



March 12, 2014

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

The invocation was given by Tim Bigham.

The Attendance Roll Call disclosed three Legislators absent – Edstrom, Sprague and Stockman.

\* \* \* \* \*

MR. TEACHMAN moved, seconded by Mr. Boser that the minutes of the February 26, 2014 session be approved. Carried.

\* \* \* \* \*

#### COMMUNICATIONS:

NYS Member of Assembly Joseph M. Giglio: Acknowledging receipt of Act No. 97-2014.

Cayuga County Legislature: Resolution No. 49-14 entitled “Denying Permission to the State of New York to Use the Name, Seal of the County, Letterhead or Address for Purposes of Correspondence with Legal and Registered Gun Owners Regarding Permit Recertification or for any Other Purpose Associated with the SAFE Act”.

Orleans County Legislature: Resolution No. 82-214 entitled “Resolution Offering An Alternative To The Property Tax Freeze That Will Lead To Permanent And Historic Property Tax Reductions By Eliminating The Cost Of State Mandated Spending Imposed On County Property Taxpayers”.

St. Lawrence County Legislature: Resolution No. 72-2014 entitled “Resolution in Support of Statewide Indigent Defense Legal System and Settlement of Hurrell-Harring, et al. v. State of New York” and Resolution No. 78-2014 entitled “Requesting the New York State Legislature Reject the Proposal by Governor Cuomo to Provide Prison Inmates a College Education at Taxpayer Expense”.

\* \* \* \* \*

#### APPOINTMENTS:

**CATTARAUGUS COUNTY EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL**

*Three-year term to expire December 31, 2016*

Donna Kahm, SPHR President and CEO  
Southern Tier Health Care System, Inc.  
One Blue Bird Square  
Olean, New York 14760

\* \* \* \* \*

CHAIRMAN MARSH granted Privilege of the Floor to Phyllis Couture of the Cattaraugus County Farm Bureau who spoke on farmers and farming throughout the United States and Cattaraugus County. Farmers make up 2% of the population of the United States. Farm Bureau is the voice of agriculture.

CHAIRMAN MARSH called a short recess after the public hearing to enjoy refreshments provided by the Farm Bureau. All Legislators in attendance were present after the recess except Mr. Koch.

\* \* \* \* \*

CHAIRMAN MARSH announced this is the time and place called for a public hearing on **Act No. 109-2014**, Changing the Form of Civil Service Administration in Cattaraugus County From a Civil Service Commission to a Personnel Officer.

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

CHAIRMAN MARSH called up Act No. 109-2014 and asked that it be read.

CHAIRMAN MARSH requested a Roll Call vote on Act No. 109-2014, which disclosed as follows:

Ayes: Boser 1.0267, Edwards 0.9684, Felton 1.0972, Hale 1.0655, Klancer 1.1005, Labuhn 0.8685, Lamberson 1.0267, McElfresh 0.8673, Murphy 1.1005, Snyder, Jr. 1.0655, Teachman 0.8673, VanRensselaer 1.1278, Vickman 1.0972, Weller 1.0972 – 14.3763.

Nays: Padlo 0.8673, Snyder, Sr. 0.8673, Marsh 1.1278 – 2.8624.

Mr. Koch was absent from floor for the vote.

Act No. 109-2014, having received the majority vote of the Legislature, was declared Adopted.

\* \* \* \* \*

**ACT NO. 130-2014** by Mr. Weller and Mr. Koch  
*and Mr. Lamberson<sup>1</sup>*

**BID ACCEPTANCE FOR PURCHASE OF 2014 FORD F-550XL SUPER CAB  
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law.

WHEREAS, Section 103(3) of the General Municipal Law allows counties to make purchases through any county adjoining such county, and

WHEREAS, Chautauqua County advertised for sealed bids for the purchase of 2014 or newer, Class 1 through Class 5 model vehicles, and

WHEREAS, the Department of Public Works is desirous of purchasing one (1) 2014 Ford F-550XL Super Cab 4x4 through Chautauqua County's bid, and

WHEREAS, the lowest bid received meeting specifications for one (1) 2014 Ford F-550XL Super Cab 4x4 through Chautauqua County, was the bid of Van Bortel Ford, Inc., 71 Marsh Road, East Rochester, New York 14445, in an amount of \$58,989.00, and

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

RESOLVED, that the bid of Van Bortel Ford, Inc., be, and the same hereby is, accepted, and be it further

RESOLVED, that the vouchers submitted in accordance with the provisions of General Municipal Law §106-b and certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Twelve sets of specifications were sent out.

Four bids were received.

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

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

Adopted March 12, 2014 by voice vote.

**ACT NO. 131-2014** by Mr. Weller and Mr. Koch  
and Mr. Lamberson<sup>1</sup>

**BID ACCEPTANCE FOR PURCHASE OF TWO (2) 4.3 CUBIC YARD  
FOUR-WHEEL DRIVE ARTICULATED WHEEL LOADERS  
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the purchase of two (2) 2014 4.3 Cubic Yard Four-Wheel Drive Articulated Wheel Loaders, with a three (3) year buy back guarantee, according to specifications provided by the Public Works Committee, and

WHEREAS, George & Swede Sales & Service, Inc., 7155 Big Tree Road, Pavilion, New York 14525, submitted the lowest "Net Cost After Buy Back" (with trade-in) bid for the purchase of two (2) 2014 Hyundai HL-760-9A 4.3 Cubic Yard Four-Wheel Drive Articulated Wheel Loaders, as follows:

Cost Before Trade-In Allowance	\$327,902.00
Trade-In Allowance (two loaders) #2605 & #2705	<u>\$- 78,562.00</u>
Net Cost After Trade-In Allowance	\$249,340.00

Guaranteed Buy Back Amount at the End of Three Years \$279,302.00 (two loaders),  
and

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

RESOLVED, that the bid of George & Swede Sales & Service, Inc., be, and the same hereby is, accepted, and be it further

RESOLVED, that the vouchers submitted in accordance with the provisions of General Municipal Law §106-b and certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

State Bid does not offer buy back option.

Twelve sets of specifications were sent out.  
Four bids were received.

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

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

Adopted March 12, 2014 by voice vote.

**ACT NO. 132-2014** by Mr. Weller and Mr. Koch  
*and Mr. Lamberson<sup>1</sup>*

**BID ACCEPTANCE FOR JAIL BOILER REPLACEMENT PROJECT  
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and  
Section 215 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the replacement of the Jail Boiler at the Little Valley County Center, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications for the Jail Boiler Replacement Project was the bid of D. V. Brown and Associates, Inc., 567 Vickers Street, Tonawanda, New York 14150-5126, for an amount of \$326,999.00, to be paid as invoiced, and

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

RESOLVED, that the bid of D. V. Brown and Associates, Inc., be, and the same hereby is, accepted, for a term commencing upon notice to proceed and terminating August 31, 2014, 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.

Nine sets of specifications were sent out.  
Six bids were received meeting specifications.

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

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

Adopted March 12, 2014 by voice vote.

**ACT NO. 133-2014** by Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
WCA HOSPITAL FOR AUDIOMETRIC TESTING**

Pursuant to 29 CFR §1910.95 and Section 450 of the County Law.

WHEREAS, Act 129-2013 authorized a contract with WCA Hospital, P.O. Box 840, Jamestown, New York 14702-0840, for the provision of audiometric examinations, monitoring and training services, the term of which expired December 31, 2013, and

WHEREAS, pursuant to the provisions of 29 CFR §1910.95, the County must provide audiometric examinations, monitoring and training for those Public Works employees exposed to a noise level at, or above, the action level of 85 decibels for a time-weighted average of eight hours, and

WHEREAS, the County is also desirous of providing the aforementioned services for up to 30 employees of the Cattaraugus County Sheriff's Office, and

WHEREAS, WCA Hospital can provide the aforementioned testing for up to 125 Public Works employees and up to 30 Sheriff's Office employees, for an estimated amount of \$3,000.00, as follows:

\$20.00/person/test for on-site annual follow-up audiograms,  
\$23.00/person/test for pre-employment audiograms to be done  
at WCA Hospital, Speech & Hearing Department,

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 WCA Hospital, 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, 8 members of the Public Works Committee and 7 members of the Public Safety Committee.

Adopted March 12, 2014 by voice vote.

**ACT NO. 134-2014** by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
HEALTHY COMMUNITY ALLIANCE, INC. FOR  
MEDICAID MANAGED CARE RECRUITMENT SPECIALIST AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Social Services)**

Pursuant to 42 CFR Section 435, Section 363 of the Social Services Law and  
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 135-2013 authorized a contract with Healthy Community Alliance, Inc., One School Street, Gowanda, New York 14070, for the provision of education, support and outreach

services to clients, agency personnel and providers of the Medicaid Managed Care Program, the term of which expires March 31, 2014, and

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

WHEREAS, Healthy Community Alliance, Inc., has agreed to provide the aforementioned services for an amount not to exceed \$54,671.00, which shall be paid in monthly installments, as invoiced, and

WHEREAS, this program is 50% federally funded, 25% state funded through the New York State Department of Health and 25% County funded, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Healthy Community Alliance, Inc., for the provision of the above-described services, for a term commencing April 1, 2014 and terminating March 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, and be it further

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

Increase Estimated Revenue Account:

A.601.6010.0000.4610	Federal Aid, SS Admin	\$4,159.00
----------------------	-----------------------	------------

Increase Appropriation Account:

A.601.6010.0004.41014	Medicaid Managed Care	\$4,159.00.
-----------------------	-----------------------	-------------

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

Adopted March 12, 2014 by voice vote.

**ACT NO. 135-2014** by Ms. Edstrom and Mrs. Stockman  
and Ms. Vickman, Mrs. Labuhn and Mr. Lamberson<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COMMUNITY ACTION, INC., FOR CHILD ABUSE  
SERVICES FOR DEPARTMENT OF SOCIAL SERVICES**

Pursuant to 42 USCS 1397, 18 NYCRR Parts 405, 407 and 423,  
Article 6, Title 1 of the Social Services Law and Section 450 of the County Law.

WHEREAS, Act 163-2013 authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, for the provision of a Child Abuse Prevention Program, the term of which expired December 31, 2013, and

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

WHEREAS, Cattaraugus Community Action, Inc., can provide parent aid services, nurturing services and parent education programs for a Child Abuse Prevention Program for an amount not to exceed \$41,163.00, plus \$24.00 per hour for supervised visitation, to be paid on a monthly basis as invoiced, and

WHEREAS, this program is 62% federal and state and 38% county funded, 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 Cattaraugus Community Action, Inc., for the provision of the above-described services, for a term commencing January 1, 2014 and terminating December 31, 2014, according to the above-described terms, and be it further

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

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

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

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

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

Adopted March 12, 2014 by voice vote.

**ACT NO. 136-2014** by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
DEAF ADULT SERVICES, INC. FOR INTERPRETER SERVICES**

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

WHEREAS, Act 134-2013 authorized a contract with Deaf Adult Services, Inc., 2495 Main Street, #446, Buffalo, New York 14214, for the provision of interpreter services for deaf clients, the term of which expires March 31, 2014, and

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

WHEREAS, Deaf Adult Services, Inc., can provide the aforementioned interpreter services for an amount not to exceed \$3,900.00, in accordance with the following rate schedule:



<u>Standard Rate</u> –	applies when more than 48 hours' notice is given and service is provided Monday - Friday between the hours of 8am – 11pm
\$134.00	Minimum charge covering up to two hours of service
\$ 67.00	Each additional hour, billed in ½ hour increments
<u>Premium Rate</u> –	applies with less than 24 hours' notice and a non-emergency call Monday – Friday between the hours of 11pm - 8am, plus all day Saturday, Sunday and holidays
\$155.00	Minimum charge covering up to two hours of service
\$ 77.50	Each additional hour, billed in ½ hour increments
<u>Emergency Rate</u> -	applies after business hours, emergency appointments through 24 hour emergency phone service
\$190.00	Minimum charge covering up to two hours of service
\$ 95.00	Each additional hour, billed in ½ hour increments
<u>Legal Proceedings</u> –	applies to Court appearances and on the record proceedings
\$150.00	Minimum charge covering up to two hours of service
\$ 75.00	Each additional hour, billed in ½ hour increments
<u>Deaf Interpreter Rate</u> –	applies when a deaf interpreter is required due to client communication needs (non-ASL interpreter)
\$ 50.00	Charge in addition to the Standard Rate
<u>Classroom Rate</u> –	
\$118.00	Minimum charge covering up to two hours of service (K-12)
\$ 59.00	Each additional hour, billed in ½ hour increments
\$130.00	Minimum charge covering up to two hours of service (college/higher ed)
\$ 65.00	Each additional hour, billed in ½ hour increments,

and

WHEREAS, travel time, if needed, will be billed as additional hours, and  
 WHEREAS, this program is 50% state and 50% federally funded, now, therefore, be it  
 RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed  
 to execute a contract, on behalf of Cattaraugus County, with Deaf Adult Services, Inc., for the provision  
 of the above-described services, for a term commencing April 1, 2014 and terminating March 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 7 members of the Human Services  
 Committee.

Adopted March 12, 2014 by voice vote.

Mr. Koch returned to the floor of the Legislature.

**ACT NO. 137-2014** by Ms. Edstrom and Mrs. Stockman  
*and Mr. Lamberson<sup>1</sup>*

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH  
CATTARAUGUS COUNTY AGRICULTURAL SOCIETY, INC. FOR SPACE RENTAL**

Pursuant to Sections 215, 450 and 650 of the County Law.

WHEREAS, Act 34-2014 authorized the Chair to execute a contract with the Cattaraugus County Agricultural Society, Inc., P.O. Box 182, Little Valley, New York 14755, for the provision of security services at various events at the County Fairgrounds, including the annual Cattaraugus County Fair, as well as space rental, the term of which expires December 31, 2014, and

WHEREAS, the County Health Department is desirous of renting a booth during the 2014 Fair, and

WHEREAS, the Cattaraugus County Agricultural Society will charge the County a rental amount of \$400.00 for a booth for the Health Department, and

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

RESOLVED, the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with the Cattaraugus County Agricultural Society, Inc., for the rental of the above-described space, for a term commencing January 1, 2014 and terminating December 31, 2014, according to the above-described terms.

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

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

Adopted March 12, 2014 by voice vote.

**ACT NO. 138-2014** by Mr. Marsh, Mr. Teachman and Mr. Padlo  
*and Mrs. Stockman<sup>1</sup>*

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH  
NEW YORK STATE BOARD OF ELECTIONS FOR  
HELP AMERICA VOTE ACT (HAVA) FUNDS REIMBURSEMENT  
(Voter Education/Poll Worker Training Program)**

Pursuant to 42 USCS 15421, Sections 10 and 16 of the Laws of 2005 and  
Section 450 of the County Law.

WHEREAS, Act 109-2007, as amended by Acts 631-2007, 89-2009 and 234-2011, authorized a contract with the New York State Board of Elections Help America Vote Act (HAVA) in order

to receive HAVA reimbursement for the Voter Education/Poll Worker Training Program, the term of which has expired, and

WHEREAS, the term of the aforementioned contract should be extended to March 31, 2015, and

WHEREAS, a contract extension is necessary with the New York State Board of Elections in order to extend the term of the aforementioned contract, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with the New York State Board of Elections, for a term commencing April 1, 2014 and terminating March 31, 2015, 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 March 12, 2014 by voice vote.

**ACT NO. 139-2014** by Mr. Teachman and Mr. Padlo

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
LINSTAR, INC. FOR ON-SITE SERVICE AND MAINTENANCE OF  
PROXIMITY AND SECURITY CAMERA EQUIPMENT**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 115-2013 authorized a contract with Linstar, Inc., 430 Lawrence Bell Drive, Buffalo, New York 14221-7085, for the provision of on-site service and maintenance of proximity and security camera equipment for the Sheriff's Office, the term of which expires March 31, 2014, and

WHEREAS, the County is in need of on-site service and maintenance services for the county-wide Linstar proximity and security camera equipment at the Sheriff's Office, and

WHEREAS, Linstar, Inc., shall provide on-site service and maintenance for the proximity and security camera equipment, including telephone support, emergency labor, parts and travel, for the Sheriff's Office for an amount of \$17,327.00, to be paid as invoiced, 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 Linstar, Inc., for the provision of the above-described services, for a term commencing April 1, 2014 and terminating March 31, 2015, 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 Public Safety Committee.

Adopted March 12, 2014 by voice vote.

**ACT NO. 140-2014** by Ms. Edstrom and Mrs. Stockman  
*and Ms. Vickman and Mr. Lamberson<sup>1</sup>*

**APPROVING GRANT APPLICATION BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
MENTAL HEALTH ASSOCIATION IN CATTARAUGUS COUNTY, INC.  
FOR SUICIDE AWARENESS AND PREVENTION MINI-GRANT**

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

WHEREAS, the Department of Community Services is desirous of applying for a mini-grant to cover the costs related to increasing suicide awareness, education, prevention and postvention for all citizens throughout Cattaraugus County, especially collaboration with hospital emergency departments, primary care and pediatric offices for citizens of Cattaraugus County, focusing on the 18-25 year old population and middle-aged men and women, and

WHEREAS, funding in the amount of \$10,000.00 is available through Mental Health Association in New York State, Inc., 194 Washington Avenue, Suite 415, Albany, New York 12210-0439, for the provision of the aforementioned services, and

WHEREAS, this program is 100% funded through the Mental Health Association in New York State, Inc., with no cost to the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a grant application, between the Cattaraugus County Community Services Board and Mental Health Association in New York State, Inc., to signify the County's approval, in order to apply for the aforementioned funding, for a term commencing June 1, 2014 and terminating December 31, 2014, according to the above-described terms, and be it further

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

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

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

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

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

Adopted March 12, 2014 by voice vote.

**ACT NO. 141-2014** by Ms. Edstrom and Mrs. Stockman  
and Ms. Vickman<sup>1</sup>

**APPROVING CONTRACTS BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD  
AND VARIOUS SCHOOL DISTRICTS FOR  
MENTAL HEALTH SOCIAL WORKER SERVICES**

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

WHEREAS, Act 406-2012 authorized contracts with various school districts for the provision of mental health services, the terms of which expired December 31, 2013, and

WHEREAS, the County Department of Community Services is desirous of continuing the placement of a social worker in each of the school districts listed below, and

WHEREAS, contracts with the following school districts, outlining the mental health services to be provided by the County's staff social worker, are necessary:

Pioneer Central School District P.O. Box 639 Yorkshire, New York 14173	No Cost
--	---------

Gowanda Central School District 10674 Prospect Street Gowanda, New York 14070	No Cost
---	---------

Franklinville Central School District North Main Street Franklinville, New York 14737,	\$5,000.00 per year
--	---------------------

and

WHEREAS, Pioneer Central School District and Gowanda Central School District shall provide an office, a family meeting room, a phone line and furniture, as well as a family support staff to work in conjunction with the County staff to meet the needs of families, and special equipment for the County's staff social worker at no cost to the County, and

WHEREAS, Franklinville Central School District shall contribute an amount of \$5,000.00 per year and provide an office, a family meeting room, a phone line and furniture for the County's staff social worker at no cost to the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contracts, between the Cattaraugus County Community Services Board and the above-listed school districts, to signify the County's approval, for the provision of the above-described services, for a term commencing January 1, 2014 and terminating December 31, 2015, according to the above-described terms.

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

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

Adopted March 12, 2014 by voice vote.

**ACT NO. 142-2014** by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH VARIOUS ENTITIES FOR  
DEPARTMENT OF SOCIAL SERVICES DAY CARE SERVICES AND RESCINDING ACT 89-2014**

Pursuant to Sections 410 and 410-a of the Social Services Law and  
Section 450 of the County Law.

WHEREAS, Act 90-2013 authorized contracts with various entities for the provision of Child Care Block Grant day care services to eligible recipients of Cattaraugus County, the terms of which expired December 31, 2013, and

WHEREAS, the County Department of Social Services is desirous of renewing the contracts for the provision of day care services to eligible recipients, in accordance with the following revised rate schedule:

**CATTARAUGUS COUNTY- WEEKLY MARKET RATES**

Effective October 1, 2011

Age of Child:	<u>Under 1½</u>	<u>1½ - 2</u>	<u>3 - 5</u>	<u>6 - 12</u>
<b>DAY CARE CENTER</b>				
Weekly	\$190.00	\$180.00	\$170.00	\$160.00
Daily	42.00	40.00	38.00	35.00
Part-Day	28.00	27.00	25.00	23.00
Hourly	6.75	6.75	6.25	6.25
<b>SCHOOL AGE CHILD CARE</b>				
Weekly	\$0	\$0	\$0	\$160.00
Daily	0	0	0	35.00
Part-Day	0	0	0	23.00
Hourly	0	0	0	6.25

and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with various entities for the provision of the above-described day care 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, and be it further

RESOLVED, that Act 89-2014 be, and hereby is, rescinded.

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

Adopted March 12, 2014 by voice vote.

**ACT NO. 143-2014** by Mr. Marsh  
and Mr. Koch<sup>1</sup>

**SUPPORTING STATEWIDE INDIGENT DEFENSE LEGAL SYSTEM AND  
SETTLEMENT OF HURRELL-HARRING, ET AL. V. STATE OF NEW YORK**

Pursuant to Section 153 of the County Law.

WHEREAS, in 1963 the United States Supreme Court held in *Gideon v. Wainwright* that the right to counsel for one charged with crime is fundamental and that states need to supply lawyers for those unable to afford them, and

WHEREAS, in 1965 the State of New York delegated this state responsibility to the counties, and

WHEREAS, the decision to entrench responsibility at the county level in the State of New York has resulted in the inefficient patchwork of services provided at the county level which are deficient, and

WHEREAS, implementation of the Constitutional right to counsel under *Gideon* is a state, not county, obligation, and

WHEREAS, public defense services are inadequately financed by the State of New York, and

WHEREAS, in 2006 the Kaye Commission on the Future of Indigent Defense Services declared the New York State System of County-Delivered Indigent Services in crisis and urged the expeditious establishment of an Independent Public Defense Commission overseeing a state-funded, statewide defender system, and

WHEREAS, the State of New York is now a defendant in Hurrell-Harring, et. al. v. State of New York, a systemic lawsuit similar to many that have been successful across the country seeking to transform the indigent defense system into a statewide defender system, and

WHEREAS, Governor Cuomo is in a position to be a powerful, persuasive, and moving voice for the creation of a statewide defender system, and

WHEREAS, Governor Cuomo can fix the public defense system, incrementally develop a state funded model for the nation, design a cost-effective way to finance that system over time, and relieve counties of a responsibility originally delegated to them in 1965, now, therefore, be it

RESOLVED that the Cattaraugus County Legislature hereby supports the transformation of the current County-provided indigent defense system into a New York statewide defender system and calls upon the State of New York and Governor Cuomo to settle the pending litigation of Hurrell-Harring, et. al. v. State of New York, and be it further

RESOLVED that this resolution be forwarded to Governor Cuomo, Senator Young, Assembly Member Giglio, New York State Defenders' Association, New York State Office of Indigent Legal Services, New York State Association of Counties, and all counties in New York State.

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

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

Adopted March 12, 2014 by voice vote.

**ACT NO. 144-2014** by Mr. Weller and Mr. Koch  
who ask immediate consideration

**BID ACCEPTANCE FOR ROOF REPLACEMENT PROJECT AND  
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS  
(Department of Public Works – Department of Nursing Homes)**

Pursuant to Section 103 of the General Municipal Law and  
Section 215 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the Roof Replacement Project at the Pines Healthcare and Rehabilitation Center-Olean Campus, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications was the bid of Sony NY Management Construction Corp., 1954 Paulding Avenue, Bronx, New York 10462, for an amount of \$955,000.00, to be paid as invoiced and approved by the Department of Public Works, and

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

RESOLVED, that the bid of Sony NY Management Construction Corp. be, and the same hereby is, accepted, for a term commencing Upon Notice to Proceed with total project completion by September 30, 2014, 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, and be it further

RESOLVED, that the County Administrator is hereby directed to appropriate from The Pines-Olean Unreserved Fund Balance Account EF.909.000, as follows:

Increase Appropriation Account:

EF.453.4530.1211.20002	Roof Replacement	\$955,000.00
------------------------	------------------	--------------

No State Bid.

Fourteen sets of specifications were sent out.

Six bids were received meeting specifications.

MS. VICKMAN moved, seconded by Mr. Boser to waive Rule 12. Carried.

Adopted March 12, 2014 by voice vote.

**ACT NO. 145-2014** by Mr. Snyder, Sr.  
who asks immediate consideration

**REPEALING CERTAIN BOND AUTHORIZATIONS**

Pursuant to Section 41.00 of the Local Finance Law.

WHEREAS, it is the desire of the Cattaraugus County Legislature to repeal the authorization for certain bonds or purposes, and



WHEREAS, Act 490-2013 authorized the Cattaraugus County Legislature to fund the projects or purposes with Casino funds, now, therefore, be it

RESOLVED, by the Cattaraugus County Legislature, as follows:

In accordance with Section 41.00 of the Local Finance Law, the County Legislature of the County of Cattaraugus, New York, hereby repeals the following serial bond authorizations:

- (a) \$765,000.00 of the \$2,255,000.00 serial bond authorized by Bond Resolution dated December 12, 2012 (Act No. 658-2012) to fund bridge improvements, including retaining walls, drainage, landscaping and incidental costs and improvements, which has not been issued or expended;
- (b) the \$269,500.00 serial bond authorized by Bond Resolution dated December 12, 2012 (Act No. 659-2012) to fund watershed improvements, which has not been issued or expended; and
- (c) the \$600,000.00 serial bond authorized by Bond Resolution dated December 12, 2012 (Act No. 662-2012) to pay costs related to the installation of a new public safety communications system, which has not been issued or expended,

and be it further

RESOLVED, that this resolution shall take effect immediately.

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

CHAIRMAN MARSH requested a Roll Call vote which disclosed as follows:

Ayes: Boser 1.0267, Edwards 0.9684, Felton 1.0972, Hale 1.0655, Klancer 1.1005, Koch 0.8685, Labuhn 0.8685, Lamberson 1.0267, McElfresh 0.8673, Murphy 1.1005, Padlo 0.8673, Snyder, Jr. 1.0655, Teachman 0.8673, VanRensselaer 1.1278, Vickman 1.0972, Weller 1.0972, Marsh 1.1278 – 17.2399.

Nays: none.

Mr. Snyder, Sr., was absent from the floor for the vote.

Act No. 145-2014, having received a 2/3 majority vote by the Legislature, was declared Adopted.

**ACT NO. 146-2014** by Ms. Edstrom and Mrs. Stockman  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
KENNETH W. DAHLGREN, JR. FOR HEALTH DEPARTMENT  
CLEAN INDOOR AIR ACT COMPLIANCE CHECKS**

Pursuant to Article 13-F of the Public Health Law,  
Section 1399-hh(3) of the Public Health Law and  
Section 450 of the County Law.

WHEREAS, Act 338-2013 authorized a contract with WELCO, LKA, Inc., 1869 Camp Street Ext., Jamestown, New York 14701, for the provision of Clean Indoor Air Act compliance checks on bars and restaurants within Cattaraugus County, the term of which will expire March 30, 2014, and

WHEREAS, the County Health Department is desirous of continuing the aforementioned services for bars only, unless a complaint is received on a facility that is not a bar, and

WHEREAS, Kenneth W. Dahlgren, Jr., 291 Wiltsie Road, Frewsburg, New York 14738, has agreed to perform the aforementioned compliance checks on bars, at sites to be determined by the Cattaraugus County Board of Health, for an amount of \$50.00 per site, to be paid as invoiced and approved by the Health Department, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Kenneth W. Dahlgren, Jr., for the provision of the above-described services, for a term commencing March 31, 2014 and terminating March 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.

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

Adopted March 12, 2014 by voice vote.

Mr. Snyder, Sr., returned to the floor of the Legislature.

**ACT NO. 147-2014** by Ms. Edstrom and Mrs. Stockman  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
NEW YORK STATE DEPARTMENT OF HEALTH FOR ADOLESCENT TOBACCO  
USE PREVENTION ACT ENFORCEMENT PROGRAM  
(Department of Health)**

Pursuant to Article 13-F of the Public Health Law and  
Section 450 of the County Law.

WHEREAS, Act 323-2013 authorized a contract with New York State Department of Health for a youth tobacco enforcement and preventive work plan to reduce the use and accessibility of tobacco to youths under 18 years of age, the term of which will expire March 31, 2014, and

WHEREAS, funding is available in the amount of \$30,761.00 through the New York State Department of Health under the Center for Environmental Health, Bureau of Community Sanitation and Food Protection, Flanigan Square, 547 River Street, Room 515, Troy, New York 12180-2216, for an Adolescent Tobacco Use Prevention Act Enforcement Program for the 2014-2015 program year, and

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

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the New York State Department of Health for the aforementioned program funding, for a term commencing April 1, 2014 and terminating March 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.

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

Adopted March 12, 2014 by voice vote. Mr. McElfresh voting No.

**ACT NO. 148-2014** by Mr. Teachman and Mr. Padlo  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH  
NEW YORK STATE BOARD OF ELECTIONS FOR  
HELP AMERICA VOTE ACT (HAVA) SHOEBOX PROGRAM FUNDS REIMBURSEMENT**

Pursuant to 42 USCS 15421, Sections 10 and 16 of the Laws of 2005 and  
Section 450 of the County Law.

WHEREAS, Act 166-2013 authorized a contract with the New York State Board of Elections in order to receive reimbursement through the Help America Vote Act (HAVA) Shoebox program, the term of which expires March 31, 2014, and

WHEREAS, it is necessary to extend the term of the aforementioned contract to March 31, 2016, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with the New York State Board of Elections, in order to continue to receive the aforementioned Shoebox program funding, for a term commencing April 1, 2004 and terminating March 31, 2016, according to the above-described terms.

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

Adopted March 12, 2014 by voice vote.

**ACT NO. 149-2014** by Mr. Edwards and Mr. Lamberson  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
HARBIDGE CONSULTING GROUP, LLC FOR  
GASB 45 ACTUARIAL, CONSULTING AND  
ADMINISTRATIVE SERVICES**

Pursuant to Section 1860D-22 of the Social Security Act,  
42 CFR Section 423.880, 42 USC Section 1395w-101 and  
Section 450 of the County Law.

WHEREAS, Act 605-2012 authorized a contract with EBS Benefit Solutions, Inc., for the provision of GASB 45 actuarial services for the Cattaraugus County Health Plan, the term of which expired May 1, 2013, and

WHEREAS, Harbridge Consulting Group, LLC, 1387 Fairport Road, Building 700-Suite 720, Fairport, New York 14450, acquired the actuarial department of EBS-RMSCO, Inc., effective January 2, 2014, and

WHEREAS, the County is desirous of obtaining actuarial, consulting and administrative services for postretirement medical benefits valuations for the fiscal year ending December 31, 2013, and

WHEREAS, Harbridge Consulting Group, LLC, can provide the aforementioned services for fiscal year ending December 31, 2013, for an amount of \$7,500.00, to be paid in two installments of \$3,750.00 each, 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 Harbridge Consulting Group, LLC, for the provision of the actuarial, consulting and administrative services for postretirement medical benefits valuations services, for a term commencing January 1, 2014 and terminating May 1, 2014, according to the above-described terms.

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

Adopted March 12, 2014 by voice vote.

**ACT NO. 150-2014** by Mr. Marsh  
*and Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Klancer, Mr. McElfresh,  
Mr. Murphy, Mr. Snyder, Jr., Mr. Snyder, Sr., Mr. Teachman,  
Mr. VanRensselaer, Ms. Vickman, Mr. Weller, Mr. Boser,  
Mr. Koch, Mrs. Labuhn, Mr. Lamberson and Mr. Padlo<sup>1</sup>*  
who ask immediate consideration

**RESOLUTION OFFERING AN ALTERNATIVE TO THE PROPERTY TAX FREEZE THAT  
WILL LEAD TO PERMANENT AND HISTORIC PROPERTY TAX REDUCTIONS BY  
ELIMINATING THE COST OF STATE MANDATED SPENDING  
IMPOSED ON COUNTY PROPERTY TAXPAYERS**

Pursuant to Section 153 of the County Law.

WHEREAS, the Governor and State Legislature have prioritized property tax relief as necessary to help improve New York's economic competitiveness especially in struggling upstate areas where the high property tax burden has contributed to a loss of economic opportunity, industrial and business decline, and flat or negative population growth over the last two decades, and

WHEREAS, the Governor has proposed a two (2) year property tax freeze in these same economically burdened areas, that includes a state financed rebate for any increase in property taxes in municipalities that stay within the state imposed property tax cap over the next two years, while also pursuing shared services or consolidation of functions with other local governments in the second year, and

WHEREAS, the proposed property tax freeze would create a new layer of tax bureaucracy and procedures with unknown costs to the taxpayers, which have not been adequately analyzed, calculated, and publicly discussed, and

WHEREAS, county government has been a strong proponent of increasing cooperation, sharing services and consolidating major governmental functions across multiple jurisdictions as highlighted in the 2013 Cornell University study, "Shared Services in New York: A Reform That Works", and

WHEREAS, recent law changes enacted by the Governor and State Legislature to cap the growth in county Medicaid costs and the creation of another pension tier will help reduce pressure on future county property tax levy growth, especially in 2020 and beyond, and

WHEREAS, county elected leaders strongly support meaningful state and county efforts to lower the property tax burden for homeowners and businesses across the state, and

WHEREAS, the levying of county property taxes is directly linked to state mandated spending as county governments act as the state's administrative arm through the delivery and financing of state programs, and

WHEREAS, county officials believe the best way to improve New York's economic climate and competitiveness is to reduce property taxes through fundamental reform of state mandates that directly impacts the causes of high property taxes and not simply the symptoms (not just slow the rate of growth), and

WHEREAS, recognizing the need for property tax relief consistent with the call for realignment of responsibilities between governments and aligning the cost of the state's human services programs with the government obligated to provide them will result in a historic and sustainable reduction in county property taxes and a more appropriate and equitable distribution of the cost of the state's human services programs, and

WHEREAS, the cost of paying for the state Medicaid program in a typical county (outside of New York City) equals about one half of the county property tax levy, and

WHEREAS, the benefits, scope and ultimate cost of Medicaid has been set and controlled by the State for nearly 50 years, but not fully financed with state resources, therefore transferring a significant cost burden to local property tax payers that contributes greatly to the disparity between property taxes in New York State and those in other states, and

WHEREAS, New York City tax payers also dedicate a large amount of locally raised non-property taxes to support the State Medicaid program, now, therefore, be it

RESOLVED, that counties find no quantifiable evidence that the property tax freeze would result in significant property tax relief, while a phased state takeover of the costs of its own mandated human services, starting with Medicaid, would provide immediate, permanent and measurable property tax reduction, and be it further

RESOLVED, that the state should also provide fiscal relief to New York City for a portion of the local taxes they commit to state mandated programs, and be it further

RESOLVED, that copies of this resolution be sent to the sixty-two counties of New York State encouraging member counties to enact similar resolutions, and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to Governor Cuomo, Senator Catherine Young, Assemblyman Joseph Giglio, Cattaraugus County Towns and Villages, and all others deemed necessary and proper.

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

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

Adopted March 12, 2014 by voice vote.

**ACT NO. 151-2014** by Mr. Weller and Mr. Koch  
who ask immediate consideration

**REJECTING CERTAIN DEPARTMENT OF PUBLIC WORKS BIDS FOR  
2014 ROAD STRIPING  
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law.

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

WHEREAS, the bids received for the aforementioned services, which were opened on March 5, 2014, should be rejected and rebid due to the price exceeding the amount budgeted, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby rejects the bids received for road striping, which were opened on March 5, 2014, and hereby authorizes the services to be rebid.

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

Adopted March 12, 2014 by voice vote.

**ACT NO. 152-2014** by Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. McElfresh, Mr. Murphy, Mr. Snyder, Sr., Mr. Teachman, Mr. VanRensselaer, Ms. Vickman, Mr. Weller, Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson and Mr. Padlo who ask immediate consideration

**CREATING ONE (1) POSITION OF NURSE SUPERVISOR, ONE (1) POSITION OF REGISTERED NURSE, TWO (2) POSITIONS OF CORRECTION SERGEANT AND ONE (1) POSITION OF CORRECTION OFFICER ALL TO BE FILLED ON A FULL-TIME BASIS IN THE OFFICE OF THE SHERIFF AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS  
(Office of the Sheriff)**

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

WHEREAS, the Sheriff's Office is requesting additional staff to operate the jail facility, and

WHEREAS, the Vacancy Committee, Public Safety Committee and Finance Committee have all previously approved the creation of the following positions: one (1) Nurse Supervisor, one (1) Registered Nurse, two (2) Correction Sergeants and one (1) Correction Officer, all to be filled on a full-time basis, and

WHEREAS, the New Position Duties Statements have been submitted to the Cattaraugus County Civil Service Commission, which has approved the titles included herein in accordance with Civil Service Law Section 22, and

WHEREAS, sufficient funds exist within the current budget to cover the costs of these positions, however, various appropriation accounts must be adjusted, now, therefore, be it

RESOLVED, that effective immediately, there is hereby created the following positions within the Office of the Sheriff:

<u>TITLE</u>	<u>POSITION NO.</u>	<u>UNIT</u>	<u>SALARY PAY GRADE</u>
Nurse Supervisor	311-224-001	Corrections Supervisory	28 (\$28.80-\$32.30/hr., 35 hr./wk.)
Registered Nurse	311-280-006	Sheriffs' Employee	26 (\$24.16-\$26.92/hr.)
Correction Sergeant	311-068-007	Corrections Supervisory	25 (\$24.17-\$26.74/hr.)
Correction Sergeant	311-068-008	Corrections Supervisory	25 (\$24.17-\$26.74/hr.)
Correction Officer	311-067-058	Sheriffs' Employee	23 (\$18.77-\$20.88/hr.)

and be it further

RESOLVED, that the County Administrator is hereby directed to appropriate from Fund Balance Account No. A.909.0000 and make the following budgetary changes:

Increase Appropriation Accounts:

A.311.3150.0000.11000	Full Time Wages	\$190,189.00
A.311.3150.0000.81000	FICA	\$ 14,550.00
A.311.3150.0000.82000	Retirement	\$ 33,559.00
A.311.3150.0000.83000	Health Insurance	\$ 66,917.00
A.311.3150.0000.84000	Dental Insurance	\$ 567.00.

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

Adopted March 12, 2014 by voice vote. Mr. Snyder, Jr., voting No.

**ACT NO. 153-2014** by Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. McElfresh, Mr. Murphy, Mr. Snyder, Jr., Mr. Snyder, Sr., Mr. Teachman, Mr. VanRensselaer, Ms. Vickman, Mr. Weller, Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson and Mr. Padlo who ask immediate consideration

**LOCAL LAW NUMBER 1- 2014**  
**COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW AUTHORIZING CORRECTIONS OFFICERS EMPLOYED BY THE  
COUNTY OF CATTARAUGUS TO RESIDE IN CATTARAUGUS COUNTY OR  
ANY ADJOINING COUNTY WITHIN NEW YORK STATE**

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

Section 1. Intent. It is the intent of this local law to authorize Corrections Officers, who are employed by the County of Cattaraugus, to reside in Cattaraugus County or any adjoining County within New York State.

Section 2. Residency of Corrections Officers. In the County of Cattaraugus, the provisions of Section 3 of the New York State Public Officers Law requiring a person to be a resident of the political subdivision or municipal corporation of the State for which such person shall be chosen or within which such person's official functions are required to be exercised, shall not prevent a person from holding the office of Corrections Officer in Cattaraugus County, provided, however, that such person performing the duties and functions of Corrections Officer resides in Cattaraugus County or any adjoining county with New York State, unless otherwise provided by an act of the State Legislature.

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 immediately upon filing with the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

No action taken at this time.

**ACT NO. 154-2014** by Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Klancer, Mr. Marsh,  
Mr. McElfresh, Mr. Murphy, Mr. Snyder, Jr., Mr. Snyder, Sr., Mr. Teachman,  
Mr. VanRensselaer, Ms. Vickman, Mr. Weller, Mr. Boser, Mr. Koch,  
Mrs. Labuhn, Mr. Lamberson and Mr. Padlo  
who ask immediate consideration

**AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 1- 2014**

Pursuant to Section 10 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on March 12, 2014, a proposed Local Law entitled, "A Local Law Authorizing Corrections Officers Employed by the County of Cattaraugus to Reside in Cattaraugus County or any Adjoining County Within New York State", 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 (5) 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 26<sup>th</sup> day of March, 2014, at 3:01 p.m. at the Legislature's Chambers, County Center, 303 Court Street, Little Valley, New York, and that at least five (5) 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. EDWARDS moved, seconded by Mr. Lamberson to waive Rule 12. Carried.

Adopted March 12, 2014 by voice vote.

MR. KLANCER moved, seconded by Mr. Lamberson to adjourn until March 26, 2014 at 3:00 p.m. Carried.

Meeting adjourned at 4:06 p.m.

Ann M. Giglio  
Journal Clerk