

July 13, 2016

The meeting was called to order by Chairman Paula J. Stockman.

The invocation was given by Dr. Anthony Evans.

The Attendance Roll Call disclosed two Legislators absent – Padlo and Vickman.

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CHAIRMAN STOCKMAN noted that the minutes of the June 22, 2016 session stand approved as presented.

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COMMUNICATIONS:

New York State Department of State: Notice of filing of Local Law Number 4-2016 (Intro Number 3-2016) on June 16, 2016.

Joseph M. Giglio, Member of NYS Assembly: Acknowledging receipt of Act No. 317-2016.

Onondaga County Legislature: Resolution No. 109, Memorializing New York State to Enact Legislation to Stop Unfunded Mandates (S.3144A), Returning Control to Local Governments on Behalf of Their Residents.

Family of Ann Padlo: Note of appreciation and thanks for prayers, cards and flowers.

Joseph T. Pillittere, Commissioner, Department of Public Works: Thank you note for flowers and condolences in the loss of his father.

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APPOINTMENTS:

EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL

Terms to expire December 31, 2017

Gregory Payne
P.O. Box 336
Machias, New York 14101

Kennith Charles
7561 State Land Road
Cattaraugus, New York 14719

Ex-Officio Member:

Abigail Kahm, Southwestern Regional Emergency Medical Services Council Program Agency
One Blue Bird Square
Olean, New York 14760,
to fill the vacancy created by the resignation of Jennifer Budaj.

CATTARAUGUS COUNTY PLANNING BOARD*Terms to expire July 31, 2019*

Florence Fuller
5617 Windfall Road
Kill Buck, New York 14748

Robert C. Keis
7621 California Hill Road
Little Valley, New York 14755

Andrea Mellon
9877 Burns Hill Road
West Valley, New York 14171

Michael Zaprowski
317 Front Avenue
Salamanca, New York 14779

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PRIVILEGE OF THE FLOOR:

Chairman Stockman granted Privilege of the Floor to Legislator Helmich who introduced Adam Shingler. Scout Shingler is currently working to achieve Eagle Scout certification.

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CHAIRMAN STOCKMAN announced this is the time and place called for a public hearing on **Act No. 292-2016**, Local Law Number 5-2016, entitled, "A Local Law Amending Local Law Number 22-2003 (Intro Number 21-2003) Regarding Fees for Processing Certain Tax Title Property", and that anyone wishing to speak for or against this local law may now do so.

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

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CHAIRMAN STOCKMAN announced this is the time and place called for a public hearing on **Act No. 309-2016**, Local Law Number 6-2016, entitled, "A Local Law Amending Local Law Number 5-1985 (Intro Number 10-1985), as Amended, Regarding the Position of County Administrator", and that anyone wishing to speak for or against this local law may now do so.

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

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CHAIRMAN STOCKMAN called up **Act No. 292-2016**, Local Law Number 5-2016, and asked that it be read.

CHAIRMAN STOCKMAN requested a Roll Call vote on Act No. 292-2016, which disclosed as follows:

Ayes: Boberg, Breton, Giardini, Hale, Hastings, Helmich, Keller, Klancer, Koch, Labuhn, Neal, Snyder, Jr., Snyder, Sr., Stockman, VanRensselaer - 15.

Nays: none.

Act No. 292-2016, Local Law Number 5-2016, having received a majority vote of the Legislature, was declared Adopted.

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CHAIRMAN STOCKMAN called up **Act No. 309-2016**, Local Law Number 6-2016, and asked that it be read.

CHAIRMAN STOCKMAN requested a Roll Call vote on Act No. 309-2016, which disclosed as follows:

Ayes: Boberg, Breton, Giardini, Hale, Hastings, Helmich, Keller, Klancer, Koch, Labuhn, Neal, Snyder, Jr., Snyder, Sr., Stockman, VanRensselaer - 15.

Nays: none.

Act No. 309-2016, Local Law Number 6-2016, having received a majority vote of the Legislature, was declared Adopted.

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CHAIRMAN STOCKMAN called up **Act No. 294-2016**, Authorizing the Chair to Execute Contract with City of Olean for Use of Pavilion at Franchot Park for World Breast Feeding Event Week Picnic, and asked that it be read.

The following Legislator requested her name be listed as an additional sponsor: "Ms. Hastings".

Approved by 7 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted July 13, 2016 by voice vote.

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CHAIRMAN STOCKMAN called up **Act No. 298-2016**, Authorizing the Chair to Execute Contracts with Various Entities for Department of Social Services Psychological Evaluations and Assessments, and asked that it be read.

Approved by 5 members of the Finance Committee and 4 members of the Human Services Committee.

Adopted July 13, 2016 by voice vote.

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ACT NO. 319-2016 by Mr. Klancer and Mr. Koch

**BID ACCEPTANCE FOR PRIMARY GRINDING OF GREEN WASTE
(Department of Public Works)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for primary grinding and removal of green waste at three (3) locations, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications for the provision of primary grinding and removal of green waste at the following three (3) locations was the bid of Zoladz Construction Co., Inc., 13600 Railroad Street, P.O. Box 157, Alden, New York 14004, in the amount of \$30,650.00, to be paid as invoiced and approved by the County Department of Public Works:

Farwell Landfill	\$14,850.00
Five Points Landfill	\$ 9,800.00
Kyler Hill Road	\$ 6,000.00,

and

WHEREAS, the term of the contract for the aforementioned primary grinding and removal of green waste services shall commence upon signing of the contract and shall terminate sixty (60) days thereafter, and

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

RESOLVED, that the bid of Zoladz Construction Co., Inc., be, and the same hereby is, accepted, and be it further

RESOLVED, that the vouchers accordingly certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.
No State Bid.

Seven sets of specifications were sent out.

Two bids were received that met specifications.

Approved by 6 members of the Finance Committee and 7 members of the Public Works Committee.

Adopted July 13, 2016 by voice vote.

ACT NO. 320-2016 by Mr. Klancer and Mr. Koch

**BID ACCEPTANCE FOR 2016 BRIDGE DECK REPLACEMENT PROGRAM
(Department of Public Works)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the 2016 bridge deck replacement program, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications for the replacement of two (2) bridge decks throughout the County, was the bid of Union Concrete and Construction Corp., P.O. Box 410, West Seneca, New York 14224, in the amount of \$631,599.25, to be paid on a percent-of-completion basis as invoiced and approved by the County Department of Public Works, and

WHEREAS, the term of the contract for the aforementioned bridge deck replacement program shall commence upon Notice to Award and shall be completed by October 31, 2016, and

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

RESOLVED, that the bid of Union Concrete and Construction Corp. be, and the same hereby is, accepted, and be it further

RESOLVED, that the vouchers accordingly certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Five sets of specifications were sent out.

Four bids were received that met specifications.

Approved by 6 members of the Finance Committee and 7 members of the Public Works Committee.

Adopted July 13, 2016 by voice vote.

ACT NO. 321-2016 by Mr. Klancer and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
GREENMAN-PEDERSEN, INC. FOR CONSTRUCTION INSPECTION SERVICES
FOR 2016 BRIDGE DECK REPLACEMENT PROGRAM**

Pursuant to Section 131-b of the Highway Law and
Section 450 of the County Law.

WHEREAS, the County is in need of on-site construction inspection services for the 2016 bridge deck replacement program, and

WHEREAS, Greenman-Pedersen, Inc. (GPI), 4950 Genesee Street, Suite 100, Buffalo, New York 14225, can provide the necessary on-site construction inspection services for the aforementioned bridge deck replacement program for an amount not to exceed \$52,630.00, to be paid on a percent-of-completion basis, as determined and approved by the Department of Public Works, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Greenman-Pedersen, Inc. (GPI), for the provision of the above-described engineering services, for a term commencing July 13, 2016 and terminating December 31, 2016, according to the above-described terms.

Approved by 6 members of the Finance Committee and 7 members of the Public Works Committee.

Adopted July 13, 2016 by voice vote.

ACT NO. 322-2016 by Mr. Klancer and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE UNIFIED COURT SYSTEM FOR
COUNTY COURTROOM RENOVATION PROJECT AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works)**

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

WHEREAS, the Unified Court System has requested the County to perform certain renovations to the third floor courtroom of the County Center, located at 303 Court Street in Little Valley, and

WHEREAS, the courtroom renovation will enhance the ability of County Court to efficiently handle criminal court matters through expansion and enhancement of the bench with additional work space for the court clerk(s), Judge and witness, including improvements to the sound system, carpeting, lighting and woodwork, and

WHEREAS, the NYS Unified Court System will reimburse the County an amount not to exceed \$350,000.00 for the aforementioned renovation project, and

WHEREAS, various appropriation and revenue accounts must be adjusted for the aforementioned renovation 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 New York State Unified Court System, for reimbursement for the court space renovation project, for a term commencing July 13, 2016 and terminating December 31, 2017, according to the above-described terms, and be it further

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

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

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

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

Increase Estimated Revenue Account:

H.504.1620.0000.21061.3021	State Aid, Court Facilities	\$350,000.00
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Increase Appropriation Account:

H.504.1620.0000.21061.41603	Court Facilities Renovation	\$350,000.00.
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Approved by 6 members of the Finance Committee and 7 members of the Public Works Committee.

Adopted July 13, 2016 by voice vote.

ACT NO. 323-2016 by Mr. Klancer and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH LABELLA ASSOCIATES, D.P.C. FOR COUNTY COURTROOM
RENOVATION PROJECT ARCHITECTURAL AND ENGINEERING SERVICES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the Office of Court Administration has requested renovations to the third floor courtroom of the County Building in Little Valley and will reimburse Cattaraugus County for costs relating to the renovation project in an amount not to exceed \$350,000.00, and

WHEREAS, the Department of Public Works is in need of architectural and engineering services for the aforementioned project, and

WHEREAS, LaBella Associates, D.P.C., 300 State Street, Suite 201, Rochester, New York 14614, can provide the architectural and engineering services necessary for the Design Phase services and Bidding and Construction Administration services for an amount of \$43,300.00, plus an additional amount not to exceed \$8,525.00 in fees for reimbursable expenses and the hazardous material design/expenses, 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 Labella Associates, D.P.C., for the provision of the above-described architectural and engineering services, for a term commencing July 13, 2016 and terminating December 31, 2017, according to the above-described terms, and be it further

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

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

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

Approved by 6 members of the Finance Committee and 7 members of the Public Works Committee.

Adopted July 13, 2016 by voice vote.

ACT NO. 324-2016 by Mr. Klancer and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE LEASE DOCUMENTS WITH
JAMES B. SCHWAB CO., INC. AND FINANCING DOCUMENTS WITH
US BANK EQUIPMENT FINANCE FOR
DEPARTMENT OF PUBLIC WORKS WIDE FORMAT IMAGING SYSTEM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 244-2013 authorized a lease agreement with James B. Schwab Co., Inc., 223 West Main Street, Falconer, New York 14733, for the provision of a Wide Format Imaging System, the term of which expired May 31, 2016, and

WHEREAS, the wide format imaging system is outdated and in need of replacement, and

WHEREAS, US Bank Equipment Finance, a Division of US Bank, N.A., will finance a Wide Format Imaging System for lease through James B. Schwab Co., Inc., and

WHEREAS, James B. Schwab Co., Inc., can provide a Wide Format Imaging System, with all options, with "no trade-in", for an amount as follows, for a term of three (3) years commencing upon execution of lease documents:

	<u>Quantity Per Month</u>	<u>Rate</u>
Ricoh Aficio MPW6700 Wide Format Copy/Print/Scan (417289)	0 to 2,000 square feet	\$513.64/month per 2,000 square feet
	Greater than 2,000 square feet	\$513.64/month plus \$0.035 per square foot,

and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute lease documents, on behalf of Cattaraugus County, with James B. Schwab Co., Inc., for the provision of the above-described imaging system, for a term of three (3) years commencing upon execution of lease documents, with the option of a one-year extension at the same rates at the County's sole option, according to the above-described terms, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute financing documents, on behalf of Cattaraugus County, with US Bank Equipment Finance, a Division of US Bank, N.A., for the leasing of the above-described Wide Format Imaging System, for a term subject to the approval of the County Attorney, according to the above-described terms.

Approved by 6 members of the Finance Committee and 7 members of the Public Works Committee.

Adopted July 13, 2016 by voice vote.

ACT NO. 325-2016 by Ms. Vickman and Mrs. Labuhn

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
DAVID F. TESSMER, D/B/A DT COMPLIANCE, FOR ENGINEERING SERVICES
FOR DEPARTMENT OF NURSING HOMES WASTEWATER SAMPLING**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 159-2015 authorized a contract with MDA Consulting Engineers, PLLC, for the provision of wastewater sampling for The Pines Healthcare and Rehabilitation Center – Olean Campus, and

WHEREAS, the Departments of Public Works and Nursing Homes are desirous of terminating the portion of the aforementioned contract that provides for wastewater sampling for The Pines Healthcare and Rehabilitation Center – Olean Campus, and

WHEREAS, MDA Consulting Engineers, PLLC, has agreed to the aforementioned termination, and

WHEREAS, the Departments of Public Works and Nursing Homes are desirous of contracting with a different company for the provision of such wastewater sampling, and

WHEREAS, David F. Tessmer, d/b/a DT Compliance, 14762 Wilson Road, Collins, New York 14034-9791, shall provide the engineering services necessary for wastewater sampling for The Pines Healthcare and Rehabilitation Center – Olean Campus for an amount not to exceed \$600.00 per sampling event, to be paid as invoiced, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with David F. Tessmer, d/b/a DT Compliance, for the provision of the above-described engineering services for a term commencing July 13, 2016 and terminating December 31, 2017, according to the above-described terms.

Approved by 6 members of the Finance Committee, 6 members of the Public Works Committee and 6 members of the Human Services Committee.

Adopted July 13, 2016 by voice vote. Mr. Helmich abstained from vote.

ACT NO. 326-2016 by Ms. Vickman and Mrs. Labuhn

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT AMENDMENT WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR
IMMUNIZATION CONSORTIUM REIMBURSEMENT - COLA**

Pursuant to 10 NYCRR Section 40-1.52 and
Section 450 of the County Law.

WHEREAS, Act 471-2013, as amended by Acts 318-2014 and 482-2015, authorized a contract with the New York State Department of Health for the administration of the Western Region Immunization Consortium, the term of which expires March 31, 2018, and

WHEREAS, the New York State Department of Health has authorized a cost-of-living adjustment (COLA) in the amount of \$3,309.00, for the period April 1, 2016 through March 31, 2017, and

WHEREAS, a contract amendment is necessary in order to obtain the aforementioned COLA funding, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with the New York State Department of Health, in order to receive the aforementioned COLA for the immunization program for the period commencing April 1, 2016 and terminating March 31, 2017, for a contract term commencing April 1, 2013 and terminating March 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 6 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted July 13, 2016 by voice vote.

ACT NO. 327-2016 by Ms. Vickman and Mrs. Labuhn

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR CHILDREN WITH
SPECIAL HEALTH SERVICES NEEDS (CSHSN) (COLA)**

Pursuant to Public Law 98-8 and Section 450 of the County Law.

WHEREAS, Act 527-2014, as amended by Acts 576-2014 and 485-2015, authorized the Chair to execute a contract with the New York State Department of Health and various entities for the Children with Special Health Services Needs Program (CSHSN) for the period October 1, 2014 to September 30, 2017, and

WHEREAS, the Cattaraugus County Health Department has been awarded a cost-of-living adjustment (COLA) in the amount of \$1,647.00 for the period April 1, 2016 through March 31, 2017, and

WHEREAS, an amended contract is necessary with the New York State Department of Health in order to obtain reimbursement through the above-referenced program, 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 an amended contract, on behalf of Cattaraugus County, with the New York State Department of Health in order to obtain reimbursement through the above-referenced program for the period April 1, 2016 through March 31, 2017, for a contract term commencing October 1, 2014 and terminating September 30, 2017, according to the above-described terms, and be it further

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

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

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

Approved by 6 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted July 13, 2016 by voice vote.

ACT NO. 328-2016 by Ms. Vickman and Mrs. Labuhn

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR
RABIES PROGRAM REIMBURSEMENT**

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

WHEREAS, Act 56-2013, as amended by Act 481-2015, authorized a contract with New York State Department of Health for pre-set reimbursement rates for human rabies treatment, animal specimens prepared and shipped, and for pet vaccination clinics that are conducted over the five-year period April 1, 2012 through March 31, 2017, and

WHEREAS, the New York State Department of Health has authorized a cost-of-living adjustment (COLA) in the amount of \$2,646.00 for the period April 1, 2016 through March 31, 2017, and

WHEREAS, a contract amendment is necessary in order to obtain the aforementioned COLA funding, 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 an amended contract, on behalf of Cattaraugus County, with the New York State Department of Health, in order to receive the aforementioned COLA for the rabies reimbursement, for the period commencing April 1, 2016 and terminating March 31, 2017, for a contract term commencing April 1, 2012 and terminating March 31, 2017, according to the above-described terms, and be it further

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

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

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

Approved by 6 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted July 13, 2016 by voice vote.

ACT NO. 329-2016 by Ms. Vickman and Mrs. Labuhn

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR
HEALTH DEPARTMENT CHILDHOOD LEAD POISONING PREVENTION PROGRAM**

Pursuant to 10 NYCRR Parts 22 and 67, Sections 1370-1376 of the
Public Health Law and Section 450 of the County Law.

WHEREAS, Act 93-2016 authorized the Chair to execute a five (5) year contract with the New York State Department of Health for the County Health Department's Childhood Lead Poisoning Prevention Program, the term of which expires September 30, 2020, and

WHEREAS, the New York State Department of Health has authorized a cost-of-living adjustment (COLA) in the amount of \$4,064.00 for the period April 1, 2016 through March 31, 2017, and

WHEREAS, a contract amendment is necessary in order to obtain the aforementioned COLA funding, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with the New York State Department of Health for the provision of funding for the Childhood Lead Poisoning Prevention Program, for the period commencing April 1, 2016 and terminating March 31, 2017, for a contract term commencing October 1, 2015 and terminating September 30, 2020, 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 6 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted July 13, 2016 by voice vote.

ACT NO. 330-2016 by Ms. Vickman and Mrs. Labuhn
and Ms. Hastings¹

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

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

WHEREAS, Act 173-2015 authorized a contract with New York State Department of Health for a youth tobacco enforcement and preventive work plan to reduce the use and accessibility of tobacco to youths under 18 years of age, the term of which expired March 31, 2016, and

WHEREAS, funding is available in the amount of \$30,825.00 through the New York State Department of Health under the Center for Environmental Health, Bureau of Community Sanitation and Food Protection, Flanigan Square, 547 River Street, Room 515, Troy, New York 12180-2216, for an Adolescent Tobacco Use Prevention Act Enforcement Program for the 2016-2017 program year, and

WHEREAS, the New York State Department of Health has also authorized a cost-of-living adjustment (COLA) in the amount of \$2,540.00 for the period April 1, 2016 through March 31, 2017, and

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

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the New York State Department of Health for the aforementioned program funding, for a term commencing April 1, 2016 and terminating March 31, 2017, according to the above-described terms, and be it further

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

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

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

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

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

Adopted July 13, 2016 by voice vote.

ACT NO. 331-2016 by Ms. Vickman and Mrs. Labuhn

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED 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 486-2015 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 expired March 31, 2016, and

WHEREAS, the New York State Health Department has awarded the County Health Department a COLA in the amount of \$16,947.00 for the period April 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 an amended 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 April 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 6 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted July 13, 2016 by voice vote.

ACT NO. 332-2016 by Ms. Vickman and Mrs. Labuhn

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
FIELDS RESEARCH, INC. FOR
DEPARTMENT OF HEALTH HH-CAHPS SURVEY**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 256-2015 authorized a contract with Fields Research, Inc., 3814 West Street, Cincinnati, Ohio 45227, for the provision of mandated patient satisfaction surveys, the term of which expires July 31, 2016, and

WHEREAS, the Centers for Medicare & Medicaid Services require that all home health care agencies that receive Medicare/Medicaid conduct a HH-CAHPS survey on a monthly basis, and

WHEREAS, the Consumer Assessment of Healthcare Providers and Systems (CAHPS®) Home Health Care Survey, hereafter referred to as the "HH-CAHPS Survey", is designed to measure the experiences of people receiving home health care from Medicare-certified home health agencies, and

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

WHEREAS, Fields Research, Inc., can conduct 300 HH-CAHPS surveys for a flat fee of \$300.00 per month, to be paid as invoiced, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Fields Research, Inc., for the provision of the above-described services, for a term commencing August 1, 2016 and terminating July 31, 2017, according to the above-described terms.

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

Adopted July 13, 2016 by voice vote.

ACT NO. 333-2016 by Ms. Vickman and Mrs. Labuhn

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR HEALTH HOME SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, the County is desirous of partnering with various entities as a provider of Health Home Care Management services to enrolled Health Home participants, in order to promote cooperation and access to services and resources for care coordination purposes, and

WHEREAS, various Health Home entities agree to refer Health Home members to the County and reimburse the County for services provided, and

WHEREAS, contracts are necessary to establish a cooperative agreement between the Health Home entities 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 contracts, on behalf of Cattaraugus County, with various Health Home entities, for the provision of the above-described services, for a term commencing January 1, 2016 to continue in full force and effect until terminated by either party upon thirty (30) days' written notice, according to the above-described terms.

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

Adopted July 13, 2016 by voice vote.

ACT NO. 334-2016 by Ms. Vickman and Mrs. Labuhn

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH WESTCOM SOLUTIONS, INC. D/B/A
POINTCLICKCARE FOR ELECTRONIC MEDICAL RECORDS SYSTEM AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Nursing Homes)**

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

WHEREAS, the Department of Nursing Homes is in need of an electronic medical records system for The Pines Healthcare and Rehabilitation Centers-Olean and Machias Campuses, and

WHEREAS, proposals were solicited from fourteen (14) companies, and

WHEREAS, Westcom Solutions, Inc., d/b/a PointClickCare, 5570 Explorer Drive, Mississauga, Ontario Canada L4W 0C4, can provide a cloud-based electronic medical records system for an amount in accordance with the following:

Subscription Costs		Total Per Month	\$ 7,276.45
Pines @ Machias	\$3,560.81 per month		
Pines @ Olean	\$3,715.63 per month		
Professional Services	One-Time Amount		\$20,375.00

*PointClickCare may increase fees no more than once annually upon sixty (60) days' notice,

and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Westcom Solutions, Inc., d/b/a PointClickCare, for the provision of the above-described services, for a term commencing on the date the contract is fully executed and continuing for a term of five (5) years thereafter, according to the above-described terms, and be it further

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

Decrease Appropriation Accounts:

EF.453.4530.8319.45203	Software Licenses and Maintenance	\$22,294.00
EL.453.4530.8319.45203	Software Licenses and Maintenance	\$21,365.00

Increase Appropriation Accounts:

EF.453.4530.8319.41258	Electronic Medical Records	\$22,294.00
EL.453.4530.8319.41258	Electronic Medical Records	\$21,365.00.

Held in the Finance Committee and the Human Services Committee.

ACT NO. 335-2016 by Ms. Vickman and Mrs. Labuhn

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
LABORATORY CORPORATION OF AMERICA HOLDINGS (LABCORP) FOR
DEPARTMENT OF SOCIAL SERVICES GENETIC PARENTAGE TESTING SERVICES**

Pursuant to 18 NYCRR 347.6(b) and Section 450 of the County Law.

WHEREAS, Act 584-2009 authorized a contract with Laboratory Corporation of America Holdings (LabCorp), 1440 York Court Extension, Burlington, North Carolina 27215, for the provision of genetic parentage testing services for the County Department of Social Services Child Support Enforcement Unit, the term of which expired, and

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

WHEREAS, the Laboratory Corporation of America Holdings (LabCorp) has advised that they can provide the aforementioned services for an amount of \$50.00 per individual tested, not to exceed a total annual contract amount of \$10,000.00, 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 Laboratory Corporation of America Holdings (LabCorp), for the provision of the above-described testing services, for a term commencing January 1, 2015 to continue in full force and effect until terminated by either party hereto, 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 6 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted July 13, 2016 by voice vote.

ACT NO. 336-2016 by Human Services Committee:

Ms. Vickman, Mrs. Labuhn, Mr. Breton,
Mr. Helmich, Mr. Neal and Ms. Hastings

**CREATING TWO (2) POSITIONS OF CASEWORKER
AND ESTABLISHING COMPENSATION FOR THE SAME
(Department of Social Services)**

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

WHEREAS, the Commissioner of Social Services is in need of additional case workers to assist with a constant increase in the number of mandated child protective services investigations, and

WHEREAS, the New Position Duties Statement has been submitted to the Cattaraugus County Personnel Officer, who has approved and certified the title of Caseworker in accordance with Civil Service Law Section 22, and

WHEREAS, sufficient funds are included in the budget of the Department of Social Services to provide for these additional positions, now, therefore, be it

RESOLVED, that effective immediately, there are hereby created two (2) positions of Caseworker in the Department of Social Services to be filled on a full-time basis, General Bargaining Unit Salary Schedule, Pay Grade 23 (\$23.27 per hour), Position No. 601-034-036 and Position No. 601-034-037.

Held in the Finance Committee and the Labor Relations Committee.

ACT NO. 337-2016 by Ms. Vickman and Mrs. Labuhn

**APPROVING AMENDED CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY
SERVICES BOARD AND NEW YORK STATE CATHOLIC HEALTH PLAN, INC.
D/B/A FIDELIS CARE NEW YORK FOR BEHAVIORAL HEALTH SERVICES
THROUGH DEPARTMENT OF COMMUNITY SERVICES**

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

WHEREAS, Act 418-2004 authorized contracts with various health maintenance organizations for the provision of mental health services to qualified enrollees, and

WHEREAS, it is necessary to update contracts with various mental health organizations regarding the provision of services by the County Department of Community Services, in order to include PROS services, and

WHEREAS, New York State Catholic Health Plan, Inc., d/b/a Fidelis Care New York, has agreed to reimburse the County Department of Community Services for mental health services provided to qualified Fidelis Care New York subscribers as part of an expanded Managed Medicaid program, in accordance with established New York State Medicaid rates, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract between the Cattaraugus County Community Services Board and New York State Catholic Health Plan, Inc., d/b/a Fidelis Care New York, to signify the County's approval, for the provision of the above-described services, for a term commencing upon execution of contract, to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

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

Adopted July 13, 2016 by voice vote.

ACT NO. 338-2016 by Ms. Vickman and Mrs. Labuhn

**AUTHORIZING APPLICATION BETWEEN CATTARAUGUS COUNTY COMMUNITY
SERVICES BOARD AND WELLCARE OF NEW YORK, INC. FOR
DEPARTMENT OF COMMUNITY SERVICES MENTAL HEALTH SERVICES
PROVIDED THROUGH MANAGED CARE PROVIDER PROGRAM**

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

WHEREAS, WellCare of New York, Inc., One New York Plaza, 15th Floor, New York, New York 10004, has requested the County Department of Community Services to become a provider of mental health services to participating members, and

WHEREAS, the Cattaraugus County Community Services Board is desirous of becoming a participating provider with WellCare of New York, Inc., 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 WellCare of New York, Inc., to signify the County's approval to become a participating provider of mental health services to participating members of its Provider Network.

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

Adopted July 13, 2016 by voice vote.

ACT NO. 339-2016 by Ms. Vickman and Mrs. Labuhn

**ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Community Services)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, the Department of Community Services is desirous of adjusting various accounts in order to increase the appropriation of New York State Office for Persons with Developmental Disabilities commitment expenses, now, therefore, be it

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

Decrease Appropriation Account:

A.431.4360.0000.40205	Commitment for Mentally Ill	\$30,000.00
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Increase Appropriation Account:

A.431.4360.0000.40209	Commitment for Developmentally Disabled	\$30,000.00.
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Approved by 6 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted July 13, 2016 by voice vote.

ACT NO. 340-2016 by Ms. Vickman and Mrs. Labuhn

**APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY
SERVICES BOARD AND TRACEY FOWLER FOR
DEPARTMENT OF COMMUNITY SERVICES
PSYCHIATRIC NURSE PRACTITIONER SERVICES FOR CLIENTS
IN THE MENTAL HEALTH CLINIC**

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

WHEREAS, the County Department of Community Services is in need of psychiatric nurse practitioner services for clients in the mental health clinic, and

WHEREAS, Tracey Fowler, 26 North Pine Street, Port Allegany, Pennsylvania 16743, an independent contractor, can provide psychiatric nurse practitioner services to clients in the mental health clinic for an amount of \$110.00 per direct care hour, for a maximum of 112¹ hours annually, not to exceed a total contract amount of \$12,320.00¹, to be paid on a monthly basis, as invoiced, and

WHEREAS, this program is funded through federal, state and local funds, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, between the Cattaraugus County Community Services Board and Tracey Fowler, to signify the County's approval, for the provision of the above-described services, for a term commencing *September*¹ 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 6 members of the Finance Committee and 6 members of the Human Services Committee.

¹MRS. LABUHN moved, seconded by Mr. Hale and Ms. Hastings to amend as follows: In the Second Whereas, delete: "140", and replace with: "112"; delete: "\$15,400.00", and replace with: "\$12,320.00"; In the First Resolved, delete: "August", and replace with: "September". Carried.

Adopted, as amended, July 13, 2016 by voice vote.

ACT NO. 341-2016 by Ms. Vickman and Mrs. Labuhn

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS
WITH NEW YORK STATE OFFICE OF MENTAL HEALTH
FOR OMH HEALTH INFORMATION TECHNOLOGY FUNDING AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

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

WHEREAS, the Department of Community Services is desirous of accepting one-time OMH Health Information Technology funding in the amount of \$49,850.00 through the New York State Office of Mental Health, and

WHEREAS, the purpose of the aforementioned funding is to assist former child targeted case management providers that are converting to Health Home Care Managers in developing an electronic care management system with the capacity to share information with their respective Health Homes and Health Home Network providers, as well as prepare for the transition to Medicaid Managed Care, and

WHEREAS, it is beneficial to the County to accept the aforementioned funding, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed, on behalf of Cattaraugus County, to accept funding through the New York State Office of Mental Health, for the OMH Health Information Technology funding, for a term commencing March 28, 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, and be it further

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

Increase Estimated Revenue Account:

A.431.4310.2620.3490.122C	OMH State Aid-CSP Miscellaneous CH	\$49,850.00
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Increase Appropriation Accounts:

A.431.4310.2620.20006	Computer Equipment/Software	\$20,925.00
A.431.4310.2620.44401	Building Repair/Maintenance	\$ 4,000.00
A.431.4310.2620.45203	Software Licenses & Maintenance	\$ 9,000.00
A.431.4310.2620.45401	Small Equipment/Tools	\$15,925.00.

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

Adopted July 13, 2016 by voice vote.

ACT NO. 342-2016 by County Operations/Public Safety Committee:

Mr. Neal, Mr. Padlo, Mr. Boberg, Mr. Klancer,
Mr. Snyder, Jr., Mr. VanRensselaer and Mr. Koch

**CREATING ONE (1) POSITION OF MEDICAL DIRECTOR,
ESTABLISHING COMPENSATION FOR THE SAME AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Emergency Services Department)**

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

WHEREAS, it is required that the Emergency Services Department have a qualified medical professional for the purpose of training and reviewing policies and procedures, and

WHEREAS, it is necessary to create a part-time position of Medical Director within the Emergency Services Department for this purpose, and

WHEREAS, a New Position Duties Statement has been submitted to the Cattaraugus County Personnel Officer, who has approved and certified the title as Medical Director in accordance with Civil Service Law Section 22, and

WHEREAS, various appropriation accounts must be adjusted to provide for this position, now, therefore, be it

RESOLVED, that effective immediately, there is hereby created one (1) position of Medical Director in the Emergency Services Department to be filled on a part-time basis, Position No. 364-211-001, to be compensated at a bi-weekly salary of \$46.15, and be it further

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

Decrease Appropriation Account:

A.364.3640.0000.46110	Uniforms and Protective Clothing	\$682.00
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Increase Appropriation Accounts:

A.364.4030.0000.12000	Part Time Wages	\$633.00
A.364.4030.0000.81000	FICA	\$ 49.00.

Approved by 6 members of the Finance Committee and 4 members of the Labor Relations Committee.

Adopted July 13, 2016 by voice vote.

ACT NO. 343-2016 by Mr. Neal

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
CATTARAUGUS-ALLEGANY-ERIE-WYOMING BOCES FOR
INMATE INSTRUCTIONAL SERVICES SECURITY**

Pursuant to 8 NYCRR Part 118 and Section 450 of the County Law.

WHEREAS, Act 342-2012 authorized a contract with BOCES for the provision of security services by the Sheriff's Office to be provided during the hours of instructional programs provided by BOCES to persons under 21 years of age who have not received a high school diploma and who have been incarcerated for a period of 10 or more calendar days in a County jail, and

WHEREAS, BOCES would like to provide instructional services to adult inmates who are *21 years of age or older*¹ who have not received a high school diploma and who have been incarcerated for a period of 10 or more calendar days in a County jail, and

WHEREAS, the County Sheriff's Office has agreed to provide security services during the hours of the aforementioned instructional programs provided by BOCES, and

WHEREAS, BOCES shall pay to the County an amount of \$16.30 per hour for security services provided during the hours of instructional programs for a maximum of 30 hours per week for 50 weeks per year, 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 Cattaraugus-Allegany-Erie-Wyoming BOCES, for the provision of the above-described services, for a term commencing July 1, 2016 to continue in full force and effect until terminated by either party hereto, with periodic rate adjustments as agreed upon between the parties, according to the above-described terms.

Approved by 5 members of the Finance Committee and 6 members of the County Operations/Public Safety Committee.

¹MR. NEAL moved, seconded by Mrs. Labuhn and Mr. Koch, to amend as follows: In the Second Whereas, delete: "over the age of 21", and replace with: "21 years of age or older". Carried.

Adopted, as amended, July 13, 2016 by voice vote.

ACT NO. 344-2016 by Mr. Neal, Mr. Padlo, Mr. Boberg and Ms. Vickman

**ABOLISHING ONE (1) POSITION OF DEPUTY SHERIFF,
CREATING ONE (1) POSITION OF DEPUTY SHERIFF SERGEANT,
ESTABLISHING COMPENSATION FOR THE SAME AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Sheriff's Office)**

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

WHEREAS, the Sheriff is desirous of reassigning job duties commensurate with those of a Deputy Sheriff Sergeant to more adequately cover case load, and

WHEREAS, in order to accomplish this reassignment of duties, it is necessary to abolish one Deputy Sheriff position and create a Deputy Sheriff Sergeant position, and

WHEREAS, a New Position Duties Statement has been submitted to the Cattaraugus County Personnel Officer, who has approved and certified the title as Deputy Sheriff Sergeant in accordance with Civil Service Law Section 22, and

WHEREAS, various appropriation accounts must be adjusted to provide for this position, now, therefore, be it

RESOLVED, that effective immediately, there is hereby abolished one (1) full-time position of Deputy Sheriff in the Sheriff's Office, Position No. 311-097-048, and be it further

RESOLVED, that effective immediately, there is hereby created one (1) position of Deputy Sheriff Sergeant in the Sheriff's Office to be filled on a full-time basis, Cattaraugus County Deputies Association Salary Schedule, Pay Grade 25 (\$26.38 per hour), Position No. 311-099-013, and be it further

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

Decrease Appropriation Account:

A.311.3150.0000.11000	Full Time Wages	\$1,238.00
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Increase Appropriation Accounts:

A.311.3110.0000.11000	Full Time Wages	\$ 925.00
A.311.3110.0000.81000	FICA	\$ 71.00
A.311.3110.0000.82000	Retirement	\$ 242.00.

Approved by 6 members of the Finance Committee, 7 members of the County Operations/Public Safety Committee and 4 members of the Labor Relations Committee.

Adopted July 13, 2016 by voice vote.

ACT NO. 345-2016 by Mr. VanRensselaer and Mr. Keller

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH CHAUTAUQUA - ALLEGHENY REGION
FOR 2016 MATCHING FUNDS PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Chautauqua, Cattaraugus and Allegany Counties provide matching funds for the Chautauqua - Allegheny Region, and

WHEREAS, Chautauqua - Allegheny Region, P.O. Box 1441, Chautauqua, New York 14722, manages the program and provides the advertising and promotion of tourism for the Region, and

WHEREAS, Cattaraugus County's portion of the 2016 Matching Funds Program is \$10,274.00, and

WHEREAS, sufficient funds are included in the budget to cover the County's portion of the aforementioned matching funds program, which is 50% NYS Matching Funds and 50% County funds, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Chautauqua - Allegheny Region, for the provision of the above-described services, for a term commencing January 1, 2016 and terminating December 31, 2016, according to the above-described terms.

Approved by 6 members of the Finance Committee and 7 members of the Development and Agriculture Committee.

Adopted July 13, 2016 by voice vote.

ACT NO. 346-2016 by Mr. VanRensselaer

**AUTHORIZING PUBLIC HEARING FOR CONSOLIDATION OF AGRICULTURAL
DISTRICT NOS. 1, 3, 4, 5, 6 AND 7 INTO CONSOLIDATED AGRICULTURAL DISTRICT NO. 5**

Pursuant to Section 303 of the Agriculture and Markets Law.

WHEREAS, the authority to consolidate agricultural districts exists pursuant to Agriculture & Markets Law, Article 25AA, which provides for the reasonable consolidation of existing agricultural districts with other existing districts, and

WHEREAS, Act 110-2015 authorized the consolidation of Agricultural District Nos. 1, 3, 4, 5, 6, and 7 into Consolidated Agricultural District No. 5, and

WHEREAS, a public hearing is necessary on the consolidated District under review, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby authorizes a public hearing on Cattaraugus County Consolidated Agricultural District No. 5 to be held at the Cattaraugus County Center, 303 Court Street in the Village of Little Valley, on the 27th day of July at 4:01 p.m., and be it further

RESOLVED, that the notice of hearing be published in the area newspapers, posted in at least five (5) conspicuous places within the District, and mailed to all municipalities affected by the District, as well as to the New York State Department of Environmental Conservation, the New York State Department of State and the Agricultural Resources Commission.

Approved by 6 members of the Finance Committee and 7 members of the Development and Agriculture Committee.

Adopted July 13, 2016 by voice vote.

ACT NO. 347-2016 by Mrs. Stockman and Ms. Vickman

UPDATING WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT

Pursuant to Article 2, Section 27-b of the New York State Labor Law.

WHEREAS, Act 177-2011, as amended by Act 420-2014, established the Workplace Violence Prevention Policy for Cattaraugus County, and

WHEREAS, an update of the aforementioned policy and related Incident Report Form is necessary, now, therefore, be it

RESOLVED, that effective immediately, the following Workplace Violence Prevention Policy be amended to read as follows and posted as required:

**Cattaraugus County
Workplace Violence Prevention Policy Statement**

The County of Cattaraugus is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff and clients.

Workplace Violence is defined as any physical assault or act of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment including, but not limited to, an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; any intentional display of force which would give an employee reason to fear or expect bodily harm; intentional and wrongful physical contact with a person without his or her consent that entails some injury; or stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

Acts of violence against any of our employees where any work-related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients and visitors, following all policies, procedures and practices, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of New York State Labor Law Article 2 §27-b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law includes a workplace evaluation that is designed to identify the risks of workplace violence to which our employees could be exposed. Employees may request a copy of their duty- or location-specific risk assessment and risk mitigation list from the Personnel Officer or his/her designee. Authorized employee representative(s) will, at a minimum, be involved in:

- evaluating the physical environment;
- developing the Workplace Violence Prevention Program; and
- reviewing workplace violence incident reports at least annually to identify trends in the types of incidents reported, if any, and reviewing the effectiveness of the mitigating actions taken.

All employees will participate in the annual Workplace Violence Prevention Training Program. The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. All personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

Below is a description of the employer's incident alert and notification procedure for employees to follow in the event of a workplace violence incident and a description of how the authorized employee representatives are involved in the workplace violence prevention program:

1. Employee would submit workplace violence incident report to Department Head or Personnel Officer or his/her designee;
2. Reports of workplace violence will be processed by the Personnel Officer or his/her designee;
3. Personnel Officer or his/her designee will investigate the complaint and involve the Department Head in the investigation, if necessary;
4. All reports will be dated and numbered and shall be retained as records in the Human Resources Department, within the time limits for retention under the retention guidelines and County policies;
5. If it is determined by the Personnel Officer or his/her designee that a workplace violence incident has occurred, then the procedure with the County workplace violence program will be followed. The workplace violence program can be found at www.cattco.org in Human Resources or posted as provided for in the workplace violence program; and
6. The documented workplace violence incident reports will be reviewed with the Workplace Violence Hazard Reduction team, which includes appointees from each employee representative unions, on a quarterly basis.

Designated Contact Person and Title:	Julie Carr, Personnel Director
Department:	Cattaraugus County Human Resources
Address:	303 Court Street Little Valley, New York 14755
Phone:	716-938-2241
E-mail:	jjcarr@cattco.org

Approved by 6 members of the Finance Committee and 4 members of the Labor Relations Committee.

Adopted July 13, 2016 by voice vote.

ACT NO. 348-2016 by Mrs. Stockman, Mr. Snyder, Sr., Ms. Vickman,
Mr. VanRensselaer, Mrs. Labuhn and Mr. Koch

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

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

WHEREAS, Act 239-2015 authorized a contract with Gilroy, Kernan & Gilroy, 210 Clinton Road, New Hartford, New York 13413, for the provision of benefits plan management services, the term of which expired April 30, 2016, and

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

WHEREAS, the firm of Gilroy, Kernan & Gilroy, Inc. can provide the following ongoing advisory services to assist the County in managing benefit plan contracts and costs, and monitoring plan performance and claims experience, for an amount of \$60,000.00, to be paid in monthly installments of \$5,000.00 each, plus commissions, if any, for any new contractual arrangements with entities that are entered into after July 13, 2016, and

WHEREAS, sufficient funds are included in the 2016 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Gilroy, Kernan & Gilroy, Inc. for the provision of the above-described services, for a term commencing May 1, 2016 and terminating April 30, 2017, according to the above-described terms.

Approved by 6 members of the Finance Committee and 4 members of the Labor Relations Committee.

Adopted July 13, 2016 by voice vote.

ACT NO. 349-2016 by Mrs. Stockman

APPOINTMENT OF ELECTION COMMISSIONER

Pursuant to Section 3-203 of the Election Law.

WHEREAS, the certificate of Robert C. Keis, Chairman of the Cattaraugus County Republican Party, has been filed with the Clerk of the Legislature recommending the appointment of Michael M. Brisky as Republican Election Commissioner for a term of four (4) years, effective January 1, 2017, now, therefore, be it

RESOLVED, that Michael M. Brisky, 36 S. Main Street, P.O. Box 141, Franklinville, New York 14737, be, and he hereby is, appointed the Republican Election Commissioner for a term commencing January 1, 2017 and terminating December 31, 2020, at such annual salary as heretofore, or may hereafter be established, and be it further

RESOLVED, that the certificate of appointment of Michael M. Brisky shall be filed in the Cattaraugus County Clerk's Office.

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

Adopted July 13, 2016 by voice vote.

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MR. KLANCER moved, seconded by Ms. Hastings to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 350-2016 and Act No. 351-2016. Carried.

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ACT NO. 350-2016 by Mr. VanRensselaer
and Mr. Boberg, Mr. Breton, Mr. Hale, Mr. Helmich, Mr. Klancer,
Mr. Neal, Mr. Snyder, Jr., Mr. Snyder, Sr., Mrs. Stockman,
Mr. Giardini, Ms. Hastings, Mr. Koch, Mrs. Labuhn and Mr. Keller¹
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
LOCAL INITIATIVES SUPPORT CORPORATION (LISC) FOR
A CAPACITY BUILDING/START-UP GRANT PROGRAM AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Economic Development, Planning and Tourism)**

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

WHEREAS, Act 245-2016 authorized the Chair to apply for funding through the Local Initiatives Support Corporation (LISC) for a capacity building/start-up grant program, and

WHEREAS, the County Department of Economic Development, Planning and Tourism has been awarded a grant in the amount of \$100,000.00 for the purpose of developing innovative models and approaches to address vacant and abandoned properties within local communities by working with said communities to build the capacity of approved Land Bank Corporations, and

WHEREAS, a contract must be executed in order to receive the aforementioned funding at no cost to the County, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned grant, 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 Local Initiatives Support Corporation (LISC), in order to accept and receive the above-described funding, according to the above-described terms, and be it further

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

Increase Estimated Revenue Account:

A.642.8020.8021.3902.01	State Aid-Startup/Capacity Grant	\$57,250.00
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Increase Appropriation Accounts:

A.642.8020.8021.11000	Full-Time Wages	\$19,250.00
A.642.8020.8021.20006	Computer Equipment/Software	\$ 3,000.00
A.642.8020.8021.41201	Legal Services	\$ 875.00
A.642.8020.8021.41233	Professional Services	\$10,000.00
A.642.8020.8021.46101	Employee Meal Reimbursement	\$ 1,705.00
A.642.8020.8021.46102	Employee Mileage Reimbursement	\$ 500.00
A.642.8020.8021.46103	Employee Other Travel Expenses	\$ 4,234.00
A.642.8020.8021.46106	Training	\$ 5,561.00
A.642.8020.8021.47001	Postage	\$ 750.00
A.642.8020.8021.47002	Office Supplies	\$ 1,750.00
A.642.8020.8021.81000	FICA	\$ 1,473.00
A.642.8020.8021.82000	Retirement	\$ 1,300.00
A.642.8020.8021.83000	Health Insurance	\$ 6,808.00
A.642.8020.8021.84000	Dental Insurance	\$ 44.00.

¹The following Legislators requested their names be listed as additional sponsors: “Mr. Boberg, Mr. Breton, Mr. Hale, Mr. Helmich, Mr. Klancer, Mr. Neal, Mr. Snyder, Jr., Mr. Snyder, Sr., Mrs. Stockman, Mr. Giardini, Ms. Hastings, Mr. Koch, Mrs. Labuhn and Mr. Keller”.

Adopted July 13, 2016 by voice vote.

ACT NO. 351-2016 by Mr. Boberg, Mr. Breton, Mr. Hale, Mr. Helmich,
Mr. Klancer, Mr. Neal, Mr. Snyder, Jr., Mr. Snyder, Sr.,
Mrs. Stockman, Mr. VanRensselaer, Ms. Vickman, Mr. Giardini,
Ms. Hastings, Mr. Koch, Mrs. Labuhn, Mr. Padlo and Mr. Keller
who ask immediate consideration

**CONGRATULATING SISTER MARGARET CARNEY ON HER RETIREMENT
AS PRESIDENT OF ST. BONAVENTURE UNIVERSITY**

Pursuant to Section 153 of the County Law.

WHEREAS, Sister Margaret Carney has served St. Bonaventure University for 12 years assuming her leadership role in 2004 as the University’s 20th President, and

WHEREAS, Sister Carney is the fourth longest-tenured president in St. Bonaventure’s 158-year history, and

WHEREAS, some of her accomplishments include helping to raise \$15 million for the School of Business and increasing the University’s endowment by more than \$30 million; overseeing the investment of \$71.4 million in capital improvements, the majority of which included the construction and renovation of campus facilities, academic buildings and residence halls; orchestrating the most successful accreditation process in university history; increasing diversity in all sectors of the University; and promoting a curriculum that makes students leaders on a global scale, and

WHEREAS, Sister Carney won a Lifetime Achievement Award at the 2014 Women of Influence luncheon sponsored by Buffalo Business First, the Citation Award from the National Federation of Just Communities-Buffalo, and the New York State Senate 2016 Woman of Distinction Award, and

WHEREAS, Sister Margaret will leave St. Bonaventure with a great record of accomplishment in terms of creative academic programs, developments in student life, major improvements to the campus and increases to the endowment, as well as being a wonderful ambassador from SBU to the local business and civic communities, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature does hereby express its deepest gratitude to Sister Margaret Carney for all that she has done not only for St. Bonaventure University but also for Cattaraugus County, and be it further

RESOLVED, that the Legislature extends its congratulations and best wishes for a fulfilling retirement, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Sister Margaret Carney, President, St. Bonaventure University.

Adopted July 13, 2016 by voice vote.

**MOTION TO ADJOURN IN MEMORY OF
ANNA M. PADLO**

WHEREAS, Anna M. "Ann" Padlo, 95, of Olean, passed away on June 22, 2016, and

WHEREAS, Mrs. Padlo served on the Cattaraugus County Planning Board for 24 years from 1991 to 2015, and

WHEREAS, Mrs. Padlo was the 2015 recipient of the Brooks Patterson Community Leadership Award from the Cattaraugus County Planning Board for her outstanding leadership in community involvement and economic development in the City of Olean and Cattaraugus County, and

WHEREAS, in an era when most married women were "stay-at-home moms", Mrs. Padlo's career included employment at many local businesses including the Cattaraugus County Department of Social Services, and she was an entrepreneur with her husband Joseph who predeceased her; however, her most rewarding work experience was serving as the executive director of the American Cancer Society of Cattaraugus County for several years, and

WHEREAS, Mrs. Padlo dedicated much of her adult life to volunteering in the Olean area through participation in a wide variety of organizations, organizing several "firsts" in Olean, and serving on numerous committees, and

WHEREAS, Mrs. Padlo will long be remembered for her efforts in the installation of the Olean Veteran's Wall in War Veterans Park in 2006, and

WHEREAS, she was a past member of the City of Olean and Cattaraugus County Democratic parties and a longtime member of St. Mary of the Angels Church, and

WHEREAS, Mrs. Padlo is survived by two sons – Joseph "Dutch" and Legislator John of Olean; two daughters – Virginia "Jeannie" Neubert of Anaheim, California and Frances Schena of Hamburg; eight grandchildren and one great grandson, and

WHEREAS, the loss of her presence will be sadly felt by her many friends and colleagues in Cattaraugus County, now, therefore, Legislators Keller, Padlo and Snyder, Sr., hereby

MOVE, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of Anna M. Padlo, 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 Anna M. Padlo, and be it further

RESOLVED, that the Clerk of the Legislature be, and hereby is, directed to forward certified copies of this Motion to her children.

* * * * *

MR. SNYDER, SR. moved, seconded by Mr. Keller to adjourn until July 27, 2016 at 4:00 p.m.
Carried.

Meeting adjourned at 4:34 p.m.

Ann M. Giglio
Journal Clerk