

January 28, 2015

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

The invocation was given by Anthony Evans.

The Attendance Roll Call disclosed one Legislator absent – Lamberson.

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MR. WELLER moved, seconded by Mr. Teachman that the minutes of the January 7, 2015 session be approved. Carried.

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COMMUNICATIONS:

Chemung County Legislature: Resolution No. 15-062 entitled, “Resolution Calling on the State of New York to Develop a 100% State-Funded Indigent Legal Defense System as a Way to Provide Mandate Relief and Lower Property Taxes”.

Family of Helen Philbrick: Thank you note from Norm and Charlyn Marsh to the legislators for their donation to the Little Valley Memorial Library in her memory.

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APPOINTMENTS:

CATTARAUGUS EMPIRE ZONE CORPORATION

One-year term to expire December 31, 2015

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

CRIMINAL JUSTICE ADVISORY COMMITTEE

Term to expire December 31, 2015

Francis Lounsbury, Justice
Town of Machias
9588 Maple Avenue
Machias, New York 14101
to fill unexpired term of Steward Hill

CATTARAUGUS COUNTY TRAFFIC SAFETY BOARD*Three-year terms to expire December 31, 2017*

Dan Hale
Cattaraugus County Legislator
P.O. Box 568
Portville, New York 14770

Joseph Pillittere
Public Works Commissioner
8810 Route 242
Little Valley, New York 14755

Brian Taber
Dayton Highway Superintendent
9100 Route 62
South Dayton, New York 14138

Timothy Whitcomb
Cattaraugus County Sheriff
301 Court Street
Little Valley, New York 14755

Thomas Windus
City of Olean Public Works Director
P.O. Box 668
Olean, New York 14760

Terms to expire December 31, 2016

Katie Ambuski
Cattaraugus County Safety Engineer
303 Court Street
Little Valley, New York 14755
to fill unexpired term of Dennis Brooks

Troy Westfall
Salamanca Police Department
225 Wildwood Avenue
Salamanca, New York 14779
to fill unexpired term of Paul Myers

FISH & WILDLIFE MANAGEMENT BOARD*Two-year term to expire December 31, 2016*

William Lindbergh
Federated Landowner
2100 Lyndon Road
Franklinville, New York 14737

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2015 Standing Committees Appointed By Chairman

* Chair
** Vice Chair

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

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

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

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

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

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

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

Human Services: *Edstrom, **Stockman, Vickman, Keller, 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: Boser

Extension Service: Padlo

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: Keller

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CHAIRMAN MARSH announced that the Legislature will be resolving into a Committee of the Whole to discuss the financial history of a particular person or corporation and to obtain legal advice from the County Attorney.

MR. PADLO moved, seconded by Ms. Edstrom to resolve the Legislature into a Committee of the Whole. Carried.

MRS. LABUHN moved, seconded by Ms. Vickman to adjourn into Executive Session for the purpose of discussing the financial history of a particular person or corporation and to obtain legal advice from the County Attorney. Carried.

MR. WELLER moved, seconded by Mr. Hale to adjourn out of Executive Session. Carried.

MR. TEACHMAN moved, seconded by Mr. Koch to resolve out of a Committee of the Whole and reconvene as a Legislature. Carried.

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ACT NO. 59-2015 by Mr. Marsh

APPOINTMENT TO INDUSTRIAL DEVELOPMENT AGENCY BOARD OF DIRECTORS

Pursuant to Section 856 of the General Municipal Law.

RESOLVED, that the following individual is hereby appointed to the Industrial Development Agency Board of Directors:

Michael Wimer
120 Main Street
Little Valley, New York 14755
(*replacing Salvatore Marranca, who resigned*).

Adopted January 28, 2015 by voice vote.

ACT NO. 60-2015 by Mr. Marsh

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, 2020:

Sondra Fox
1620 Gemini Drive
Olean, New York 14760.

Adopted January 28, 2015 by voice vote.

ACT NO. 61-2015 by Mr. Marsh

APPOINTMENT OF CORONER'S PHYSICIANS

Pursuant to Section 400 (4-b) of the County Law and Act 138-81.

RESOLVED, that the following individuals are appointed Coroner's Physicians for Cattaraugus County for two years with their terms to expire on December 31, 2016, at the salary which has heretofore, or may hereafter be established:

Brown, Timothy
2978 Route 394
Randolph, New York 14772

Mast, Dean
10208 Pigeon Valley Road
Cattaraugus, New York 14719

LaPoint, Scott F.
Erie County Medical Examiner's Office
501 Kensington Avenue
Buffalo, New York 14214

Yarid, Nicole A.
Erie County Medical Examiner's Office
501 Kensington Avenue
Buffalo, New York 14214

Loghmanee, Fazlollah
111 Lehn Springs Drive
Williamsville, New York 14221.

Adopted January 28, 2015 by voice vote.

ACT NO. 62-2015 by Mrs. Stockman, Mr. VanRensselaer and Ms. Vickman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COUNTY SOIL & WATER CONSERVATION DISTRICT FOR
CONEWANGO CREEK WATERSHED OPERATION & MAINTENANCE SERVICES**

Pursuant to Sections 299-m and 450 of the County Law.

WHEREAS, the County Department of Public Works is desirous of obtaining watershed maintenance services for the various sites on the Conewango Creek Watershed owned by Cattaraugus County, and

WHEREAS, the Cattaraugus County Soil & Water Conservation District, 8 Martha Street, P.O. Box 1765, Ellicottville, New York 14731, has agreed to provide the aforementioned operation and maintenance services for the year 2015 at an amount not to exceed \$5,000.00, and

WHEREAS, sufficient funds are included in Account No. CM.884.8735.0000.42033 of the 2015 budget of the Department of Public Works for the cost of the aforementioned watershed operation and maintenance 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 the Cattaraugus County Soil & Water Conservation District, for the provision of the above-described watershed operation and maintenance

services, for a term commencing January 1, 2015 and terminating December 31, 2015, according to the above-described terms.

Adopted January 28, 2015 by voice vote.

ACT NO. 63-2015 by Mr. Marsh

**AMENDING ACT 679-2014 AND AUTHORIZING SUBSTITUTION OF
INITIAL MEMBER OF THE BOARD OF DIRECTORS OF THE
CATTARAUGUS COUNTY LAND BANK CORPORATION (CCLBC), A NEW YORK LAND BANK**

Pursuant to Article 16 of the Not-For-Profit Corporation Law.

WHEREAS, Act 679-2014 authorized the creation of a land bank on behalf of the County of Cattaraugus, known as the Cattaraugus County Land Bank Corporation (CCLBC), a New York Land Bank, and

WHEREAS, it is necessary to amend the 4th Whereas paragraph of Act 679-2014 to make it clear that the CCLBC, rather than a municipality, will acquire, redevelop and improve tax delinquent, vacant or abandoned property, thereby providing a mechanism for municipalities to manage blighted properties and convert them to productive uses, and

WHEREAS, Act 679-2014 states that the Certificate of Incorporation for the CCLBC shall include the name and address of the initial Board of Directors, and

WHEREAS, the substitution of a member is necessary, now, therefore, be it

RESOLVED, that Act 679-2014 be, and hereby is, amended as follows: delete the 4th Whereas paragraph and replace with the following new 4th Whereas:

"Whereas, land banks acquire, redevelop and improve tax delinquent, vacant or abandoned property, thereby providing a mechanism for municipalities to manage blighted properties and convert them to productive uses, and",

and be it further

RESOLVED, that paragraph 11 of the Certificate of Incorporation is hereby amended as follows:

delete:

"James L. Boser, Minority Leader, Cattaraugus County Legislature
303 Court Street, Little Valley, NY 14755",

and replace with:

"Susan Labuhn, Minority Leader, Cattaraugus County Legislature
303 Court Street, Little Valley, NY 14755".

Adopted January 28, 2015 by voice vote.

ACT NO. 64-2015 by Mr. Marsh

**AUTHORIZING SUBSTITUTION OF INITIAL MEMBER OF THE
BOARD OF DIRECTORS OF THE CATTARAUGUS COUNTY
ECONOMIC SUSTAINABILITY AND GROWTH CORPORATION**

Pursuant to Article 16 of the Not-For-Profit Corporation Law.

WHEREAS, Act 680-2014 authorized the creation of the Cattaraugus County Economic Sustainability and Growth Corporation (CCESGC), and

WHEREAS, Act 680-2014 states that the Certificate of Incorporation for the CCLBC shall include the name and address of the initial Board of Directors, and

WHEREAS, the substitution of a member is necessary, now, therefore, be it

RESOLVED, that paragraph 7 of the Certificate of Incorporation is hereby amended as follows:

delete:

“James L. Boser, Minority Leader, Cattaraugus County Legislature
303 Court Street, Little Valley, NY 14755”,

and replace with:

“Susan Labuhn, Minority Leader, Cattaraugus County Legislature
303 Court Street, Little Valley, NY 14755”.

Adopted January 28, 2015 by voice vote.

ACT NO. 65-2015 by Ms. Edstrom, Mr. Snyder, Sr. and Mr. Weller
*and Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Klancer, Mr. Marsh,
Mr. Murphy, Mr. Snyder, Jr., Mrs. Stockman, Mr. Teachman,
Mr. VanRensselaer, Ms. Vickman, Mr. Boser, Mr. Koch,
Mrs. Labuhn, Mr. Padlo, Mr. Sprague and Mr. Keller¹*

**ABOLISHING EMPLOYEE POSITION VACANCY SPECIAL COMMITTEE AND
AMENDING CATTARAUGUS COUNTY POLICY ON FILLING EMPLOYEE POSITION VACANCIES**

Pursuant to Section 153 of the County Law.

WHEREAS, Act 67-2003 created the special committee for the filling of employee position vacancies in County departments, and

WHEREAS, Act 102-2010 adopted the policy on filling employee position vacancies, and

WHEREAS, it is proposed that the Employee Position Vacancy Special Committee be abolished and the policy on filling employee position vacancies be amended accordingly, now, therefore, be it

RESOLVED, that effective immediately, the Employee Position Vacancy Special Committee is hereby dissolved and abolished, and that the Legislative standing committees assume all duties necessary for the filling of employee position vacancies, and be it further

RESOLVED, that effective immediately, the Cattaraugus County Policy on Filling Employee Position Vacancies is hereby amended, and as amended, is hereby re-established as follows:

**CATTARAUGUS COUNTY POLICY ON FILLING
EMPLOYEE POSITION VACANCIES**

1. Filling Vacancies and Vacant Positions. For budgeted full-time or part-time authorized positions that are vacant, the procedure to fill the vacancy is as follows:

1.1 When the position is vacated for any reason, if the Department Head wishes to fill the vacancy, written justification for refilling such position shall be sent to the Human Resources Department on the designated form.

1.2 The Human Resources Director, or his/her designee, shall then log the position vacancy and hold it for the next meeting of the committee of the Legislature to which the Department reports, hereinafter called "the Committee". At such meeting, the Human Resources Director and the Department Head in whose department the vacancy exists shall submit the matter to the Committee for its consideration.

1.3 Prior to filling a vacant position, approval of the Committee and of the Finance Committee is required.

1.4 No temporary or substitute employees shall be employed without written authorization from the County Administrator.

2. Competitive Class.

2.1 When an eligible list exists:

2.1.1 Upon approval of the Committee and the Finance Committee, the Human Resources Department shall certify the eligible list to the requesting department.

2.1.2 The Department Head selects from the certification or transfer alternatives.

2.1.3 The Department Head then sends the certification or transfer selection and the Vacancy Replacement Request to the Human Resources Department.

2.2 If NO eligible list exists:

2.2.1 The Human Resources Department conducts recruitment efforts.

2.2.2 The Human Resources Director qualifies candidates/applicants.

2.2.3 The Department Head may appoint provisionally from qualified candidates/applicants.

2.2.4 The Department Head prepares and submits the Vacancy Replacement Request to the Human Resources Department.

3. Non-Competitive, Labor and Exempt Class.

3.1 All non-competitive, labor and exempt class positions must be budgeted and in accordance with the prevailing collective bargaining agreement. The procedure to be used is as follows:

- 3.1.1 The Department Head submits the Vacancy Replacement Request to the Human Resources Department. This is then reviewed by the Committee and a decision made.
- 3.1.2 The Committee then votes on the position.
- 3.1.3 The Human Resources Department posts the job vacancy for five (5) working days or as required by the appropriate Collective Bargaining Agreement.
- 3.1.4 Applications are sent to the Human Resources Department.
- 3.1.5 The Human Resources Director reviews the applications.
- 3.1.6 The Department Head selects from the approved applicants, pursuant to the provisions of the appropriate Collective Bargaining Agreement.

4. Part-Time Positions of Employment.

Those positions of employment normally allocated to the competitive class, may if included in the appendices be allocated to the non-competitive class, provided an individual appointed to any such position, or combination of employments in the civil division, does not work more than fifty percent of the time prescribed as the standard work year by the governing board or other appropriate authority of the civil division, or wherein the employee earns not more than one-half (1/2) of the annual rate assigned to the position during the course of the fiscal year of the civil division.

5. Status of Vacant Positions.

5.1 Any position left vacant for one (1) year will be eliminated January 1st of the following year after the vacancy occurred.

5.2 Any position not funded or filled for one (1) year shall be eliminated January 1st of the following year.

5.3 By the end of September prior to the time a vacant position will be eliminated, the effected Department Head shall be notified by the Human Resources Department of the title(s) to be eliminated pursuant to this policy.

5.4 Department Heads wishing to appeal the elimination of any position shall make such appeal to the Human Resources Director and the Labor Relations Committee by October 1st.

5.5 The decision of the County Operations Committee shall be for one (1) year and will not be reviewed the following year if the position is not reactivated.

6. New Positions.

6.1 All new positions:

- 6.1.1 Require the approval of the Committee.

- 6.1.2 The Department Head and the Human Resources Director shall submit a request to the County Administrator's Office and furnish the County Administrator with an impact statement as to the cost to fill that position.
- 6.1.3 Require that the policies and procedures addressed in other parts of these rules of order be followed.
- 6.1.4 Full Legislative Board approval is required to create and fund the position.
- 6.1.5 It is the responsibility of the Human Resources Director to carry these items forward and to make sure they go through the process in a timely manner.
- 6.1.6 The Human Resources Director shall notify the appropriate Department Head of meetings from beginning to end.

7. Emergencies. Special consideration will be given to positions that are emergency related, 100% State/Federally funded and part-time positions.

8. Definitions.

8.1 Emergency positions are defined as those jobs that are related to public safety, security, direct patient and client care, direct custody and care at the County Jail and certain other areas deemed to be essential by the Committee or the Legislature. Vacancies deemed to be emergency positions shall be filled in accordance with procedures established by the Human Resources Director, subject to the approval of the County Administrator and Chairman of the Legislature.

8.2 Part-time Employment means employment in a civil division in which an individual works less than the standard work week prescribed by the governing body or other appropriate authority of the civil division.

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

Adopted January 28, 2015 by voice vote.

ACT NO. 66-2015 by Mr. Marsh

**AMENDING RULE 13 OF THE
RULES OF ORDER OF THE COUNTY LEGISLATURE**

Pursuant to Rule 32 of the Rules of Order.

WHEREAS, Rule 13 of the Rules of Order should be amended as follows: Delete section "13.2.1 Employee Position Vacancy Committee" and renumber the remaining sections, now, therefore, be it

RESOLVED, that Rule 13 of the Rules of Order is hereby amended as stated above.

Adopted January 28, 2015 by voice vote.

ACT NO. 67-2015 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 74-2014 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, 2015, 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 2015 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, 2015 and terminating January 31, 2016, according to the above-described terms.

Adopted January 28, 2015 by voice vote.

ACT NO. 68-2015 by Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CALLAHAN VENDING, LLC FOR VENDING MACHINE/FRESH FOOD
VENDING SERVICE FOR PINES HEALTHCARE AND REHABILITATION
CENTERS AND OLEAN OFFICE FACILITY**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 197-2011 authorized a contract with Hamed Vending, Inc., for the provision of vending machine/fresh food vending services for the Olean Office Facility and The Pines Healthcare and Rehabilitation Centers – Machias and Olean Campuses, the term of which expires May 31, 2017, and

WHEREAS, Hamed Vending, Inc., d/b/a Hamed Vending & Amusement, has sold its vending business to Callahan Vending, LLC, effective November 1, 2014, and

WHEREAS, the contract between Hamed Vending, Inc. and the County has been assigned to Callahan Vending, LLC, and

WHEREAS, Callahan Vending, LLC, 710 Keating Avenue, Olean, New York 14760, can provide vending machine/fresh food vending services for the Olean Office Facility and The Pines Healthcare and Rehabilitation Centers – Machias and Olean Campuses, at the same terms, conditions and rates as contained in the contract with Hamed Vending, Inc., 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 Callahan Vending, LLC, for the provision of the above-described vending services, for a term commencing November 1, 2014 and terminating May 31, 2017, according to the above-described terms.

Adopted January 28, 2015 by voice vote.

ACT NO. 69-2015 by Mr. Marsh

**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 146-2014 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, 2015, 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, not to exceed \$6,250.00, 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, 2015 and terminating March 31, 2016, 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 28, 2015 by voice vote.

ACT NO. 70-2015 by Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
STACEY LYNN GIARDINI, MS CCC-SLP FOR
HEALTH DEPARTMENT SPEECH THERAPY SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Health Department is in need of speech therapy services for the County Health Department home health care program, and

WHEREAS, Stacey Lynn Giardini, MS CCC-SLP, 3828 Union Valley Road, Olean, New York 14760, can provide speech therapy services as an independent contractor for home health care patients in accordance with a physician's orders, the patient's plan of care, and/or patient availability, for an amount of \$72.83 all inclusive per visit, to be paid as invoiced, and

WHEREAS, in the event Stacey Lynn Giardini refuses any case, then the rate will revert to \$68.00 all inclusive per visit for the remainder of the year, and

WHEREAS, the aforementioned services shall be performed at the patient's home at a mutually agreed upon schedule between Stacey Lynn Giardini, MS CCC-SLP, and the patient, but in all cases Stacey Lynn Giardini must adhere to the established Plan of Care for each patient, 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 Stacey Lynn Giardini, MS CCC-SLP, for the provision of the above-described services, for a term commencing March 1, 2015 and terminating December 31, 2015, according to the above-described terms, and be it further

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

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

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

Adopted January 28, 2015 by voice vote.

ACT NO. 71-2015 by Mr. Marsh

**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 71-2014 authorized a contract with Sound Actuarial Consulting, LLC, 403 East Main Street, Port Jefferson Village, New York 11777, for the provision of actuarial services for the

County's self-insurance workers' compensation program, the term of which expired December 31, 2014, and

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

WHEREAS, Sound Actuarial Consulting has agreed to provide the aforementioned actuarial services for an amount of \$15,300.00, which is a 2% increase over 2014 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, 2015 and terminating December 31, 2015, according to the above-described terms.

Adopted January 28, 2015 by voice vote.

ACT NO. 72-2015 by Mr. Marsh

**APPROVING CONTRACT BETWEEN
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND
ACCUMEDIC COMPUTER SYSTEMS, INC. FOR
DEPARTMENT OF COMMUNITY SERVICES ACCUMED SOFTWARE SYSTEM**

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

WHEREAS, Act 224-2013 authorized a contract with Accumedic Computer Systems, Inc., for the provision of the AccuMed Software System, including licenses for the AccuMed System, the Scheduler and Patient Accounts modules and training, and

WHEREAS, the Department of Community Services is desirous of purchasing the EMR module of Accumedic, which is the current scheduling and billing software, and related requirements, training and thirty-four (34) additional concurrent licenses (which will take the place of the existing 51 Quic Doc licenses), in order to be compliant with the NYS Department of Health Electronic Prescribing regulations, and

WHEREAS, the Department of Community Services is also desirous of continuing the annual customer support and maintenance for the aforementioned software system, and

WHEREAS, Accumedic Computer Systems, Inc., 11 Grace Avenue, Suite 401, Great Neck, New York 11021, can provide the EMR software module of Accumedic and related requirements, training and thirty-four (34) additional concurrent licenses for an amount of \$73,417.00, plus continued customer support, maintenance and support fees for the AccuMed Software System at a pro-rated amount of \$10,720.00 through January 31, 2016, for a total contract amount of \$84,137.00, to be paid as invoiced, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned module and 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 Accumedic Computer Systems, Inc., to signify the County's approval, for the provision of the above-described software, customer support, maintenance and support fees, for a term commencing February 1, 2015,

continuing in full force and effect until terminated by either party, according to the above-described terms.

Adopted January 28, 2015 by voice vote.

ACT NO. 73-2015 by Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ERIE COUNTY FOR MEDICAL EXAMINER OFFICE SERVICES**

Pursuant to Section 119-o of the General Municipal Law and
Sections 450, 673 and 674 of the County Law.

WHEREAS, Act 529-2011 authorized a contract with Erie County for medical examiner office services, including toxicology, the term of which expired December 31, 2014, and

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

WHEREAS, the Erie County Medical Examiner's Office shall provide autopsies, including toxicology services, for Cattaraugus County in accordance with the following fee schedule:

- guarantee up to 15 cases per year, as follows:

2015	\$2,015.71/case - lump sum amount	\$30,235.65
2016	\$2,015.71/case - lump sum amount	\$30,235.65
2017	\$2,056.00/case - lump sum amount	\$30,840.00
Record Review		\$ 250.00
Autopsy on inmate		\$ 3,000.00

 - above 15 cases per year, as follows:

<u>2015</u>		
External Exam	\$1,687.00	
Partial Autopsy	\$2,243.00	
Full Autopsy	\$2,652.00	
<u>2016</u>		
External Exam	\$1,687.00	
Partial Autopsy	\$2,243.00	
Full Autopsy	\$2,652.00	
<u>2017</u>		
External Exam	\$1,720.00	
Partial Autopsy	\$2,287.00	
Full Autopsy	\$2,705.00	

 - Failure to remove personal property
 - Failure to provide investigation information
 - Dental Identification
- | |
|--------------------------------|
| \$100.00 property removal fee |
| \$150.00 investigation fee |
| \$150.00 per case, when needed |

- Court Testimony will be billed at the following rates:

Criminal/Consultation	\$250.00 per hour
Clerical Staff Time	\$ 50.00 per hour
Travel Expenses	\$250.00 per hour
- Examination of Non-Human Remains (bones) \$150.00 per case
- Additional Costs: (when needed, will be billed to the County):

Limited consult (1-8 hours)	\$200.00
Comprehensive consult (8+ hours)	\$600.00

and

WHEREAS, a new contract reflecting the revised fee schedule is necessary, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the County of Erie, for the provision of the above-described medical examiner services, for a term commencing January 1, 2015 and terminating December 31, 2017, according to the above-described terms.

Adopted January 28, 2015 by voice vote.

ACT NO. 74-2015 by Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT
WITH OLEAN GENERAL HOSPITAL FOR
POST-MORTEM FACILITY AND SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 138-1993, as amended by Act 547-1996, authorized a contract with Olean General Hospital, 515 Main Street, Olean, New York 14760, for the utilization of its facility for the performance of post-mortem analysis, as authorized by the Cattaraugus County Coroners, and

WHEREAS, the rates for the use of the Olean General Hospital as a post-mortem facility and various post-mortem services, including the services of outside pathologists have increased, and

WHEREAS, the Olean General Hospital has agreed to allow outside pathologists to use its facilities, equipment, instruments, supplies for tissue samples, protective clothing and a deaner (Technical Assistant) for an amount based on the following rate schedule:

Use of Facility	\$ 350.00
Deaner (Technical Assistant)	\$ 250.00
Pathologist Services	\$1,000.00 per autopsy
Fee for Signing Death Certificate – No Autopsy	\$ 200.00

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 an amended contract, on behalf of Cattaraugus County, with the Olean General Hospital, for the provision of the above-described services, for a term commencing January 1, 2015 to continue in full

force and effect until terminated or amended by either party hereto, according to the above-described terms.

Adopted January 28, 2015 by voice vote.

ACT NO. 75-2015 by Mr. Marsh

**RE-EXPRESSING INTENT TO ABANDON OLD ROUTE 219 BRIDGE OVER CATTARAUGUS CREEK
IF NEW YORK STATE DISCONTINUES MAINTENANCE OF SAME**

Pursuant to Section 153 of the County Law and
Section 62 of the Highway Law.

WHEREAS, in 2011, Cattaraugus and Erie Counties (hereinafter "the Counties") were notified by the New York State Department of Transportation ("NYSDOT"), that the State intended to transfer maintenance responsibility for a 652 foot long high-level bridge along the former section of U.S. Route 219 which traverses Cattaraugus Creek, a/k/a Zoar Valley, identified as BIN 1041590 (hereinafter "the bridge"), to the Counties pursuant to Section 62 of the New York State Highway Law, which authorizes NYSDOT to transfer maintenance responsibility for duplicate routes to counties and other municipalities, and

WHEREAS, Highway Law Section 62, prior to 1965, authorized the State to turn over to a county, village or town, a discontinued State road only if it had originally been a local road before becoming part of the State highway system, and

WHEREAS, in 1965, Highway Law Section 62 was amended to authorize the State Commissioner of Transportation ("Commissioner") to transfer maintenance responsibilities for discontinued State highways and bridges to counties even in instances where the road was originally a State highway and not part of a county highway system, but such amendment also authorized the Commissioner to continue to maintain duplicate sections of highway, including bridges, with the approval of the State Budget Director, and

WHEREAS, the bridge was originally constructed in 1956 as part of a State highway and was never previously part of a County road system on either side of Cattaraugus Creek, and

WHEREAS, after the 2009 biennial state inspection, the bridge was rated as "structurally deficient", and

WHEREAS, by Act 523-2007, the Cattaraugus County Legislature ("the Legislature") requested that the Commissioner retain maintenance responsibility for the bridge, and

WHEREAS, by letter dated December 28, 2007, NYSDOT reiterated the State's determination that it would transfer maintenance responsibility for the referenced section of road, including the bridge, upon completion of the state's new four-lane expressway through the area, even though they were and are fully aware of the devastating effects of their proposed action upon the two counties involved, both of which are suffering extreme financial hardship due primarily to the unfunded or underfunded state-mandated programs they are forced to administer, and

WHEREAS, in November 2010, NYSDOT completed and opened the portion of its four-lane expressway from Springville in Erie County running south across Cattaraugus Creek (Zoar Valley) to Peters Road in Cattaraugus County, thereby rendering the old 2.57 mile stretch of Rt. 219, including the old bridge, a duplicate route and subject to the process established by Highway Law Section 62, and

WHEREAS, by Act 86-2011, adopted on February 9, 2011, this Legislature resolved, in the event that the Governor and the Commissioner of Transportation continued the State's unjustified

position that the expense of future maintenance of the bridge should be passed to the Counties, then and in that event, and solely for the purpose of avoiding the burdensome cost of such future maintenance, the Legislature would declare that the bridge is useless and no longer necessary for public convenience and welfare, and direct the Commissioner of Public Works to enter an order abandoning the bridge, and

WHEREAS, after a three year hiatus, NYSDOT has again, by letter dated November 10, 2014, represented that it has every intention of transferring the bridge to the Counties, but asserts that it will make significant repairs and improvements to the bridge before such transfer takes place, and

WHEREAS, it appears from the Legislative history, that the 1965 amendment of Section 62 included language authorizing the Commissioner to continue to maintain duplicate highways for the specific purpose of addressing the situation now faced by Cattaraugus and Erie Counties; that is, unless the Commissioner exercises his discretion and retains such responsibility, the Counties will be forced to take on immense maintenance costs for a highway and bridge not created by either county and in which neither of them has any interest, and

WHEREAS, it is believed that NYSDOT relied upon flawed data in developing its plan for the bridge, at least to the extent that its allegation that almost 6,000 vehicles traverse the bridge daily is vastly overstated, and

WHEREAS, it is the Legislature's position that NYSDOT has failed to give due consideration to other viable options to its stated plan by either demolishing the bridge and barricading the approaches to Zoar Valley from the former U.S. Route 219 or developing an alternate route to provide more direct access between the Village of Springville and the northern reaches of Cattaraugus County than is provided by the four-lane expressway extension, and

WHEREAS, NYSDOT should not misconstrue prior comments made by the Engineering Division of the Cattaraugus County Department of Public Works regarding the engineering and design aspects of NYSDOT's planned rehabilitation of the bridge as an endorsement of the project, and

WHEREAS, NYSDOT's request to Cattaraugus County for permission to use various County roads as detours during its proposed reconstruction of the bridge is not viewed favorably by the Legislature, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature again urges the Governor, the New York State Legislature, the Commissioner of Transportation, and the Director of the Budget, in the exercise of their discretion and in the best interests of the people of Western New York, to take the necessary actions to retain responsibility for the maintenance of such bridge in the future, and be it further

RESOLVED, in the event that the Governor and the Commissioner of Transportation continue the State's unjustified position that the expense of future maintenance of the bridge should be passed to Cattaraugus and Erie Counties, then and in that event, and solely for the purpose of avoiding the burdensome cost of such future maintenance and avoiding the significant liability that would attend ownership and maintenance of the bridge, the Cattaraugus County Legislature hereby declares that its only option will be to determine that the bridge is useless and no longer necessary for public convenience and welfare, and direct the Commissioner of Public Works to enter an order abandoning such bridge, and further declares that the State's proposed significant expenditure to rehabilitate or replace the bridge will not deter the Legislature from such action, and be it further

RESOLVED, that NYSDOT should immediately discontinue its efforts to design and solicit bids for the reconstruction or replacement of the bridge until the issues addressed in this resolution are resolved to the satisfaction of all parties, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Governor Andrew M. Cuomo, Commissioner of the New York State Department of Transportation Joan McDonald, New York State Department of Transportation Region 5

Director Darrell Kaminski, New York State Budget Director Mary Beth Labate, Senators Catharine M. Young and Patrick M. Gallivan, Assembly Members Joseph M. Giglio and David J. DiPietro, Erie County Executive Mark C. Poloncarz, Chairman of the Erie County Legislature John J. Mills, and Erie County Commissioner of Public Works John Loffredo, P.E., and be it further

RESOLVED, in view of the fact that New York State Department of Transportation's proposed project is 80% federally funded, the Clerk of the Legislature is further directed to forward a certified copy of this resolution to United States Senators Charles Schumer and Kirsten Gillibrand and Congressmen Thomas Reed and Chris Collins.

MR. SPRAGUE moved, seconded by Mr. Klancer to refer Act No. 75-2015 to the Finance Committee and the Public Works Committee.

MR. SPRAGUE and Mr. VanRensselaer requested a Roll Call Vote on the Motion which disclosed as follows:

Ayes: Boser 1.0267, Edwards 0.9684, Hale 1.0655, Keller 0.8673, Klancer 1.1005, Koch 0.8685, Snyder, Jr. 1.0655, Snyder, Sr. 0.8673, Sprague 1.0230, Stockman 1.0003, Teachman 0.8673, VanRensselaer 1.1278, Vickman 1.0972 – 12.9453.

Nays: Edstrom 0.8673, Felton 1.0972, Labuhn 0.8685, Marsh 1.1278, Murphy 1.1005, Padlo 0.8673, Weller 1.0972 – 7.0258.

Motion to refer Act No. 75-2015 to the Finance Committee and the Public Works Committee Carried by a majority vote.

ACT NO. 76-2015 by Mr. Marsh

**URGING GOVERNOR CUOMO AND THE NEW YORK STATE LEGISLATURE TO ADVANCE FUNDING
AND EXPEDITE COMPLETION OF INTERSTATE 86 PROJECTS IN
BROOME, DELAWARE, SULLIVAN AND ORANGE COUNTIES**

Pursuant to Section 153 of the County Law.

WHEREAS, Governor Pataki committed to a 10-12 year construction program to complete the Route 17 conversion to I-86 beginning with the first designation (177 miles Chemung County west to Pennsylvania) on December 3, 1999, and

WHEREAS, the designation of New York State Route 17 to I-86 provides a highway network with connection to every interstate highway located within New York State and interstate highways leading into Pennsylvania, and

WHEREAS, the upgrade and designation of Route 17 as I-86 will make the region more competitive and able to attract substantial growth in business, industry and tourism, as well as improve the safety of the traveling public, and

WHEREAS, the New York I-86 Economic Development Benefit Study, issued in January 2000, which was widely accepted and quoted at all levels of government, called for an aggressive eight-year construction period that would result in a \$3.2 billion direct economic benefit to communities along the I-86 Corridor once the conversion has been completed, and

WHEREAS, with proper funding and resources (Fast Track/Design Build) for the remaining projects in Broome, Delaware, Sullivan and Orange counties, the conversion of Route 17 to I-86 could be completed many years sooner than on the present schedule providing vast economic benefits to the Hudson Valley, Southern Tier and Western New York regions and would yield significant economic benefits for the nation by facilitating national freight flows, reducing travel times, improving safety, and enhancing access to markets; completion would create new jobs and greater value-added activity, and

WHEREAS, the New York State Department of Transportation in the latest update to its capital program proposes to delay until 2017 the first stage of the two-stage Exit 131 reconstruction project which was to have begun in 2013, and

WHEREAS, the Exit 131 reconstruction project will address critical traffic control and safety needs in the region due to the expected reductions in severe traffic delays and congestion arising near this connection to the New York State Thruway (I-87/Harriman) and New York State Route 17 (future I-86), and

WHEREAS, the New York State Department of Transportation has also proposed to delay construction to Exit 122 (State Route 3 westbound ramps) until 2017, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature does hereby request Governor Cuomo and the New York State Legislature advance to funding (Fast Track/Design Build) expediting completion of the projects in Broome, Delaware, Sullivan and Orange Counties on New York State Route 17 so that the same may be converted to I-86, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Governor Cuomo; Senate Leader Skelos; Assembly Leader Silver; Members of the Senate: Bonacic, Carlucci, Larkin, Libous, O'Mara, Young; Members of the Assembly: Brabenec, Friend, Gantt, Giglio, Goodell, Gunther, Lupardo, Palmesano, Zebrowski; the Inter-County Association of Western New York; the New York State Association of Counties; and the I-86 Corridor Counties: Allegany, Broome, Chautauqua, Chemung, Delaware, Orange, Steuben, Sullivan and Tioga.

Adopted January 28, 2015 by voice vote.

ACT NO. 77-2015 by Mr. Marsh
and Mrs. Labuhn¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
GOWANDA CENTRAL SCHOOL DISTRICT
FOR SCHOOL RESOURCE OFFICER PROGRAM AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Sheriff's Office)**

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

WHEREAS, Act 57-2015 authorized a contract with the Gowanda Central School District for the placement of a school resource officer in that school district, the term of which expires February 12, 2015, and

WHEREAS, the School Resource Officer (SRO) Program is designed to provide education, law enforcement and counseling to high school students and to encourage youths not to abuse drugs or alcohol, and to promote living a safe, law abiding, successful life, and

WHEREAS, the Gowanda School District is desirous of continuing participation in the SRO Program, and

WHEREAS, the Gowanda Central School District shall contribute an amount not to exceed \$37,110.00 to cover the financial cost of one (1) school resource officer for a term commencing February 13, 2015 and terminating June 30, 2015, and

WHEREAS, the Gowanda Central School District shall be responsible for all operational costs related to the SRO vehicle, including, but not limited to, maintenance, fuel and repairs, and

WHEREAS, the Cattaraugus County Sheriff's Department has agreed to assign a law enforcement officer to the Gowanda Central School District at no cost to the County, 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 the Gowanda Central School District, for the provision of the School Resource Officer Program, for a term commencing February 13, 2015 and terminating June 30, 2015, according to the above-described terms, and be it further

RESOLVED, that upon termination of ² 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.311.3218.3221.2260.03	Public Safety Services for Other Governments, SRO	\$37,110.00
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Increase Appropriation Accounts:

A.311.3218.3221.11000	Full Time Wages	\$19,780.00
A.311.3218.3221.13000	Overtime	\$ 2,182.00
A.311.3218.3221.81000	FICA	\$ 1,680.00
A.311.3218.3221.82000	Retirement	\$ 6,523.00
A.311.3218.3221.83000	Health Insurance	\$ 6,127.00
A.311.3218.3221.84000	Dental Insurance	\$ 71.00
A.311.3218.3221.85000	Workers Compensation	\$ 747.00.

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

²MR. SPRAGUE moved, seconded by Mr. Snyder, Jr. to amend Act No. 77-2015 as follows: In the Second Resolved, delete: "either state or federal". Carried.

Adopted, as amended, January 28, 2015 by voice vote.

ACT NO. 78-2015 by Mr. Marsh
and Mr. Koch, Mrs. Labuhn and Mr. Padlo¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
SALAMANCA CITY CENTRAL SCHOOL DISTRICT
FOR SCHOOL RESOURCE OFFICER PROGRAM AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Sheriff's Office)**

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

WHEREAS, Act 58-2015 authorized a contract with the Salamanca City Central School District for the placement of two (2) school resource officers in that school district, the term of which expires February 12, 2015, and

WHEREAS, the School Resource Officer (SRO) Program is designed to provide education, law enforcement and counseling to high school students and to encourage youths not to abuse drugs or alcohol, and to promote living a safe, law abiding, successful life, and

WHEREAS, the Salamanca City Central School District is desirous of continuing participation in the SRO Program, and

WHEREAS, the Salamanca City Central School District shall contribute an amount not to exceed \$66,782.00 to cover the financial cost of two (2) school resource officers for a term commencing February 13, 2015 and terminating June 30, 2015, and

WHEREAS, the Salamanca City Central School District shall provide a vehicle for SRO-related business and shall be responsible for all operational costs related to such vehicle and to a vehicle presently owned by Cattaraugus County the use of which will also be devoted to SRO-related business under the contract hereby authorized, including, but not limited to, maintenance, fuel and repairs, and

WHEREAS, the Cattaraugus County Sheriff's Department has agreed to assign law enforcement officers to the Salamanca City Central School District at no cost to the County, 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 the Salamanca City Central School District, for the provision of the School Resource Officer Program, for a term commencing February 13, 2015 and terminating June 30, 2015, according to the above-described terms, and be it further

RESOLVED, that upon termination of 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.311.3218.3222.2260.03	Public Safety Services for Other Governments, SRO	\$66,782.00
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Increase Appropriation Accounts:

A.311.3218.3222.11000	Full Time Wages	\$39,560.00
A.311.3218.3222.13000	Overtime	\$ 4,364.00
A.311.3218.3222.81000	FICA	\$ 3,360.00
A.311.3218.3222.82000	Retirement	\$11,377.00
A.311.3218.3222.83000	Health Insurance	\$ 6,485.00
A.311.3218.3222.84000	Dental Insurance	\$ 142.00
A.311.3218.3222.85000	Workers Compensation	\$ 1,494.00.

¹The following Legislators requested their names be listed as additional sponsors: "Mr. Koch, Mrs. Labuhn and Mr. Padlo".

Adopted January 28, 2015 by voice vote.

ACT NO. 79-2015 by Mr. Marsh
and Mr. Murphy and Mr. Padlo¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS-LITTLE VALLEY CENTRAL SCHOOL DISTRICT
FOR SCHOOL RESOURCE OFFICER PROGRAM AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Sheriff's Office)**

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

WHEREAS, the School Resource Officer ("SRO") Program is designed to provide education, law enforcement and counseling to high school students and to encourage youths not to abuse drugs or alcohol, and to promote living a safe, law abiding, successful life, and

WHEREAS, the Cattaraugus-Little Valley Central School District ("District") is desirous of participating in the SRO Program, and

WHEREAS, the Cattaraugus County Sheriff's Office has agreed to assign a law enforcement officer to the District at no cost to the County, and

WHEREAS, the District has agreed to pay to the Sheriff's Office the actual annual cost of a part-time school resource officer, and

WHEREAS, the District shall contribute an amount not to exceed \$11,792.00 to cover the financial cost of one (1) part-time school resource officer for a term commencing February 16, 2015 and terminating June 30, 2015, and

WHEREAS, the District shall reimburse the County for all of the operational costs associated with the purchase of the SRO vehicle, including, but not limited to, maintenance, fuel and repairs, which shall be billed to the School District on a bi-annual basis in June and December of each year, 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 the Cattaraugus-Little Valley Central School District, for the participation in the School Resource Officer Program, for a term commencing February 16, 2015, or as otherwise mutually agreed by the School Superintendent and the County Sheriff upon

consideration of the timing of the appointment of the School Resource Officer hereunder, and terminating June 30, 2015, according to the above-described terms, and be it further

RESOLVED, that upon termination of ² 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.311.3218.3223.2260.03	Public Safety Services for Other Governments, SRO	\$11,792.00
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Increase Appropriation Accounts:

A.311.3218.3223.12000	Part-Time Wages	\$ 8,209.00
A.311.3218.3223.81000	FICA	\$ 628.00
A.311.3218.3223.82000	Retirement	\$ 2,676.00
A.311.3218.3223.85000	Workers Compensation	\$ 279.00.

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

²MR. SPRAGUE moved, seconded by Mrs. Labuhn to amend Act No. 79-2015 as follows: In the Second Resolved, delete: "either state or federal". Carried.

Adopted, as amended, January 28, 2015 by voice vote.

ACT NO. 80-2015 by Mr. Marsh

CREATING ONE (1) PART-TIME POSITION OF DEPUTY SHERIFF AND ESTABLISHING COMPENSATION FOR SAME (Sheriff's Office)

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

WHEREAS, the Sheriff's Office is desirous of entering into an agreement with the Cattaraugus-Little Valley School District to provide the services of a School Resource Officer, and

WHEREAS, it is the intent of the parties that the Sheriff provide one (1) part time Deputy Sheriff to assist in this effort, and

WHEREAS, the Cattaraugus-Little Valley School District will provide funding for this additional position in terms of wages, benefit costs and supplies, at no cost to the County, and

WHEREAS, the New Position Duties Statement has been submitted to the Cattaraugus County Civil Service Commission, which has approved the title as Deputy Sheriff in accordance with Civil Service Law Section 22, now, therefore, be it

RESOLVED, that effective immediately, there is hereby created one (1) position of Deputy Sheriff in the Office of the Sheriff to be filled on a part-time basis, Sheriffs' Office Deputy Unit Salary Schedule, Pay Grade 23 (\$15.43 per hour), Position No. 311-097-099, and be it further

RESOLVED, that upon termination or reduction of funding for this position by the Cattaraugus-Little Valley School District, the position shall be automatically abolished, 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 28, 2015 by voice vote.

ACT NO. 81-2015 by Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HEALTHY COMMUNITY ALLIANCE, INC. FOR
HEALTH DEPARTMENT WOMEN INFANT AND CHILDREN (WIC) PROGRAMS**

Pursuant to 10 NYCRR Part 40-1 and
Section 450 of the County Law.

WHEREAS, Act 377-2014, as amended by Act 34-2015, authorized a contract with Cornell Cooperative Extension-Cattaraugus County ("CCE"), for the provision of the following components for the Health Department WIC program, which contract CCE has terminated effective March 19, 2015:

- Two (2) Breastfeeding Peer Counselors (part-time),
- Two (2) Nutrition Program Aides, and
- Breastfeeding Coordinator,

and

WHEREAS, the County Health Department needs to continue providing the aforementioned services, and

WHEREAS, Healthy Community Alliance, Inc., 26 Jamestown Street, P.O. Box 27, Gowanda, New York 14070, has agreed to provide the aforementioned WIC program components, in accordance with the following:

Breastfeeding Peer Counselor (two part-time)

Total not to \$12,280.00
exceed

*to be paid on a monthly basis, as invoiced

*Approved work-related expenses will be reimbursed at cost, including approved work-related cell phone usage

*Mileage will be reimbursed at the Cornell established rate of \$0.485/mile

Nutrition Program Aide (two full-time)

*to be paid on a monthly basis, as invoiced

Total not to \$55,328.00
exceed

*Approved work-related expenses will be reimbursed at cost, including
approved work-related cell phone usage

*Mileage will be reimbursed at the Cornell established rate of \$0.485/mile

Breast Feeding Peer Counselor Coordinator

*to be paid on a monthly basis, as invoiced

Total not to \$34,953.00
exceed

*Approved work-related expenses will be reimbursed at cost, including
approved work-related cell phone usage

*Mileage will be reimbursed at the Cornell established rate of \$0.485/mile,

and

WHEREAS, these programs are 100% funded through the WIC Program, 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 March 1, 2015 and terminating
September 30, 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.

Adopted January 28, 2015 by voice vote.

ACT NO. 82-2015 by Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HEALTHY COMMUNITY ALLIANCE, INC. FOR
HEALTH DEPARTMENT REPRODUCTIVE HEALTH EDUCATOR AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Health)**

Pursuant to 10 NYCRR Part 40-1 and
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 523-2014, as amended by Act 36-2015, authorized a contract with
Cornell Cooperative Extension-Cattaraugus County ("CCE"), for the provision of services of a
Reproductive Health Educator for the County Health Department family planning clinics, which contract
CCE has terminated effective February 28, 2015, and

WHEREAS, the County Health Department needs to continue providing the
aforementioned services, and

WHEREAS, Healthy Community Alliance, Inc., 26 Jamestown Street, P.O. Box 27, Gowanda, New York 14070, has agreed to perform the aforementioned reproductive health educator services for the family planning clinics, for a total amount not to exceed \$48,491.00, which includes all work-related expenses:

*Approved work-related expenses will be reimbursed at cost, including approved work-related cell phone usage;

*Mileage will be reimbursed at the Cornell established rate of \$0.485/mile;

*Any overnight travel must have prior approval of the County Public Health Director or the Director's designee, and must have an authorization attached, prior to reimbursement,

and

WHEREAS, this program is 100% funded through the Family Planning Grant, and

WHEREAS, various appropriation 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 March 1, 2015 and terminating December 31, 2015, according to the above-described terms, and be it further

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

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

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

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

Decrease Appropriation Accounts:

A.401.4017.4035.41417	Laboratory and Diagnostic Services	\$3,500.00
A.401.4017.4035.45301	Van Per Diem	\$ 500.00
A.401.4017.4035.48001	Advertising	\$1,400.00

Increase Appropriation Account:

A.401.4017.4035.41605.01	Contracted Services, Reproductive Health Educator	\$5,400.00.
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Adopted January 28, 2015 by voice vote.

ACT NO. 83-2015 by Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COUNTY SOIL AND WATER CONSERVATION DISTRICT FOR
HEALTH DEPARTMENT WATER RESOURCE SPECIALIST AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Health Department)**

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

WHEREAS, Act 525-2014, as amended by Act 35-2015, authorized a contract with Cornell Cooperative Extension-Cattaraugus County ("CCE"), for the provision of a Water Resource Specialist to coordinate the public water supply inspection, monitoring and surveillance program and ensure fulfillment of all NYS drinking water enhancement grant work plan deliverables, which contract CCE has terminated effective February 28, 2015, and

WHEREAS, the County Health Department needs to continue providing the aforementioned services, and

WHEREAS, the Cattaraugus County Soil and Water Conservation District, USDA Service Center Building, 8 Martha Street, Ellicottville, New York 14731, can provide a Water Resource Specialist to provide the aforementioned services for a total amount not to exceed \$65,882.67, which includes all work-related expenses:

*Approved work-related expenses will be reimbursed at cost, including approved work-related cell phone usage;

*Mileage will be reimbursed at the rate of \$0.575/mile;

*Any overnight travel must have prior approval of the County Public Health Director or the Director's designee, and must have an authorization attached, prior to reimbursement,

and

WHEREAS, this program is 100% state funded, and

WHEREAS, various appropriation 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 Cattaraugus County Soil and Water Conservation District, for the provision of the above-described services, for a term commencing March 1, 2015 and terminating December 31, 2015, according to the above-described terms, and be it further

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

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

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

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

Decrease Appropriation Account:

A.901.1990.0000.40601	Contingent Fund	\$15,366.00
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Increase Appropriation Account:

A.401.4090.0000.41605.05	Contracted Services, Health Water Resource Specialist	\$15,366.00.
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Adopted January 28, 2015 by voice vote.

MR. MURPHY moved, seconded by Mr. Boser to adjourn until February 11, 2015 at 3:00 p.m.
Carried.

Meeting adjourned at 4:49 p.m.

Ann M. Giglio
Journal Clerk