

January 22, 2014

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

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed two Legislators absent – Mr. Koch and Mr. Murphy. Mr. Murphy arrived after the start of the meeting.

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CHAIRMAN MARSH asked the Journal Clerk to read the following communication received from Paula Snyder, Chairman of the Cattaraugus County Republican Committee:

Earl B. McElfresh has won the vote of the District 10 County Committee and is officially the designee for consideration for appointment to the Cattaraugus County Legislature.

MS. EDSTROM moved, seconded by Mr. Edwards to nominate Earl B. McElfresh to fill the vacancy in Legislative District #10.

MR. SNYDER, SR. moved, seconded by Mrs. Stockman to close the nominations. Carried.

By voice vote, Mr. McElfresh was appointed by the Cattaraugus County Legislature to fill the vacancy in Legislative District #10.

COUNTY COURT JUDGE RONALD PLOETZ administered the oath of office to Earl B. McElfresh.

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MR. SNYDER, SR. moved, seconded by Mr. Weller that the minutes of the January 7, 2014 session be approved. Carried.

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COMMUNICATIONS:

New York State Senator Catharine M. Young: Acknowledging receipt of Act Nos. 536-2013, 537-2013, and 545-2013.

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APPOINTMENTS:

FISH & WILDLIFE MANAGEMENT BOARD
Two-year term to expire December 31, 2015

Thomas Vanderbosch
Federated Sportsmen Representative
7932 Utley Road
East Otto, New York 14729

CATTARAUGUS COUNTY EQUINE ADVISORY COMMITTEE*Terms to expire December 31, 2014*

Becky Smith
4599 Whalen Road
Great Valley, New York 14741
(replacing Annie Widger)

Vicky Raeher
5281 Humphrey Road
Great Valley, New York 14741
(replacing Theresa Crisafulli)

LONG-TERM CARE ADVISORY COUNCIL*Unexpired terms to expire December 31, 2015*

Mari Howard
The ReHabilitation Center
1439 Buffalo Street
Olean, New York 14760
(replacing James Bellanca)

Pastor Marie Meeks
Bethany Lutheran Church
6 Leo Moss Drive
Olean, New York 14760
(replacing John Lounsbury)

MEMORIAL MUSEUM BOARD*Term to expire December 31, 2018*

Anne Easton
6866 Stone Road
Delevan, New York 14042

CATTARAUGUS EMPIRE ZONE CORPORATION*One-year terms to expire December 31, 2014*

Michael Fischer, Dean
School of Business
St. Bonaventure University
St. Bonaventure, New York 14778

James Snyder
Snyder Manufacturing, Inc.
270 Rochester Street
Salamanca, New York 14779

Edward Giardini
Laborers Local #621
1521 North Union Street
Olean, New York 14760

James J. Snyder
County Legislator
P.O. Box 1
Olean, New York 14760

Raymond Jonak
3408 Fortune Drive
Allegany, New York 14706

Gail Speedy, Director
Universal Primary Care
135 North Union Street
Blue Bird Square
Olean, New York 14760

Michael Higgins
Abbott Gas Products
509 North First Street
Olean, New York 14760

Edward Wilber, Vice-President/Manufacturing
Dresser-Rand Turbo
P.O. Box 560
Olean, New York 14760

John Hare, Supervisor
Town of Allegany
3678 Karl Road
Allegany, New York 14706

William J. Aiello, Mayor
City of Olean
Municipal Building
Olean, New York 14760

Mark Saglimben
11 Upland Terrace
Allegany, New York 14706

Norman L. Marsh, Chairman
Cattaraugus County Legislature
303 Court Street
Little Valley, New York 14755

CATTARAUGUS-ALLEGANY
WORKFORCE INVESTMENT BOARD

Three-year terms to expire December 31, 2016

Steve Crowley
Holiday Valley
P.O. Box 370
Ellicottville, New York 14731

Ed Giardini, Jr.
Laborer's Local #621
1521 North Union Street
Olean, New York 14760

Christina John, Director
SNI Employment & Training
P.O. Box 231
Salamanca, New York 14779

Christine Luly
NYS Education Department
508 Main Street
Buffalo, New York 14203

Patricia Magara
Cattaraugus Community Action, Inc.
25 Jefferson Street, P.O. Box 308
Salamanca, New York 14779

Theresa Schueckler
Cattaraugus-Allegany BOCES
1825 Windfall Road
Olean, New York 14760

Linda Spaulding
Chautauqua County Office for Aging
Hall R. Clothier Building
Mayville, New York 14757

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2014 Standing Committees Appointed By Chairman

* Chair
** Vice Chair

Finance: *Snyder, Sr., **Boser, Teachman, Murphy, Vickman, Stockman, Hale, Labuhn, Sprague

Public Works: *Weller, **Koch, Edstrom, Teachman, Klancer, Snyder, Jr., Stockman, Lamberson, Sprague

Development & Agriculture: *VanRensselaer, **Labuhn, Murphy, Snyder, Sr., McElfresh, Padlo, Boser

Senior Services: *Vickman, **Felton, Edwards, Snyder, Jr., Hale, Labuhn, Koch

Strategic Planning: *Stockman, **Sprague, Felton, McElfresh, Edwards, Klancer, Labuhn

Public Safety: *Murphy, **Hale, Snyder, Sr., Weller, VanRensselaer, Felton, Koch

County Operations: *Teachman, **Padlo, McElfresh, Klancer, Snyder, Jr., Weller, Sprague

Human Services: *Edstrom, **Stockman, Vickman, VanRensselaer, Edwards, Lamberson, Padlo

Labor Relations: *Edwards, **Lamberson, Vickman, Edstrom, Boser

Legislative Representatives

Agriculture & Farmland Protection Board: Boser

Community Services Board: Edstrom

Criminal Justice Advisory: Edwards, Murphy

Empire Zone: Marsh

Extension Service: Sprague

Federated Sportsmen's Association: Weller, VanRensselaer

Fire Advisory Board: Murphy, Koch

Fleet Management: Marsh, Weller, Teachman, Edstrom, Sprague

Friends of the Nursing Home: Boser

Health Board: Snyder, Sr.

Nursing Home Quality Assurance: Vickman, Labuhn

Region 9 Fish & Wildlife Management Board: Snyder, Jr., Lamberson (Alternate)

Seneca Trail RC&D: Labuhn

Soil & Water Conservation: Vickman, Lamberson

Town Supervisors Association: Koch, Edwards

Village Officials Association: Marsh, Stockman

Youth Board: McElfresh

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ACT NO. 58-2014 by Mr. Snyder, Sr.

**APPOINTMENT TO JAMESTOWN COMMUNITY COLLEGE
REGIONAL BOARD OF TRUSTEES**

Pursuant to Section 6310(1-a) of the Education Law.

RESOLVED, that the following individual is hereby appointed to the Jamestown Community College Regional Board of Trustees, to fill the unexpired term of John Snyder, which terminates June 30, 2014:

Elizabeth Powers
1508 Stardust Lane
Olean, New York 14760,

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the President's Office of Jamestown Community College, 525 Falconer Street, Jamestown, New York 14702.

Adopted January 22, 2014 by voice vote.

ACT NO. 59-2014 by Ms. Edstrom, Mr. Snyder, Sr., Mr. Teachman and Mr. Padlo
*and Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. McElfresh,
Mr. Murphy, Mr. Snyder, Jr., Mrs. Stockman, Mr. VanRensselaer, Ms. Vickman,
Mr. Weller, Mr. Boser, Mrs. Labuhn, Mr. Lamberson and Mr. Sprague¹*

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
CHALLENGER LEARNING CENTER OF THE TWIN TIER REGION, INC.
FOR SPACE-THEMED LEARNING CENTER AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Fund Balance Committed-Economic Development)**

Pursuant to Section 99-h of the State Finance Law and
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 95-2009, as amended by Act 210-2010, authorized a contract with the Challenger Learning Center of the Twin Tier Region, Inc., for a space-themed learning center, and

WHEREAS, Cattaraugus County recognizes the unique nature of this opportunity to offer such a learning center, and is desirous of further assisting the Learning Center, and

WHEREAS, the County should provide an additional amount of \$35,000.00 for maintenance costs for the Challenger Learning Center, and

WHEREAS, Act 643-2013 established Account A.913.0000 - Fund Balance Committed-Economic Development for unexpended Casino Funds, and

WHEREAS, the aforementioned account should be used to cover the cost of the additional \$35,000.00 to be paid to the Challenger Learning Center, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with the Challenger Learning Center of the Twin Tier Region, Inc., c/o Buffamante, Whipple, Buttafaro, PC, 130 South Union Street, Olean, New York 14760, for further assistance with the aforementioned project, for a term commencing January 1, 2014 and terminating December 31, 2014, according to the above-described terms, and be it further

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

Increase Appropriation Account:

A.298.2980.0000.42044	Challenger Learning Center	\$35,000.00.
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¹The following Legislators requested their names be listed as additional sponsors: “Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. McElfresh, Mr. Murphy, Mr. Snyder, Jr., Mrs. Stockman, Mr. VanRensselaer, Ms. Vickman, Mr. Weller, Mr. Boser, Mrs. Labuhn, Mr. Lamberson and Mr. Sprague”.

Adopted January 22, 2014 by voice vote.

ACT NO. 60-2014 by Ms. Edstrom, Mr. Snyder, Sr., Mr. Teachman and Mr. Padlo

APPOINTMENT TO BOARD OF HEALTH

Pursuant to Section 343 of the Public Health Law.

RESOLVED, that the following individual is hereby appointed to the Board of Health with a term to expire December 31, 2019:

Giles B. Hamlin
1301 Sunrise Drive
Olean, New York 14760.

Adopted January 22, 2014 by voice vote.

ACT NO. 61-2014 by Mr. Felton, Mr. Snyder, Sr., Ms. Vickman and Mr. Weller

APPOINTMENT OF CIVIL SERVICE COMMISSIONER

Pursuant to Section 15 of the Civil Service Law and Section 201 of the County Law.

RESOLVED, that the following individual is hereby appointed as Commissioner of the Cattaraugus County Civil Service Commission, to fill the unexpired term of Linda D. Milks, which terminates May 31, 2018, at such annual compensation as has heretofore been, or may hereafter be, established:

Donald J. Swanz, Esq.
55 Chestnut Street
Franklinville, New York 14737.

MR. SNYDER, SR. moved, seconded by Mrs. Stockman to refer Act No. 61-2014 to the Labor Relations Committee. Carried.

ACT NO. 62-2014 by Mr. Marsh

APPOINTMENTS TO COMMUNITY SERVICES BOARD

Pursuant to Section 41.11 of the Mental Hygiene Law.

RESOLVED, that the following individual is appointed to the Community Services Board effective December 6, 2013 with a term to expire December 31, 2015:

*Stephen S. Morgan
453 West Washington Street
Bradford, Pennsylvania 16701
(due to the resignation of Russell Hahn),*

and be it further

RESOLVED, that the following individual is appointed to the Community Services Board effective December 6, 2013 with a term to expire December 31, 2016:

*Joseph M. Woodward
34 Leroy Road
Cheektowaga, New York 14215
(due to the resignation of Christopher Gruver),*

and be it further¹

RESOLVED, that the following individuals are appointed to the Community Services Board effective January 1, 2014 with terms to expire December 31, 2017:

Laura Elliott-Engel
201 South Union Street
Olean, New York 14760

Sondra Fox
1620 Gemini Drive
Olean, New York 14760

Kevin D. Watkins
One Leo Moss Drive
Olean, New York 14760

Robert C. Wood
5650 Windfall Road
Killbuck, New York 14748

Christina L. Veno
479 Indiana Avenue
Olean, New York 14760.

¹MS. EDSTROM moved, seconded by Mr. Teachman to amend as follows: Delete the first and second Resolved paragraphs. Carried.

Adopted, as amended, January 22, 2014 by voice vote.

ACT NO. 63-2014 by Mr. Marsh

**RECREATING CATTARAUGUS COUNTY EMERGENCY
MEDICAL SERVICES ADVISORY COUNCIL**

Pursuant to Section 235 of the County Law.

WHEREAS, the Cattaraugus County Emergency Medical Services (EMS) Advisory Council recreated by Act 576-2010, expired December 31, 2013, and

WHEREAS, the EMS Advisory Council should continue due to the continued need of mass casualty planning and improvement of EMS Operations in Cattaraugus County, and

WHEREAS, the EMS Advisory Council will facilitate the provision of mass casualty preparedness, large event planning regarding EMS, communication and distribution of EMS Information, and EMS training by the County, Office of Emergency Services, the Health Department, first responders and hospitals in Cattaraugus County, and

WHEREAS, the EMS Advisory Council should be a forum for planning, utilizing current resources, and not a forum for negotiating increased funding/resources, and

WHEREAS, the EMS Advisory Council is responsible for delegating six (6) representatives to the Regional (Southwestern) EMS Council, now, therefore, be it

RESOLVED, that the Cattaraugus County Emergency Medical Services Advisory Council is hereby recreated, and be it further

RESOLVED, that the purpose of the Council shall be as described above, and be it further

RESOLVED, that the Council shall consist of eighteen (18) members to be appointed by the Chairman of the County Legislature, and be it further

RESOLVED, that the Council members shall receive no compensation for their services, and be it further

RESOLVED, that the Council shall terminate December 31, 2017.

Adopted January 22, 2014 by voice vote.

CHAIRMAN MARSH made the following appointments:

CATTARAUGUS COUNTY EMERGENCY MEDICAL SERVICES ADVISORY COMMITTEE

Terms to expire December 31, 2016

Christopher Baker, Director
Emergency Services Department
and Fire District #1
303 Court Street
Little Valley, New York 14755

Kevin Watt, BT Coordinator
Health Department
One Leo Moss Drive, Suite 4010
Olean, New York 14760

Robert Bell
City of Olean Fire Department
542 North Union Street
Olean, New York 14760

James L. Boser
Cattaraugus County Legislator
97 North First Street
Allegany, New York 14706

Edwin Frederickson
City of Salamanca Fire Department
225 Wildwood Avenue
Salamanca, New York 14779

Kevin Watkins
Public Health Director
One Leo Moss Drive, Suite 4010
Olean, New York 14760

Edward Koorse
Seneca Nation of Indians
3582 Center Road
Salamanca, New York 14779

Eric Butler, Communications Captain
Sheriff's Office
301 Court Street
Little Valley, New York 14755

Todd Reisner
Trans-Am Ambulance
308 North 8th Street
Olean, New York 14760

Catherine Peters
Fire District #3
416 Rock City Street
Little Valley, New York 14755

Dorothy Button
Fire District #5
9746 Route 240, P.O. Box 143
West Valley, New York 14171

Howard VanRensselaer
Cattaraugus County Legislator
161 Cemetery Hill Road (ER)
Randolph, New York 14772

Robert Kuhn
EMS and Fire District #2
82 Swan Street
Salamanca, New York 14779

Denise O'Neil
Olean General Hospital
515 Main Street
Olean, New York 14760

Daniel Parr
Fire District #4
14 Maple Avenue, P.O. Box 631
Portville, New York 14770

Susan Freer
Olean General Hospital
515 Main Street
Olean, New York 14760

ACT NO. 64-2014 by Mr. Murphy

**CREATING ONE POSITION OF VICTIMS ADVOCATE
IN THE OFFICE OF THE DISTRICT ATTORNEY AND
ESTABLISHING COMPENSATION FOR THE SAME**

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

WHEREAS, the adopted budget for 2014 included an additional position of Victims Advocate not previously created, and

WHEREAS, the Office of the District Attorney is in need of this Victims Advocate position to act as a liaison between the Office of the District Attorney and the courts, police departments, social services and other support agencies, as well as providing direct personal assistance to crime victims and witnesses and their families, and

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

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

RESOLVED, that effective immediately, there is hereby created one position of Victims Advocate in the Office of the District Attorney to be compensated at Pay Grade 19, General Bargaining Unit (\$19.14 - \$21.28 per hour, 35 hours per week).

Adopted January 22, 2014 by voice vote.

ACT NO. 65-2014 by Mr. Marsh

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(CHIPS – Department of Public Works)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, Cattaraugus County has received CHIPS funding in the amount of \$2,000,000.00 for 2014, and

WHEREAS, the Department of Public Works is desirous of allocating the CHIPS funding for the County Road No. 7 and County Road No. 18 Type III Grind Projects, and

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

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

Increase Estimated Revenue Account:

H.504.5197.5197.3501	Consolidated Highway Aid	\$ 2,000,000.00
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Increase Appropriation Accounts:

H.504.5197.5197.27051.41603	County Road No. 18	\$ 1,000,000.00
H.504.5197.5197.27052.41603	County Road No. 7	\$ 1,000,000.00.

Adopted January 22, 2014 by voice vote.

ACT NO. 66-2014 by Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE PROJECT-SPECIFIC AGREEMENT
WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION AND
SENECA NATION OF INDIANS FOR REMOVAL AND REPLACEMENT OF
LEBANON ROAD/COLD SPRING CREEK BRIDGE**

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

WHEREAS, it is necessary to remove and replace Cold Spring Bridge No. 12, located on Lebanon Road, County Road No. 10, over Cold Spring Creek in the Town of Cold Spring, BIN 3-32077-0 and PIN 5754.32.322, and

WHEREAS, the County, the New York State Department of Transportation (NYSDOT) and the Seneca Nation of Indians (Nation) entered into a Project-Specific Agreement dated December 24, 2004, to commence the aforementioned bridge replacement project, however, the Project Agreement was never finally approved by the State as required by law, and

WHEREAS, the Nation has identified the removal and replacement of the Lebanon Road/Cold Spring Creek Bridge as a priority bridge replacement project and as a route necessary for access to the Nation's Allegany Territory and consents to the aforementioned project, and

WHEREAS, the County should also identify the aforementioned project as a priority bridge replacement project, and

WHEREAS, the NYSDOT shall be responsible to design and construct the project and shall further be responsible for 80% of the project costs of the aforementioned bridge replacement project, and

WHEREAS, the County hereby consents to the aforementioned replacement project and agrees to be responsible for the maintenance of the project at its own cost, and

WHEREAS, contract modification agreements are necessary for the aforementioned project to include the following terms:

- Seneca Nation monitoring of the construction at a rate of \$75.00 per hour for first 40 hours per individual project monitor in one week and at a rate of \$100.00 per hour for every hour in excess of 40 hours per individual project monitor in one week, payable by the NYSDOT Contractor (max. est. amount \$9,000.00);
- Tribal Employment Rights Ordinance, as amended; and
- Attach Federal MOA to the Agreement, dated June 23, 1994,

and

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

RESOLVED, that the Cattaraugus County Legislature hereby identifies the Lebanon Road/Cold Spring Creek Bridge as a priority bridge replacement project, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a Project-Specific Agreement, on behalf of Cattaraugus County, with the New York State Department of Transportation and the Seneca Nation of Indians, for the removal and replacement of the Lebanon Road/Cold Spring Creek Bridge, for a term commencing upon the completion of signing by all involved parties, to continue in full force and effect so long as the County has legal responsibility for maintenance of the Lebanon Road/Cold Spring Creek Bridge, according to the above-described terms.

Adopted January 22, 2014 by voice vote.

ACT NO. 67-2014 by Mr. Marsh**AUTHORIZING THE ACQUISITION OF LANDS IN THE
TOWN OF GREAT VALLEY FOR HIGHWAY PURPOSES**

Pursuant to Sections 118 and 119 of the Highway Law and
Articles 2 and 3 of the Eminent Domain Procedure Law.

WHEREAS, fee title is needed for property, more fully described below, for improvements to County Road No. 71:

ALL THOSE PARCELS OF LAND situate in the Town of Great Valley, County of Cattaraugus, State of New York, being part of Lot 29, Town 3, Range 6 of the Holland Land Company's survey bounded and described as follows:

PARCEL HGV-71F

BEGINNING at a point lying on the Southerly bounds of County Road 71 (49.5 feet or 3 rods wide), said point also lying at a distance of 24.75 feet, measured at right angles, southerly from Station 73+40 of the centerline of County Road 71 as established by the Cattaraugus County Department of Public Works for the Improvements of Great Valley Culvert C7107339;

THENCE southeasterly along the southerly bounds of County Road 71, 19.94 feet, to a point located 24.75 feet, measured at right angles southerly, from station 73+60 of said centerline;

THENCE southwesterly through the lands of Niagara Mohawk Power Corp. (reputed owner) as described in a deed recorded in the Cattaraugus County Clerk's Office in Liber 855, Page 831, 29.25 feet to a point located 54.00 feet, measured at right angles southerly, from station 73+60 of said centerline;

THENCE northwesterly through the lands of the Niagara Mohawk, 19.87 feet to a point located 54.00 feet, measured at right angles southerly, from station 73+40 of said centerline;

THENCE northeasterly through the lands of the Niagara Mohawk, 29.25 feet to the POINT OF BEGINNING, Containing 582.29 square feet (0.013 acre) of land, more or less.

PARCEL HGV-71G

BEGINNING at a point lying on the Northerly bounds of County Road 71 (49.5 feet or 3 rods wide), said point also lying at a distance of 24.75 feet, measured at right angles, northerly from Station 73+29 of the centerline of County Road 71 as established by the Cattaraugus County Department of Public Works for the Improvements of Great Valley Culvert C7107339;

THENCE southeasterly along the northerly bounds of County Road 71, 17.01 feet, to a point located 24.75 feet, measured at right angles northerly, from station 73+45.96 of said centerline;

THENCE northeasterly through the lands of Niagara Mohawk Power Corp. (reputed owner) as described in a deed recorded in the Cattaraugus County Clerk's Office in Liber 855, Page 831, 24.02 feet to a point located 48.00 feet, measured at right angles northerly, from station 73+51.97 of said centerline;

THENCE northwesterly through the lands of the Niagara Mohawk, 23.10 feet to a point located 48.00 feet, measured at right angles northerly, from station 73+29.01 of said centerline;

THENCE southwesterly through the lands of the Niagara Mohawk, 23.25 feet to the POINT OF BEGINNING, Containing 466.19 square feet (0.011 acre) of land, more or less.,

now, therefore, be it

RESOLVED, that the Commissioner of the Department of Public Works is hereby authorized and directed to acquire lands or rights or interests therein for County highway purposes and to acquire such lands or rights or interests therein by option to purchase, release or agreement which gives the County the right to enter and occupy the above-described property for highway purposes, or by condemnation pursuant to Articles 2 and 3 of the Eminent Domain Procedure Law.

Adopted January 22, 2014 by voice vote.

ACT NO. 68-2014 by Mr. Marsh

**DECLARING THAT THE ACQUISITION OF CERTAIN REAL PROPERTY
IN THE TOWN OF GREAT VALLEY REPUTEDLY OWNED BY
NIAGARA MOHAWK POWER CORPORATION, IS DE MINIMIS AND
THAT THE PUBLIC INTEREST WILL NOT BE PREJUDICED BY THE
IMPROVEMENTS TO COUNTY ROAD NO. 71**

Pursuant to Section 206 (D) of the
Eminent Domain Procedure Law.

WHEREAS, Act 67-2014 authorized the County Department of Public Works to acquire lands or rights or interests therein for County highway purposes by condemnation pursuant to Articles 2 and 3 of the Eminent Domain Procedure Law, and

WHEREAS, the County is about to acquire the lands or rights or interests described in Act 67-2014, reputedly owned by Niagara Mohawk Power Corporation, and

WHEREAS, the parcel to be acquired in fee simple is described in Act No. 67-2014, now, therefore, be it

RESOLVED, that it is the opinion of the Cattaraugus County Legislature that the acquisition of the above-described real property, reputedly owned by Niagara Mohawk Power Corporation is de minimis in nature and that the public interest will not be prejudiced by the improvements to County Road No. 71, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby determines that, pursuant to Section 206 (D) of the Eminent Domain Procedure Law, the aforementioned acquisition is exempt from a public hearing as required by Section 201 of the Eminent Domain Procedure Law, and be it further

RESOLVED, that the Commissioner of the Department of Public Works is hereby authorized to institute a proceeding pursuant to Articles 2 and 3 of the Eminent Domain Procedure Law to acquire the aforementioned real property.

Adopted January 22, 2014 by voice vote.

ACT NO. 69-2014 by Mr. Marsh

**AUTHORIZING THE COUNTY ATTORNEY TO NEGOTIATE THE
FAIR MARKET VALUE AND MAKE AN OFFER TO PURCHASE
CERTAIN PROPERTY LOCATED IN THE TOWN OF GREAT VALLEY FROM
NIAGARA MOHAWK POWER CORPORATION**

Pursuant to Article 3 of the Eminent Domain Procedure Law.

WHEREAS, Act 67-2014 authorized the County Department of Public Works to acquire lands or rights or interests therein for County highway purposes by condemnation pursuant to Articles 2 and 3 of the Eminent Domain Procedure Law, and

WHEREAS, pursuant to Section 302 of the Eminent Domain Procedure Law, the County must have real property, which is to be acquired by condemnation, appraised, and

WHEREAS, pursuant to Section 303 of the Eminent Domain Procedure Law, the County must make a written offer to represent just compensation for the real property to be acquired, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County Attorney to negotiate the fair market value of the above-described property and make an offer for the purchase of the same.

Adopted January 22, 2014 by voice vote.

ACT NO. 70-2014 by Mr. Marsh

**AUTHORIZING EXTINGUISHMENT OF TAX LIEN ON CERTAIN
REAL PROPERTY LOCATED IN TOWN OF RANDOLPH**

Pursuant to Section 1150(1) of the Real Property Tax Law.

WHEREAS, Cattaraugus County has a tax lien, in the amount of \$42,742.72, against certain property located in the Town of Randolph, known as the "Fischers-McNallie Building", described as follows:

Parcel 384: being part of Lot 24, Town 2, Range 9, about 25.40' x 98.00', Acct. No. 0704, TM #70.072-1-11, 112 Main Street, Randolph, and

Parcel 385: being part of Lot 24, Town 2, Range 9, about 45.20' x 132.00', Acct. No. 0429, TM #70.072-1-12, 114 Main Street, Randolph,

and

WHEREAS, Act 96-2013 authorized the sale of the above-described property to the Town of Randolph for \$1.00, and

WHEREAS, the Town of Randolph has requested Cattaraugus County to waive the aforementioned tax lien, in order to facilitate economic development of the above-described property, and

WHEREAS, at the time of the aforementioned sale to the Town of Randolph, it was the intention of the Cattaraugus County Legislature to forgive the outstanding taxes, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the extinguishment of the tax lien on the above-described property.

MR. SPRAGUE moved, seconded by Mr. Padlo to refer Act No. 70-2014 to the Finance Committee and the County Operations Committee. Carried. Mr. VanRensselaer voting no.

ACT NO. 71-2014 by Mr. Edwards, Ms. Vickman, Mr. Boser and Mr. Lamberson

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
SOUND ACTUARIAL CONSULTING FOR
WORKERS' COMPENSATION ACTUARIAL CONSULTING SERVICES**

Pursuant to Section 64 of the Workers' Compensation Law
and Section 450 of the County Law.

WHEREAS, Act 657-2011 authorized a contract with Actuarial & Technical Solutions, Inc., 3555 Veterans Memorial Highway, Suite A, Ronkonkoma, New York 11779, for the provision of actuarial services for the County's self-insurance workers' compensation program, and

WHEREAS, Actuarial & Technical Solutions, Inc., no longer provides these services, and

WHEREAS, Sound Actuarial Consulting, 403 East Main Street, Port Jefferson Village, New York 11777, has agreed to provide these same actuarial services for an amount of \$15,000.00, which is no increase in costs, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Sound Actuarial Consulting 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.

Adopted January 22, 2014 by voice vote.

ACT NO. 72-2014 by Mr. Edwards, Ms. Vickman, Mr. Boser and Mr. Lamberson

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
PROACT, INC., FOR MANAGED PRESCRIPTION DRUG PROGRAM**

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

WHEREAS, Act 148-2010 authorized a contract with Express Scripts, Inc., for the provision of prescription drug benefits, including pharmacy network management, claims processing, mail service pharmacy, specialty injectables, formulary development and rebate management for the Cattaraugus County Health Plan, and

WHEREAS, Cattaraugus County is desirous of selecting an alternate vendor to provide these same services, and

WHEREAS, the County has solicited information from a variety of vendors who are able to provide these services, and

WHEREAS, the Health Care Committee has determined that it is in the best interest of Cattaraugus County to have PROACT, Inc., provide these services which can provide them in both a more economical and a more efficient manner now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with PROACT, Inc., for the provision of the above-described managed prescription drug program, for a term commencing April 24, 2014 and terminating December 31, 2018, according to the above-described terms.

Adopted January 22, 2014 by voice vote.

ACT NO. 73-2014 by Mr. Marsh

ADOPTING CATTARAUGUS COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

Pursuant to Disaster Mitigation Act of 2000, P.L. 106-390 and 109-139.

WHEREAS, the County of Cattaraugus, with the assistance from its municipal subdivisions, including 2 cities, 9 villages and 32 towns, has gathered information and prepared the Cattaraugus County Multi-Jurisdictional Hazard Mitigation Plan, and

WHEREAS, the Cattaraugus County Multi-Jurisdictional Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000, and

WHEREAS, the County of Cattaraugus is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan, and

WHEREAS, Cattaraugus County Legislature has reviewed the Plan and affirms that the Plan will be updated no less than every five years, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby adopts the Cattaraugus County Multi-Jurisdictional Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

Adopted January 22, 2014 by voice vote.

ACT NO. 74-2014 by Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OUTREACHSYSTEMS FOR SOFTSHARE BID MATCH SERVICES FOR
PROCUREMENT TECHNICAL ASSISTANCE PROGRAM**

Pursuant to 10 USCS 4211 and Section 450 of the County Law.

WHEREAS, Act 85-2013 authorized a contract with OutreachSystems for the provision of governmental bid opportunities to clients of the County's Procurement Technical Assistance Program, for an amount of \$6,000.00, the term of which expires January 31, 2014, and

WHEREAS, the County Department of Economic Development, Planning and Tourism is desirous of continuing the aforementioned services, and

WHEREAS, OutreachSystems, 4426 Via Bendita, Santa Barbara, California 93101-1406, has agreed to continue providing governmental bid opportunities to clients of the County's Procurement Technical Assistance Program for an amount of \$6,000.00, to be paid as invoiced, and

WHEREAS, sufficient funds are included in the 2014 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with OutreachSystems for the provision of the above-described services, for a term commencing February 1, 2014 and terminating January 31, 2015, according to the above-described terms.

Adopted January 22, 2014 by voice vote.

ACT NO. 75-2014 by Mr. Marsh
and Mr. Felton and Mr. Sprague¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
PIONEER CENTRAL SCHOOL DISTRICT
FOR AMERICORPS START PROGRAM**

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

WHEREAS, the Pioneer Central School District is desirous of participating in the Youth Bureau's AmeriCorps START Program, and

WHEREAS, the County Youth Bureau is desirous of placing an AmeriCorps member at the Pioneer Central School District, and

WHEREAS, the Pioneer Central School District, 12145 County Line Road, P.O. Box 639, Yorkshire, New York 14173, has agreed to provide services for the AmeriCorps START Program by contributing an amount of \$5,000.00 for one full-time member with 1,700 hours of service, and

WHEREAS, this program is 65% federally funded and 35% agency match and grantee share, which is fully funded by Pioneer's contribution, resulting in no costs to the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Pioneer Central School District, for the AmeriCorps START Program, for a term commencing January 15, 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.

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

Adopted January 22, 2014 by voice vote.

ACT NO. 76-2014 by Mr. Marsh
and Mrs. Stockman and Mrs. Labuhn¹

**APPROVING CONTRACT BETWEEN
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND
ALLIED ALARM SERVICES, INC. FOR SECURITY SYSTEM ENHANCEMENT
AT SALAMANCA COUNSELING CENTER**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the Cattaraugus County Community Services Board is desirous of enhancing the security system at the Salamanca Counseling Center located at 97 Main Street, Salamanca, New York, by installing a Panic Alarm System, and

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

- | | |
|---|-------------------|
| • Panic Alarm System (equipment and installation) | \$570.00 |
| • Cellular Monitoring Services | \$39.95 per month |
| • Additions to Above System | |
| (3) Protected Doors & (2) Glass Break Detectors | \$385.00, |

and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Cattaraugus County Community Services Board and Allied Alarm Services, Inc., to signify the County's approval, for the provision of the above-described services, with installation being completed within fourteen (14) days of the start of the project for the equipment portion of the contract, and be it further

RESOLVED, that the term of the monitoring portion of the aforementioned contract commence February 3, 2014 and continue for a five-year period terminating February 2, 2019, with automatic month-to-month renewals thereafter under the same terms and conditions, according to the above-described terms.

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

Adopted January 22, 2014 by voice vote.

ACT NO. 77-2014 by Mr. Marsh

**APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY
SERVICES BOARD AND KIMBERLY CONROY, RN, MS, CS, NPP FOR
DEPARTMENT OF COMMUNITY SERVICES
PSYCHIATRIC NURSE PRACTITIONER SERVICES**

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

WHEREAS, the Cattaraugus County Community Services Board has decided to contract for the provision of psychiatric nurse practitioner services for clients in the Department of Community Services mental health clinic, and

WHEREAS, such contract is subject to the approval of the Cattaraugus County Legislature, and

WHEREAS, Kimberly Conroy, RN, MS, CS, NPP, an independent contractor, can provide psychiatric nurse practitioner services to clients in the mental health clinic for an amount of \$115.00 per direct care hour, for a maximum of 352 hours per year, not to exceed an annual amount of \$40,480.00, to be paid on a monthly basis, as invoiced, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract between the Cattaraugus County Community Services Board and Kimberly Conroy, RN, MS, CS, NPP, to signify the County's approval, for the provision of the above-described services, for a term commencing March 3, 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.

Adopted January 22, 2014 by voice vote.

ACT NO. 78-2014 by Mr. Marsh and Ms. Vickman
*and Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Klancer,
Mr. McElfresh, Mr. Murphy, Mr. Snyder, Jr., Mr. Snyder, Sr., Mrs. Stockman,
Mr. Teachman, Mr. VanRensselaer, Mr. Weller, Mr. Boser,
Mrs. Labuhn, Mr. Lamberson, Mr. Padlo and Mr. Sprague¹*

**ESTABLISHING COMPENSATION FOR POSITION OF ACTING NURSING HOME ADMINISTRATOR
AND TEMPORARY ADMINISTRATOR OF RECORD FOR THE PINES-OLEAN FACILITY**

Pursuant to Sections 204 and 205 of the County Law.

WHEREAS, the Director of the Nursing Homes has submitted her resignation effective January 30, 2014, and

WHEREAS, the Director of the Nursing Homes also acts as the Nursing Home Administrator for The Pines-Olean Facility, and

WHEREAS, a permanent replacement has yet to be appointed to the Nursing Home Administrator position, and

WHEREAS, it is expected that a current employee will be appointed to act as temporary Nursing Home Administrator for the interim under the direction and guidance of the Nursing Home Administrator of The Pines-Machias Facility who will act as the Administrator of Record until such time as a permanent appointment is made, and

WHEREAS, it is necessary to establish a salary for the interim temporary Nursing Home Administrator as well as the Administrator of Record, now, therefore, be it

RESOLVED, that effective upon appointment of the current Director of Nursing of The Pines-Olean Facility to act as the temporary Nursing Home Administrator, The Pines-Olean Facility, a daily stipend of \$65.00, not to exceed \$325.00 per week, shall be established and paid to her and she will act as the Administrator of The Pines-Olean Facility until such time as a permanent Administrator shall take office, and be it further

RESOLVED, that effective upon appointment of the current Administrator of The Pines-Machias Facility to act as the Administrator of Record of The Pines-Olean Facility a daily stipend of \$80.00, not to exceed \$400.00 per week, shall be established and paid to her and she will act as the Administrator of Record for The Pines-Olean Facility until such time as a permanent Administrator shall take office, and be it further

RESOLVED, that effective upon permanent appointment of an Administrator of The Pines-Olean Facility the stipends provided for herein shall cease.

¹The following Legislators requested their names be listed as additional sponsors: “Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Klancer, Mr. McElfresh, Mr. Murphy, Mr. Snyder, Jr., Mr. Snyder, Sr., Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Mr. Weller, Mr. Boser, Mrs. Labuhn, Mr. Lamberson, Mr. Padlo and Mr. Sprague”.

Adopted January 22, 2014 by voice vote.

ACT NO. 79-2014 by Mr. Marsh and Ms. Vickman
*and Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Klancer,
Mr. McElfresh, Mr. Murphy, Mr. Snyder, Jr., Mr. Snyder, Sr., Mrs. Stockman,
Mr. Teachman, Mr. VanRensselaer, Mr. Weller, Mr. Boser,
Mrs. Labuhn, Mr. Lamberson, Mr. Padlo and Mr. Sprague¹*

**APPOINTMENT OF DIRECTOR OF THE DEPARTMENT OF NURSING HOMES
AND TRANSFER OF FUNDS
(Contingent Fund – Pines Facilities)**

Pursuant to Sections 204, 205, 363 and 366 of the County Law.

RESOLVED, that Timothy Hellwig, 3729 Wildwood Drive, Dunkirk, New York 14048 be, and hereby is, appointed Director of the Department of Nursing Homes for a term commencing March

3, 2014 and terminating March 2, 2018, at a bi-weekly rate of \$4,154.00 for 2014, and at any salary as may hereinafter be established, and be it further

RESOLVED, that Timothy Hellwig is hereby credited with ten (10) days of annual leave time effective July 1, 2014, and with any and all other benefits as provided for in such compensation and benefit package as established for Managerial and Confidential Officers and Employees, and be it further

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

Decrease Appropriation Accounts:

A.901.1990.0000.40601	Contingent Fund	\$7,626.00
EF.453.4530.8350.00001.83000	Health Insurance	\$6,009.00
EF.453.4530.8350.00001.84000	Dental Insurance	\$ 36.00
El.453.4530.8350.00001.83000	Health Insurance	\$ 742.00
El.453.4530.8350.00001.84000	Dental Insurance	\$ 4.00

Increase Estimated Revenue Accounts:

EF.990.9901.0000.5031	Interfund Transfers	\$6,785.00
El.990.9901.0000.5031	Interfund Transfers	\$ 841.00

Increase Appropriation Accounts:

A.990.9901.0000.90200	Transfer to The Pines - Olean	\$6,785.00
A.990.9901.0000.90300	Transfer to The Pines - Machias	\$ 841.00
EF.453.4530.8350.00001.11000	Full Time Wages	\$6,348.00
EF.453.4530.8350.00001.81000	FICA	\$ 486.00
EF.453.4530.8350.00001.82000	Retirement	\$5,996.00
El.453.4530.8350.00001.11000	Full Time Wages	\$ 785.00
El.453.4530.8350.00001.81000	FICA	\$ 61.00
El.453.4530.8350.00001.82000	Retirement	\$ 741.00.

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

Adopted January 22, 2014 by voice vote.

MR. TEACHMAN moved, seconded by Mrs. Labuhn to adjourn until February 12, 2014 at 3:00 p.m. Carried.

Meeting adjourned at 4:06 p.m.

Ann M. Giglio
Journal Clerk