRIDGE NO. 7 FEDERAL-AID REPLACEMENT PROJECT  
ENGINEERING DESIGN SERVICES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 161-2011 authorized a contract with Watts Architecture and Engineering, P.C., 95 Perry Street, Suite 300, Buffalo, New York 14203, for the provision of engineering design services for the replacement of Leon Bridge No. 7 (County Road No. 6) in the Town of Leon, the term of which expires December 31, 2013, and

WHEREAS, an extension of the aforementioned contract to December 31, 2014 is necessary in order to complete the aforementioned reconstruction project, at no additional 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 extension, on behalf of Cattaraugus County, with Watts Architecture and

Engineering, P.C., for the provision of the above-described services, extending the term of the contract which commenced April 3, 2011 to terminate December 31, 2014, according to the above-described terms.

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

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

Adopted November 26, 2013 by voice vote.

**ACT NO. 555-2013** by Mr. Aiello and Mr. Weller  
*and Mr. Lamberson<sup>1</sup>*

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

Pursuant to Section 162 of the State Finance Law  
and Sections 215 and 450 of the County Law.

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

WHEREAS, County Department of Public Works is desirous of renewing the aforementioned contract for a term commencing January 1, 2014 and terminating December 31, 2015, and

WHEREAS, the New York State Industries for the Disabled, through SubCon Industries, Inc., has agreed to perform the aforementioned janitorial services at a monthly cost of \$14,450.40 not to exceed \$173,404.82 per year, for a total contract amount of \$346,809.64, to be paid on a monthly basis as invoiced, with the option to increase if the minimum wage increases, 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 New York State Industries for the Disabled, through SubCon Industries, Inc., for the provision of the above-described services, for a term commencing January 1, 2014 and terminating December 31, 2015, 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 9 members of the Public Works Committee.

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

Adopted November 26, 2013 by voice vote.

**ACT NO. 556-2013** by Mr. Aiello and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
ENERGY ENTERPRISES, INC. FOR NATURAL GAS SERVICES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 641-2012 authorized a contract with Energy Enterprises, Inc., 10 Mill Street, P.O. Box 182, Mt. Morris, New York 14510, for the provision of bid assistance, consulting and auditing services for the purchase of natural gas, the term of which expires December 31, 2013, and

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

WHEREAS, Energy Enterprises, Inc., has agreed to provide the following services for an amount of \$6,050.00, in accordance with the following rates, to be paid as invoiced:

- |  |               |
|--|---------------|
| a) Research natural gas accounts, assist in preparation of bid specifications and evaluation of bid results                                    | \$650.00      |
| b) Monitor and audit monthly gas bills and compare with actual gas usage (per month) County Center   | \$220.00/mo.  |
| c) Monitor and audit monthly gas bills and compare with actual gas usage (per month) County Little Valley DPW Facility                         | \$115.00/mo.  |
| d) Monitor and audit monthly gas bills and compare with actual gas usage (per month) Pines Healthcare & Rehabilitation Center - Machias Campus | \$115.00/mo., |

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 Energy Enterprises, 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.

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

Adopted November 26, 2013 by voice vote.

**ACT NO. 557-2013** by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH NEW YORK STATE  
DIVISION OF HOUSING AND COMMUNITY RENEWAL'S OFFICE OF COMMUNITY RENEWAL  
FOR COUNTY-WIDE WELL AND SEPTIC SYSTEM REPLACEMENT**

Pursuant to Section 450 of the County Law.

WHEREAS, the Small Cities Community Development Block Grant Program (CDBG) is a federally-funded program that is administered by the NYS Division of Housing and Community Renewal's Office of Community Renewal (OCR), and

WHEREAS, the CDBG program allows small towns, villages and counties to apply for funding for housing rehabilitation, public facilities and economic development, and

WHEREAS, funding is available through the CDBG Program for the replacement of unsafe and unsanitary wells and septic systems on a county-wide basis, and

WHEREAS, the County should apply for the aforementioned funding, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the New York State Division of Housing and Community Renewal's Office of Community Renewal, in order to apply for the Small Cities Community Development Block Grant Program, according to the above-described terms.

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

Adopted November 26, 2013 by voice vote.

**ACT NO. 558-2013** by Ms. Edstrom and Mrs. Stockman  
*and Mr. Lamberson and Mr. Padlo<sup>1</sup>*

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

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

WHEREAS, Act 475-2012 authorized the Chair to execute a contract with Willcare, Inc., Westgate Plaza, 700 West State Street, Olean, New York 14760, for the provision of home health care services, the term of which expires December 31, 2013, and

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

WHEREAS, Willcare, Inc., has agreed to provide home health care services to Cattaraugus County in accordance with the following rate limits and terms:

<u>Level of Care</u>	<u>2013 Rates**</u>	<u>2014 Rates**</u>
Home Attendant/Housekeeper (Personal Care 1)	\$18.92/hr.	\$18.92/hr.
Personal Care Aide (Personal Care 2)	\$19.41/hr.	\$19.41/hr.
Shared Aide –1/4 hour (Personal Care 1)	\$ 4.73/¼ hr.	\$ 4.73/¼ hr.

Shared Aide –1/4 hour (Personal Care 2)	\$ 4.86/¼ hr.	\$ 4.86/¼ hr.
Certified Home Health Aide	\$19.98/hr.	\$19.98/hr.
Registered Nurse (RN) (Health Dept)	\$38.05/hr.++	\$38.05/hr.++
Registered Nurse (RN) (DSS)	\$26.52/hr.	\$26.52/hr.
Licensed Practical Nurse (LPN) (Health Dept)	\$26.78/hr.++	\$26.78/hr.++
Licensed Practical Nurse (LPN) (DSS)	\$21.42/hr.	\$21.42/hr.
Nursing Supervision Visit	\$64.77/hr.	\$64.77/hr.

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

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

***Assumptions:***

- In the event the initial Medicaid rates for 2014 as established by the State Department of Health exceed the County rate limits set forth above, the Contractor agrees to submit rate revision requests to the NYSDOH and request the rate(s) be lowered to comply with the Cattaraugus County rate limits set forth above.
- Rates billed to the Medicaid Management Information System (MMIS) for the DSS personal care program are subject to any limitations of the MMIS and will reflect the requirements of 18 NYCRR 505.14.

now, therefore, be it

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

Adopted November 26, 2013 by voice vote.

**ACT NO. 559-2013** by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CHAUTAUQUA COUNTY FOR HEALTH DEPARTMENT  
LEAD RISK ASSESSMENT SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 565-2012 authorized a contract with Chautauqua County, County Office Building, 3 North Erie Street, Mayville, New York 14757, for the provision of lead risk assessment services, the term of which expires December 31, 2013, and

WHEREAS, the County Health Department is responsible for investigating possible lead poisoning situations, and

WHEREAS, Chautauqua County has equipment and personnel trained for the provision of lead risk assessment services, and

WHEREAS, the County Health Department is desirous of contracting with Chautauqua County for the provision of the aforementioned services, and

WHEREAS, Chautauqua County can perform the aforementioned lead risk assessment services, on an as-needed basis, for an amount of \$30.00 per hour plus work-related mileage at the prevailing IRS rate, not to exceed a total contact amount of \$3,000.00, to be paid as invoiced, and

WHEREAS, the County shall also reimburse Chautauqua County a maximum amount of \$10.00 (including tip) for meals and shipping or analytical fees associated with any required dust wipe, soil or water samples, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, contingent upon and subject to the inclusion in the 2014 budget of sufficient funds to cover the costs of the aforementioned services, with Chautauqua County, 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 26, 2013 by voice vote.

**ACT NO. 560-2013** by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
BRIAN GARIEPY, P.T. FOR HEALTH DEPARTMENT  
PHYSICAL THERAPY SERVICES**

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

WHEREAS, the County Health Department is in need of physical therapy services for the patients of the County Health Department's Long-Term Home Health Care Program, and

WHEREAS, Brian Gariepy, P.T., 1426 Promised Land Acres, Portville, New York 14770, has agreed to provide the aforementioned physical therapy services for an amount as follows:

<u>Service</u>	<u>2013 Rate</u>
Physical Therapist	\$68 per visit
Evaluations	\$70 per evaluation
PT only admission visit	\$100 per visit
Attendance at Meetings	\$28 per hour
Recruitment & Retention is as established by Medicaid,	

and

WHEREAS, this program is funded through a variety of sources, including, but not limited to, state and federal funding, private pay, private and third-party insurance and the County, 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 Brian Gariepy, P.T., for the provision of the above-described physical therapy 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 26, 2013 by voice vote.



**ACT NO. 561-2013** by Mr. Felton and Ms. Vickman

**LOCAL LAW NUMBER 5-2013  
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW ESTABLISHING FEES FOR DEPARTMENT OF NURSING HOMES  
RESIDENT PRIVATE PAY RATES AND REPEALING ACT 498-2011**

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

SECTION 1. Legislative Intent. It is the intent of this Local Law to increase the resident private pay rate for the Department of Nursing Homes.

SECTION 2. Resident Private Pay Rate. Effective January 1, 2014, the resident private pay rate for the County Department of Nursing Homes shall be \$230.00 per day for the Olean Facility and \$265.00 per day for the Machias Facility.

SECTION 3. Severability. If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication, shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4. Statutory Repeal. Effective January 1, 2014, Act No. 498-2011, Local Law Number 9-2011 (Intro Number 15-2011), entitled "A Local Law Establishing Fees for Department of Nursing Homes Resident Private Pay Rates", is hereby repealed.

SECTION 5. Effective Date. This Local Law shall take effect immediately.

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

No action taken on Act No. 561-2013 at this time.

**ACT NO. 562-2013** by Mr. Felton and Ms. Vickman

**AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 5-2013**

Pursuant to Section 20 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on November 26, 2013, a proposed Local Law entitled "A Local Law Establishing Fees for Department of Nursing Homes Resident Private Pay Rates and Repealing Act 498-2011", and

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

RESOLVED, that a public hearing shall be held on the proposed local law by this County Legislature on the 11<sup>th</sup> day of December, 2013, at 3:02 p.m. at the Legislature's Chambers, County Center, 303 Court Street, Little Valley, New York, and that at least five days' notice of such hearing shall be given by the Clerk by the due posting thereof upon the bulletin board of each County Court House within the County and by publishing such notice at least once in the official newspapers of the County.

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

Adopted November 26, 2013 by voice vote.

**ACT NO. 563-2013** by Mr. Felton and Ms. Vickman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
P & NP COMPUTER SERVICES, INC. FOR  
DEPARTMENT OF NURSING HOMES SOFTWARE MAINTENANCE SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 653-2012 authorized a contract with P & NP Computer Services, Inc., 66 North Main Street, Brockport, New York 14420-1649, for the provision of software maintenance services for the Department of Nursing Homes, the term of which expires December 31, 2013, and

WHEREAS, the Department of Nursing Homes still needs the aforementioned maintenance services, and

WHEREAS, P & NP Computer Services, Inc., has agreed to provide the aforementioned maintenance services for a total amount of \$8,488.88, which covers both facilities, as follows:

Olean	\$5,159.25
Machias	\$3,329.63,

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 P & NP Computer Services, 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.

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

Adopted November 26, 2013 by voice vote.

**ACT NO. 564-2013** by Mr. Felton and Ms. Vickman

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACTS WITH  
INDEPENDENT HEALTH ASSOCIATION, INC. FOR DEPARTMENT OF  
NURSING HOMES ANCILLARY SERVICES**

Pursuant to Section 4405 of the Public Health Law and  
Section 450 of the County Law.

WHEREAS, Act 722-2009, as amended by Acts 271-2011, 333-2011 and 249-2012, authorized contracts for reimbursement for Department of Nursing Homes skilled nursing services for individuals enrolled with Independent Health Association, Inc., and each of its subsidiaries and affiliates, and

WHEREAS, Independent Health Association, Inc., 511 Farber Lakes Drive, Buffalo, New York 14221, and each of its subsidiaries and affiliates, effective November 1, 2013, has increased its reimbursement rates at the Pines Healthcare and Rehabilitation Centers, as follows:

- Skilled Nursing Facility Services reimbursement \$254.00 per diem
- Subacute Services reimbursement \$320.00 per diem
- Antibiotic Infusion Pharmacy Services ASP + 15%,

and

WHEREAS, contract amendments are necessary with Independent Health Association, Inc., and each of its subsidiaries and affiliates, for the aforementioned reimbursement to the Pines Healthcare and Rehabilitation Centers, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute amended contracts, on behalf of Cattaraugus County, with Independent Health Association, Inc., and each of its subsidiaries and affiliates, for the provision of the above-described services to the Pines Healthcare and Rehabilitation Centers, for a term commencing November 1, 2013 to continue in full force and effect at the same rates until terminated by either party, according to the above-described terms.

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

Adopted November 26, 2013 by voice vote.

**ACT NO. 565-2013** by Mr. Teachman and Mr. Padlo  
*and Mrs. Stockman<sup>1</sup>*

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH  
INNOVATIVE INFORMATION SOLUTIONS AND STORSERVER, INC. FOR  
CAPACITY LICENSES AND SUPPORT SERVICES  
FOR COUNTY SERVERS**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 238-2011 authorized a contract with Innovative Information Solutions, 61 Interstate Lane, Waterbury, Connecticut 06705, for the provision of the STORServer Backup and Recovery Solution, and

WHEREAS, the County Department of Information Services is in need of additional capacity licenses for the County's servers, and

WHEREAS, Innovative Information Solutions is the exclusive reseller and "sole source" provider for Cattaraugus County regarding STORServer product and services, and

WHEREAS, Innovative Information Solutions can provide licenses for STORServer 7TB TSM capacity for an amount of \$16,219.00, to be paid as invoiced, as follows:

<u>Part #</u>	<u>Model/Description</u>	<u>Quantity</u>	<u>Amount</u>
Software	Capacity Licensing –	7	\$16,219.00
TSM-ENTR-CAPACITY-1TB	Priced Per TB <100TB		

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 contracts, on behalf of Cattaraugus County, with Innovative Information Solutions and STORServer, Inc., for the provision of the above-described services, for a term commencing November 1, 2013 and terminating October 31, 2014, 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. Stockman".

Adopted November 26, 2013 by voice vote.

**ACT NO. 566-2013** by Mr. Aiello and Mr. Lamberson

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
AMERITAS LIFE INSURANCE CORP. OF NEW YORK FOR  
DENTAL INSURANCE COVERAGE**

Pursuant to Section 92-a of the General Municipal Law and  
Section 450 of the County Law.

WHEREAS, Act 609-2012 authorized a contract with Ameritas Life Insurance Corp. of New York, 1350 Broadway, Suite 2201, New York, New York 10018, for the provision of employee dental coverage, the term of which expires December 31, 2013, and

WHEREAS, the County is desirous of continuing the provision of dental coverage for its employees, and

WHEREAS, Ameritas Life Insurance Corp. of New York can provide employee dental coverage for an annual amount not to exceed \$124,358.00, to be paid on a monthly basis, as invoiced, in accordance with the following:

Single Coverage	\$11.20/month
Family Coverage	\$31.32/month (employee would pay difference between \$31.32 & \$11.20 per month),

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 Ameritas Life Insurance Corp. of New York, for the provision of the above-described coverage, 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 5 members of the Labor Relations Committee.

Adopted November 26, 2013 by voice vote.

**ACT NO. 567-2013** by Mr. Aiello and Mr. Lamberson

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH  
EMPLOYEE SERVICES, INC., FOR EMPLOYEE ASSISTANCE PROGRAM**

Pursuant to Section 205 of the County Law and  
Act 290-2011, as amended, of the Cattaraugus County Legislature.

WHEREAS, Act 611-2012, authorized a contract with Employee Services, Inc., 111 West Pearl Street, Wellsville, New York 14895, for the provision of an Employee Assistance Program, the term of which expires December 31, 2013, and

WHEREAS, Employee Services, Inc. has advised the County that a new rate of \$26.00 per non-public safety employee and \$38.47 per public safety employee will be charged effective January 1, 2014, for a total not to exceed \$24,354.00, based on the number of covered employees, and

WHEREAS, the total number of covered employees may increase or decrease up to, and including, five percent without *affecting*<sup>1</sup> the total value of the agreement, and

WHEREAS, if the number of covered employees increases or decreases by more than five percent, then the total agreement value may be revised quarterly to reflect the changes in employees covered, 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 Employee Services, 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.

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

<sup>1</sup>MRS. STOCKMAN moved, seconded by Mr. Aiello to amend as follows: In the third Whereas, delete: "effecting", and replace with: "affecting". Carried.

Adopted, as amended, November 26, 2013 by voice vote.

**ACT NO. 568-2013** by Mr. Murphy**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS WITH  
VARIOUS INDIVIDUALS FOR EMERGENCY MEDICAL SERVICES INSTRUCTORS**

Pursuant to Article 30-A of the Public Health Law and  
Act 290-2011, as amended, of the Cattaraugus County Legislature.

WHEREAS, Act 630-2011 authorized the County Administrator to execute contracts with various individuals for emergency medical services instructors, the terms of which expire December 31, 2013, and

WHEREAS, the Office of Emergency Services is desirous of renewing the aforementioned contracts (which had previously been held with the County Health Department) for a term commencing January 1, 2014 and terminating December 31, 2015, and

WHEREAS, it is proposed that the County contract with various individuals to provide instruction services according to the following rate schedule:

<u>Title</u>	<u>2014-2015 Hourly Rate</u>
NYS Certified Instructor Coordinator (CIC)	\$35.00
NYS Certified Lab Instructor (CLI)	\$25.00
AHA Certified Instructor	\$20.00
EMS/ First Aid/ CPR Course Assistant	\$15.00
Medical & Health Professionals (Physicians, Registered Nurses, competent in the management of patients requiring advanced life support care),	\$35.00

now, therefore, be it

RESOLVED, that the County Administrator 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 various individuals, for the provision of emergency medical services training, for a term commencing January 1, 2014 and terminating December 31, 2015, according to the above-described terms.

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

Adopted November 26, 2013 by voice vote.

**ACT NO. 569-2013** by Public Safety Committee:  
Mr. Murphy, Mr. Hale, Mr. Felton, Mr. Snyder, Sr.,  
Mr. VanRensselaer, Mr. Weller and Mr. Koch

**AUTHORIZING PLAN FOR DISBURSEMENT OF  
CERTAIN FUNDS RECEIVED FROM THE  
NEW YORK STATE INDIGENT LEGAL SERVICES FUND (ILSF)**

Pursuant to Section 363 of the County Law.

WHEREAS, Act 254-2012 authorized the Chairman to apply for and accept a three (3) year Indigent Legal Service Funding grant from the New York State Office of Indigent Legal Services for the purpose of improving the availability and quality of indigent legal services, the term of which commenced June 1, 2012 and terminates May 31, 2015, and

WHEREAS, in order to receive such funds, the County submitted a plan to the Office of Indigent Legal Services for the disbursement of such funds, which has been approved, and

WHEREAS, one component of the plan for the disbursement of such funds includes salary enhancements made payable to the Assistant Public Defenders and the Administrator of Assigned Counsel (AAC), and

WHEREAS, the criteria established in the Office of Indigent Legal Services Standards and Criteria for the Provision of Mandated Representation effective January 1, 2013, provide that counties must ensure that attorneys and programs providing mandated legal services have and use adequate resources and procedures to receive or provide compensation commensurate with that of opposing counsel and opposing counsel's office, and

WHEREAS, Act 649-2012 authorized a plan for the disbursement of ILSF funds for the purpose of salary enhancements for Assistant Public Defenders and the Administrator of Assigned Counsel, which were made on a quarterly basis, covering services provided October 1, 2012 through September 30, 2013, and

WHEREAS, the salary enhancements were made in accordance with the aforementioned criteria and provides parity in the Assistant Attorney salaries between the Public Defender's Office and the District Attorney's Office, and

WHEREAS, the County will receive the amount of \$80,733.00 in 2014 for the purpose of improving the availability and quality of indigent legal services, and

WHEREAS, the aforementioned salary enhancement for the Assistant Public Defenders and the Administrator of Assigned Counsel should be continued for the year 2014, to cover services provided October 1, 2013 through September 30, 2014, and

WHEREAS, the ILSF grant provides for the reimbursement to the County on a quarterly basis, now, therefore, be it

RESOLVED, that in addition to the regular compensation of the Assistant Public Defenders and the Administrator of Assigned Counsel (AAC), the following amounts be disbursed as indicated on the following chart, so long as the employee has been employed for the complete preceding calendar quarter, minus withholding tax, FICA, retirement and other required withholdings therefrom:

Paid on a Bi-Weekly Pay Schedule

<u>Position Number</u>	<u>2014 Total Amount</u>	<u>Bi-Weekly Amount</u>
001	\$7,108.72	\$273.41
002	\$6,516.40	\$250.63
003	\$5,537.20	\$212.97
004	\$5,331.60	\$205.06
AAC	\$5,000.00	\$192.31

and be it further

RESOLVED, that upon cessation of this three-year program all positions of Assistant Public Defender and Administrator of Assigned Counsel shall revert back to their 2012 salary subject to any authorized salary adjustments and cost of living increases, and be it further

RESOLVED, that upon termination of state funding for this program, then this program and the salary enhancements hereby authorized shall be automatically abolished, and be it further

RESOLVED, that upon the reduction of any such funding, the County, in its sole discretion, may terminate such program and salary enhancements.

Approved by 9 members of the Finance Committee.

Adopted November 26, 2013 by voice vote.

**ACT NO. 570-2013** by Ms. Edstrom and Mrs. Stockman

**APPROVING AMENDED CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
COUNCIL ON ADDICTION RECOVERY SERVICES, INC. FOR  
SUBSTANCE ABUSE PROGRAM FUNDS**

Pursuant to Articles 1, 19, 23 and 25 of the Mental  
Hygiene Law and Section 450 of the County Law.

WHEREAS, Act 28-2013 authorized approval of a contract with Council on Addiction Recovery Services, Inc., 201 South Union Street, Olean, New York 14760, for the provision of a substance abuse program in the County, the term of which expires December 31, 2013, and

WHEREAS, New York State has approved a one-time increase in State Aid funding for the program for an additional amount not to exceed \$180,000.00 for a total State Aid amount not to exceed \$1,101,974.00 for the period January 1, 2013 through December 31, 2013, and

WHEREAS, the net County cost for the provision of this program shall not exceed \$26,900.00 in County funds, and

WHEREAS, this program is 58.3% federally, 39.3% state and 2.4% county funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract for the year 2013 between the Cattaraugus County Community Services Board and the Council on Addiction Recovery Services, Inc., to signify the County's approval for the provision of the above-described services, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms.

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

Adopted November 26, 2013 by voice vote.



**ACT NO. 571-2013** by Ms. Edstrom and Mrs. Stockman  
and Mr. Aiello<sup>1</sup>

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
NEW YORK STATE INDUSTRIES FOR THE DISABLED, INC. FOR  
JANITORIAL SERVICES FOR DEPARTMENT OF COMMUNITY SERVICES  
PROS AND CASE MANAGEMENT OFFICES**

Pursuant to Section 162 of the Finance Law and Sections 215 and 450 of the County Law.

WHEREAS, Act 181-2012, as amended by Acts 370-2012 and 332-2013, authorized a contract with the New York State Industries for the Disabled, Inc., for the provision of janitorial services for the PROS Facility and Case Management Offices located at 203 Laurens Street, Olean, New York 14760, the term of which expires December 31, 2013, and

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

WHEREAS, the New York State Industries for the Disabled, Inc., through SubCon Industries, Inc., has agreed to provide janitorial services, for the PROS Facility and Case Management Offices located at 203 Laurens Street, Olean, New York 14760, for an amount of \$1,279.03 per month, for the two-year period commencing January 1, 2014 through December 31, 2015, to be paid on a monthly basis as invoiced, with the option to increase the hourly rates if the prevailing wage rates increase, 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 New York State Industries for the Disabled, Inc., to signify the County's approval, for the provision of the above-described services, for a two-year term commencing January 1, 2014 and terminating December 31, 2015, according to the above-described terms.

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

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

Adopted November 26, 2013 by voice vote. Mrs. Labuhn and Mr. Padlo abstained from vote.

**ACT NO. 572-2013** by Mr. Teachman

**EXPRESSING LEGISLATURE'S INTENT TO EXPLORE OPTIONS  
REGARDING BOARD OF ELECTIONS/MUSEUM BUILDING**

Pursuant to Sections 153 and 215 of the County Law.

WHEREAS, the County-owned building which formerly housed the County Museum and the Board of Elections (BOE) is in a state of disrepair and deterioration, and

WHEREAS, the taxpayers would incur significant cost in undertaking and completing restoration of the building, and

WHEREAS, the Legislature has contracted with Audubon Architecture, Engineering, Surveying & Landscape Architecture, P.C., (a/k/a Wendel Duchscherer), to provide engineering services regarding the demolition of the BOE/Museum Building, and

WHEREAS, recently several persons have requested that, because of the historical significance of the building, the Legislature delay the building's demolition so that all options resulting in its preservation can be fully explored, and

WHEREAS, such building is historically significant because it was dedicated by and has served as a memorial to the citizens of Cattaraugus County who fought in the Civil War, and

WHEREAS, it would be in the best interests of the County and its residents to explore all options relating to the continued use or demolition of the building before proceeding to raze it, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby expresses its present intent, that upon completion of the preliminary architectural and engineering services that the County has already contracted for, no further action will be taken toward the goal of demolishing the BOE/Museum Building until all options for its preservation have been explored, and be it further

RESOLVED, that any person having reasonable suggestions for the restoration and continued use of the building should furnish a written account thereof to the Public Works Committee of the Legislature.

Held in the Finance Committee and the Public Works Committee.

**ACT NO. 573-2013** by Public Works Committee:

Mr. Aiello, Mr. Weller, Ms. Edstrom, Mr. Klancer, Mr. Snyder, Jr.,  
Mr. Teachman, Mr. Koch, Mr. Lamberson and Mr. Sprague

**LOCAL LAW NUMBER 6-2013  
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW ESTABLISHING FEE SCHEDULE  
FOR ONOVILLE MARINA BOATING AND CAMPING ACTIVITIES**

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

**SECTION 1. Legislative Intent.** It is the intent of this Local Law to establish a fee schedule for the Onoville Marina boating and camping activities.

**SECTION 2. Onoville Marina Fees.** Effective January 1, 2014, the following fees shall be charged by the Cattaraugus County Onoville Marina for boating and camping activities:

<b><u>Docking</u></b>	<b><u>2 Weeks</u></b>	<b><u>Season</u></b>
<b><u>Non-Electric Slips</u></b>		
• Slip Size A (20')	\$136.50	\$26.02 (per foot) \$520.38 (minimum)

• Slip Size B (24')	\$136.50	\$29.74 (per foot) \$713.66 (minimum)
• Slip Size C (28')	\$136.50	\$30.98 (per foot) \$867.30 (minimum)
<b>Electric Slips</b>		
• Slip Size D (24')	\$168.00	\$33.08 (per foot) \$793.80 (minimum)
• Slip Size E (28')	\$168.00	\$33.08 (per foot) \$926.10 (minimum)
• Slip Size F (32')	\$168.00	\$42.34 (per foot) \$1,354.75 (minimum)
• Slip Size G (36')	\$168.00	\$44.98 (per foot) \$1,619.35 (minimum)
• Slip Size H (40')	\$168.00	\$50.27 (per foot) \$2,010.96 (minimum)
• Slip Size I (44')	<u>Day</u> \$22.00	<u>Week</u> \$147.00
	<u>2 Weeks</u> \$210.00	<u>Season</u> \$50.27 (per foot) \$2,212.05 (minimum)
Watercraft Access Fee	\$6.00 per day	
Vehicular Access Fee	\$4.00 per day	
Camping with Camper	\$27.00 per day	\$115.00 per week
Camping with Tent	\$13.50 per night with a primary camping unit	\$175.00 per 2 weeks

**SECTION 3. Severability.** If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication, shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 4. Effective Date.** This Local Law shall take effect January 1, 2014.

Approved by 9 members of the Finance Committee.

No action taken on Act No. 573-2013 at this time.

**ACT NO. 574-2013** by Public Works Committee:  
Mr. Aiello, Mr. Weller, Ms. Edstrom, Mr. Klancer, Mr. Snyder, Jr.,  
Mr. Teachman, Mr. Koch, Mr. Lamberson and Mr. Sprague

#### **AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 6-2013**

Pursuant to Section 20 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on November 26, 2013, a proposed Local Law entitled "A Local Law Establishing Fee Schedule for Onoville Marina Boating and Camping Activities", and

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

RESOLVED, that a public hearing shall be held on the proposed local law by this County Legislature on the 11<sup>th</sup> day of December, 2013, at 3:03 p.m. at the Legislature's Chambers, County Center, 303 Court Street, Little Valley, New York, and that at least five days' notice of such hearing shall be given by the Clerk by the due posting thereof upon the bulletin board of each County Court House within the County and by publishing such notice at least once in the official newspapers of the County.

Approved by 9 members of the Finance Committee.

Adopted November 26, 2013 by voice vote.

**ACT NO. 587-2013** by Labor Relations Committee:

Mr. Aiello, Mr. Lamberson, Mr. Edwards,  
Ms. Vickman and Mr. Boser

*and Ms. Edstrom, Mr. Felton, Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. Murphy,  
Mr. Snyder, Jr., Mr. Snyder, Sr., Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer,  
Mr. Weller, Mr. Koch, Mrs. Labuhn, Mr. Padlo and Mr. Sprague<sup>1</sup>*  
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 EMPLOYEE UNIT OF  
THE CIVIL SERVICE EMPLOYEES ASSOCIATION, INC. LOCAL 1000, AFSCME AFL-CIO  
FOR THE PERIOD JANUARY 1, 2013 TO DECEMBER 31, 2014 AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Wage Settlements)**

Pursuant to Article 14 of the Civil Service Law and  
Sections 363 and 366 of the County Law.

WHEREAS, the Cattaraugus County Employee Unit is the bargaining agent for general unit employees of Cattaraugus County, and

WHEREAS, an agreement has been reached on terms and conditions of employment which include a 1.00% lump sum settlement for employees for the year 2013, which shall not be an increase in base salary, a 0.5 % wage increase for employees effective January 1, 2014, and also provides for minimal increases in shift differential and longevity 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 agreement also provides for minimal increase in employee health insurance premium contributions, 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 Employee Unit of Civil Service Employees Association, Inc. Local 1000, AFSCME AFL-CIO has heretofore ratified such agreement, and

WHEREAS, adjusting various appropriation and revenue accounts is necessary, 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 Employee Unit, 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	\$281,335.00
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Increase Appropriation Account:

A.901.9010.0000.40602.4	Provision for Wage Settlements	\$281,335.00.
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MR. AIELLO moved, seconded by Mr. Boser to waive Rule 12. Carried.

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

Adopted November 26, 2013 by voice vote.

**ACT NO. 588-2013** by Labor Relations Committee:

Mr. Aiello, Mr. Lamberson, Mr. Edwards,

Ms. Vickman and Mr. Boser

and Mr. Snyder, Sr.

*and Ms. Edstrom, Mr. Felton, Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. Murphy,*

*Mr. Snyder, Jr., Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer,*

*Mr. Weller, Mr. Koch, Mrs. Labuhn, Mr. Padlo and Mr. Sprague<sup>1</sup>*

who ask immediate consideration

**ESTABLISHING SALARY FOR CERTAIN  
MANAGEMENT/CONFIDENTIAL EMPLOYEES  
FOR THE YEARS 2012 AND 2013 AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Wage Settlements)**

Pursuant to Sections 201, 205, 363 and 366 of the County Law.

WHEREAS, certain positions of employment compensated on an hourly basis have heretofore been allocated to grades as contained within the Managerial/Confidential Salary schedule, and

WHEREAS, certain other Managerial/Confidential positions which are not Department Heads have been designated as salaried positions, and

WHEREAS, Act 771-2008 provided for a three percent (3%) increase in wages for the year of 2012 for such Management/Confidential employees which was subsequently withdrawn by adoption of Act 449-2011, and

WHEREAS, Act 356-2012 provided for a one percent (1%) increase in wages for the year of 2012 for such Management/Confidential employees, and

WHEREAS, the Legislature has determined that these Management/Confidential employees should now receive a two percent (2%) salary increase on the base salary for the year 2012 effective January 1, 2013 in order to make-up for the prior withdrawal of salary increases, and

WHEREAS, the Legislature has also determined that these Management/Confidential employees should now receive a one percent (1%) lump sum payment on the 2012 base salary for the year 2013, which shall not be an increase in such base salary, and

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

RESOLVED, that effective January 1, 2013, all such Management/Confidential employees referenced herein shall receive a two percent (2%) wage adjustment and such applicable salary schedules shall be adjusted accordingly, and be it further

RESOLVED, that Management/Confidential employees referenced herein shall also receive a one percent (1%) lump sum payment on the 2012 base salary for the year 2013 under the terms described within this resolution , and be it further

RESOLVED, that any Management/Confidential salaried employee commencing employment, or receiving appointment to a Management/Confidential position during the year of 2013 shall not be eligible for such lump sum payment or for the 2% wage adjustment, and be it further

RESOLVED, that any Management/Confidential hourly employee commencing employment, or receiving appointment to a Management/Confidential position during the year of 2013 shall not be eligible for such lump sum payment referenced herein, 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	\$123,381.00
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Increase Appropriation Account:

A.901.9010.0000.40602.4	Provision for Wage Settlements	\$123,381.00.
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MS. VICKMAN moved, seconded by Mr. Lamberson to waive Rule 12. Carried.

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

Adopted November 26, 2013 by voice vote. Mr. Koch abstained from vote.

**ACT NO. 589-2013** by Labor Relations Committee:  
Mr. Aiello, Mr. Lamberson, Mr. Edwards,  
Ms. Vickman and Mr. Boser  
and Mr. Snyder, Sr.  
who ask immediate consideration

**LOCAL LAW NUMBER 7-2013  
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law and  
Sections 201 and 205 of the County Law.

**A LOCAL LAW ESTABLISHING SALARIES FOR CERTAIN COUNTY OFFICERS**

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

SECTION 1. Legislative Intent. It is the intent of this Local Law to establish salaries for County Officers, elected or appointed who serve fixed terms, for the year 2013.

SECTION 2. Schedule of Salaries. Effective January 1, 2013, the County Officers listed below shall receive the following bi-weekly salary, which represents their allocated portion of an additional 2% salary increase for the year 2012 and an additional salary increase of 1% for the year 2013 that has been distributed among Department Heads by the methodology established under Act 184-2009 titled: "Establishing Position Value System for Associating Department Head and Legislative Appointment Salary Increases to Performance Based System":

County Attorney	\$4,392.00 bi-weekly
County Administrator	\$3,774.00 bi-weekly
Director of Aging	\$2,420.00 bi-weekly
Director of Community Services	\$2,944.00 bi-weekly
Public Health Director	\$3,707.00 bi-weekly
Commissioner of Public Works	\$3,064.00 bi-weekly
Public Defender	\$3,597.00 bi-weekly
Director, Department of Nursing Homes	\$3,715.00 bi-weekly
Human Resources Director	\$3,147.00 bi-weekly
Information Services Director	\$3,103.00 bi-weekly
Director, Economic Development, Planning and Tourism	\$2,901.00 bi-weekly
Real Property Tax Director	\$2,689.00 bi-weekly
Election Commissioner (2)	\$2,120.00 bi-weekly

SECTION 3. Schedule of Salaries. Effective January 1, 2013, the County Officers listed below shall receive the following annualized salary which incorporates a 3% salary increase for the year 2013:

County Treasurer	\$72,493.00
County Clerk	\$72,601.00
County Coroners (4)	\$10,300.00

No action taken on Act No. 589-2013 at this time.

**ACT NO. 590-2013** by Labor Relations Committee:

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

**AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 7-2013**

Pursuant to Section 20 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on November 26, 2013, a proposed Local Law entitled "A Local Law Establishing 2013 Salaries for Certain County Officers", and

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

RESOLVED, that a public hearing shall be held on the proposed local law by this County Legislature on the 11th day of December, 2013, at 3:01 p.m. at the Legislature's Chambers, County Office Building, 303 Court Street, Little Valley, New York, and that at least five days' notice of such hearing shall be given by the Clerk by the due posting thereof upon the bulletin board of each County Court House within the County and by publishing such notice at least once in the official newspapers of the County.

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

Adopted November 26, 2013 by voice vote.

**ACT NO. 591-2013** by Labor Relations Committee:

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

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Wage Settlements)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, Act 589-2013 authorized a Local Law to establish salaries for County Officers, elected or appointed who serve fixed terms for the year 2013, and

WHEREAS, various appropriation and revenue accounts must be adjusted, 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	\$44,870.00
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Increase Appropriation Account:

A.901.9010.0000.40602.4	Provision for Wage Settlements	\$44,870.00.
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MR. MURPHY moved, seconded by Mr. Sprague to waive Rule 12. Carried.

Adopted November 26, 2013 by voice vote.

**ACT NO. 592-2013** by Labor Relations Committee:

Mr. Aiello, Mr. Lamberson, Mr. Edwards,  
Ms. Vickman and Mr. Boser  
and Mr. Snyder, Sr.

*and Mr. Felton, Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. Murphy,  
Mr. Snyder, Jr., Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer,  
Mr. Weller, Mr. Koch, Mrs. Labuhn, Mr. Padlo and Mr. Sprague<sup>1</sup>*  
who ask immediate consideration

**ESTABLISHING SALARY FOR CERTAIN COUNTY OFFICIALS AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS**

Pursuant to Sections 201, 205, 363 and 366 of the County Law.

RESOLVED, Effective January 1, 2013, the County Officers listed below shall receive the following bi-weekly salary, which represents their allocated portion of an additional 2% salary increase for the year 2012 and an additional salary increase of 1% for the year 2013 that has been distributed among Department Heads by the methodology established under Act 184-2009 titled: "Establishing Position Value System for Associating Department Head and Legislative Appointment Salary Increases to Performance Based System":

Director of Probation and Correctional Alternatives	\$2,861.00
Youth Bureau Director	\$2,259.00
Director Of Veterans Service	\$1,996.00
County Historian	\$ 527.00
Museum Curator	\$ 527.00,

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	\$14,842.00
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Increase Appropriation Account:

A.901.9010.0000.40602.4	Provision for Wage Settlements	\$14,842.00.
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MR. WELLER moved, seconded by Mr. Koch to waive Rule 12. Carried.

<sup>1</sup>The following Legislators requested their names be listed as additional sponsors: "Mr. Felton, Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. Murphy, Mr. Snyder, Jr., Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Mr. Weller, Mr. Koch, Mrs. Labuhn, Mr. Padlo and Mr. Sprague".

Adopted November 26, 2013 by voice vote. Ms. Edstrom abstained from vote.

**ACT NO. 593-2013** by Labor Relations Committee:

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

**AMENDING "BENEFIT MANUAL FOR MANAGERIAL AND  
CONFIDENTIAL OFFICERS AND EMPLOYEES"**

Pursuant to Article 205 of the County Law.

WHEREAS, Act 564-2008 re-established the fringe benefit package for employees designated as Management/Confidential, and

WHEREAS, it is necessary to update the plan based on recent changes to the County financial software as well as the implementation of an "Employee Wellness Plan", and

WHEREAS, the Employee Wellness Plan will be beneficial to both employees and the County, now, therefore, be it

RESOLVED, that effective immediately the following revisions be made to the "Benefit Manual For Managerial and Confidential Officers and Employees":

**DELETE:**

**Section 7  
Vacation Leave With Pay**

***Section 7.1: Accumulation.***

The appointing authority will grant vacation leave with pay to employees as hereinafter stated.

Vacation shall accumulate to a total of thirty-five (35) days.

Any employee unable to take his/her vacation due to an emergency declared by the Employer, shall be paid for those days over thirty-five (35).

**AND REPLACE WITH:**

**Section 7  
Vacation Leave With Pay**

***Section 7.1: Accumulation.***

The appointing authority will grant vacation leave with pay to employees as hereinafter stated.

Vacation shall accumulate to a total of thirty-six (36) days.

Any employee unable to take his/her vacation due to an emergency declared by the Employer, shall be paid for those days over thirty-six (36).

**DELETE:*****Section 17.1(a): The Health Insurance Plan.***

Effective December 31, 2011, the employee desiring family coverage will pay \$65.00 of the annual Health Insurance premium costs per pay period, the employee desiring two person coverage will pay \$55.00 of the annual Health Insurance premium costs per pay period and employees desiring single coverage will pay \$50.00 per pay period towards the annual premium costs of the plan.

New employees are eligible for Health Insurance upon the completion of five pay periods not including the initial pay period in which they were hired. An employee or his/her spouse shall not be eligible for double health insurance coverage under the County's plan. If both spouses' are employed by the County, then they shall be eligible for only one (1) coverage policy.

**AND REPLACE WITH:*****Section 17.1(a): The Health Insurance Plan.***

Effective January 1, 2014, the employee desiring family coverage will pay \$75.00 of the annual Health Insurance premium costs per pay period, the employee desiring two person coverage will pay \$60.00 of the annual Health Insurance premium costs per pay period and employees desiring single coverage will pay \$54.00 per pay period towards the annual premium costs of the plan.

New employees are eligible for Health Insurance upon the completion of five pay periods not including the initial pay period in which they were hired. An employee or his/her spouse shall not be eligible for double health insurance coverage under the County's plan. If both spouses' are employed by the County, then they shall be eligible for only one (1) coverage policy.

**ADD:*****Section 17.1(b): Employee Wellness Plan***

Cattaraugus County will offer a wellness program to participants of the County Self-insured Health Insurance program. The program will be designed as a "Blood Draw" program and will be implemented and monitored by the current third party administrator (Program Administrator). However, the County reserves the right to change the Program Administrator at any time for good reason, providing such change does not substantially negatively alter the program. The cost of such plan will be borne by the County and shall be for the employee only. Any spouse, or family member, may also choose to participate in such program but must pay directly for the costs associated with the "Blood Draw" and resultant analysis. Employees who choose to participate upon implementation of the "Employee Wellness Program" shall receive a discount in the amount of \$10.00 per bi-weekly pay period in the health premium.

In order for a member to continue contributing premium costs as set forth in this section, the member must continue participation in the "Employee Wellness Program" each year and meet the established goals as set forth by the Program Administrator. As required under HIPPA, a reasonable alternative standard shall be offered to employees who are unable to meet the standard set by the Program Administrator due to a health related factor, or for whom it is medically inadvisable for the employee to attempt to satisfy the standard.

Employees who are otherwise eligible for Health Insurance upon retirement and who choose to retire and are actively participating in the "Employee Wellness Section" shall continue to pay the amount in effect in this section upon retirement so long as they continue to actively participate in the wellness program, otherwise they shall pay the full rate in effect at the time of retirement.

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

Adopted November 26, 2013 by voice vote.

**ACT NO. 594-2013** by Mr. Marsh  
*and Mr. Aiello, Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Klancer,  
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<sup>1</sup>*  
who asks immediate consideration

**OPPOSING FEE FOR PUTTING "VETERAN" STATUS ON DRIVER'S LICENSE**

Pursuant to Section 153 of the County Law.

WHEREAS, Governor Cuomo signed legislation, effective October 3, 2013, allowing any member of the armed forces who was honorably discharged to request their veteran status be displayed on their driver's license, and

WHEREAS, many businesses across the state provide discounts to veterans, and

WHEREAS, this law makes it simple and convenient for veterans to show and verify to a business their status as a veteran simply by showing their driver's license, without having to carry multiply forms of identification, and

WHEREAS, the State Department of Motor Vehicles is charging a fee of \$12.50 to veterans to change their existing driver's licenses to add their veterans' status, and

WHEREAS, the New York State Association of County Clerks feels that veterans should be exempt from the fee, and

WHEREAS, the Cattaraugus County Clerk also feels that veterans should be exempt from the fee, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby strongly opposes the charging of a fee to veterans to have their status as such included on their driver's licenses, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby urges Governor Cuomo to direct the State Department of Motor Vehicles to waive these fees, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a copy of this resolution to Governor Andrew Cuomo, Commissioner of the Department of Motor Vehicles Barbara Fiala, Senator Young, Assembly Member Giglio, the New York State Association of County Clerks, the New York State Association of Counties, and the Western New York Inter-County Association.

MS. EDSTROM moved, seconded by Mr. VanRensselaer 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. 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".

Adopted November 26, 2013 by voice vote.

**ACT NO. 595-2013** by Mr. Aiello, Mrs. Stockman, Mr. Teachman,  
Ms. Vickman and Mr. Padlo  
who ask immediate consideration

**DIRECTING COUNTY TREASURER TO ISSUE  
CERTIFICATE OF RESTORATION  
(Town of Dayton)**

Pursuant to Section 1138 (6)(d) of the  
Real Property Tax Law.

WHEREAS, Act 313-2002 directed the County Treasurer to issue a Certificate of Prospective Cancellation on property located in the Town of Dayton, bearing Tax Map Number 25.001-1-32, and owned previously by Peter Cooper Company, and

WHEREAS, the parcel was sold, and

WHEREAS, it has been determined that the above parcel should be restored to the taxable portion of the assessment roll, now, therefore, be it

RESOLVED, that the County Treasurer be, and hereby is, authorized and directed to file a Certificate of Restoration with the Assessor and County Director of Real Property Tax Services, and be it further

RESOLVED, that, upon the filing of the aforementioned Certificate of Restoration, the above-described parcel shall be restored to the taxable portion of the assessment roll.

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

Adopted November 26, 2013 by voice vote.

**ACT NO. 596-2013** by Ms. Edstrom and Mrs. Stockman  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING  
THROUGH NEW YORK STATE OFFICE OF CHILDREN AND  
FAMILY SERVICES/NEW YORK STATE COMMISSION ON NATIONAL AND  
COMMUNITY SERVICE FOR AMERICORPS START PROGRAM**

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

WHEREAS, Act 546-2011 authorized the Chair to apply for funding through the New York State Commission on National and Community Service for the Southern Tier Americorps Resource Team (START) Program, and

WHEREAS, funding up to \$198,405.00 per program year is available through the New York State Office of Children and Family Services/New York State Commission on National and Community Service for the 2014-2015 Southern Tier Americorps Resource Team (START) Program term, and

WHEREAS, the County should apply to the New York State Office of Children and Family Services/New York State Commission on National and Community Service for the aforementioned funding, and

WHEREAS, the aforementioned funding, if received, will be used to provide 12 full-time, 6 part-time and 25 minimum-time AmeriCorps members to contracted school districts and agencies as youth mentors and community service providers, and

WHEREAS, the aforementioned 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 grant application, on behalf of Cattaraugus County, with the New York State Office of Children and Family Services/New York State Commission on National and Community Service, in order to apply for funding for the Americorps START Program, 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.

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

Adopted November 26, 2013 by voice vote.

MR. SNYDER, SR. moved, seconded by Mr. Teachman to adjourn until December 11, 2013 at 3:00 p.m. Carried.

Meeting adjourned at 4:10 p.m.

Ann M. Giglio  
Journal Clerk