

August 26, 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 – Edstrom and Teachman. Ms. Edstrom arrived at 3:23 p.m.

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MR. MURPHY moved, seconded by Mrs. Labuhn that the minutes of the July 22, 2015 session be approved. Carried.

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COMMUNICATIONS:

New York State Department of State: Acknowledging receipt of Local Law Number 5-2015 (Intro No. 5-2015) and the filing of the same on August 4, 2015.

New York State Member of Assembly Joseph M. Giglio: Acknowledging receipt of Act No. 368-2015 and Act No. 382-2015; letters to Governor Cuomo requesting approval of Assembly Bill A6779/Senate Bill S4448 (extension of mortgage recording tax) and Assembly Bill A6361/Senate Bill S4408 (extension of 1% sales tax); acknowledgment of Assembly Bill A6361/Senate Bill S4408 signed into law by Governor (extension of 1% sales tax).

Howard V. VanRensselaer, County Legislator: Letter of Disclosure:

Dear Legislators:

This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #3 of the Cattaraugus County Legislature.

This is to further advise you that, at times, I assist at VanRensselaer & Son Funeral Home, which is owned by my son, Howard T. VanRensselaer. I may, therefore, be occasionally reimbursed indirectly by the Cattaraugus County Department of Social Services for indigent burial services.

This letter is intended as a written disclosure of my official capacities as required by Section 803 of the General Municipal Law.

Sincerely,
Howard V. VanRensselaer, County Legislator

Cattaraugus County American Legion: Letter and resolution in support of Civil War Memorial and Historical Building in Little Valley. (see pages 440 and 441)

William P. Emborski: Correspondence in response to Act No. 382-2015.

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**Cattaraugus County American Legion
Department of New York**

August 20, 2015

Mr. John R. (Jack) Searles, County Administrator
Cattaraugus County Office Building
303 Court Street
Little Valley, New York 14755

Dear Mr. Searles:

The Cattaraugus County American Legion Committee met in June at Hinsdale for their annual County Convention, and adopted a resolution regarding the future of the Civil War Memorial and Historical Building in Little Valley. This resolution declares our support for the preservation of this structure, which was originally dedicated to the Cattaraugus County Soldiers and Sailors who served in the American Civil War.

Preservation of this memorial structure is important to the history of Cattaraugus County. It is still cherished as a reminder to those local citizens who served, fought or died during this war.

The impact of the American Civil War has transcended generations. As you may know, New York played a critical role in this conflict in terms of manpower and industrial might. The rail system in our State served as a vital pipeline for supplies and personnel. Our state's manufacturing capabilities, even then, are best illustrated by the fact that Erastus Corning & Company iron works in Albany provided vital components for the construction of the U.S.S. Monitor ironclad, which was victorious at the 1862 Battle of Hampton Roads. Our state provided 370,000 soldiers and sailors to the Union Army and Navy. Of those New Yorkers, 834 officers and 12,142 enlisted men were killed in action. Another 7,235 died of their wounds and 4,766 died while held in Confederate Prisoner of War camps.

As the nation's largest veteran's organization, representing those who served during our Nation's wars, the membership of the American Legion works to preserve the benefits and legacy of our veterans and foster Americanism and good citizenship through various youth-related and community programs. The 2,000 Legion members here in Cattaraugus County are dedicated to preserving the history and sacrifices of those citizens and residents of our County who served so valiantly to protect our freedom. This is why the Civil War Building and Memorial such a fitting tribute to honor those individuals whose sacrifice should never be forgotten. We of the American Legion urge its preservation.

Your assistance in this matter is greatly appreciated. I respectfully request that this letter and attached resolution be presented and read to the body at your next county legislative meeting.

Sincerely,


George L. Fillgrove (USAF Retired)
County Commander

Enclosure(s)



Cattaraugus County American Legion
Department of New York

Resolution

WHEREAS on October 15, 1909 some sixty members of the Cattaraugus County Veterans Association gathered in Salamanca for their 33rd annual reunion. The Association was comprised of Civil War veterans residing in Cattaraugus County; and

WHEREAS the veterans at the reunion endorsed the country's plan to erect a Memorial and Historical Building in memory of the soldiers and sailors who served in the Civil War from Cattaraugus County; and

WHEREAS on September 12, 1911, in the presence of a large crowd of Civil War veterans and Cattaraugus County residents, the Memorial and Historical Building's cornerstone was laid at a lot on the corner of Court and present day Seventh Street in Little Valley, Cattaraugus County seat; and

WHEREAS the Memorial and Historical Building was dedicated on September 7, 1914, with 217 Civil War veterans in attendance assisted by Little Valley Boy Scouts, and

WHEREAS at the dedication the son of First Sergeant Henry F. Whipple of the 154th New York, who had been captured at Gettysburg and died as a prisoner of war at Andersonville stated:

"One of the prime objects in erecting this edifice is to prove our appreciation of the importance of the victories won by our forefathers, and to publicly show our love and Veneration for that generation of men who sacrificed all, even their lives, to preserve that which was won by their fathers at Bunker Hill, Valley Forge, and Yorktown. . . .

We dedicate this structure with our hearts full of loyalty for our country, and wish it ever to stand, signifying the deathless patriotism of American soldiers and sailors and their loyalty to the Stars and Stripes . . . To my mind, the element that gives it greatest value is the memorial feature . . . To us in Cattaraugus County it tells of the early days, of our soldiers and sailors living and dead, and represents the thought, the patient work of those who conceived and built it. It will become the shrine of soldiers and sailors living, and the registrar of those who have died . . . It will recall to our minds the great struggle in which the men whose names have honored place therein took honorable part."

and

WHEREAS the Civil War Memorial and Historical Building dedicated to Cattaraugus County Soldiers and Sailors serving in the Civil War is in immediate danger of demolition by action of the Cattaraugus County Legislatures; and

WHEREAS a group has formed to preserve the Civil War Soldiers and Sailors Memorial and Historical Building called Citizens Advocating Memorial Preservation (C.A.M.P.) and they have undertaken a professional study regarding preservation of the Memorial Building; and

WHEREAS the American Legion in Cattaraugus County is committed to preserving War Memorials erected in the county honoring the military service of citizens and residents of Cattaraugus County; it is hereby

RESOLVED that the American Legion in Cattaraugus County opposed the destruction of the Soldiers and Sailors Memorial and Historical Building located in the county seat in Little Valley and owned by the people of Cattaraugus County; and it is further

RESOLVED that this resolution of the American Legion in Cattaraugus County be delivered to the Clerk of the Cattaraugus County legislature officially declaring our support for the preservation of this Memorial to the Soldiers and Sailors of Cattaraugus County who bravely fought to preserve the United States of America.

So declared at the Convention of the American Legion in Cattaraugus County, at Hinsdale, New York this 7th day of June 2015.

John Sampson authored the resolution; which was unanimously approved as shown and read
(Dorothy Button: motion / Robert Sluga: second)

APPOINTMENTS:**CATTARAUGUS COUNTY EQUINE ADVISORY COMMITTEE***Terms to expire December 31, 2017*

Emily Bailey
10B Airline Drive
Albany, New York 12235

Linda Murphy
64 Palmer Road
Cuba, New York 14727

Leonard Brainard
12604 Cowens Corners Road
Conewango Valley, New York 14726

Melinda Nichols
5177 Baker Road
Salamanca, New York 14779

Luke Brainard
12604 Cowens Corners Road
Conewango Valley, New York 14726

Holly Parry
4386 Route 353
Salamanca, New York 14779

James Leising
12503 Cottage Road
South Dayton, New York 14138

Vicky Raecher
5281 Humphrey Road
Great Valley, New York 14741

Leah Leising
12503 Cottage Road
South Dayton, New York 14138

Becky Smith
4599 Whalen Road
Great Valley, New York 14741

James Little
5821 Baker Road
Salamanca, New York 14779

William E. Sprague
3222 Taylor Road, P.O. Box 659
Yorkshire, New York 14173

Thomas M. Livak
2373 ASP Route 1
Salamanca, New York 14779

Holly Zendarski
4522 Bryant Hill Road
Franklinville, New York 14737

CATTARAUGUS COUNTY LONG TERM CARE ADVISORY COUNCIL*Term to expire December 31, 2015*

Mary O'Leary, Director
Community Services Department
One Leo Moss Drive, Suite 4308
Olean, New York 14760

CRIMINAL JUSTICE ADVISORY COMMITTEE*Term to expire December 31, 2015*

M. Mark Howden, Esq.
County Attorney
303 Court Street
Little Valley, New York 14755,
to fill the unexpired term of Thomas C. Brady.

RECORDS MANAGEMENT ADVISORY BOARD*Term to expire December 31, 2015*

M. Mark Howden, Esq.
County Attorney
303 Court Street
Little Valley, New York 14755,
to fill the unexpired term of Thomas C. Brady.

THATCHER BROOK WATERSHED TASK FORCE*Terms to expire December 31, 2015*

James Klubek, Superintendent
Gowanda Central School District
10674 Prospect Street
Gowanda, New York 14070,
to fill the unexpired term of Charles Rinaldi

Paula Schueler, Supervisor
Town of Persia
10232 Skinner Hollow Road
Gowanda, New York 14070,
to fill the unexpired term of Melvin LeBar.

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CHAIRMAN MARSH announced that it is the time and place for a public hearing on **Act No. 380-2015, Local Law Number 7-2015**, entitled, "A Local Law Amending Local Law Number 21-2002 Regarding Compensation for Coroner's Physicians", and that anyone wishing to speak for or against this local law may now do so.

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

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CHAIRMAN MARSH called up **Act No. 380-2015, Local Law Number 7-2015**, A Local Law Amending Local Law Number 21-2002 Regarding Compensation for Coroner's Physicians, and asked that it be read.

CHAIRMAN MARSH requested a Roll Call vote on Act No. 380-2015, Local Law Number 7-2015, as amended, which disclosed as follows:

Ayes: Boser 1.0267, Edwards 0.9684, Felton 1.0972, Hale 1.0655, Keller, 0.8673, Klancer 1.1005, Koch 0.8685, Labuhn 0.8685, Lamberson 1.0267, Murphy 1.1005, Marsh 1.1278, Padlo 0.8673, Snyder, Sr. 0.8673, Snyder, Jr. 1.0655, Sprague 1.0230, Stockman 1.0003, VanRensselaer 1.1278, Vickman 1.0972, Weller 1.0972 – 19.2632.

Nays: none.

Act No. 380-2015, Local Law Number 7-2015, having received the majority vote of the Legislature was declared Adopted.

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PRIVILEGE OF THE FLOOR:

Chairman Marsh granted Privilege of the Floor to John Sampson, Chairman of the Department Resolutions Committee of the Cattaraugus County American Legion, who read a letter from County Commander George L. Fillgrove (USAF Retired) regarding the Civil War Memorial and Historical Building in Little Valley. Mr. Sampson noted that over 80 members were in attendance at the County Convention who passed the resolution in support of the Civil War Building. See pages 440-441 for letter and resolution.

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ACT NO. 386-2015 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, 2015:

David Smith
35 N. Chapel Street
Gowanda, New York 14070,
to fill the unexpired term of Georgina Paul.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted August 26, 2015 by voice vote.

ACT NO. 387-2015 by Mr. Teachman

**AUTHORIZING INCREASE OF ANNUAL LEAVE AND CREDIT FOR PRIOR SERVICE
FOR ASSISTANT COUNTY ATTORNEY**

Pursuant to Section 7.2 of the Benefit Manual for Managerial and Confidential Officers and Employees of Cattaraugus County and Section 205 of the County Law.

WHEREAS, Wendy G. Peterson has been appointed to the position of Assistant County Attorney in the County Attorney's Office, and

WHEREAS, Ms. Peterson was employed by the County previously in both the District Attorney's Office and the Public Defender's Office for a total of seven years, five months, and

WHEREAS, it is only fair that Ms. Peterson receive credit for prior service as a county employee from November 1999 until April 2003, now, therefore, be it

RESOLVED, that Wendy G. Peterson be credited prior service as a County employee and be deemed to be a seven year employee for purposes of qualifying for all benefits in such compensation and benefit package as established for Managerial and Confidential Officers and Employees.

Approved by 8 members of the Finance Committee, 7 members of the County Operations Committee and 5 members of the Labor Relations Committee.

Adopted August 26, 2015 by voice vote.

ACT NO. 388-2015 by Mr. Marsh
and Ms. Edstrom and Mr. Lamberson¹

**RECOMMENDATION OF SALARY FOR THE POSITION OF
DIRECTOR OF COMMUNITY SERVICES**

Pursuant to Local Law No. 16-2000.

WHEREAS, Local Law No. 16-2000 established the procedures for appointment of the Director of Community Services by the Community Services Board, and

WHEREAS, the Community Services Board has appointed Mary O'Leary, 12 Blanchard Street, Jamestown, New York 14701, to the position of Director of Community Services, effective immediately, subject to the New York State Oversight Agency (OMH, OASAS, and OPWDD), and

WHEREAS, Local Law No. 16-2000 further provides that the salary of the Director of Community Services shall be fixed by the Community Services Board, upon recommendation of the County Legislature, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby recommends to the Community Services Board a bi-weekly salary of \$3,109.00 for the position of Director of Community Services, together with any and all other benefits provided for in such compensation and benefit package as is, or may be, established for Managerial and Confidential Officers and Employees.

Approved by 8 members of the Finance Committee, 7 members of the Human Services Committee and 5 members of the Labor Relations Committee.

¹The following Legislators requested their names be listed as additional sponsors: "Ms. Edstrom and Mr. Lamberson".

Adopted August 26, 2015 by voice vote.

ACT NO. 389-2015 by Mr. Klancer, Ms. Vickman, Mrs. Labuhn and Mr. Sprague

**AMENDING RULE 2 OF THE
RULES OF ORDER OF THE COUNTY LEGISLATURE**

Pursuant to Rule 32 of the Rules of Order.

WHEREAS, it has been proposed to conduct regular board meetings on the second and fourth Wednesdays during the months of July and August for the remainder of this legislative term, and

WHEREAS, Rule 2 of the Rules of Order should be amended as follows: Put a "." after "month", and delete the remainder of the section so that 2.1 shall read as follows:

2.1 Regular meetings shall commence at 3:00 p.m. on the second and fourth Wednesdays of each month, ~~except, that in the months of July and August, the only regular meeting will be the fourth Wednesday,~~
now, therefore, be it

RESOLVED, that Rule 2 of the Rules of Order is hereby amended as stated above.

Approved by 6 members of the Finance Committee and 6 members of the County Operations Committee.

Adopted August 26, 2015 by voice vote.

ACT NO. 390-2015 by Mr. Edwards and Mr. Padlo

AMENDING CATTARAUGUS COUNTY CORPORATE COMPLIANCE PLAN

Pursuant to Section 450 of the County Law.

WHEREAS, Act 616-2010 authorized the adoption of the Cattaraugus County Corporate Compliance Plan, and

WHEREAS, it is necessary to amend certain sections of the Corporate Compliance Plan, now, therefore, be it

RESOLVED, that the Compliance Plan section of the Corporate Compliance Plan be, and hereby is, amended as follows:

- Compliance Policy and Summary
 - In the last sentence of Section 3.1, add: "workplace oriented"; delete: "Director of Human Resources", and replace with: "Personnel Officer", as follows:
"3. Responsibility.
3.1 All employees, contracted personnel, and vendors shall acknowledge that it is their responsibility to report any instances of suspected or known noncompliance to their immediate supervisor or the Compliance Officer. Reports may be made anonymously and without fear of retaliation or retribution. Failure to report known noncompliance, or making reports which are not in good faith, will be grounds for disciplinary action, up to, and including, termination. Reports related to harassment or other workplace oriented issues will be referred to the County Personnel Officer."
- 1. Mission Statement and Expectations
 - In the first sentence of Section 1.2, first paragraph, delete: "ensure" and replace with: "ensures".
 - In the last sentence of Section 1.2, fourth paragraph, delete: "(716) 375-5136" and replace with: "(716) 938-6003", as follows:
First paragraph -
"1.2. Expectations

The County ensures that all aspects of service provision and business conduct are performed in compliance with our mission statement, policies and procedures, professional standards, applicable governmental laws, rules, and regulations, and other payer standards. Cattaraugus County expects every person who provides services to adhere to the highest ethical standards and to promote ethical behavior. Any person whose behavior is found to violate ethical standards will be disciplined appropriately."

Fourth paragraph -

"When any person knows or reasonably suspects that the expectations above have not been met, this must be reported to his/her immediate supervisor or the Compliance Officer, so each situation may be appropriately dealt with. The Compliance Officer may be reached at (716) 938-6003."

- 2. The Role of the Corporate Compliance Officer
 - In the first sentence of Section 2.1, delete: "Deputy County Administrator", and replace with: "County Privacy, Security and Compliance Officer, created by Act 146-2013", as follows:

"2.1. Compliance Officer
The Cattaraugus County Legislature designates the County Privacy, Security and Compliance Officer, created by Act 146-2013, as the Corporate Compliance Officer (also referred to as "Compliance Officer"). The Compliance Officer has direct lines of communication to the Legislature and the Cattaraugus County Attorney."
- 3. The Structure, Duties and Role of the Corporate Compliance Committee
 - Add the following at the end of Section 3.1:

"The Corporate Compliance Committee shall include a total of seven (7) members; five (5) voting members and two (2) ex-officio members. The individuals holding the positions of Privacy, Security and Compliance Officer, County Treasurer, Personnel Officer, Undersheriff and Chairman of the Legislature, shall be voting members on the Committee. The County Administrator and County Attorney shall serve as ex-officio members. The term of the appointments shall be the duration of each individual's employment."
- 4. Delegation of Substantial Discretionary Authority
 - In Section 4.1, subparagraphs a) through d), delete all listed email addresses, and replace with new email addresses, as follows:
 - a) <https://www.sam.gov/portal/SAM/?portal>
 - b) <http://exclusions.oig.hhs.gov/>
 - c) <https://www.omig.ny.gov/search-exclusions>
 - d) <http://w3.health.state.ny.us/opmc/factions.nsf>
<http://www.op.nysed.gov/opd/rasearch.htm>
- 8. Auditing and Monitoring of Compliance Activities
 - In the last line of the second bulleted item under Section 8.2, after: "state-funded program or", add: "County-funded", as follows:

"The Compliance Officer will be notified immediately in the event of any visits, audits, investigations, or surveys by any federal or state agency or authority, and shall immediately receive a photocopy of any correspondence from any regulatory agency charged with licensing the County and/or administering a federally or state-funded program or County-funded program with which County participates;"

and be it further

RESOLVED, that the Policy and Procedures section of the Corporate Compliance Plan be, and hereby is, amended as follows under Compliance Officer, Job Description/Primary Responsibilities:

- In the first sentence of the Position Summary section, delete: "Compliance Officer will be the", and replace with: "County Privacy, Security and Compliance Officer, created by Act 146-2013, will be the Compliance Officer", as follows:

"Position Summary

The County Privacy, Security and Compliance Officer, created by Act 146-2013, will be the Compliance Officer appointed by the County Legislature. The Compliance Officer has primary responsibility for the development, implementation, and monitoring of the Compliance Program.

- In the fifth bulleted item of the Duties and Responsibilities section, after: "understood the", add: "Standards of", as follows:
"Reviewing the employees' acknowledgement that they have received, read, and understood the Standards of Conduct."
- In the fifteenth bulleted item of the Duties and Responsibilities section, after: "services", add: "are", as follows:
"Using best efforts to ensure that independent contractors, including, but not limited to, consumer care, vendors, billing services are aware of the requirements of the County's Compliance Plan."

Approved by 8 members of the Finance Committee, 7 members of the County Operations Committee and 5 members of the Labor Relations Committee.

Adopted August 26, 2015 by voice vote.

ACT NO. 391-2015 by Mr. Weller and Mr. Koch

**BID ACCEPTANCE FOR PURCHASE OF NATURAL GAS
(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 purchase of natural gas for the County Center building, the DPW Facility in Little Valley, and The Pines Healthcare and Rehabilitation Center in Machias, according to specifications provided by the Public Works Committee, and

WHEREAS, Energy Enterprises, Inc., energy consultant for the County, has reviewed the bids submitted as well as the performance history of the bidders and has recommended that the County accept the bid of Energymark, LLC, 6653 Main Street, Williamsville, New York 14221, for Method #1 – Firm Index Based Pricing with Trigger Option (One Year Commitment), as follows:

Basis Pricing shall be the difference between the monthly NYMEX, Henry Hub settlement price, as reported in the Wall Street Journal and the total price to the LDC. Each month this non-changing basis will be added to the appropriate monthly NYMEX settlement figure or the fixed NYMEX upon fixing.

Basis including shrinkage, upstream transportation, margin, etc. \$-0.535/Dth

The price can be fixed anytime during the contract term at the current NYMEX + Basis.
Notice will be given to the marketer by noon of the day which the price shall be fixed.,

now, therefore, be it

RESOLVED, that the bid of Energymark, LLC, be, and the same hereby is, accepted for a term commencing September 1, 2015 and terminating August 31, 2016, 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.

Fifteen sets of specifications were sent out.

Three bids were received meeting specifications.

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

Adopted August 26, 2015 by voice vote.

ACT NO. 392-2015 by Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH STEPHENSON EQUIPMENT, INC. FOR
ON-SITE COMPUTER SYSTEM UPGRADE FOR 50-TON CRANE**

Pursuant to Section 450 of the County Law.

WHEREAS, the computer system for the County's 50-ton crane needs to be updated,
and

WHEREAS, Stephenson Equipment, Inc., 7201 Paxton Street, Harrisburg, Pennsylvania 17111, can provide the required on-site computer system upgrade for an amount of \$19,403.30, to be paid as invoiced, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Stephenson Equipment, Inc., for the provision of the above-described services, for a term commencing August 26, 2015 and terminating December 31, 2015, according to the above-described terms.

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

Adopted August 26, 2015 by voice vote.

ACT NO. 393-2015 by Mr. Weller and Mr. Koch
and Mr. Lamberson¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH TWIN TIERS OVERHEAD DOORS, INC. FOR
OVERHEAD DOOR REPAIR, REPLACEMENT,
INSTALLATION AND PREVENTIVE MAINTENANCE**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 401-2014 authorized a contract with Twin Tiers Overhead Doors, Inc., 1997 Four Mile Road, Allegany, New York 14706, for the provision of overhead door repair, replacement, installation and preventive maintenance services, the term of which expires August 30, 2015, and

WHEREAS, the County Department of Public Works has solicited proposals for the provision of contracted services for on-call repair, replacement/installation, and preventive maintenance of overhead door systems at various facilities throughout Cattaraugus County, and

WHEREAS, Twin Tiers Overhead Doors, Inc., can provide the aforementioned services for an amount in accordance with the following rate schedule:

<u>Labor Charges</u>	<u>Rates</u>
<i>Monday – Friday Business Hours</i>	
<i>Regular Hourly Rate</i>	
1 Overhead Door Mechanic	\$ 70.00/hour/man
1 Overhead Door Mechanic Plus 1 Apprentice	\$ 70.00/hour/man
<i>Emergency</i>	
1 Overhead Door Mechanic	\$105.00/hour/man
1 Overhead Door Mechanic Plus 1 Apprentice	\$105.00/hour/man
<i>Evening, Saturday and Sunday Work</i>	
<i>Regular Hourly Rate</i>	
1 Overhead Door Mechanic	\$105.00/hour/man
1 Overhead Door Mechanic Plus 1 Apprentice	\$105.00/hour/man
<i>Emergency</i>	
1 Overhead Door Mechanic	\$105.00/hour/man
1 Overhead Door Mechanic Plus 1 Apprentice	\$105.00/hour/man
<i>Holiday Work</i>	
<i>Regular Hourly Rate</i>	
1 Overhead Door Mechanic	\$105.00/hour/man
1 Overhead Door Mechanic Plus 1 Apprentice	\$105.00/hour/man
<i>Emergency</i>	
1 Overhead Door Mechanic	\$125.00/hour/man
1 Overhead Door Mechanic Plus 1 Apprentice	\$125.00/hour/man
Minimum Response Time required to arrive on-site after receiving service call:	8 hours
Service Charge	Per Visit \$150.00
Materials and Parts (not included in Preventive Maintenance)	% Markup 35% - 45%
Rental Equipment	% Markup 35%
	Mileage \$0.56 per mile

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 Twin Tiers Overhead Doors, Inc., for the provision of the above-described services, for a term commencing September 1, 2015 and terminating August 30, 2016, according to the above-described terms.

Approved by 8 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. Lamberson".

Adopted August 26, 2015 by voice vote.

ACT NO. 394-2015 by Mr. Marsh, Mr. VanRensselaer, Mr. Weller and Mr. Koch
and Mr. Lamberson¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NYSDOT
AND AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE IN THE
FEDERAL-AID PROJECT ADMINISTERED BY THE NYSDOT
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works)**

Pursuant to Title 23 U.S. Code and
Sections 363, 366 and 450 of the County Law.

WHEREAS, a project for the replacement of Coldspring Bridge No. 12 located on County Road No. 10, BIN 3-32077-0, in the Town of Coldspring, Cattaraugus County, PIN 5754.30 (the "Project"), is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds, and

WHEREAS, the County desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases of the Project, or portions thereof, with the federal share of such costs to be applied directly by the NYSDOT pursuant to agreement, and

WHEREAS, budgetary adjustments must be made to appropriate this funding, now, therefore, be it

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

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to pay in the first instance the full non-federal share of the cost of the Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$343,596.00 is made available to cover the cost of participation in the above phase of the Project, and be it further

RESOLVED, that in the event the non-federal shares of the cost of the Project's Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases exceeds the amount appropriated, the County of Cattaraugus shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT, and be it further

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

RESOLVED, that such contract shall provide that upon the reduction or termination 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 a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and be it further

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

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

Increase Estimated Revenue Account:

H.504.5197.5195.3591.01	State Aid, Highway Marchiselli	\$109,347.00
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Increase Appropriation Account:

H.504.5197.5195.25014.41603	Cold Spring Bridge No. 12	\$109,347.00.
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Approved by 8 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. Lamberson".

Adopted August 26, 2015 by voice vote.

ACT NO. 395-2015 by Mr. Hale

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH CATTARAUGUS REGION COMMUNITY FOUNDATION
FOR CATTARAUGUS COUNTY YOUTH BASEBALL PROJECT**

Pursuant to Section 450 of the County Law.

WHEREAS, several youth baseball fields in Cattaraugus County are in dire need of repair and maintenance, and

WHEREAS, the County should provide assistance with the repair and maintenance of the youth baseball fields in the Olean and Portville areas, and

WHEREAS, the County has funds available in its economic development program, the source of which is casino funds, for economic development projects in the County, and

WHEREAS, it is proposed that the County grant the sum of \$400,000.00 to the Cattaraugus Region Community Foundation, 120 North Union Street, Olean, New York 14760, for the repair and maintenance of the aforementioned youth baseball fields, and

WHEREAS, sufficient funds are included in the economic development fund from casino proceeds for this project, 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 Region Community Foundation, to assist with the repair and maintenance of youth baseball fields in the Olean and Portville areas of Cattaraugus County.

Held in the Finance Committee and the Development and Agriculture Committee.

ACT NO. 396-2015 by Mr. Teachman
and Mr. Padlo¹

**AUTHORIZING COUNTY ADMINISTRATOR TO ADVERTISE FOR SEALED BIDS
FOR DEMOLITION AND/OR CLEAN UP OF COUNTY-OWNED PROPERTIES**

Pursuant to Section 215 of the County Law.

WHEREAS, Act 439-2014 authorized budgetary adjustments to cover the cost of the demolition and/or cleanup of various County-owned properties, and

WHEREAS, the County Treasurer is desirous of soliciting bids for the demolition and/or cleanup of the following two (2) properties:

City of Olean	Tax Map No. 94.056-2-45
Town of Dayton	Tax Map No. 25.002-1-6,

now, therefore, be it

RESOLVED, that the County Administrator is hereby authorized to advertise for bids for the demolition and/or cleanup of the above-described two (2) properties, and be it further

RESOLVED, that the County Administrator reserves the right to reject all bids received.

Approved by 8 members of the Finance Committee, 9 members of the Public Works Committee and 7 members of the County Operations Committee.

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

Adopted August 26, 2015 by voice vote.

ACT NO. 397-2015 by Mr. Felton, Mr. Marsh, Mr. VanRensselaer,
Ms. Vickman and Mr. Weller

**SALE OF TAX TITLE PROPERTY
(Towns of Franklinville and Napoli)**

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 situated in Cattaraugus County, as described below, and

WHEREAS, the properties have been exposed to bid at public auctions as required by Rule 40 of the Rules of Order of the Cattaraugus County Legislature, and

WHEREAS, neither of the highest bidders nor the second highest bidders completed the purchase within thirty (30) days, and

WHEREAS, pursuant to Rule 40.15 of the Rules of Order, the County Treasurer has accepted sealed bids for the purchase of the properties described below and determined the highest bid received for the property as listed below, now, therefore, be it

RESOLVED, that if the tender by the high bidder of the total purchase price is not made within 30 days after the adoption hereof, then the acceptance of that individual's bid shall thereafter be void and of no further effect, as of course, and the bid deposit shall be forfeited pursuant to Rule 40.8 of the Rules of Order, and be it further

RESOLVED, that the County Treasurer be, and hereby is, authorized and directed to execute County Treasurer's Deeds conveying the properties to the following individuals at the bid price listed:

TOWN OF FRANKLINVILLE

PARCEL NO.	TAX MAP NO.	HIGH BIDDER	ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
155 (2012)	40.070-3-35	Shirley Engels	38 Elm Street Franklinville, NY 14737	\$9,625.89	\$1,000.00

TOWN OF NAPOLI

PARCEL NO.	TAX MAP NO.	HIGH BIDDER	ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
168 (2008)	53.019-1-43	Thomas Halterman	9771 Pigeon Valley Rd. Little Valley, NY 14755	\$2,121.99	\$200.00

Approved by 8 members of the Finance Committee and 7 members of the County Operations Committee.

Adopted August 26, 2015 by voice vote.

ACT NO. 398-2015 by Mr. Marsh and Mr. VanRensselaer

SALE OF TAX TITLE PROPERTY TO TOWN OF RANDOLPH AND WAIVING RULE 40 OF THE RULES OF ORDER (Town of Randolph)

Pursuant to Section 215 of the County Law, Rule 33 of the Rules of Order of the Cattaraugus County Legislature, and Section 72-h of the General Municipal Law.

WHEREAS, the property located in the Town of Randolph, known as Tax Map Number 70.064-1-35, formerly owned by Richard Maynard ("Property"), appears on the County's 2014 in rem tax foreclosure list, and

WHEREAS, the Property is subject to foreclosure by the County Treasurer, and

WHEREAS, the building on the subject Property is in deplorable condition and the Town of Randolph has agreed to demolish the building and return said parcel to the tax rolls, and

WHEREAS, conveyance of the Property to the Town of Randolph and the waiver of delinquent taxes is in the best interests of the County, and

WHEREAS, such conveyance would enable the County Legislature to restore the Property to the tax roll, now, therefore, be it

RESOLVED, that upon obtaining title to the Property through the in rem tax foreclosure process, or if the Court so orders, the County Treasurer shall be, and hereby is, authorized and directed to execute a deed conveying the Property to the Town of Randolph, for an amount of \$1.00, and be it further

RESOLVED, that Rule 40 of the Rules of Order of the Cattaraugus County Legislature is hereby waived for this sale.

Approved by 8 members of the Finance Committee and 7 members of the County Operations Committee.

Adopted August 26, 2015 by voice vote.

ACT NO. 399-2015 by Mr. Hale, Mr. Snyder, Jr. and Mrs. Stockman

**CANCELING UNENFORCEABLE LIEN
(Towns of Ischua and Perrysburg)**

Pursuant to Section 558 of the Real Property Tax Law.

WHEREAS, certain properties located in Cattaraugus County are no longer on the tax rolls, and

WHEREAS, it is necessary and prudent for the Cattaraugus County Legislature to cancel the unpaid taxes where the lien of such taxes is unenforceable, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby cancels the lien of taxes for the properties below, as being unenforceable:

<u>Town/Village</u>	<u>Owner</u>	<u>Tax Map No.</u>	<u>Amount</u>
Perrysburg	Genuity Solutions, Inc.	570.089-9911-727	\$1,215.59
		570.089-9917-727	\$ 405.20
Ischua	County of Cattaraugus	59.004-2-12.1	\$ 834.86.

Approved by 8 members of the Finance Committee.

Adopted August 26, 2015 by voice vote.

ACT NO. 400-2015 by Mr. Klancer and Mr. Murphy

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

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

WHEREAS, Act 161-1998 directed the County Treasurer to issue a Certificate of Prospective Cancellation on property located in the Town of Persia, bearing Tax Map Number 16.028-3-10.4, and owned previously by Jimcar Development, Inc., and

WHEREAS, the parcel was sold, and

WHEREAS, it has been determined that the above parcel has been environmentally remediated by New York State Department of Environmental Conservation and should be restored to the taxable portion of the assessment roll, now, therefore, be it

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

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

Approved by 8 members of the Finance Committee and 7 members of the County Operations Committee.

Adopted August 26, 2015 by voice vote.

ACT NO. 401-2015 by Mr. Felton and Ms. Vickman
and Mr. Weller¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
TOTAL SENIOR CARE, INC. FOR
PACE AND DAYBREAK PROGRAM HOME DELIVERED AND CONGREGATE MEALS**

Pursuant to Section 95-a of the General Municipal Law and
Section 450 of the County Law.

WHEREAS, Act 405-2014 authorized a contract with Total Senior Care, Inc., 519 North Union Street, Olean, New York 14760, to purchase home delivered meals and congregate meals from the County Department of Aging for PACE and DayBreak Program participants as part of a comprehensive program of services to participants, the term of which expires August 31, 2015, and

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

WHEREAS, the Department of Aging has agreed to provide the aforementioned meals through its Senior Nutrition Program to PACE and DayBreak Program participants in accordance with the following rates:

Hot Noon Meal and Cold Supper combined:	\$7.00 per delivery
Hot Noon Meal only:	\$5.50 per meal
Congregate Meal:	\$5.50 per meal,

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 Total Senior Care, Inc., for the provision of the above-described meal services, for a term commencing September 1, 2015 and terminating August 31, 2016, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Senior Services Committee.

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

Adopted August 26, 2015 by voice vote.

ACT NO. 402-2015 by Mr. Felton and Ms. Vickman
and Mr. Murphy and Mr. Weller¹

**AUTHORIZING THE CHAIR TO EXECUTE AGREEMENT WITH
ROBERTS MEMORIAL FREE METHODIST CHURCH FOR DEPARTMENT OF AGING
SENIOR WELLNESS AND NUTRITION PROGRAM SITE**

Pursuant to Section 95-a of the General Municipal Law, Title III-C
of the Older Americans Act of 1965, as amended and
Sections 215 and 450 of the County Law.

WHEREAS, Act 640-2014 authorized a lease agreement with the Village of Cattaraugus for the County Department of Aging Senior Wellness and Nutrition Program (SWAN) site in Cattaraugus, the term of which expires December 31, 2016, and

WHEREAS, due to deteriorating conditions at the current site, the County Department of Aging is desirous of seeking a temporary location for the Cattaraugus SWAN program until a permanent location is found, and

WHEREAS, the Roberts Memorial Free Methodist Church, 111 South Street, Cattaraugus, New York 14719, can provide space in its facility for the SWAN program for an amount of \$278.00 per month, and

WHEREAS, this program is 90% federal and 10% county funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an agreement, on behalf of Cattaraugus County, with the Roberts Memorial Free Methodist Church, for the Cattaraugus Senior Wellness and Nutrition Program site, for a term commencing September 1, 2015, to continue on a month-to-month basis until December 31, 2015, unless a permanent site is found prior to December 31, 2015, 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 8 members of the Finance Committee and 7 members of the Senior Services Committee.

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

Adopted August 26, 2015 by voice vote.

ACT NO. 403-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH LEVANT WESLEYAN CHURCH
FOR FATHERS SUPPORT/PARENTING GROUP**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 447-2014 authorized a contract with the Levant Wesleyan Church for the provision of a weekly support/parenting group for fathers who are currently working with or under the supervision of the Department of Social Services to focus on family, child and service engagement, the term of which expires August 31, 2015, and

WHEREAS, the County Department of Social Services is desirous of renewing the aforementioned contract, and

WHEREAS, the purpose of the aforementioned program is to reduce re-involvement with Child Protective Services, the Support Collection Unit and Family Court, and

WHEREAS, the Levant Wesleyan Church, 1670 Lundquist Drive, Falconer, New York 14733, can provide a weekly two-hour support/parenting group for male residents of Cattaraugus County who are involved with the Department of Social Services through Child Protective Services, the Child Welfare Unit, Adult Protection Unit, Support Collection Unit, and as parents to youth involved in the juvenile justice/probation system by providing education, parenting services and support, and

WHEREAS, the Levant Wesleyan Church can provide the aforementioned services for a total amount not to exceed \$18,000.00, to be paid on a monthly basis, as invoiced, 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 Levant Wesleyan Church, for the provision of the above-described services, for a term commencing September 1, 2015 and terminating August 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.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted August 26, 2015 by voice vote.

ACT NO. 404-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
WIDER OPPORTUNITIES FOR GREATER OLEAN, INC. FOR
DEPARTMENT OF SOCIAL SERVICES TANF SERVICES GRANT FUNDING**

Pursuant to Public Law 104-1993 and
Section 450 of the County Law.

WHEREAS, Act 87-2015 authorized a contract with Wider Opportunities for Greater Olean, Inc., for the provision of comprehensive pre-employment related and supportive services to TANF-eligible recipients and 200% TANF-eligible recipients, the term of which expires September 30, 2015, and

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

WHEREAS, Wider Opportunities for Greater Olean, Inc., 112 North Clinton Street, Olean, New York 14760, has agreed to provide comprehensive pre-employment related and supportive services to TANF-eligible recipients and 200% TANF-eligible recipients for an amount not to exceed \$10,000.00, to be paid on a monthly basis for services provided during the preceding month, as invoiced, and

WHEREAS, this program is 100% federally funded, 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 Wider Opportunities for Greater Olean, Inc., for the provision of the above-described services, for a term commencing October 1, 2015 and terminating September 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 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted August 26, 2015 by voice vote.

ACT NO. 405-2015 by Ms. Edstrom and Mrs. Stockman
and Mr. Felton, Mr. Klancer, Ms. Vickman, Mr. Weller, Mr. Koch and Mr. Sprague¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH VARIOUS ENTITIES AND
ESTABLISHING FEES FOR DEPARTMENT OF SOCIAL SERVICES BURIALS**

Pursuant to Section 141 of the Social Services Law
and Section 450 of the County Law.

WHEREAS, Act No. 639-1998 established burial fees paid by the County Department of Social Services, and

WHEREAS, there have been increased costs incurred by the funeral directors in providing indigent burial services, and

WHEREAS, the County will endeavor to determine indigent eligibility as expeditiously as possible, 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 various entities for the provision of the above-described services, for a term commencing September 1, 2015 and terminating August 31, 2018, according to the above-described terms, and be it further

RESOLVED, that effective September 1, 2015 and terminating August 31, 2018, there is hereby established the following fee schedule for Department of Social Services indigent burials:

Burial:

including casket, embalming, plot, grave liner and grave opening/closing \$3,000.00

Cremation:

including cremation, container, plot and grave opening/closing \$3,000.00.

Approved by members of the 8 Finance Committee and 7 members of the Human Services Committee.

¹The following Legislators requested their names be listed as additional sponsors: "Mr. Felton, Mr. Klancer, Ms. Vickman, Mr. Weller, Mr. Koch and Mr. Sprague".

Adopted August 26, 2015 by voice vote. Mr. VanRensselaer abstained from vote.

ACT NO. 406-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE INTER-MUNICIPAL AGREEMENT WITH THE
COUNTIES OF ALLEGANY, CHAUTAUQUA, ERIE, GENESEE, NIAGARA, ORLEANS AND WYOMING
FOR PUBLIC HEALTH EMERGENCY PLANNING AND RESPONSE**

Pursuant to Section 450 of the County Law.

WHEREAS, the counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans and Wyoming are collectively referred to as the "Western New York Counties", and

WHEREAS, the County Health Departments of the Western New York Counties all have responsibilities for public health emergency planning and response, and

WHEREAS, the County Health Departments of the Western New York Counties are desirous of establishing an inter-municipal agreement to provide mutual aid to each other during a public health emergency, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an inter-municipal agreement, on behalf of Cattaraugus County, with the counties of Allegany, Chautauqua, Erie, Genesee, Niagara, Orleans and Wyoming, for the provision of the public health emergency planning response, for a term commencing July 1, 2015 and terminating June 30, 2020, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted August 26, 2015 by voice vote.

ACT NO. 407-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR
FAMILY PLANNING PROGRAMS**

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

WHEREAS, Act 647-2014 authorized a contract with the New York State Department of Health, Division of Family & Local Health, Corning Tower, Empire State Plaza, Room 878, Albany, New York 12237-0675, for the provision of a Family Planning Program in the County's Health Department, the term of which expires December 31, 2015, and

WHEREAS, the New York State Health Department has awarded the County Health Department a grant in the amount of \$274,232.00 for the period January 1, 2016 through December 31, 2016, 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 the New York State Department of Health for the provision of a Family Planning Program in Cattaraugus County, for a term commencing January 1, 2016 and terminating December 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.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted August 26, 2015 by voice vote.

ACT NO. 408-2015 by Ms. Edstrom and Mrs. Stockman
*and Mr. Koch and Mrs. Labuhn*¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
SALAMANCA HOUSING AUTHORITY FOR HEALTH DEPARTMENT OFFICE SPACE**

Pursuant to 10 NYCRR 763.3, Section 3602 of the Public
Health Law and Sections 215 and 450 of the County Law.

WHEREAS, Act 368-2012 authorized a contract with Salamanca Housing Authority, Iroquois Drive, Salamanca, New York 14779, for the rental of office space in Hillview Homes in the City of Salamanca for Health Department office/clinic space, at the rate of \$948.00 per month on a month-to-month basis, the term of which expires October 31, 2015, and

WHEREAS, the Health Department is desirous of renewing the aforementioned contract,
and

WHEREAS, the Salamanca Housing Authority has agreed to continue leasing the above-described space for an amount of \$948.00 per month on a month-to-month basis, to be paid monthly, as invoiced, and

WHEREAS, the office space rental is partially funded through state aid and generated revenues, 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 Housing Authority, for the provision of the above-described services, for a term commencing November 1, 2015 and terminating October 31, 2018, 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 8 members of the Finance Committee and 7 members of the Human Services Committee.

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

Adopted August 26, 2015 by voice vote.

ACT NO. 409-2015 by Ms. Edstrom and Mr. Edwards

**ABOLISHING ONE FULL-TIME POSITION OF MEDICAL RECORDS TECHNICIAN AND
ONE FULL-TIME POSITION OF COMMUNITY HEALTH NURSE AND
CREATING ONE FULL-TIME POSITION OF MEDICAL SERVICES SPECIALIST
AND ESTABLISHING COMPENSATION FOR THE SAME
(Health Department)**

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

WHEREAS, the Health Department is in need of a qualified individual to provide accurate coding of homecare billing, authorizations and quality assurance, and

WHEREAS, the current Medical Records Technician is resigning, and

WHEREAS, there is currently a vacant Community Health Nurse position, and

WHEREAS, creating the position of Medical Services Specialist will meet quality assurance requirements and recommendations made by a recent survey, and

WHEREAS, it is necessary to abolish one full-time position of Medical Records Technician and one full-time position of Community Health Nurse in the Health Department, and

WHEREAS, the New Position Duties Statement has been submitted to the Cattaraugus County Personnel Officer, who has approved the title as Medical Services Specialist in accordance with Civil Service Law Section 22, now, therefore, be it

RESOLVED, that effective September 1, 2015, there is hereby abolished one (1) full-time position of Medical Records Technician in the Health Department, Position No. 401-213-001, and be it further,

RESOLVED, that effective immediately, there is hereby abolished one (1) full-time position of Community Health Nurse in the Health Department, Position No. 401-057-009, and be it further

RESOLVED, that effective immediately, there are hereby created one (1) position of Medical Services Specialist in the Health Department to be filled on a full-time basis, General Bargaining Unit Salary Schedule, Pay Grade 25 (\$24.55 per hour), Position No. 401-220-001.

Approved by 8 members of the Finance Committee, 7 members of the Human Services Committee and 5 members of the Labor Relations Committee.

Adopted August 26, 2015 by voice vote.

ACT NO. 410-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH CATHOLIC CHARITIES OF BROOME COUNTY
FOR PARTICIPATION WITH ENCOMPASS HEALTH HOME**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Health Department is desirous of partnering with Encompass Health Home, as a provider of Health Home Care Management services to enrolled Health Home

participants, in order to assure coordination and integration of services and supports to manage and improve the overall well-being of its enrollees, and

WHEREAS, Encompass Health Home, is a joint initiative of Catholic Charities and an expansion of the lead adult health home provided by Catholic Charities of Broome County, with specialization in behavior health, and

WHEREAS, a contract is necessary to establish a cooperative agreement between Encompass Health Home and the County as a partner in the aforementioned Health Home Care Management 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 Catholic Charities of Broome County, for participation in the Encompass Health Home, for a term commencing August 26, 2015 to continue in full force and effect until terminated by either party hereto upon 45 days written notice, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted August 26, 2015 by voice vote.

ACT NO. 411-2015 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
MILLENNIUM COLLABORATIVE CARE
FOR DELIVERY SYSTEM REFORM INCENTIVE PAYMENT**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Health Department is desirous of participating in the New York State Delivery System Reform Incentive Payment (DSRIP) program as an institutional participating provider at no cost to the County, and

WHEREAS, the DSRIP program supports community level collaborations aimed at reforming the healthcare delivery system and improving care for the Medicaid population, and

WHEREAS, Erie County Medical Center (ECMC) will be the lead provider for the DSRIP program and has contracted with Millennium Collaborative Care, 462 Grider Street, Buffalo, New York 14215, to provide overall project management for this important effort, and

WHEREAS, a contract is necessary in order to participate in the aforementioned DSRIP 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 Millennium Collaborative Care, for participation in the DSRIP program, for a term commencing September 1, 2015 and terminating August 31, 2016, with automatic renewals for one-year periods thereafter, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted August 26, 2015 by voice vote.

ACT NO. 412-2015 by Mr. Marsh

**LOCAL LAW NUMBER 8-2015
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Chapter 98 of the Laws of 2009 and Section 253-x of the Tax Law.

**A LOCAL LAW IMPOSING AN ADDITIONAL MORTGAGE RECORDING TAX
WITHIN THE COUNTY OF CATTARAUGUS**

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

SECTION 1. Legislative Intent. It is the intent of this Local Law to impose an additional mortgage recording tax.

SECTION 2. Imposition of Tax. Effective December 1, 2015 and terminating December 1, 2018, there is hereby imposed, in the County of Cattaraugus, a tax of 25 cents for each \$100 and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within Cattaraugus County and recorded on or after December 1, 2015, and a tax of 25 cents on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than \$100.

SECTION 3. Applicability. The taxes imposed under the authority of this section shall be administered and collected in the same manner as the taxes imposed under section 253(1) and section 255(1)(b) of the Tax Law. Except as otherwise provided in this section, all the provisions of the Tax Law relating to or applicable to the administration and collection of the taxes imposed by such subdivisions shall apply to the taxes imposed under the authority of this section with such modifications as may be necessary to adapt such language to the tax so authorized. Such provisions shall apply with the same force and effect as if those provisions had been set forth in full in this section except to the extent that any provision is either inconsistent with a provision of this section or not relevant to the tax authorized by this section. For purposes of this section, any reference in the Tax Law to the tax or taxes imposed by the Tax Law shall be deemed to refer to a tax imposed pursuant to this section, and any reference to the phrase "within this state" shall be read as "within Cattaraugus County", unless a different meaning is clearly required.

SECTION 4. Real Property Located in More than One County. Where the real property covered by the mortgage subject to the tax imposed pursuant to the authority of this section is situated in this state but within and without the county imposing such tax, the amount of such tax due and payable to such county shall be determined in a manner similar to that prescribed in the first undesignated paragraph of section 260 of the Tax Law which concerns real property situated in two or more counties. Where such property is situated both within such county and without the state, the amount due and payable to such county shall be determined in the manner prescribed in the second undesignated paragraph of such section 260 which concerns property situated within and without the state. Where real property is situated within and without the county imposing such tax, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed pursuant to this section.

SECTION 5. Additional Taxes. A tax imposed pursuant to the authority of this section shall be in addition to the taxes imposed by section 253 of the Tax Law.

SECTION 6. Disposition of Taxes. Notwithstanding any provision of the Tax Law to the contrary, the balance of all moneys paid to the recording officer of the County of Cattaraugus during each month upon account of the tax imposed pursuant to the authority of this section, after deducting the necessary expenses of his or her office as provided in section 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of this section or section 260 of the Tax Law are first to be apportioned by the commissioner, shall be paid over by such officer on or before the 10th day of each succeeding month to the treasurer of Cattaraugus County and, after the deduction by such treasurer of the necessary expenses of his or her office provided in section 262 of the Tax Law shall be deposited in the general fund of the County of Cattaraugus. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of this section or section 260 of the Tax Law are first to be apportioned by the commissioner, shall be paid over by the recording officer receiving the same as provided by the determination of the commissioner.

SECTION 7. Payment of Taxes. The tax imposed pursuant to this Local Law will be payable on the recording of each mortgage or real property subject to taxes thereunder. The tax will be paid to the recording officer of the county in which the real property or any part thereof is situated, except where real property is situated within and without the county, the recording officer of the county in which the mortgage is first recorded will collect the tax imposed by this Local Law. It will be the duty of the recording officer to endorse upon each mortgage a receipt for the amount paid. Any mortgage so endorsed may thereupon or thereafter be recorded by any recording officer and the receipt of the tax endorsed upon each mortgage will be recorded therewith. The record of the receipt will be conclusive proof that the amount of the tax stated therein has been paid upon the mortgage.

SECTION 8. Effective Date. This local law shall take effect immediately.

Approved by 7 members of the Finance Committee and 6 members of the County Operations Committee.

No action taken at this time.

ACT NO. 413-2015 by Mr. Marsh

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 8 - 2015

Pursuant to Chapter 98 of the Laws of 2009 and Section 253-x of the Tax Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on August 26, 2015, a proposed Local Law entitled "A Local Law Imposing an Additional Mortgage Recording Tax within the County of Cattaraugus", and

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

RESOLVED, that a public hearing shall be held on the proposed Local Law by this County Legislature on the 9th day of September, 2015, at 3:01 p.m. at the Legislature's Chambers, Cattaraugus

County Center, 303 Court Street, Little Valley, New York, and that at least five days' notice of such hearing shall be given by the Clerk by the due posting thereof upon the bulletin board of each County Court House within the County and by publishing such notice at least once in the official newspapers of the County.

Approved by 7 members of the Finance Committee and 6 members of the County Operations Committee.

Adopted August 26, 2015 by voice vote.

ACT NO. 414-2015 by Mr. Marsh

**AMENDING ACT 570-1985 REGARDING IMPOSITION OF SALES
AND USE TAXES, AS AMENDED, TO EXTEND THE ADDITIONAL
1% RATE OF TAXES ON SALES AND USES OF TANGIBLE
PERSONAL PROPERTY AND OF CERTAIN SERVICES, AND ON
OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES**

Pursuant to Article 29 of the Tax Law and Chapter 208 of
the Laws of 2013 of the State of New York.

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

SECTION 1. The first sentence of Section 2 of Act 570-1985, which was adopted December 30, 1985, as amended, is amended to read as follows:

"SECTION 2. Imposition of Sales Tax.

On and after March 1, 1986, and through November 30, 2017, there is hereby imposed and there shall be paid a tax of 4 percent upon, and on and after December 1, 2017, there is hereby imposed and there shall be paid a tax of 3 percent upon:".

SECTION 2. Subdivisions (a), (b) and (c) of Section 2-A of Act 570-1985, as added by Act 174-1986 as amended, are amended to read as follows:

(a) Notwithstanding the rate of tax set forth in Section 2 of this resolution, on and after March 1, 1986, and through November 30, 2017, the taxes imposed on the receipts from the retail sale of fuel oil and coal used for residential purposes; the receipts from the retail sale of wood used for residential heating purposes; and the receipts from every sale, other than for resale, of propane (except when sold in containers of less than one hundred pounds) natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be paid at the rate of 3 percent. The provisions of this subdivision shall not apply to a sale of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a sale of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel, provided that each delivery of such fuel of over four thousand five hundred gallons shall be

evidenced by a certificate signed by the purchaser stating that the product will be used exclusively for residential purposes.

(b) Notwithstanding the rate of tax set forth in Section 4 of this resolution for the purposes of clause (A) of subdivision (a) thereof, on and after March 1, 1986, and through November 30, 2017, the compensating use tax imposed by such section on the use of fuel oil and coal used for residential purposes and wood used for residential heating purposes shall be at the rate of 3 percent of the consideration given or contracted to be given for such property or for use of such property, plus the cost of transportation except where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser. The provisions of this subdivision shall not apply to a use of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a use of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel.

(c) The rate set forth in this section shall apply to receipts from all retail sales and uses described in this section made, rendered or arising therefrom on or after March 1, 1986, and through November 30, 2017, although made or rendered under a prior contract, if a delivery or transfer of possession of such property or services is made after said date. Where such property or service is sold on a monthly, quarterly or other term basis and the bills for such property or service are based on meter readings, the amount received on each bill for such property or service for a month or quarter or other term shall be a receipt subject to the rate of tax set forth in this section, but such rate shall be applicable to all bills based on meters read on or after March 1, 1986, and through November 30, 2017, only where more than one-half of the number of days included in the month or other periods billed are days subsequent to February 28, 1986.

SECTION 3. Subdivision (g) of Section 3 of Act 570-1985, which was adopted December 30, 1985, as amended, is amended to read as follows:

"(g) The taxes imposed under subdivisions (a), (c) and of (d) of Section 2 shall be paid at the rate of 3 percent upon all sales made and services rendered on or after December 1, 2017. With respect to the tax rate of 3 percent effective December 1, 2017, the provisions of subdivisions (b), (c), (d) and (e) of this section apply, except that for purposes of this subdivision, all references in said subdivisions (b), (c) and (d) to an effective date shall be read as referring to December 1, 2017, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to November 30, 2017. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December 1, 2017, any transaction which may not be subject to the lowered tax in effect on that date."

SECTION 4. Section 4 of Act 570-1985, which was adopted December 30, 1985, as amended, is amended to read as follows:

"SECTION 4. Imposition of Compensating Use Tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after March 1, 1991, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any personal property (other than computer software used by the author or other creator) manufactured, processed or assemble by the user, (i) if items of the same kind of tangible personal property are

offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if user offers software of a similar kind for sale as the such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2017, the tax shall be at the rate of four percent, and on and after December 1, 2017, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2017, the tax shall be at the rate of four percent, and on and after December 1, 2017, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2017, the tax shall be at the rate of four percent, and on and after December 1, 2017, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2017, the tax shall be at the rate of four percent, and on and after December 1, 2017, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and

also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2017, the tax shall be at the rate of four percent, and on and after December 1, 2017, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person."

SECTION 5. This resolution shall take effect December 1, 2015.

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

Adopted August 26, 2015 by voice vote.

ACT NO. 415-2015 by Mr. Marsh
and Mr. Teachman and Mr. Padlo¹

**RESOLUTION AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE TO
APPROVE THE PROPOSED ACTION BY COUNTY OF CATTARAUGUS
INDUSTRIAL DEVELOPMENT AGENCY IN CONNECTION WITH A CERTAIN
COMMERCIAL PROJECT FOR TOTALINE DEVELOPMENT LLC**

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

WHEREAS, pursuant to Article 18-A of the General Municipal Law of the State of New York and Chapter 536 of the 1971 Laws of New York (collectively, the "Act"), the Legislature of Cattaraugus County (the "County Legislature") has heretofore appointed the members of County of Cattaraugus Industrial Development Agency (the "Agency") and has duly caused to be filed in the office of the Secretary of the State of New York the certificates required by Section 856 of the General Municipal Law of the State of New York, and

WHEREAS, pursuant to the Act, the Agency is authorized and empowered to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and recreation facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration, and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct and install one or more "projects" (as defined in the Act), or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase, and

WHEREAS, Totaline Development LLC, a New York limited liability company (the "Company"), submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, which Application requested that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in two parcels of land containing in the aggregate approximately .25 acres located at 188 and 239 N. Union Street (currently Tax ID #'s 94.065-3-46 and 94.065-2-8.1, respectively) in the City of Olean, Cattaraugus County, New York (collectively, the "Land"), together with two (2) existing buildings containing approximately 31,956 square feet of space located thereon (collectively, the "Facility"), (2) the renovation and reconstruction of the Facility and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property, including without limitation, tenant improvement and finish (collectively, the "Equipment") (the Land, the Facility, and the Equipment being collectively referred to as the "Project Facility"); all of the foregoing to constitute a mixed use retail/residential facility to be leased by the Company to various commercial and residential tenants and any other directly and indirectly related activities; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency, and

WHEREAS, pursuant to Section 862(2)(a) of the Act, no financial assistance of the Agency shall be provided in respect of any project where facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities constitute more than one-third of the total project cost, unless certain exceptions apply, one of which is that the predominant purpose of the Project would be to make available services which would not, but for the Project, be reasonably accessible to the residents of Cattaraugus County because of a lack of reasonably accessible retail trade facilities offering such services, and

WHEREAS, pursuant to Section 862(2)(c) of the Act, the Agency may not provide financial assistance to the Project unless the Agency shall, after satisfaction of the public hearing requirements of Section 859 of the Act, make a finding that undertaking the Project will serve the public purposes of the Act by preserving permanent, private sector jobs in the State or increasing the overall number of permanent, private sector jobs in the State, and

WHEREAS, by resolution adopted by the members of the Agency on June 9, 2015 (the "Public Hearing Resolution"), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Project, and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Executive Director of the Agency (A) caused notice of a public hearing of the Agency (the "Public Hearing") pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, to be mailed on June 12, 2015 to the chief executive officers of the county and of each city, town, village and school district in which the Project is or is to be located, (B) caused notice of the Public Hearing to be posted on a bulletin board located at (1) the Olean Municipal Building located at 101 East State Street in the City of Olean, Cattaraugus County, New York on June 15, 2015, (2) 9 East Washington Street in the Village of Ellicottville, Cattaraugus County, New York on June 12, 2015, (3) 239 N. Union Street in the City of Olean, Cattaraugus County, New York on July 8, 2015 and (4) on the Agency's website on June 12, 2015, (C) caused notice of the Public Hearing to be published on June 16, 2015 in the Olean Times Herald, a newspaper of general circulation available to the residents of the City of Olean, Cattaraugus County, New York, (D) conducted the Public Hearing on July 8, 2015 at 9:30 a.m., local time at the Olean Municipal Building, Conference Room #119, located at 101 East State Street in the City of Olean,

Cattaraugus County, New York, and (E) prepared a report of the Public Hearing (the "Hearing Report") fairly summarizing the views presented at such Public Hearing and caused copies of said Hearing Report to be made available to the members of the Agency, and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations (the "Regulations") adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, "SEQRA"), by resolution adopted by the members of the Agency on June 9, 2015 (the "Preliminary SEQR Resolution"), the Agency (A) determined (1) that the Project involves more than one "involved agency", and (2) that the Agency wished to investigate the advisability of undertaking a coordinated review with respect to the Project and (B) authorized the Executive Director of the Agency to contact all other "involved agencies" for the purpose of ascertaining whether such "involved agencies" were interested in undertaking a coordinated review of the Project and, if so, designating a "lead agency" with respect to the Project (as such quoted terms are defined in SEQRA), and

WHEREAS, further pursuant to SEQRA, by resolution adopted by the members of the Agency on July 21, 2015 (the "Final SEQR Resolution"), the Agency determined (A) to conduct an uncoordinated review of the Project, (B) that the Project is an "Unlisted action" which will not have a significant effect on the environment and, therefore, that an environmental impact statement is not required to be prepared with respect to the Project, and (C) as a consequence of the foregoing, to prepare a negative declaration with respect to the Project, and

WHEREAS, by resolution adopted by the members of the Agency on July 21, 2015 (the "Resolution Making Retail Findings"), the Agency (A) found that although the Project Facility appears to constitute a project where facilities or properties that are primarily used in making retail sales of goods or services to customers who personally visit such facilities may constitute more than one-third of the costs of the Project, the Agency is authorized to provide financial assistance in respect of the Project pursuant to Section 862(2)(a) of the Act because (i) the predominant purpose of the Project would be to make available goods or services which would not, but for the Project, be reasonably accessible to residents of Cattaraugus County, New York, because of a lack of reasonably accessible retail trade facilities offering such goods or services and (ii) the Project is located within census tract 9617, which is considered to be a distressed census tract and therefore is in a "highly distressed area", as that term is defined in Section 854(18) of the Act, (B) determined, following a review of the Hearing Report, that the Project would serve the public purposes of the Act by increasing the overall number of permanent, private sector jobs in the State of New York, and (C) determined that the Agency would proceed with the Project and the granting of the Financial Assistance; provided however, that no Financial Assistance would be provided to the Project by the Agency unless and until the Chairman of the County Legislature of Cattaraugus County, as chief executive officer of Cattaraugus County, New York, pursuant to Section 862(2)(c) of the Act, confirmed the proposed action of the Agency with respect to the Project, and

WHEREAS, for the sole purpose of allowing the Agency to proceed with the Project, this Legislature desires to empower the Chairman of this Legislature, as the chief executive officer of Cattaraugus County, to confirm the proposed action of the Agency with respect to the Project, pursuant to Section 862(2)(c) of the Act, and

WHEREAS, Section 870 of the General Municipal Law of the State of New York specifically provides that any obligation of the Agency shall not be a debt of Cattaraugus County, New York, nor shall Cattaraugus County, New York be liable thereon, now, therefore, be it

RESOLVED, that, for the sole purpose of allowing the Agency to proceed with the Project and the granting of the financial assistance described in the notice of the Public Hearing, the County Legislature hereby authorizes the Chairman of this County Legislature, as the chief executive officer of

Cattaraugus County, New York, to either confirm or refuse to confirm the proposed action of the Agency with respect to the Project, pursuant to Section 862(2)(c) of the Act, and be it further
RESOLVED, that this resolution shall take effect immediately.

Approved by 8 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

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

Adopted August 26, 2015 by voice vote.

ACT NO. 416-2015 by Mr. VanRensselaer and Mr. Boser
and Mr. Klancer, Mrs. Stockman and Mr. Padlo¹

**AUTHORIZING THE CHAIR TO EXECUTE LOAN DOCUMENTS
WITH SOUTHERN TIER DAIRY SERVICES, LLC
FOR EXPANSION PROJECT**

Pursuant to Section 99-h of the State Finance Law
and Section 450 of the County Law.

WHEREAS, Cattaraugus County has designated casino funds for economic development in the approved spending plan to address projects such as business retention and expansion by providing incentives to companies that retain and expand employment within Cattaraugus County, and

WHEREAS, the County is desirous of retaining and expanding employment in Cattaraugus County, and

WHEREAS, Southern Tier Dairy Services, LLC, 4920 Route 241, Conewango Valley, New York 14726, a firm that specializes in dairy equipment sales and service, has been in operation since 2006 at the above address, and

WHEREAS, Southern Tier Dairy Services, LLC, proposes an expansion project that will renovate and expand the property located at the above address including an FDA-approved chemical handling and storage area, an FDA-approved lab area for control of samples, an employee training area and employee office space, and

WHEREAS, Southern Tier Dairy Services, LLC, proposes equity, investment and other financing in this project of \$75,000.00, and the creation of three (3) full-time positions and one (1) part-time position, as well as the retention of thirteen (13) full-time positions and two (2) part-time positions, and

WHEREAS, Southern Tier Dairy Services, LLC, is in need of \$75,000.00 to help defray the costs of the aforementioned project, and

WHEREAS, the County has \$75,000.00 in its agricultural economic development loan program, using casino funds for economic development projects in the County, and

WHEREAS, it is proposed that the County loan to Southern Tier Dairy Services, LLC, the sum of \$75,000.00, at a 5% fixed interest rate per annum, to be repaid in monthly installments over a seven (7) year period, with the following conditions:

- Payments for months 1 (one) through 84 (eight-four) shall be principal and interest,

- Upon the County's receipt of acceptable documentation verifying the creation of full-time equivalent positions (FTE), Southern Tier Dairy Services, LLC, is eligible for loan principal forgiveness of up to \$25,000.00 over the term of the loan (calculated at \$5,000.00 per one (1) FTE),
- Southern Tier Dairy Services, LLC, shall provide job creation documentation once per year, and such loan principal forgiveness will be pro-rated for the preceding 12 month period, and
- To maintain eligibility for loan principal forgiveness, loan repayments must be made on time,

and

WHEREAS, sufficient funds are included in the agriculture economic development fund from casino proceeds for this project, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute loan documents, on behalf of Cattaraugus County, with Southern Tier Dairy Services, LLC, for a term commencing upon signing of the loan documents and terminating seven (7) years thereafter, according to the above-described terms.

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

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

Adopted August 26, 2015 by voice vote.

ACT NO. 417-2015 by Mr. VanRensselaer and Mr. Boser

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
H. SICHERMAN & COMPANY, INC. FOR EMPIRE STATE DEVELOPMENT CORPORATION
COMMUNITY DEVELOPMENT BLOCK GRANT ADMINISTRATION SERVICES**

Pursuant to 42 USCS 5301, 24 CFR Part 570 and
Section 450 of the County Law.

WHEREAS, Act 425-2013 authorized a contract with H. Sicherman & Company, Inc., 5852 Forest Creek Drive, East Amherst, New York 14051, for the administration of the Microenterprise Development Revolving Loan Fund, the term of which expired December 31, 2014, and

WHEREAS, the County is the recipient of Empire State Development Corporation Community Development Block Grant Program funds and has an existing Microenterprise Development Revolving Loan Fund portfolio to maintain, and

WHEREAS, the NYS Small Cities Community Development Block Grant was obtained for the purpose of establishing and continuing a Microenterprise Development Revolving Loan Fund, Microenterprise Outreach Program and Microenterprise Business Education Program, and

WHEREAS, the County shall administer the Microenterprise Development Revolving Loan Fund portfolio, and

WHEREAS, H. Sicherman & Company, Inc., shall provide technical assistance on program administration, loan reviews, and credit analyses for the loan committee for the Microenterprise

Development Revolving Loan Fund portfolio for an amount not to exceed \$3,000.00 per year, for a total contract amount of \$6,000.00, to be paid as invoiced, and

WHEREAS, unused balances of previous Community Development Block Grant funds, as well as program income from loan repayments, will be used for the Microenterprise Development Revolving Loan Fund for the microenterprises in the County, less administrative expenses identified above, 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 H. Sicherman & Company, Inc., for the administration and management of the above-referenced grant application, for a term commencing January 1, 2015 and terminating December 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.

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

Adopted August 26, 2015 by voice vote.

ACT NO. 418-2015 by Mr. VanRensselaer and Mr. Boser

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
H. SICHERMAN & COMPANY, INC. FOR HUD SMALL CITIES COMMUNITY
DEVELOPMENT BLOCK GRANT ADMINISTRATION SERVICES**

Pursuant to 42 USCS 5303 and Section 450 of the County Law.

WHEREAS, Act 424-2013 authorized a contract with H. Sicherman & Company, Inc., 5852 Forest Creek Drive, East Amherst, New York 14051, for assistance in the administration of the Microenterprise Development Revolving Loan Fund, the term of which expired December 31, 2014, and

WHEREAS, the County is the recipient of United States Department of Housing and Urban Development (HUD) Small Cities Community Development Block Grant funds and has an existing Microenterprise Development Revolving Loan Fund portfolio to maintain, and

WHEREAS, the Small Cities Community Development Block Grant was obtained for the purpose of establishing and continuing a Microenterprise Development Revolving Loan Fund, Microenterprise Outreach Program and Microenterprise Business Education Program, and

WHEREAS, the County shall administer the Microenterprise Development Revolving Loan Fund portfolio, and

WHEREAS, H. Sicherman & Company, Inc., shall provide technical assistance on program administration, loan reviews and credit analyses for the loan committee, for the Microenterprise

Development Revolving Loan Fund portfolio for an amount not to exceed \$7,000.00 per year, for a total contract amount of \$14,000.00, to be paid as invoiced, and

WHEREAS, unused balances of previous Community Development Block Grant funds, as well as program income from loan repayments, will be used for the Microenterprise Development Revolving Loan Fund for the microenterprises in the County, less administrative expenses identified above, 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 H. Sicherman & Company, Inc., for the administration and management of the above-referenced grant application, for a term commencing January 1, 2015 and terminating December 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.

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

Adopted August 26, 2015 by voice vote.

ACT NO. 419-2015 by Mr. VanRensselaer and Mr. Boser
and Mrs. Labuhn¹

**ESTABLISHING SECOND & THIRD QUARTER OF 2014 ECONOMIC DEVELOPMENT
SPENDING PLAN FOR CASINO REVENUE FUND AND ADJUSTING VARIOUS
APPROPRIATION AND REVENUE ACCOUNTS
(Department of Economic Development, Planning & Tourism)**

Pursuant to Section 99-h of the State Finance Law and
Sections 362, 363 and 366 of the County Law.

WHEREAS, Section 99-h of the New York State Finance Law establishes a tribal-state compact revenue account, which consists of all revenues resulting from tribal-state compacts executed pursuant to Article 2 of the New York State Executive Law, and

WHEREAS, Act 202-2014 authorized a contract with the City of Salamanca for the formula distribution for the minimum of 25% of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact, and

WHEREAS, a spending plan for the distribution of these funds to Cattaraugus County has been established, and

WHEREAS, this fund utilizes a budgetary basis, whereby the original authorization will not lapse, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned casino funds, now, therefore, be it

RESOLVED, that the Second & Third Quarter of 2014 Economic Development Spending Plan for the casino revenue fund is hereby established, and be it further

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

Increase Estimated Revenue Account:

ED.642.6989.0000.2725.3	Tribal Compact Moneys, Economic Development	\$78,607.00
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Increase Appropriation Account:

ED.642.6989.0000.48516	Economic Development Fund	\$78,607.00.
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Approved by 8 members of the Finance Committee and 7 members of the Development and Agriculture Committee.

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

Adopted August 26, 2015 by voice vote.

ACT NO. 420-2015 by Mr. Teachman and Mr. Padlo

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

Pursuant to Section 450 of the County Law.

WHEREAS, Acts 238-2011 and 565-2013 authorized contracts with Innovative Information Solutions, 61 Interstate Lane, Waterbury, Connecticut 06705, for the provision of the STORServer Backup and Recovery Solution and capacity licenses, and

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

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

WHEREAS, Innovative Information Solutions can provide additional licenses for STORServer 7TB TSM capacity for an amount of \$15,435.00, to be paid as invoiced, as follows:

<u>Part #</u>	<u>Model/Description</u>	<u>Quantity</u>	<u>Amount</u>
Software	STORServer by TSM Suite for Unified	7	\$14,700.00
SS-TSM-UNIFIED-1TB	Recovery 1TB back end capacity		
1 st year support	8x5 Silver Solution Support	1	\$ 735.00

and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with Innovative Information Solutions and STORServer, Inc., for the provision of the above-described licenses and support, for a term commencing August 1, 2015 and terminating July 31, 2016, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the County Operations Committee.

Adopted August 26, 2015 by voice vote.

ACT NO. 421-2015 by Mr. Teachman and Mr. Padlo

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH INNOVATIVE INFORMATION SOLUTIONS
FOR STORSERVER SUPPORT SERVICES FOR COUNTY SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Acts 357-2014 authorized a contract with Innovative Information Solutions, 61 Interstate Lane, Waterbury, Connecticut 06705, for the provision of software and hardware maintenance services for the STORServer Backup and Recovery Solutions, the term of which expired July 31, 2015, and

WHEREAS, continued maintenance and support services are needed on the aforementioned software and hardware, and

WHEREAS, Innovative Information Solutions can provide the necessary software and hardware maintenance and support services for an amount of \$13,919.00, to be paid as invoiced, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Innovative Information Solutions, for the provision of the above-described maintenance and support services, for a term commencing August 1, 2015 and terminating July 31, 2016, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the County Operations Committee.

Adopted August 26, 2015 by voice vote.

ACT NO. 422-2015 by Mr. Teachman and Mr. Padlo

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH NOVATIME TECHNOLOGY, INC. FOR
ANNUAL MAINTENANCE OF TIME AND ATTENDANCE SOFTWARE PACKAGE**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 377-2010 authorized a contract with NOVATime Technology, Inc., for a time and attendance software package, and

WHEREAS, the County Department of Information Services is desirous of continuing the aforementioned maintenance and support, and

WHEREAS, NOVATime Technology, Inc., can provide annual software maintenance on the NOVATime time and attendance system, as follows:

Annual Software Maintenance	\$16,929.00
Annual Software Maintenance Telephony	\$ 2,500.00
Annual Hardware Maintenance	\$ 6,938.80,

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 NOVATime Technology, Inc., for the provision of the above-described maintenance and support, for a term commencing October 1, 2015 and terminating September 30, 2020, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the County Operations Committee.

Adopted August 26, 2015 by voice vote.

ACT NO. 423-2015 by Mr. Teachman and Mr. Padlo
and Mr. VanRensselaer¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW WORLD SYSTEMS FOR
INTEGRATED FINANCIAL MANAGEMENT SOFTWARE AND MAINTENANCE**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 417-2009 authorized a contract with New World Systems, 888 West Big Beaver, Suite 1100, Troy, Michigan 48084, for the provision of Commercial Off The Shelf Integrated Financial Management, Payroll/Human Resources and eSuite financial management software and maintenance support services, the term of which expires August 31, 2015, and

WHEREAS, it is necessary to continue annual maintenance support services on the aforementioned software, and

WHEREAS, New World Systems can continue providing Standard Software Maintenance Services (SSMA) for an amount not to exceed \$274,547.00, as follows:

9/1/2015 - 8/31/2016	\$51,712.00
9/1/2016 - 8/31/2017	\$53,263.00
9/1/2017 - 8/31/2018	\$54,862.00
9/1/2018 - 8/31/2019	\$56,507.00
9/1/2019 - 8/31/2020	\$58,203.00,

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 a contract, on behalf of Cattaraugus County, with New World Systems, for the provision of the above-described Standard Software Maintenance Services (SSMA), for a term commencing September 1, 2015 and terminating August 31, 2020, according to the above-described terms.

Approved by 8 members of the Finance Committee and 7 members of the County Operations Committee.

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

Adopted August 26, 2015 by voice vote.

ACT NO. 424-2015 by Ms. Edstrom and Mrs. Stockman
and Mr. Lamberson¹

**AUTHORIZING APPLICATION BETWEEN CATTARAUGUS COUNTY COMMUNITY
SERVICES BOARD AND BEACON HEALTH STRATEGIES, LLC FOR
DEPARTMENT OF COMMUNITY SERVICES MENTAL HEALTH SERVICES
PROVIDED THROUGH MEDICAID MANAGED CARE PROVIDER PROGRAM
(Department of Community Services)**

Pursuant to 42 USCS Section 1396a, Section 41.07 of the Mental Hygiene Law
and Section 450 of the County Law.

WHEREAS, Beacon Health Strategies, LLC, 200 East State Street, Boston, Massachusetts 02109, has requested the County Department of Community Services to apply to become a participating provider of mental health services to participating members of its Provider Network of YOUR CARE Health Plan (YCHP), and

WHEREAS, the Cattaraugus County Community Services Board is desirous of becoming a participating provider with Beacon Health Strategies, LLC, and

WHEREAS, such application is subject to the approval of the Cattaraugus County Legislature, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an application, between the Cattaraugus County Community Services Board and Beacon Health Strategies, LLC, to signify the County's approval to apply to become a participating provider of mental health services to participating members of its Provider Network of YOUR CARE Health Plan (YCHP).

Approved by 8 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. Lamberson".

Adopted August 26, 2015 by voice vote.

ACT NO. 425-2015 by Ms. Edstrom and Mrs. Stockman
and Mr. Lamberson¹

**APPROVING GRANT APPLICATION BETWEEN CATTARAUGUS COUNTY COMMUNITY
SERVICES BOARD AND NYS OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES
TO APPLY FOR YOUTH CLUBHOUSE MODEL FUNDING**

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

WHEREAS, funding is available through the NYS Office of Alcoholism and Substance Abuse Services, 1450 Western Avenue, Albany, New York 12203-3526, for the establishment and operation of a "Youth Clubhouse Model", and

WHEREAS, a Youth Clubhouse Model supports recovery in the community with non-clinical services for specifically identified ages, the purpose of which is to provide a safe and inviting place for youth and young adults to develop pro-social skills that promote long-term health, wellness, recovery and a drug-free lifestyle, and

WHEREAS, CARES, Inc., will operate the Youth Clubhouse if funding is awarded to the County, 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 grant application, between the Cattaraugus County Community Services Board and the New York State Office of Alcoholism and Substance Abuse Services, to signify the County's approval, to apply for the above-described funding, according to the above-described terms.

Approved by 8 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. Lamberson".

Adopted August 26, 2015 by voice vote.

ACT NO. 426-2015 by Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Klancer,
Mr. Marsh, Mr. Murphy, Mr. Snyder, Jr., Mr. Snyder, Sr.,
Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Ms. Vickman,
Mr. Weller, Mr. Boser, Mr. Koch, Mrs. Labuhn,
Mr. Lamberson, Mr. Padlo, Mr. Sprague and Mr. Keller

**CONGRATULATING ELLICOTTVILLE/CATTARAUGUS-LITTLE VALLEY 11-12 GIRLS' SOFTBALL TEAM
FOR WINNING 2015 DISTRICT 2 LITTLE LEAGUE SOFTBALL TITLE**

Pursuant to Section 153 of the County Law.

WHEREAS, the Ellicottville/Cattaraugus-Little Valley 11-12 girls' softball team won the New York State District 2 Little League Softball Championship on July 4, 2015 with a 10-8 victory over Fillmore in a two-out-of-three series, and

WHEREAS, ECLV got to the final game after defeating Fillmore in the first round with a 20-19 seven inning walk-off victory and by defeating Franklinville-Hinsdale in the second round by a score of 18-2, and

WHEREAS, ECLV advanced to the Far West Regional Tournament held in Fredonia, dominating the sectionals by remaining undefeated, and

WHEREAS, in Game 1 of the sectional play, they knocked out Dunkirk with a 15-0, four-inning game; in Game 2, the girls came from behind to defeat Grand Island 16-14; and the finals saw the girls again defeat Grand Island 12-1 in only four innings, and

WHEREAS, ECLV advanced to the State Championships in Fishkill where they were unsuccessful, and

WHEREAS, the team and coaches should be commended for their hard work and dedication, which led to this successful season and the Little League New York District 2 Championship, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby congratulates Coaches Jeff Horth and Kevin Andrew and the Ellicottville/Cattaraugus-Little Valley 11-12 Girls' Softball Team on the team's 2015 Little League New York State District 2 softball championship, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Ellicottville Superintendent of Schools Mark J. Ward, Cattaraugus-Little Valley Superintendent of Schools Dr. Sharon Huff, and Coaches Jeff Horth and Kevin Andrew.

Approved by 8 members of the Finance Committee.

Adopted August 26, 2015 by voice vote.

ACT NO. 427-2015 by Mr. Murphy
and Mr. Koch and Mrs. Labuhn¹
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE A CONTRACT WITH
SALAMANCA CITY CENTRAL SCHOOL DISTRICT FOR
SCHOOL-BASED PROBATION PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 303-2008 authorized a contract with the Salamanca City Central School District for the operation of a School-Based Probation Program, the term of which expires August 31, 2015, and

WHEREAS, the County Department of Probation is desirous of accessing funds that are available through the County Department of Social Services for the operation of a School-Based Probation Program in the Salamanca City Central School District, and

WHEREAS, the School-Based Probation Program will provide for effective monitoring of juvenile offenders, leading to increased opportunities for positive adjustment with juvenile probationers, and

WHEREAS, the Salamanca City Central School District, 50 Iroquois Drive, Salamanca, New York 14779, has agreed to allow the County to place probation officers in its facilities at no cost to the School District, 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 above-described services, for a term commencing September 1, 2015 and terminating August 31, 2016, with the County's option to renew for one-year periods thereafter, according to the above-described terms.

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

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

Adopted August 26, 2015 by voice vote.

ACT NO. 428-2015 by Mr. Edwards, Mr. Teachman, Mr. Lamberson and Mr. Padlo
who ask immediate consideration

**ABOLISHING ONE FULL-TIME POSITION OF SENIOR TELECOMMUNICATIONS SPECIALIST
AND ONE FULL-TIME POSITION OF SYSTEMS ANALYST PROGRAMMER AND
CREATING ONE FULL-TIME POSITION OF SENIOR TELECOMMUNICATIONS AND
PROCUREMENT SPECIALIST AND ONE FULL-TIME POSITION OF MICRO COMPUTER SPECIALIST
AND ESTABLISHING COMPENSATION FOR THE SAME
(Department of Information Services)**

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

WHEREAS, in order to meet the challenges of changing technology and to achieve greater efficiency within the operations of the Department of Information Services, it is necessary to restructure job duties, and

WHEREAS, it is recommended that one full-time position of Senior Telecommunications Specialist be abolished and replaced with one full-time position of Senior Telecommunications and Procurement Specialist to more efficiently fulfill the needs of the Department, and

WHEREAS, with the implementation of packaged systems, greater efficiency would also be achieved by abolishing one full-time position of Systems Analyst Programmer and creating one full-time position of Micro Computer Specialist, and

WHEREAS, the aforementioned restructuring of positions will allow the Department of Information Systems to continue to operate within its adopted budget, and

WHEREAS, the New Position Duties Statement has been submitted to the Cattaraugus County Personnel Officer, who has approved the title as Senior Telecommunications and Procurement Specialist in accordance with Civil Service Law Section 22, and

WHEREAS, the New Position Duties Statement has been submitted to the Cattaraugus County Personnel Officer, who has approved the title as Micro Computer Specialist in accordance with Civil Service Law Section 22, now, therefore, be it

RESOLVED, that effective immediately, there is hereby abolished one (1) full-time position of Senior Telecommunications Specialist in the Department of Information Services, Position No. 168-352-001, and one (1) full-time position of Systems Analyst Programmer in the Department of Information Services, Position No. 168-349-002, and be it further,

RESOLVED, that effective immediately, there is hereby created one (1) position of Senior Telecommunications and Procurement Specialist in the Department of Information Services to be filled on a full-time basis, General Bargaining Unit Salary Schedule, Pay Grade 23 (\$26.44 per hour), Position No. 168-372-001, and be it further

RESOLVED, that effective immediately, there is hereby created one (1) position of Micro Computer Specialist in the Department of Information Services to be filled on a full-time basis, General Bargaining Unit Salary Schedule, Pay Grade 22 (\$22.03), Position No. 168-215-002.

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

Adopted August 26, 2015 by voice vote.

ACT NO. 429-2015 by Mr. Murphy
*and Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Klancer,
Mr. Marsh, Mr. Snyder, Jr., Mr. Snyder, Sr., Mrs. Stockman,
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 AMENDED CONTRACT WITH
MOTOROLA SOLUTIONS, INC. FOR
5 CHANNEL VHF DIGITAL SIMULCAST P25 PHASE I TRUNKED RADIO SYSTEM
FOR POLICE, FIRE AND EMS RADIO COMMUNICATIONS**

Pursuant to Sections 308 and 450 of the County Law.

WHEREAS, Act 261-2014 authorized a contract to accept a grant through the New York State Division of Homeland Security and Emergency Services for the Statewide Interoperable Communications program (Project #SI 13-1007-D00), for a term of June 1, 2014 through May 31, 2016, and

WHEREAS, Act 589-2014 authorized a contract with Motorola Solutions, Inc., 1301 East Algonquin Road, Schaumburg, Illinois 60196, through the NYS Office of General Services contract, for the provision of the labor and materials necessary to deliver a 5 Channel VHF Digital Simulcast P25 Phase I Trunked Radio System to combine police, fire and EMS radio communications on a single system for an amount of \$5,743,707.74, and

WHEREAS, the aforementioned contract should be amended to include the removal of the existing tower and the construction of a new tower on the Indiana Avenue site in the Town of Olean, and

WHEREAS, Motorola Solutions, Inc., will provide the following services for an additional amount of \$205,738.00:

- Remove existing tower. Prior to removing the tower, the Motorola team will re-stabilize the existing tower at 60 ft. and relocate the current users. Once the new tower is constructed, the users antennas will be relocated;
- Install new self-supporting 180 ft. tower at Nicholas site;
- Install a new 12' x 24' shelter with separated interior rooms and an exterior generator,

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 Motorola Solutions, Inc., for the provision of the above-described additional services, for a term commencing December 1, 2014 and terminating May 31, 2016, according to the above-described terms.

MR. WELLER 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. Hale, Mr. Klancer, Mr. Marsh, Mr. Snyder, Jr., Mr. Snyder, Sr., Mrs. Stockman, Mr. VanRensselaer, Ms. Vickman, Mr. Weller, Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson, Mr. Padlo, Mr. Sprague and Mr. Keller".

Adopted August 26, 2015 by voice vote.

ACT NO. 430-2015 by Mr. Murphy
and Mr. VanRensselaer and Mr. Weller¹
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS
WITH VARIOUS AGENCIES
FOR CME RECERTIFICATION PROGRAM**

Pursuant to Article 30-A of the Public Health Law and
Section 450 of the County Law.

WHEREAS, Emergency Medical Service (EMS) agencies are desirous of having the County provide "core hour" courses required for the Continuing Medical Education (CME) Recertification Program, and

WHEREAS, the County Office of Emergency Services shall provide the aforementioned "core hour" courses and, if the agency desires, the administrative management of the CME Recertification Program, and

WHEREAS, contracts are necessary with each agency participating in the CME Recertification Program, 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 agencies for the provision of the above-described CME Recertification Program, for a term commencing September 1, 2015 and terminating December 31, 2020, according to the above-described terms.

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

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

Adopted August 26, 2015 by voice vote.

ACT NO. 431-2015 by Mr. Murphy
who asks immediate consideration

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS WITH
VARIOUS INDIVIDUALS FOR EMERGENCY MEDICAL SERVICES INSTRUCTORS**

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

WHEREAS, Act 568-2013 authorized the County Administrator to execute contracts with various individuals for emergency medical services instructors, the terms of which expire December 31, 2015, and

WHEREAS, the Office of Emergency Services is desirous of renewing the aforementioned contracts (which had previously been held with the County Health Department) for a term commencing January 1, 2016 and terminating December 31, 2017, and

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

<u>Title</u>	<u>2016-2017 Hourly Rate</u>
NYS Certified Instructor Coordinator (CIC)	\$35.00
NYS Certified Lab Instructor (CLI)	\$25.00
AHA Certified Instructor	\$20.00
EMS/ First Aid/ CPR Course Assistant	\$15.00
Medical & Health Professionals (Physicians, Registered Nurses, competent in the management of patients requiring advanced life support care),	\$35.00

and

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

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with various individuals, for the provision of emergency medical services training, for a term commencing January 1, 2016 and terminating December 31, 2017, according to the above-described terms.

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

Adopted August 26, 2015 by voice vote.

ACT NO. 432-2015 by Labor Relations Committee:

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

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
AON RISK SERVICES CENTRAL, INC. FOR BROKER OF RECORD SERVICES FOR
ONOVILLE MARINA**

Pursuant to Sections 52 and 78 of the General Municipal Law and
Sections 215 and 450 of the County Law.

WHEREAS, the County Human Resources Department is desirous of obtaining liability insurance coverage for the Onoville Marina, and

WHEREAS, Aon Risk Services Central, Inc., 1650 Market Street, Suite 1000, Philadelphia, Pennsylvania 19103, has agreed to act as the Brokers/Agents of Record for the Cattaraugus County Onoville Marina on a commission basis, 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 Aon Risk Services Central, Inc., for the provision of the above-described services, for a term commencing August 18, 2015 and terminating August 17, 2016, according to the above-described terms.

MR. VANRENSSEALER moved, seconded by Mrs. Stockman to waive Rule 12. Carried.

Adopted August 26, 2015 by voice vote.

**MOTION TO ADJOURN IN MEMORY OF
JAMES B. LAPEY**

WHEREAS, James B. Lapey, 77, of Salamanca, passed away on August 21, 2015, and

WHEREAS, Mr. Lapey was a member of the Cattaraugus County Board of Health since 2004 and most recently served as the Board's vice president, and

WHEREAS, Mr. Lapey graduated from Amherst Central High School, began his career in auto sales and transitioned into regional sales of heavy construction equipment, and

WHEREAS, Mr. Lapey participated in the Odyssey of the Mind program, coaching for over 20 years and included several trips to the World Championships, and

WHEREAS, as a motorsports enthusiast, Mr. Lapey's early days of drag racing led, much later in life, to his involvement in a Buell Motorcycle pit crew, where they won the 2004 National Championships, and

WHEREAS, Mr. Lapey is survived by his wife Cheryl Harrison; a daughter, Laura Woodard; two grandchildren, Amelia and Lily Woodard; two stepchildren, Angelina Creed and Charles Harrison; a brother, Stephen Lapey; and a nephew, Dan Lapey, and

WHEREAS, the loss of his presence will be sadly felt by his many friends and colleagues in Cattaraugus County, now, therefore, Legislators Koch and Labuhn hereby

MOVE, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of James B. Lapey, and this Motion be seconded by the rest of the Legislature, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, until its next meeting, unless specially convened, in memory of James B. Lapey, and be it further

RESOLVED, that the Clerk of the Legislature be, and hereby is, directed to forward a certified copy of this Motion to his wife and daughter.

MR. FELTON moved, seconded by Mr. Padlo to adjourn until September 9, 2015 at 3:00 p.m. Carried.

Meeting adjourned at 4:08 p.m.

Ann M. Giglio
Journal Clerk