

April 22, 2015

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

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed two Legislators absent – Hale and Snyder, Jr.

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MR. SNYDER, SR. moved, seconded by Mrs. Labuhn that the minutes of the April 8, 2015 session be approved. Carried.

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COMMUNICATIONS:

New York State Department of State: Acknowledging receipt of Local Law No. 1-2015, Local Law No. 2-2015, and Local Law No. 3-2015 and the filing of the same.

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PROCLAMATIONS:

CHAIRMAN MARSH proclaimed April 22, 2015 as **Administrative Professionals Day** in Cattaraugus County.

CHAIRMAN MARSH proclaimed May 10-16, 2015 as **National Nursing Home Week** in Cattaraugus County.

CHAIRMAN MARSH recognized the **50th Anniversary of the Foster Grandparent Program**.

CHAIRMAN MARSH recognized **Milton A. Marvin's** 50 years of service to the Randolph Volunteer Fire Department.

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CHAIRMAN MARSH called up **Act No. 180-2015**, Authorizing the Chair to Execute Loan Documents with Hide-A-Way Restaurant, LLC for Expansion Project, and asked that it be read.

Approved by 8 members of the Finance Committee and 7 members of the Development and Agriculture Committee.

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

Adopted April 22, 2015 by voice vote.

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ACT NO. 213-2015 by Mr. Felton, Ms. Vickman, Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
WENDEL WD, ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.
FOR ENGINEERING SERVICES FOR PINES HEALTHCARE AND REHABILITATION
CENTER-OLEAN CAMPUS 2015 CAPITAL IMPROVEMENTS PROJECT**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the County Department of Public Works is in need of engineering services for the capital improvements project at The Pines Healthcare and Rehabilitation Center-Olean Campus, and

WHEREAS, the capital improvements project shall include the following:

- Provide a boundary and utility survey to establish existing conditions;
- Design and replace existing parking lot and entrance drive lighting including all conduits;
- Re-design parking lot layout;
- Mill and overlay of main parking lot, administration lot and entrance drive out to West State Street;
- Inspect existing surface drainage system, re-establish system with removing drainage stone, flush system and replacement;
- Replace drive and apron paving at dumpster area with hard surface (concrete) higher load bearing pavement;
- Replace all concrete sidewalks on premises due to trip hazards;
- Replace all asphalt pathways on premises due to trip hazards and uneven conditions;
- Demolish wooden pavilion including cement pavement and replace with 6' wide concrete pathway; and
- Replace doors at front entrance,

and

WHEREAS, Wendel WD, Engineering, Surveying & Landscape Architecture, P.C., Centerpointe Corporate Park, 375 Essjay Road, Suite 200, Williamsville, New York 14221, can provide engineering services for The Pines Healthcare and Rehabilitation Center-Olean Campus 2015 Capital Improvements Project, for an amount of \$52,200.00 plus reimbursable expenses not to exceed \$8,980.00, to be paid on a percent-of-completion basis, as invoiced and approved by the Department of Public Works, 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 Wendel WD, Engineering, Surveying & Landscape Architecture, P.C., for the provision of the above-described services, for a term commencing April 22, 2015 and terminating December 31, 2015, according to the above-described terms.

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

Adopted April 22, 2015 by voice vote.

ACT NO. 214-2015 by Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
SJB SERVICES, INC. FOR SOIL BORING SERVICES,
MATERIAL TESTING, DECK CORING AND GEOTECHNICAL SERVICES**

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

WHEREAS, Act 101-2014, as amended by Act 627-2014, authorized a contract with SJB Services, Inc., for the provision of soil boring services for various bridge projects, the term of which expired December 31, 2014, and

WHEREAS, the County Department of Public Works is desirous of obtaining soil boring, material testing, deck coring and geotechnical engineering services for various projects, and

WHEREAS, SJB Services, Inc., 5167 South Park Avenue, Hamburg, New York 14075, has agreed to perform soil boring, material testing, deck coring and geotechnical engineering services for various new projects on an as-needed basis, for an amount not to exceed \$41,000.00, to be paid on a percent-of-completion basis, 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 SJB Services, Inc., 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.

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

Adopted April 22, 2015 by voice vote.

ACT NO. 215-2015 by Mr. Klancer, Mr. Murphy, Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE NO-COST TIME EXTENSION WITH
NYSDOT FOR COUNTY ROAD NO. 6 BRIDGE OVER MUD CREEK
FEDERAL-AID REPLACEMENT PROJECT**

Pursuant to Title 23 U.S. Code and Section 450 of the County Law.

WHEREAS, Act 421-2008, as amended by Act 162-2013, authorized a contract with New York State Department of Transportation (NYSDOT) for the replacement of the County Road No. 6 Bridge over Mud Creek, BIN 3-32211-0, in the Town of Leon, Cattaraugus County, PIN 5758.49 (the "Project"), the term of which expired December 31, 2014, and

WHEREAS, the aforementioned project and its Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals Phases were delayed and are currently scheduled to be completed in early 2016, and

WHEREAS, a no-cost time extension is needed to extend the term of Federal Aid Project Agreement No. D031712 to December 31, 2016, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a no-cost time extension, on behalf of Cattaraugus County, with the NYSDOT, in order to extend the term of the aforementioned contract to December 31, 2016, according to the above-described terms.

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

Adopted April 22, 2015 by voice vote.

ACT NO. 216-2015 by Mr. Klancer, Mr. Murphy, Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE NO-COST TIME EXTENSION WITH
NYSDOT FOR NEW ALBION BRIDGE NO. 35¹ (TANNERY STREET BRIDGE)
OVER TRIBUTARY SOUTH BRANCH CATTARAUGUS CREEK**

Pursuant to Title 23 U.S. Code and
Section 450 of the County Law.

WHEREAS, Act 259-2006, as amended by Acts 236-2009, 739-2010 and 124-2013, authorized a contract with the New York State Department of Transportation (NYSDOT) for the replacement of New Albion Bridge No. 35 (Tannery Street Bridge) over Tributary South Branch Cattaraugus Creek, BIN 3-32281-0, in the Town of New Albion, Cattaraugus County, PIN 5757.33, (the "Project"), the term of which expired December 31, 2014, and

WHEREAS, the aforementioned project and its Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals Phases were delayed by geotechnical issues and the rejection by NYSDOT of the first design report and the project's current phases are expected to be completed in 2016, and

WHEREAS, a no-cost time extension is needed to extend the term of Federal Aid Project Agreement No. D024765 to December 31, 2016, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a no-cost time extension, on behalf of Cattaraugus County, with the NYSDOT, in order to extend the term of the aforementioned contract to December 31, 2016, according to the above-described terms.

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

¹MR. MURPHY moved, seconded by Mr. Teachman to amend as follows: In the title, delete: "25", and replace with: "35". Carried.

Adopted, as amended, April 22, 2015 by voice vote.

ACT NO. 217-2015 by Mr. Weller and Mr. Koch

**BID ACCEPTANCE FOR 2015 BRIDGE PAINTING PROGRAM
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and
Section 131-b of the Highway Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the painting of various County bridges, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications for one (1) bridge was the bid of Rover Contracting, Inc., 695 Dutchess Turnpike, Suite 212, Poughkeepsie, New York 12603, as follows:
Conewango Bridge No. 31 \$65,000.00,

and

WHEREAS, the lowest bid received meeting specifications for two (2) bridges was the bid of Niagara Coatings Services, Inc., 8025 Quarry Road, Niagara Falls, New York 14304, as follows:

Ellicottville Bridge No. 39 \$68,456.96
Freedom Bridge No. 29 \$118,954.16,

and

WHEREAS, the lowest bid received meeting specifications for one (1) bridge was the bid of Amstar of Western New York, Inc., 625 Rein Road, Cheektowaga, New York 14225, as follows:

Franklinville Bridge No. 35 \$88,400.00,

and

WHEREAS, the aforementioned bridge painting services shall commence upon notice to proceed and shall be completed by October 30, 2015, and

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

RESOLVED, that the bid of Rover Contracting, Inc., be, and the same hereby is, accepted, and be it further

RESOLVED, that the bids of Niagara Coatings Services, Inc., be, and the same hereby are, accepted, and be it further

RESOLVED, that the bid of Amstar of Western New York, Inc., be, and the same hereby is, accepted, 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.

Ten sets of specifications were sent out.

Five bids were received.

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

Adopted April 22, 2015 by voice vote.

ACT NO. 218-2015 by Mr. Weller and Mr. Koch
*and Mr. Murphy*¹

**AUTHORIZING THE CHAIR TO EXECUTE LICENSE AGREEMENT WITH
ADMINISTRATIVE OFFICE OF THE UNITED STATES BANKRUPTCY COURT FOR
FEDERAL USE OF COUNTY PROPERTY**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 265-2014 authorized a license agreement with the Administrative Office of the United States Bankruptcy Court for the use of the County's court facility located in the Olean Office Building one day each month, the term of which expires September 30, 2015, and

WHEREAS, the United States Bankruptcy Court is desirous of continuing the aforementioned license agreement under the same terms, and

WHEREAS, the County has agreed to allow the United States Bankruptcy Court to utilize the County's court facility located in the Olean Office Building once per month for an amount of \$600.00 per month, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a license agreement, on behalf of Cattaraugus County, with the Administrative Office of the United States Bankruptcy Court to use the above-described space for a term commencing October 1, 2015, and terminating September 30, 2016, according to the above-described terms.

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

¹The following Legislator requested his name be listed as an additional sponsor: "Mr. Murphy".

Adopted April 22, 2015 by voice vote.

ACT NO. 219-2015 by Mr. Hale, Mr. Klancer, Mr. Snyder, Jr. and Mr. Weller

**DECLARING INTENT TO TRANSFER FROM FUND BALANCE
(Department of Public Works)**

Pursuant to Section 117 of the Highway Law.

WHEREAS, various roads in the County are in need of repair, and

WHEREAS, it is proposed that \$3,000,000.00 be transferred from the undesignated fund balance and be used for paving and/or milling and paving projects, and

WHEREAS, such paving and/or milling and paving projects shall be completed in the 2015 paving season and shall be performed by contracted companies, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby declares its intent to transfer the sum of \$3,000,000.00 from the undesignated fund balance to such specific paving and/or milling and paving projects as may thereafter be approved by the Legislature.

Held in the Finance Committee and the Public Works Committee.

ACT NO. 220-2015 by Mr. Edwards and Ms. Vickman

**AMENDING ACT 143-2015 REGARDING CONTRACT WITH
WCA HOSPITAL FOR AUDIOMETRIC TESTING AND
MEDICAL EXAMINATIONS FOR EMPLOYEES AND POLICE OFFICERS**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 143-2015 authorized a contract with WCA Hospital for the provision of audiometric examinations, monitoring and training services for certain County employees and medical examinations on prospective Police Officers and Deputy Sheriffs, the term of which expires December 31, 2015, and

WHEREAS, Act 143-2015 should be amended to include the rates for audiometric testing, now, therefore, be it

RESOLVED, that Act 143-2015 be, and hereby is, amended as follows: Add a new 3rd Whereas and renumber the remaining paragraphs:

"III. WHEREAS, WCA Hospital can provide the aforementioned audiometric testing for up to 125 Public Works employees and up to 30 Sheriff's Office employees, for an amount as follows:

\$23.00/person/test for on-site annual follow-up audiograms,
\$25.00/person/test for pre-employment audiograms to be done
at WCA Hospital, Speech & Hearing Department,

and".

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

Adopted April 22, 2015 by voice vote.

ACT NO. 221-2015 by Ms. Edstrom

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH ERIE 1 BOCES
FOR CLEARTRACK COUNTY MEDICAID MODULE**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 312-2014 authorized a contract with Erie 1 BOCES, 355 Harlem Road, West Seneca, New York 14224, for the access to the ClearTrack County Medicaid Module for the Special Needs Pre-K Program for the 2015-2016 school year, and

WHEREAS, Erie 1 BOCES can provide access to the ClearTrack County Medicaid Module, for an amount of \$3,525.00, to be paid as invoiced, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned module, 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 Erie 1 BOCES for the provision of the

above-described services, for a term commencing July 1, 2015 and terminating June 30, 2016, according to the above-described terms.

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

Adopted April 22, 2015 by voice vote.

ACT NO. 222-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ONTARIO COUNTY YOUTH CARE FACILITY FOR
NON-SECURE DETENTION SERVICES**

Pursuant to Sections 218-a and 450 of the County Law.

WHEREAS, the County Youth Bureau is in need of non-secure detention services for juvenile delinquency court-ordered placements and police admission placements, and

WHEREAS, Ontario County, through its Department of Social Services Youth Care Facility, has agreed to provide non-secure detention services, as ordered by the Cattaraugus County Family Court for juvenile delinquency court-ordered placements and police admission placements at the rate of \$250.00 per day per juvenile for each day that such juvenile is placed in the Facility for a period in excess of three (3) hours, plus \$20.00 per child health assessment fee, as requested, and

WHEREAS, this program is 49% reimbursable through the New York State Office of Children and Family 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 Ontario County, for the provision of non-secure detention 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.

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

Adopted April 22, 2015 by voice vote.

ACT NO. 223-2015 by ¹Mrs. Stockman
and Mr. Padlo²

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN THEATRE WORKSHOP FOR AMERICORPS START PROGRAM**

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

WHEREAS, the Olean Theatre Workshop is desirous of partnering with the Youth Bureau for the provision of services through the AmeriCorps START Program, and

WHEREAS, the Youth Bureau is desirous of providing the aforementioned services, and

WHEREAS, the Olean Theatre Workshop, 702 Washington Street, Olean, New York 14760, has agreed to provide services for the AmeriCorps START Program by contributing an amount of \$2,700.00 for one half-time member, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Olean Theatre Workshop, for the provision of services through the AmeriCorps START Program, for a term commencing April 8, 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.

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

¹The following Legislator requested her name be removed as a sponsor: "Ms. Edstrom".

²The following Legislator requested his name be listed as an additional sponsor: "Mr. Padlo".

Adopted April 22, 2015 by voice vote. Ms. Edstrom abstained from vote.

ACT NO. 224-2015 by Ms. Edstrom and Mrs. Stockman
and Mr. Padlo¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN GENERAL HOSPITAL FOR FAMILY PLANNING CLINIC
LABORATORY SERVICES**

Pursuant to Section 2406 of the Public Health Law and
Section 450 of the County Law.

WHEREAS, Act 221-2013 authorized a contract with Olean General Hospital, 515 Main Street, Olean, New York 14760, for the provision of laboratory services for the family planning clinic, which includes the provision of services such as collection, testing, and analyzing of specimens and reporting the results to various providers, the term of which expires June 30, 2015, and

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

WHEREAS, Olean General Hospital, 515 Main Street, Olean, New York 14760, can provide laboratory services for the County Health Department's family planning clinic, in accordance with the following rate schedule:

88142	Thin Layer Pap Smear	\$18.00
87621	HPV DNA, High Risk	\$35.00
88175	Thin Layer Pap Smear with Imaging	\$28.00,

and

WHEREAS, this program is fee-based and funded through private insurances, Medicaid and State Family Planning Grant funds, 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 Olean General Hospital, for the provision of the above-described services, for a term commencing July 1, 2015 and terminating June 30, 2017, 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.

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

Adopted April 22, 2015 by voice vote.

ACT NO. 225-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
VNA HOMECARE OPTIONS, LLC FOR MANAGED LONG TERM CARE SERVICES**

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

WHEREAS, VNA HomeCare Options, LLC, 1050 West Genesee Street, Syracuse, New York 13204, has been approved by the New York State Department of Health to participate in a managed long term care plan to provide a health and long term care services benefit package to eligible enrollees, and

WHEREAS, VNA is desirous of contracting with the County Health Department in order to participate in the aforementioned managed long term care program, and

WHEREAS, the County Health Department has agreed to provide certain medical and health related services and social and environmental supports to VNA Homecare enrollees at 100% of Cattaraugus County established rates in effect at the time services are provided, 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 VNA Homecare Options, LLC, for the provision of the above-described services, for a term commencing March 1, 2015 to continue in full force and effect until terminated by either party hereto.

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

Adopted April 22, 2015 by voice vote.

ACT NO. 226-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
VNSNY CHOICE FOR MANAGED LONG TERM CARE SERVICES**

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

WHEREAS, VNSNY Choice, P.O. Box 2384, Binghamton, New York 13902, administers a Medicaid partial capitation managed long term care program to provide a fully integrated system of long term care services, and

WHEREAS, VNSNY Choice is desirous of contracting with the County Health Department for the provision of certified home health agency services to its members, and

WHEREAS, the County Health Department has agreed to provide certified home health agency services to Medicare beneficiaries and Medicaid recipients who are VNSNY Choice members at 100% of Cattaraugus County established rates in effect at the time services are provided, 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 VNSNY Choice, for the provision of the above-described services, for a term commencing March 1, 2015 to continue in full force and effect until terminated by either party hereto.

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

Adopted April 22, 2015 by voice vote.

ACT NO. 227-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HEALTHY COMMUNITY ALLIANCE, INC. FOR
COORDINATOR OF PUBLIC HEALTH EMERGENCY PREPAREDNESS &
RESPONSE TO BIOTERRORISM AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Health Department)**

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

WHEREAS, Act 222-2014 authorized the Chair to execute a contract with Healthy Community Alliance, Inc., 26 Jamestown Street, P.O. Box 27, Gowanda, New York 14070, for the services of a Coordinator of Public Health Emergency Preparedness & Response to Bioterrorism (PHEP Coordinator), the term of which expires June 30, 2015, and

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

WHEREAS, the Coordinator of Public Health Emergency Preparedness & Response to Bioterrorism shall be responsible for ensuring that the County Health Department is prepared to respond and react to environmental and/or health-related disasters which may affect Cattaraugus County, and

WHEREAS, Healthy Community Alliance, Inc., can provide personnel to perform the tasks of PHEP Coordinator, which shall include the investigation and implementation of possible educational services to the County in connection with applicable educational programs associated with the County Health Department, for a total amount of \$58,229.00, to be paid as invoiced, 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 Healthy Community Alliance, Inc., for the provision of the above-described services, for a term commencing July 1, 2015 and terminating June 30, 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, and be it further

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

Decrease Appropriation Account:

A.401.4095.0000.20006	Computers	\$921.00
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Increase Appropriation Account:

A.401.4095.0000.41011	Contracted BT Director	\$921.00.
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Approved by 9 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted April 22, 2015 by voice vote.

ACT NO. 228-2015 by Mr. Edwards, Mr. Marsh and Mrs. Stockman

ESTABLISHING FEES FOR DEPARTMENT OF SOCIAL SERVICES BURIALS

Pursuant to Section 141 of the Social Services Law.

WHEREAS, Acts 293-1987 and 639-1998 established burial fees paid by the County Department of Social Services, and

WHEREAS, there have been increased costs in providing burial services, now, therefore, be it

RESOLVED, that effective May 1, 2015, there is hereby established the following fee schedule for Department of Social Services burials:

- Stillborn or child under the age of 1 year \$600.00
(in addition a Cherub infant casket will be provided at cost)
- Over the age of 1 year \$2,000.00
- Immediate Cremation \$1,000.00
- Indirect Cremation with services \$2,000.00

Additional Rates:

- Opening and closing of grave at cost
- Cemetery plot (if necessary) at cost
- Oversized casket (if necessary) (difference from basic to oversized) at cost
- Pouch (if necessary) at the rate of \$50.00 each
- Grave Liner at cost
- Mileage outside 15 miles at a charge of \$2.00/mile
from funeral home to place of death;
same fee for burials in a cemetery outside 15 miles
- Crematory fees at cost
- One obituary notice in a local newspaper at cost
- Exceptional situations shall be on a case-by-case basis and should be submitted to the County prior to expenditure of funds or billing (see below)
- A fee of \$50/hour will be paid for cases involving long bone tissue donation reconstruction that exceeds past 3 hours in conjunction with embalming
- Adult services include: removal, shrouding of the body, casket and transportation to the cemetery or crematory, within the funeral director's normal service area, with 2 hours use of the funeral home, all in one day,

and be it further

RESOLVED, that supplementation up to \$150.00 may be made by a family member to pay for clergy, hairdresser, register book and memorial cards.

Held in the Finance Committee and the Human Services Committee.

ACT NO. 229-2015 by Ms. Edstrom, Mrs. Stockman, Mr. VanRensselaer and Ms. Vickman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
VARIOUS HANDICAPPED EDUCATION PROVIDERS FOR
YOUTH BUREAU CHILDREN WITH SPECIAL NEEDS PROGRAM**

Pursuant to Section 236 of the Family Court Act and
Section 450 of the County Law.

WHEREAS, Act 311-2014 authorized contracts with various handicapped education providers for the provision of educational and evaluation services for various County preschool-aged children with special needs, the terms of which expire June 30, 2015, and

WHEREAS, the Family Court Act mandates that the County provide payment for the educational and evaluation services which are approved by the Court, and

WHEREAS, contracts are necessary with education providers, related-service providers, and evaluators which are accredited by the New York State Education Department, and

WHEREAS, payments to the education providers, related-service providers, and evaluators will be in accordance with the budgetary tuition rate approved by the County and/or the State, and

WHEREAS, these services are 59.5% State funded and 40.5% County 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 education providers, related-service providers, and evaluators for the provision of the above-described services, for a term commencing July 1, 2015 and terminating June 30, 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.

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

Adopted April 22, 2015 by voice vote.

ACT NO. 230-2015 by Mr. Weller and Mr. Koch

**BID ACCEPTANCE FOR PLASTIC CORRUGATED DRAINAGE PIPE
(Department of Public Works)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the provision of plastic corrugated drainage pipe, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest acceptable bids received for the provision of plastic corrugated drainage pipe were submitted by Advanced Drainage Systems, Inc., 4640 Trueman Boulevard, Hilliard, Ohio 43026, as follows:

Plastic & Polyethylene Corrugated Drainage Pipe Or Tubing			
<i>Index No.</i>	<i>Diameter</i>	<i>Description</i>	<i>2015 Rate</i>
CPDP4	4	Per foot	\$ 0.40
CPC4	4	/coupler	\$ 1.88
CPDP6	6	Per foot	\$ 1.04
CPC6	6	/coupler	\$ 3.75
CPDP8	8	Per foot	\$ 2.05
CPC8	8	/coupler	\$ 4.26
CPDP10	10	Per foot	\$ 4.15
CPC10	10	/coupler	\$ 6.30
CPDP12	12	Per foot	\$ 5.20
CPC12	12	/coupler	\$ 6.90
CPFE12	12	Flared End	\$109.00
CPDP15	15	Per foot	\$ 7.10
CPC15	15	/coupler	\$ 9.45
CPFE15	15	Flared End	\$109.00
CPDP18	18	Per foot	\$10.15
CPC18	18	/coupler	\$13.80
CPFE18	18	Flared End	\$147.00
CPDP24	24	Per foot	\$ 15.75
CPC24	24	/coupler	\$ 21.00
CPFE24	24	Flared End	\$188.00
Polyethylene Corrugated High Capacity Smooth Interior Pipe			
CPDP12SI	12	Per foot	\$ 4.90
CPC12SI	12	/coupler	\$ 6.90
CPFE12SI	12	Flared End	\$109.00
CPDP15SI	15	Per foot	\$ 6.48
CPC15SI	15	/coupler	\$ 9.45
CPFE15SI	15	Flared End	\$109.00
CPDP18SI	18	Per foot	\$ 9.49
CPC18SI	18	/coupler	\$13.80
CPFE18SI	18	Flared End	\$147.00
CPDP24SI	24	Per foot	\$ 14.65
CPC24SI	24	/coupler	\$ 21.00
CPFE24SI	24	Flared End	\$188.00
CPDP30SI	30	Per foot	\$ 23.60
CPC30SI	30	/coupler	\$ 46.50
CPFE30SI	30	Flared End	\$459.00
CPDP36SI	36	Per foot	\$ 30.30
CPC36SI	36	/coupler	\$ 59.00

CPFE36SI	36	Flared End	\$486.00
CPDP42SI	42	Per foot	\$ 42.45
CPC42SI	42	/coupler	\$ 84.00
CPDP48SI	48	Per foot	\$ 51.60
CPC48SI	48	/coupler	\$101.00
Category II Integral Bell Joint			
CPDPSL12	12	Per foot	\$5.02
CPSCP12	12	Split Coupler	\$6.90
CPDPSL15	15	Per foot	\$6.65
CPSCP15	15	Split Coupler	\$9.45
CPDPSL18	18	Per foot	\$9.78
CPSCP18	18	Split Coupler	\$13.80
CPDPSL24	24	Per foot	\$15.10
CPSCP24	24	Split Coupler	\$21.00
CPDPSL30	30	Per foot	\$24.20
CPSCP30	30	Split Coupler	\$46.50
CPDPSL36	36	Per foot	\$31.20
CPSCP36	36	Split Coupler	\$59.00
CPDPSL42	42	Per foot	\$44.10
CPSCP42	42	Split Coupler	\$84.00
CPDPSL48	48	Per foot	\$53.50
CPSCP48	48	Split Coupler	\$101.00

now, therefore, be it

RESOLVED, that the Commissioner of Public Works is authorized to contract for plastic corrugated drainage pipe with Advanced Drainage Systems, Inc., as recommended by the Public Works Committee for the term May 1, 2015 through April 30, 2016, and be it further

RESOLVED, that any county, city, village, town, school, or fire district in Cattaraugus County may participate in the bid prices by dealing directly with the bidder, and be it further

RESOLVED, that the County of Cattaraugus reserves the right to make purchases of the aforementioned items at any time during the term for which the bids are taken and to require suitable bond to guarantee delivery.

State Bid. Prices will be compared with the prices on State Contract and be purchased from the source most beneficial to the County.

Eleven sets of specifications were sent out.

Three bids were received.

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

Adopted April 22, 2015 by voice vote.

ACT NO. 231-2015 by Mr. Weller and Mr. Koch
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
CONSTELLATION ENERGY SERVICES OF NEW YORK, INC.
FOR PARTICIPATION IN ENERGY PURCHASE PROGRAM**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 476-2006, as amended by Act 607-2009, authorized the County to be a member of the Municipal Electric and Gas Alliance (MEGA), for participation in an energy purchase program, and

WHEREAS, Municipal Electric and Gas Alliance (MEGA), P.O. Box 88, Ithaca, New York 14851-0088, acts as an aggregator of power usage at no cost to the County, and

WHEREAS, MEGA has an agreement with Constellation Energy Services of New York, Inc. (formerly Integrys Energy Services of New York, Inc.) which allows the County to take advantage of the low market rate of \$.06756/kWh until November 2, 2017, and at the low market rate of \$.06380/kWh for the period November 3, 2017 through November 8, 2018, and

WHEREAS, a contract extension is necessary with Constellation Energy Services of New York, Inc., in order to lock in the lower rates for an additional year, 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 Constellation Energy Services of New York, Inc., (formerly Integrys Energy Services of New York, Inc.) in order to lock in the lower rates in the above-described energy purchase program, for a term commencing April 17, 2015 and terminating November 8, 2018, according to the above-described terms.

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

Adopted April 22, 2015 by voice vote.

ACT NO. 232-2015 by Mr. Weller and Mr. Koch
*and Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Klancer, Mr. Marsh, Mr. Murphy,
Mr. Snyder, Sr., Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Ms. Vickman,
Mr. Boser, Mrs. Labuhn, Mr. Lamberson, Mr. Padlo, Mr. Sprague and Mr. Keller¹*
who ask immediate consideration

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works- Mill & Pave Program)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, the Department of Public Works is desirous of conducting a mill & pave program on various County roads, and

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

RESOLVED, that the County Administrator is hereby directed to appropriate \$3,413,000.00 from Unreserved Fund Balance Account A.909.0000, and make the following budgetary changes:

Increase Estimated Revenue Account:

H.990.9950.0000.5031	Transfer from General Fund	\$ 3,413,000.00
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Increase Appropriation Accounts:

A.990.9950.0000.90504	Transfer to Capital Projects Fund	\$ 3,413,000.00
H.504.5197.5198.27009.41603	County Road No. 40	\$ 400,000.00
H.504.5197.5198.27008.41603	County Road No. 46	\$ 150,000.00
H.504.5197.5198.27030.41603	County Road No. 26	\$ 105,000.00
H.504.5197.5198.27005.41603	County Road No. 19	\$ 515,000.00
H.504.5197.5198.27058.41603	County Road No. 88	\$ 80,000.00
H.504.5197.5198.27059.41603	County Road No. 49	\$ 150,000.00
H.504.5197.5198.27060.41603	County Road No. 65	\$ 105,000.00
H.504.5197.5198.27061.41603	County Road No. 62	\$ 85,000.00
H.504.5197.5198.27062.41603	County Road No. 23	\$ 175,000.00
H.504.5197.5198.27063.41603	County Road No. 5	\$ 370,000.00
H.504.5197.5198.27047.41603	County Road No. 6	\$ 150,000.00
H.504.5197.5198.27064.41603	County Road No. 10	\$ 375,000.00
H.504.5197.5198.27039.41603	County Road No. 12	\$ 396,000.00
H.504.5197.5198.27065.41603	County Road No. 55	\$ 357,000.00.

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

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

Adopted April 22, 2015 by voice vote.

ACT NO. 233-2015 by Mr. Weller and Mr. Koch

and Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Klancer, Mr. Marsh, Mr. Murphy, Mr. Snyder, Sr., Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Ms. Vickman, Mr. Boser, Mrs. Labuhn, Mr. Lamberson, Mr. Padlo, Mr. Sprague and Mr. Keller¹
who ask immediate consideration

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works-Underfunded DPW Projects)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, additional funds are needed to complete the following approved projects:

<u>Project</u>	<u>Total \$ Needed</u>	<u>Additional CHIPS</u>	<u>CR 27 Phase IV Funds</u>	<u>Balance Needed</u>
County Road #12	\$1,000,000.00	\$240,000.00	\$320,000.00	\$440,000.00
South Valley Culverts 27 & 28	<u>\$ 30,000.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$ 30,000.00</u>
Total	\$1,030,000.00	\$240,000.00	\$320,000.00	\$470,000.00

and

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

RESOLVED, that the County Administrator is hereby directed to appropriate \$470,000.00 from Unreserved Fund Balance Account A.909.0000, and make the following budgetary changes:

Increase Estimated Revenue Account:

H.990.9950.0000.5031	Transfer from General Fund	\$470,000.00
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Increase Appropriation Accounts:

A.990.9950.0000.90504	Transfer to Capital Projects Fund	\$470,000.00
H.504.5197.5198.27039.41603	County Road No. 12	\$440,000.00
H.504.5197.5198.23062.41603	South Valley Culvert Nos. 27 & 28	\$ 30,000.00.

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

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

Adopted April 22, 2015 by voice vote.

ACT NO. 234-2015 by Mr. Weller and Mr. Koch
and Mr. Klancer and Mrs. Stockman¹
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
VILLAGE OF GOWANDA FOR LEACHATE DISPOSAL SERVICES**

Pursuant to Sections 226-b and 450 of the County Law.

WHEREAS, the Department of Public Works is desirous of disposing leachate from its Five Points Landfill into a NYSDEC-permitted wastewater treatment facility, and

WHEREAS, the Village of Gowanda has jurisdiction over, and management of, the Gowanda Wastewater Treatment Plant, and

WHEREAS, the County shall pay the Village of Gowanda the sum of \$.0050 per gallon of waste, and

WHEREAS, sufficient funds are included in the budget to cover the costs for 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 Village of Gowanda, for the provision of

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

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

¹The following Legislators requested their names be listed as additional sponsors: “Mr. Klancer and Mrs. Stockman”.

Adopted April 22, 2015 by voice vote.

ACT NO. 235-2015 by Mr. Weller and Mr. Koch
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
VILLAGE OF FRANKLINVILLE FOR LEACHATE DISPOSAL SERVICES**

Pursuant to Sections 226-b and 450 of the County Law.

WHEREAS, the Department of Public Works is desirous of disposing leachate from its Five Points Landfill into a NYSDEC-permitted wastewater treatment facility, and

WHEREAS, the Village of Franklinville has jurisdiction over, and management of, the Franklinville Wastewater Treatment Plant, and

WHEREAS, the County shall pay the Village of Franklinville the sum of \$.0050 per gallon of waste, and

WHEREAS, sufficient funds are included in the budget to cover the costs for 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 Village of Franklinville, for the provision of the above-described services, for a term commencing April 1, 2015 and terminating June 30, 2018, according to the above-described terms.

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

Adopted April 22, 2015 by voice vote.

ACT NO. 236-2015 by Mr. Murphy
*and Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Klancer, Mr. Marsh, Mr. Snyder, Sr.,
Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Ms. Vickman, Mr. Weller,
Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson, Mr. Padlo, Mr. Sprague and Mr. Keller¹*
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE OFFICE OF HOMELAND SECURITY AND EMERGENCY SERVICES
FOR 2015 STATE HOMELAND SECURITY PROGRAM GRANT**

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

WHEREAS, Act 245-2014 authorized the Chairman to execute grant documents with the New York State Office of Homeland Security for a grant in the amount of \$160,000.00 for the fiscal year 2014 State Homeland Security Program, and

WHEREAS, the County has been awarded \$160,000.00 under the fiscal year 2015 State Homeland Security Program that must be allocated as follows:

- Cattaraugus County Office of Emergency Services – A Homeland Security Program contract in the amount of \$120,000.00 will be initiated to provide funds to support the implementation of the State Homeland Security Strategy and address the identified planning, equipment, training and exercise needs for acts of terrorism and other catastrophic events; and
- Cattaraugus County Sheriff's Office – A Law Enforcement Terrorism Prevention Program contract in the amount of \$40,000.00 will be initiated to provide funds for the law enforcement community to support terrorism prevention and preparedness efforts;

and

WHEREAS, grant documents must be executed in order to receive the aforementioned funding, 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 grant documents, on behalf of Cattaraugus County, with the New York State Office of Homeland Security and Emergency Services, in order to receive the above-described grant funding, for a term commencing October 1, 2014 and terminating December 31, 2015, according to the above-described terms, and be it further

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

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

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

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

¹The following Legislators requested their names be listed as additional sponsors: "Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Klancer, Mr. Marsh, Mr. Snyder, Sr., Mrs. Stockman, Mr. Teachman, Mr.

VanRensselaer, Ms. Vickman, Mr. Weller, Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson, Mr. Padlo, Mr. Sprague and Mr. Keller”.

Adopted April 22, 2015 by voice vote.

ACT NO. 237-2015 by Mr. Murphy
who asks immediate consideration

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
FOR PURCHASE OF VEHICLE
(Sheriff's Office)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, the Sheriff's Office is desirous of purchasing a vehicle through Henderson Ford utilizing New York State contract #PC66390, and

WHEREAS, it is proposed that an amount of \$32,001.46 be transferred from Sheriff's Office Account No. A.311.3110.0000.2626 in order to cover the purchase of a 2015 Ford Transit-350 Wagon, and

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

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

Increase Estimated Revenue Account:

A.311.3110.0000.2626	Restricted Forfeiture of Crime Proceeds	\$32,001.46
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Increase Appropriation Account:

A.311.3150.3151.20101	Vehicles	\$32,001.46.
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MR. WELLER moved, seconded by Mr. Keller to waive Rule 12. Carried.

Adopted April 22, 2015 by voice vote.

ACT NO. 238-2015 by Ms. Edstrom and Mrs. Stockman
who ask immediate consideration

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING
THROUGH ROBERT WOOD JOHNSON FOUNDATION
FOR HEALTH DEPARTMENT SCALE GRANT FUNDING**

Pursuant to Section 450 of the County Law.

WHEREAS, funding up to \$68,000.00 is available through the Robert Wood Johnson Foundation, Route 1 & College Road East, P.O. Box 2316, Princeton, New Jersey 08543-2316, for the Spreading Community Accelerators through Learning and Evaluation (SCALE) program, and

WHEREAS, the SCALE program will provide an opportunity for communities to substantially accelerate their health improvement by equipping communities with skills and resources to unlock their potential and achieve significant results, and

WHEREAS, twenty (20) "pacesetter communities" will be selected to participate in a 20 month intensive "learning and doing" program designed to assist communities to achieve unprecedented results in improving the health and well-being of people, populations and the community, and

WHEREAS, a grant application must be executed in order to apply for the aforementioned grant, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a grant application, on behalf of Cattaraugus County, with the Robert Wood Johnson Foundation, in order to apply for the above-described grant, according to the above-described terms.

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

Adopted April 22, 2015 by voice vote.

ACT NO. 239-2015 by Mr. Edwards
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
GILROY, KERNAN & GILROY, INC. FOR
BENEFITS PLAN MANAGEMENT SERVICES**

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

WHEREAS, Act 172-2014 authorized a contract with Gilroy, Kernan & Gilroy, 210 Clinton Road, New Hartford, New York 13413, for the provision of benefits plan management services, the term of which expires April 30, 2015, and

WHEREAS, the County is desirous of obtaining ongoing benefits plan management services to analyze the County's current benefits plans, and to recommend cost-saving changes to the County's benefits plans, and

WHEREAS, the firm of Gilroy, Kernan & Gilroy, Inc. can provide the following ongoing advisory services to assist the County in managing benefit plan contracts and costs, and monitoring plan performance and claims experience, for an amount of \$45,000.00, to be paid in quarterly installments of \$11,250.00 each:

- Analyzing continuing plan experience and utilization data, provide customized reports, and make recommendations to the County regarding the most effective plan management;
- Provide customized monthly plan financial summary reports designed to assist the County in concisely monitoring plan costs and claims activity;
- Unlimited attendance at all plan management meetings;

- Development, communication coordination, and installation of new plan options or plan design changes;
- Assist with and provide advisory services with collective bargaining issues related to the health benefits plan;
- Monitoring performance of insurance carriers and service providers to ensure smooth delivery of benefits and services and assist County staff with benefits administration issues;
- Ongoing evaluation of plan designs, plan alternatives, perform "what if" scenarios and cost management options;
- Act on behalf of the County in analyzing and negotiating renewal rates to obtain the most competitive pricing;
- Provide actuarial services, including, but not limited to:
 - calculating "conventional" premium rates
 - plan financing
 - reserve setting
 - trend forecasting
 - preparation of budget and supporting documentation;
- Examining the appropriateness of alternative health care strategies and programs such as Preferred Provider Organizations, Point-of-Service plans, etc.;
- Provide reports on benefit utilization, inflation trends, evaluate and interpret this data to suggest benefit design and cost control initiatives;
- Development, communication coordination, and installation of new plan options or plan design changes, conduct group meetings with participants to explain specific benefit provisions, introduce and communicate coverage changes;
- Update Plan Documents and Summary Plan Description booklets (SPD's) in accordance with new or changing regulations or benefit provisions;
- Serving as a resource to Cattaraugus County by providing objective information and advising the County on legislative and regulatory developments such as COBRA, HIPAA, etc., and recommending courses of action;
- Strategizing long-term employee benefit objectives;
- Providing plan updates, experience, analysis and other timely information as requested;
- Act as a resource for any employee benefits/human resource issues the County may have,

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 Gilroy, Kernan & Gilroy, Inc. for the provision of the above-described services, for a term commencing May 1, 2015 and terminating April 30, 2016, according to the above-described terms.

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

Adopted April 22, 2015 by voice vote.

ACT NO. 240-2015 by Mr. Felton, Mr. Klancer, Mr. Murphy, Ms. Vickman,
Mr. Weller, Mr. Boser and Mr. Lamberson
who ask immediate consideration

**SALE OF TAX TITLE PROPERTY TO FORMER OWNERS
(Towns of Allegany, Freedom and Otto)**

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

WHEREAS, Cattaraugus County has tax title to certain properties situate in the Towns of Allegany, Freedom and Otto, and

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

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

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

TOWN OF ALLEGANY

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
105	94.001-1-39	Barbara Olin-Riggs	3109 N. Seventh St. Allegany, NY 14706	\$2,271.37

TOWN OF FREEDOM

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
225	14.005-1-43	Daniel M. Cass, Sr. Peggy A. Cass	P.O. Box 164 1370 Eagle St. Sandusky, NY 14133	\$2,972.57

TOWN OF OTTO

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
345	27.001-2-20	Robert G. Crowell II	9089 Swamp Rd. Cattaraugus, NY 14719	\$5,679.28
346	27.001-2-11.1	Robert G. Crowell II	9089 Swamp Rd. Cattaraugus, NY 14719	\$5,040.91
347	27.001-2-11.2	Robert G. Crowell II Kimberly A. Young	9089 Swamp Rd. Cattaraugus, NY 14719	\$15,338.22
351	35.002-1-9.2	Joe A. Scharf, Sr.	8449 Foster Hill Rd. Cattaraugus, NY 14719	\$12,117.74

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

Adopted April 22, 2015 by voice vote.

ACT NO. 241-2015 by Mr. Marsh
and Mrs. Stockman¹
who ask immediate consideration

**REQUESTING NEW YORK STATE LEGISLATURE ENACT
SENATE BILL S.4448 AND ASSEMBLY BILL A.6779 REGARDING
EXTENDED AUTHORIZATION OF 25 CENT MORTGAGE RECORDING TAX**

Pursuant to Section 40 of the Municipal Home Rule Law.

WHEREAS, the New York State Legislature has authorized most counties in New York State to charge a 25 cent per \$100 mortgage recording tax, and

WHEREAS, Senate Bill S.4448 and Assembly Bill A.6779 have been introduced in the New York State Legislature, which authorize the Cattaraugus County Legislature to extend a 25 cent per \$100 mortgage recording tax for Cattaraugus County, for a term ending December 1, 2018, and

WHEREAS, a necessity exists for the passage of such legislation by the New York State Legislature, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby requests the New York State Legislature hereby enact Senate Bill S.4448 and Assembly Bill A.6779, which authorizes the Cattaraugus County Legislature to extend an additional 25 cent per \$100 mortgage recording tax, in accordance with the above-described terms, and be it further

RESOLVED, that the County Attorney be, and hereby is, authorized and directed to submit one or more Home Rule Requests to the New York State Legislature pursuant hereto, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Senator Young, Assembly Member Giglio, and the New York State Department of Taxation and Finance.

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

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

CHAIRMAN MARSH requested a Roll Call vote on Act No. 241-2015 which disclosed as follows:

Ayes: Boser 1.0267, Edstrom 0.8673, Edwards 0.9684, Felton 1.0972, Keller 0.8673, Klancer 1.1005, Koch 0.8685, Labuhn 0.8685, Lamberson 1.0267, Marsh 1.1278, Murphy 1.1005, Padlo 0.8673, Snyder, Sr. 0.8673, Sprague 1.0230, Stockman 1.0003, Teachman 0.8673, VanRensselaer 1.1278, Vickman 1.0972, Weller 1.0972 – 18.8668.

Nays: none.

Act No. 241-2015, having received a two-thirds majority vote of the Legislature was declared Adopted.

ACT NO. 242-2015 by Mr. Marsh
and Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Klancer, Mr. Murphy,
Mr. Snyder, Sr., Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Ms. Vickman, Mr. Weller,
Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson, Mr. Padlo, Mr. Sprague and Mr. Keller¹
who ask immediate consideration

**REQUESTING NEW YORK STATE LEGISLATURE ENACT SENATE BILL S.4408 AND
ASSEMBLY BILL A.6361 REGARDING ADDITIONAL ONE
PERCENT SALES TAX FOR CATTARAUGUS COUNTY**

Pursuant to Section 40 of the Municipal Home Rule Law.

WHEREAS, the New York State Legislature authorized the imposition of an additional one percent sales tax in Cattaraugus County by Chapter 332 of the Laws of 2007 of the State of New York, and

WHEREAS, that authorization expires November 30, 2015, and

WHEREAS, the revenue generated by the additional one percent sales tax during 2014 was approximately \$9.7 million, and

WHEREAS, the additional one percent sales tax has been allocated in the 2015 County budget for the maintenance, repair, rehabilitation and replacement of the infrastructure in Cattaraugus County, and

WHEREAS, Senate Bill S.4408 and Assembly Bill A.6361 have been introduced in the New York State Legislature, which authorize the Cattaraugus County Legislature to implement an additional one percent sales tax for a term commencing December 1, 2015 and ending November 30, 2017, and

WHEREAS, a necessity exists for the passage of such legislation by the New York State Legislature, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby requests the New York State Legislature enact Senate Bill S.4408 and Assembly Bill A.6361, which authorizes the Cattaraugus County Legislature to implement an additional one percent sales tax, in accordance with the above-described terms, and be it further

RESOLVED, that the County Attorney be, and hereby is, authorized and directed to submit one or more Home Rule Requests to the New York State Legislature pursuant hereto, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Senator Young and Assembly Member Giglio.

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

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

CHAIRMAN MARSH requested a Roll Call vote on Act No. 242-2015 which disclosed as follows:

Ayes: Boser 1.0267, Edstrom 0.8673, Edwards 0.9684, Felton 1.0972, Keller 0.8673, Klancer 1.1005, Koch 0.8685, Labuhn 0.8685, Lamberson 1.0267, Marsh 1.1278, Murphy 1.1005, Padlo 0.8673, Snyder, Sr. 0.8673, Sprague 1.0230, Stockman 1.0003, Teachman 0.8673, VanRensselaer 1.1278, Vickman 1.0972, Weller 1.0972 – 18.8668.

Nays: none.

Act No. 242-2015, having received a two-thirds majority vote of the Legislature was declared Adopted.

ACT NO. 243-2015 by Mr. Marsh, Mr. Murphy, Mr. Snyder, Sr.,
Ms. Vickman and Mrs. Labuhn
*and Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Klancer, Mrs. Stockman,
Mr. Teachman, Mr. VanRensselaer, Mr. Weller, Mr. Boser,
Mr. Koch, Mr. Lamberson, Mr. Padlo and Mr. Keller¹*
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE JOINT LETTER WITH
ERIE COUNTY OPPOSING PROPOSED TRANSFER OF ROUTE 219 BRIDGE**

Pursuant to Section 450 of the County Law.

WHEREAS, by Acts 523-2007, adopted October 10, 2007; 86-2011, adopted February 9, 2011; and 75-2015, adopted February 11, 2015, the Cattaraugus County Legislature has formally stated its opposition to NYSDOT's ("DOT") planned transfer of jurisdiction and future maintenance responsibility regarding the existing bridge crossing Cattaraugus Creek at Zoar Valley, which was erected by DOT in 1956 (identified as BIN 1041590) or a replacement bridge which DOT now proposes to erect (hereinafter "the bridge"), to Cattaraugus and Erie Counties ("the Counties") pursuant to Highway Law Section 62, and

WHEREAS, pursuant to law, DOT may, with the consent of the State Director of the Budget, elect to retain jurisdiction of the bridge and continue to maintain it as part of the state highway system, and

WHEREAS, the Legislature hereby restates that while it supports the continued existence of the bridge at its present location under the jurisdiction of DOT, it is opposed to the proposed jurisdictional transfer of the bridge unless the State commits by contracting with the Counties to provide sufficient funding to maintain the bridge in the future and to hold the Counties harmless from and indemnify them for all liabilities and damages to which the Counties may become responsible upon and following such transfer of jurisdiction, and

WHEREAS, it is estimated that the annual allotment from the State required to fund ongoing maintenance for the bridge's 75-year useful life is minimally in the amount of \$1,039,000.00, far exceeding the \$300,000.00 reserve the State has created to fund such maintenance for the first 22 years, and

WHEREAS, DOT has threatened to abandon the bridge unless the Counties agree by April 25, 2015 to execute a maintenance agreement pursuant to which the Counties would commit to accept responsibility for its future maintenance, and

WHEREAS, this time constraint is unreasonable and not in the best interests of the parties, and

WHEREAS, the State has refused to consider retaining the bridge in its inventory and to consider other alternatives such as constructing a new entrance to and exit from the newly completed Route 219 Expressway to provide better access to businesses located along the former Route 219 in Springville, and

WHEREAS, over 75% of the County's annual budget already represents unfunded or severely underfunded mandates imposed on it by the State, and

WHEREAS, as representatives of the citizens and taxpayers of Cattaraugus County and fiduciaries in whom the public has reposed its trust to use public funds in a responsible manner, and further in view of the fact that the County is subject to a tax cap and tax freeze imposed by the State, this Legislature cannot willingly accept the transfer of the bridge as proposed, and

WHEREAS, the importance of coming to a mutually agreeable resolution to protect the affected communities and the taxpayers cannot be overstated, and

WHEREAS, it has been proposed that the Counties issue a joint letter to DOT Commissioner Joan McDonald again expressing their concerns as outlined herein and requesting that the State either consider alternative courses of action or commit to fully and properly fund future maintenance of the bridge by the Counties, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed, on behalf of Cattaraugus County, to execute a letter to NYSDOT Commissioner Joan McDonald, on the condition that an authorized representative of Erie County also signs such letter, expressing and conveying the Legislature's concerns and that Cattaraugus County will not agree to accept the jurisdictional transfer of the bridge as proposed.

MR. MURPHY moved, seconded by Mr. Teachman to waive Rule 12. Carried.

¹The following Legislators requested their names be listed as additional sponsors: "Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Klancer, Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Mr. Weller, Mr. Boser, Mr. Koch, Mr. Lamberson, Mr. Padlo and Mr. Keller".

Chairman Marsh recognized Mr. Edwards who stated that although he would support the resolution, he disagreed with the third Whereas.

Adopted April 22, 2015 by voice vote.

MRS. STOCKMAN moved, seconded by Mrs. Labuhn to adjourn until May 13, 2015 at 3:00 p.m. Carried.

Meeting adjourned at 3:48 p.m.

Ann M. Giglio
Journal Clerk