



July 27, 2016

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

The invocation was given by Gerald Zimmerman.

The Attendance Roll Call disclosed all Legislators present.

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CHAIRMAN STOCKMAN noted that the minutes of the July 13, 2016 session stand approved as presented.

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**COMMUNICATIONS:**

Matthew J. Keller, County Legislator: Letter of resignation effective at the conclusion of Sunday, July 17, 2016.

Erie County Legislature: Memorial Resolution in Remembrance of Cattaraugus County Legislators William Weller Sr. and Richard Lamberson.

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**APPOINTMENTS:**

**CATTARAUGUS-ALLEGANY WORKFORCE DEVELOPMENT BOARD**

*Indefinite Term*

Timothy Boyde, County Administrator  
Allegany County  
7 Court Street  
Belmont, New York 14813

**CATTARAUGUS COUNTY LONG TERM CARE ADVISORY COUNCIL**

*Term to expire December 31, 2019*

Ann Battaglia  
Healthy Community Alliance  
One School Street, #100  
Gowanda, New York 14070  
*to fill the unexpired term of Sharon Mathe, who resigned.*

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CHAIRMAN STOCKMAN announced this is the time and place called for a public hearing on the **CONSOLIDATION OF AGRICULTURAL DISTRICT NOS. 1, 3, 4, 5, 6 AND 7 INTO CONSOLIDATED AGRICULTURAL DISTRICT NO. 5**, and that anyone wishing to speak for or against this consolidation 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. 334-2016**, 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), and asked that it be read.

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

Adopted July 27, 2016 by voice vote.

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CHAIRMAN STOCKMAN called up **Act No. 336-2016**, Creating Two (2) Positions of Caseworker and Establishing Compensation for the Same (Department of Social Services), and asked that it be read.

Approved by 7 members of the Finance Committee and 4 members of the Labor Relations Committee.

Adopted July 27, 2016 by voice vote.

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**ACT NO. 352-2016** by Mr. Klancer and Mr. Koch

**BID ACCEPTANCE FOR PRECAST CONCRETE BOX CULVERT  
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and  
Sections 215 and 450 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the provision of a precast concrete box culvert for East Otto No. 24, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications was the bid of Lakelands Concrete Products, Inc., 7520 East Main Street, Lima, New York 14485, for the provision of a precast concrete box culvert for East Otto No. 24, for an amount of \$62,350.00, to be paid as invoiced, and

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

RESOLVED, that the bid of Lakelands Concrete Products, Inc., be, and the same hereby is, accepted, for a term commencing upon Notice of Award and terminating December 31, 2016, with delivery between September 19, 2016 and October 21, 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.

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

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

Adopted July 27, 2016 by voice vote.

**ACT NO. 353-2016** by Mr. Klancer and Mr. Koch

**BID ACCEPTANCE FOR PURCHASE OF 12-PASSENGER VANS  
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and  
Sections 215 and 450 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the purchase of new and unused, 2016 or newer, 12-passenger vans, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications was the bid of Van Bortel Chevrolet, Inc., 1338 Route 31, Macedon, New York 14502, for the purchase of 2017 Chevrolet Express 12-passenger vans for an amount of \$25,906.00 per van, and

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

RESOLVED, that the bid of Van Bortel Chevrolet, Inc., be, and the same hereby is, accepted, for a term commencing upon Notice of Award and terminating December 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.

Two bids were received.

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

Adopted July 27, 2016 by voice vote.

**ACT NO. 354-2016** by Mr. Klancer and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION  
WITH UNITED STATES DEPARTMENT OF AGRICULTURE  
NATURAL RESOURCES CONSERVATION SERVICE  
FOR SUPPLEMENTAL WATERSHED WORK PLAN**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 416-2014 authorized a contract with the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), for a Supplemental Watershed Work Plan and Environmental Assessment funding for dams originally constructed with assistance from USDA Watershed programs, the term of which expires December 31, 2016, and

WHEREAS, it is necessary to extend the term of the aforementioned contract to December 31, 2017, in order to accept the aforementioned federal funds, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), extending the term of the original contract to 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 7 members of the Finance Committee and 7 members of the Public Works Committee.

Adopted July 27, 2016 by voice vote.

**ACT NO. 355-2016** by Mr. Neal, Mr. Padlo and Mr. Boberg

**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 420-2015 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 \$17,473.00<sup>1</sup>, to be paid as invoiced, as follows:

<u>Part #</u>	<u>Model/Description</u>	<u>Quantity</u>	<u>Amount</u>
<u>STORServer Software Support</u>			\$11,683.00
SS-TSM-UNIFIED-1TB	STORServer by TSM Suite for Unified Recovery 1TB back end capacity	7	

TSMENTRCAPACITY1TB	"Entry" Capacity Licensing Priced Per TB<100TB	7
TSMTIER1CAPACITY1TB	"Tiered" Capacity Licensing Priced Per TB Tier 1	10
<u>STORServer Hardware Support</u>		<u>\$ 5,790.00</u>
		Total \$17,473.00

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, 2016 and terminating July 31, 2017, according to the above-described terms.

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

<sup>1</sup>MR. NEAL moved, seconded by Mr. Padlo, to amend as follows: In the Fourth Whereas, delete: "\$15,435.00", and replace with: "\$17,473.00". Carried.

Adopted, as amended, July 27, 2016 by voice vote.

**ACT NO. 356-2016** by Mr. Hale, Mr. Helmich, Mr. Klancer, Mr. Neal, Mr. Snyder, Jr., Mrs. Stockman, Mr. VanRensselaer, Mr. Giardini, Ms. Hastings and Mrs. Labuhn

**AUTHORIZING COUNTY ADMINISTRATOR AND COUNTY ATTORNEY TO SOLICIT PROPOSALS  
FROM PRIVATELY-OWNED ENTITIES FOR PURCHASE OF THE  
PINES HEALTHCARE AND REHABILITATION CENTER-OLEAN CAMPUS**

Pursuant to Section 103 of the General Municipal Law.

WHEREAS, Cattaraugus County owns and, through its Department of Nursing Homes, operates The Pines Healthcare and Rehabilitation Center - Olean Campus, and

WHEREAS, the County continues to receive Inter-Governmental Transfer ("IGT") payments from the federal government to offset the operation of the Nursing Home, and

WHEREAS, The Pines Healthcare and Rehabilitation Center - Olean Campus ended fiscal year 2015 with a deficit of \$953,616.45, which included IGT payments from the federal government in the amount of \$1,639,633.00, and

WHEREAS, it is expected that IGT payments to the County will gradually diminish and be replaced by Managed Care, causing a further significant deficit in the operation of the facility, and

WHEREAS, while recognizing the continuing need that well-operated skilled nursing homes be available in the future to the residents of Cattaraugus County, the Legislature is considering several options for the continued operation of the facilities, including the possibility that the facility be offered for sale to a privately-owned entity, and

WHEREAS, in order to properly assess the available options, the Legislature must identify private entities which are interested in purchasing The Pines Healthcare and Rehabilitation Center - Olean Campus, and the terms of such offers, and

WHEREAS, in order to determine such interest, it is necessary that the Legislature request proposals therefor, and

WHEREAS, such request shall provide that proposers must guarantee that all current employees of the facility affected will be interviewed for positions of employment equivalent to those which they presently hold, and

WHEREAS, such request shall further provide that adequate arrangements shall be made for the continued care, either at the facility or elsewhere, of all residents of the facility, now, therefore, be it

RESOLVED, that the County Administrator and the County Attorney be, and they hereby are, authorized and directed to prepare and request proposals from privately-owned entities for the purchase of The Pines Healthcare and Rehabilitation Center - Olean Campus, and to provide such proposals to the Human Services Committee as soon as possible.

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

MR. BRETON moved, seconded by Mr. Snyder, Sr., to refer Act No. 356-2016 to the Human Services Committee and the Finance Committee. Carried.

CHAIRMAN STOCKMAN granted Privilege of the Floor at the request of Mr. Snyder, Sr., to Rose Teachman, President of CSEA Local 805, who spoke in opposition of Act No. 356-2016 and Act No. 357-2016.

**ACT NO. 357-2016** by Mr. Hale, Mr. Helmich, Mr. Klancer, Mr. Neal, Mr. Snyder, Jr., Mrs. Stockman, Mr. VanRensselaer, Mr. Giardini, Ms. Hastings and Mrs. Labuhn

**AUTHORIZING COUNTY ADMINISTRATOR AND COUNTY ATTORNEY TO SOLICIT PROPOSALS  
FROM PRIVATELY-OWNED ENTITIES FOR PURCHASE OF THE  
PINES HEALTHCARE AND REHABILITATION CENTER-MACHIAS CAMPUS**

Pursuant to Section 103 of the General Municipal Law.

WHEREAS, Cattaraugus County owns and, through its Department of Nursing Homes, operates The Pines Healthcare and Rehabilitation Center - Machias Campus, and

WHEREAS, the County continues to receive Inter-Governmental Transfer ("IGT") payments from the federal government to offset the operation of the Nursing Home, and

WHEREAS, The Pines Healthcare and Rehabilitation Center - Machias Campus ended fiscal year 2015 with a deficit of \$879,239.18, which included IGT payments from the federal government in the amount of \$1,828,900.00, and

WHEREAS, it is expected that IGT payments to the County will gradually diminish and be replaced by Managed Care, causing a further significant deficit in the operation of the facility, and

WHEREAS, while recognizing the continuing need that well-operated skilled nursing homes be available in the future to the residents of Cattaraugus County, the Legislature is considering several options for the continued operation of the facilities, including the possibility that the facility be offered for sale to a privately-owned entity, and

WHEREAS, in order to properly assess the available options, the Legislature must identify private entities which are interested in purchasing The Pines Healthcare and Rehabilitation Center - Machias Campus, and the terms of such offers, and

WHEREAS, in order to determine such interest, it is necessary that the Legislature request proposals therefor, and

WHEREAS, such request shall provide that proposers must guarantee that all current employees of the facility affected will be interviewed for positions of employment equivalent to those which they presently hold, and

WHEREAS, such request shall further provide that adequate arrangements shall be made for the continued care, either at the facility or elsewhere, of all residents of the facility, now, therefore, be it

RESOLVED, that the County Administrator and the County Attorney be, and they hereby are, authorized and directed to prepare and request proposals from privately-owned entities for the purchase of The Pines Healthcare and Rehabilitation Center - Machias Campus, and to provide such proposals to the Human Services Committee as soon as possible.

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

MR. BRETON moved, seconded by Mr. Snyder, Sr., to refer Act No. 357-2016 to the Human Services Committee and the Finance Committee. Carried.

**ACT NO. 358-2016** by Ms. Vickman and Mrs. Labuhn

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

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

WHEREAS, Act 379-2015 authorized a contract with Healthy Community Alliance, Inc., 26 Jamestown Street, P.O. Box 27, Gowanda, New York 14070, for the provision of the following components of the Health Department WIC program, the term of which expires September 30, 2016:

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

and

WHEREAS, the County Health Department is desirous of continuing the services of part-time breastfeeding peer counselors and full-time nutrition program aides, and

WHEREAS, Healthy Community Alliance, Inc., has agreed to provide the aforementioned WIC program components, in accordance with the following:

<u>Breastfeeding Peer Counselor (two part-time)</u>	Total not to	\$28,180.00
*to be paid on a monthly basis, as invoiced	exceed	
*Approved work-related expenses will be reimbursed, including approved work-related cell phone usage		
*Mileage will be reimbursed at the established rate of \$0.485/mile		



Nutrition Program Aide (two full-time)

*to be paid on a monthly basis, as invoiced	Total not to	\$89,460.00
*Approved work-related expenses will be reimbursed, including approved work-related cell phone usage	exceed	
*Mileage will be reimbursed at the established rate of \$0.485/mile		
and		

WHEREAS, these programs are 100% funded through the WIC Program, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Healthy Community Alliance, Inc., for the provision of the above-described services, for a term commencing October 1, 2016 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 7 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted July 27, 2016 by voice vote. Ms. Hastings abstained from vote.

**ACT NO. 359-2016** by Ms. Vickman and Mrs. Labuhn

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COMMUNITY ACTION, INC. FOR  
WIC LICENSED PRACTICAL NURSING SERVICES**

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

WHEREAS, Act 378-2015 authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, for the provision of licensed practical nursing (LPN) services for the Health Department WIC Program, the term of which expires September 30, 2016, and

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

WHEREAS, Cattaraugus Community Action, Inc., has agreed to provide the aforementioned LPN services to Cattaraugus County for an amount not to exceed \$36,363.00, to be paid on a monthly basis 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 Cattaraugus Community Action, Inc., for the provision of the above-described services, for a term commencing October 1, 2016 and terminating September 30, 2017, 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 7 members of the Finance Committee and 6 members of the Human Services Committee.

MS. VICKMAN moved, seconded by Mr. Neal, to refer Act No. 359-2016 to the Human Services Committee and the Finance Committee. Carried.

**ACT NO. 360-2016** by Mr. Snyder, Sr.  
*and Mr. Padlo<sup>1</sup>*

**AUTHORIZING THE CHAIR TO EXECUTE LISTING CONTRACT WITH  
DBP REALTY FOR SALE OF PROPERTY IN THE TOWN OF OLEAN**

Pursuant to Section 215 of the County Law.

WHEREAS, Act 570-2015 authorized the Chair to execute a listing contract with DBP Realty for the sale of a parcel of farmland located on East River Road in the Town of Olean, designated as Tax Map No. 103.002-2-20, the term of which expired, and

WHEREAS, Act 359-2015 authorized the County Administrator to advertise for sealed bids for the sale of the above-described property, for a minimum bid of \$51,000.00, and

WHEREAS, no bids were received as a result of such advertisement, and

WHEREAS, it would be beneficial to the County to list the property with a real estate broker, and

WHEREAS, DBP Realty has agreed to list the property, with a minimum selling price set at \$51,000.00, for a brokerage fee of 6% of the gross selling price, 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 a contract, on behalf of Cattaraugus County, with DBP Realty, for the provision of the above-described broker services to list and sell the above-described property for a minimum sale price of \$51,000.00, for a term commencing August 1, 2016 and terminating January 31, 2017, according to the above-described terms.

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

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

Adopted July 27, 2016 by voice vote.

**ACT NO. 361-2016** by Mr. Neal and Mr. Boberg

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH GENESEE COUNTY  
FOR HOUSING OF INMATES AT COUNTY JAIL**

Pursuant to Section 450 of the County Law.

WHEREAS, Genesee County is desirous of housing some of its inmates at the Cattaraugus County Jail, and

WHEREAS, the County, contingent upon available space, shall accept inmates from the Genesee County Sheriff's Office, for an amount of \$85.00 per day per inmate, and

WHEREAS, medical services for such inmates will be paid for by the Genesee County Sheriff's Office, 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 Genesee County, for the housing of inmates at the Cattaraugus County Jail, for a five (5) year term commencing July 1, 2016 and terminating June 30, 2021, according to the above-described terms.

Held in the Finance Committee and the County Operations/Public Safety Committee.

**ACT NO. 362-2016** by Mr. VanRensselaer

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING  
THROUGH THE NEW YORK STATE HOMES AND COMMUNITY RENEWAL  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

Pursuant to 24 CFR Section 570.482(e) and  
Section 450 of the County Law.

WHEREAS, Cattaraugus Community Action has approached Cattaraugus County Department of Economic Development, Planning and Tourism to act as the lead agency on a grant application provided under the New York State Homes and Community Renewal Community Development Block Grant Program, and

WHEREAS, the application will seek a grant in the amount of \$850,000.00 to replace eight to ten dilapidated owner-occupied manufactured homes and address septic and well issues serving those properties within Cattaraugus County, and

WHEREAS, the homes to be replaced will target the most vulnerable populations within Cattaraugus County comprising the elderly, disabled, low income and veterans, and

WHEREAS, there is no requirement that any County dollars be committed as a condition of receiving the grant, and

WHEREAS, Cattaraugus Community Action intends to prepare the grant application and oversee administration of the grant, and

WHEREAS, the program requires that a municipal corporation act as the lead agency and the recipient of the grant funds, and

WHEREAS, Cattaraugus County Department of Economic Development, Planning and Tourism is willing to serve as the lead agency, and

WHEREAS, a public hearing will be conducted as part of the grant process, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, to apply for a \$850,000.00 grant through the New York State Homes and Community Renewal Community Development Block Grant Program, according to the above-described terms.

Approved by 7 members of the Finance Committee and 5 members of the Development and Agriculture Committee.

Adopted July 27, 2016 by voice vote.

**ACT NO. 363-2016** by Mr. VanRensselaer

**AUTHORIZING RENEWAL OF CATTARAUGUS COUNTY AGRICULTURAL DISTRICTS  
INTO CONSOLIDATED AGRICULTURAL DISTRICT #5**

Pursuant to Article 25AA of the Agriculture and Markets Law.

WHEREAS, Cattaraugus County is required to conduct an Eight-Year Review of its Agricultural District Program, with the intention of preserving the agricultural integrity of the districts, assessing the economic viability of the districts and identifying appropriate district boundary changes, and

WHEREAS, Cattaraugus County currently has six (6) Agricultural Districts, all of which come up for review at different times during the eight-year cycle, and

WHEREAS, the Cattaraugus County Legislature has determined to streamline this review by adopting Act No. 110-2015 on February 25, 2015, which authorizes and directs staff to implement the process to consolidate Cattaraugus County Agricultural District Nos. 1, 3, 4, 5, 6 and 7 into Consolidated Agricultural District No. 5, using District 5 as the "parent district", and

WHEREAS, the County Planning Department has conducted significant public outreach on the proposed renewal and consolidation, including contacting all property owners with agricultural district parcels to collect data on agricultural use within the districts and providing owners an opportunity to either opt-in or opt-out of the districts, contacting all towns in the County for the same purposes, and reviewing the proposed agricultural district consolidation with Cattaraugus County Agricultural and Farmland Protection Board, and

WHEREAS, Article 25AA of the New York State Agriculture and Markets Law requires a County Legislature to hold a public hearing regarding the renewal of agricultural districts before a final legislative vote on the renewed districts, and

WHEREAS, the proposed Consolidated Agricultural District No. 5 has been reviewed by the County Agricultural & Farmland Protection Board and considered by the Cattaraugus County Legislature at a public hearing held on July 27, 2016 and the Legislature wishes to approve Consolidated Agricultural District No. 5 as proposed, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby approves the boundaries of Cattaraugus County Consolidated Agricultural District No. 5 as presented at the public hearing on July 27, 2016 and hereby directs the Department of Economic Development, Planning and Tourism to submit the proposed Consolidated Agricultural District No. 5 to the New York State Department of Agriculture and Markets for review and approval, and be it further

RESOLVED, that this resolution take effect immediately.

Approved by 7 members of the Finance Committee and 5 members of the Development and Agriculture Committee.

Adopted July 27, 2016 by voice vote.

**ACT NO. 364-2016** by Mr. VanRensselaer and Mr. Keller  
*and Mr. Koch<sup>1</sup>*

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH  
SENECA-SALAMANCA AREA CHAMBER OF COMMERCE, INC. FOR  
INFORMATION CENTER MANAGER/COORDINATOR**

Pursuant to Sections 224(14) and 450 of the County Law.

WHEREAS, Act 70-2016, as amended by Act 216-2016, authorized a contract with the Seneca-Salamanca Area Chamber of Commerce, Inc., 734 Broad Street, Suite 103, Salamanca, New York 14779, for the provision of an information center manager for the I-86 (westbound) rest area, the term of which expired June 30, 2016, and

WHEREAS, the County is responsible for staffing the rest area on I-86 (westbound) in the Town of Allegany for a minimum of five (5) hours per day for 151 days per year, plus additional hours per day during the holiday periods of Thanksgiving, Christmas and Easter, and

WHEREAS, the County Department of Economic Development, Planning and Tourism does not have sufficient staff to provide management of the information center, and

WHEREAS, the Seneca-Salamanca Area Chamber of Commerce, Inc., can provide an information center manager/coordinator for a minimum of 15 hours per week, with six (6) to eight (8) hours on Sundays (mandatory), as well as holiday periods, for an amount not to exceed \$2,812.50 for three (3) months, to be paid as invoiced, and

WHEREAS, it is necessary to amend the aforementioned contract to continue the provision of services until September 30, 2016 for an amount not to exceed \$2,812.50, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with the Seneca-Salamanca Area Chamber of Commerce, Inc., for the provision of the above-described services, for a term commencing July 1, 2016 and terminating September 30, 2016, according to the above-described terms.

Approved by 7 members of the Finance Committee and 5 members of the Development and Agriculture Committee.

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

Adopted July 27, 2016 by voice vote.

**ACT NO. 365-2016** by Mr. VanRensselaer

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH  
EMPIRE STATE DEVELOPMENT – MARKET NY  
CONSOLIDATED FUNDING APPLICATION**

Pursuant to Section 450 of the County Law.

WHEREAS, funding is available through the Empire State Development – Market NY Consolidated Funding Application for various eligible projects, and

WHEREAS, the County Department of Economic Development, Planning and Tourism is desirous of applying for the aforementioned funding, and

WHEREAS, this funding will be used to promote and market Cattaraugus County, and

WHEREAS, it is necessary to apply to Empire State Development – Market NY for the aforementioned funding, and

WHEREAS, this program is 75% state funded with a 25% match from the County, which is included in the casino funds account, and

WHEREAS, the County Department of Economic Development, Planning and Tourism is eligible to receive a 10% administration fee through this program, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a grant application, on behalf of Cattaraugus County, with Empire State Development, in order to apply for the above-described funding, 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 7 members of the Finance Committee and 5 members of the Development and Agriculture Committee.

Adopted July 27, 2016 by voice vote.

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MS. VICKMAN moved, seconded by Mr. Breton to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 366-2016 through Act No. 372-2016, inclusive. Carried.

\* \* \* \* \*

**ACT NO. 366-2016** by Mrs. Stockman  
who asks immediate consideration

**APPOINTMENT OF SOIL & WATER CONSERVATION  
DISTRICT BOARD MEMBER**

Pursuant to Section 153 of the County Law.

RESOLVED, that the following individual is appointed to the Cattaraugus County Soil & Water Conservation District Board of Directors for a one-year term to expire December 31, 2016:

James J. Snyder, Jr.

County Legislator

5241 South Burt Road

Cuba, New York 14727

*to fill the vacancy created by the death of Richard Lamberson,*

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Cattaraugus County Soil & Water Conservation District.

Adopted July 27, 2016 by voice vote.

**ACT NO. 367-2016** by Mr. Neal and Mr. Padlo  
who ask immediate consideration

**SALE OF TAX TITLE PROPERTIES  
(Second Highest Bidders)**

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

WHEREAS, Cattaraugus County has tax title to certain properties situate in Cattaraugus County, as described below, and

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

WHEREAS, Act 265-2016 authorized the sale of the following described properties to the highest bidders, and

WHEREAS, the highest bidders did not complete the purchase within thirty (30) days, and

WHEREAS, the properties have been offered to the second highest bidder at the highest bid price, and

WHEREAS, the highest bids received for the properties were the bids 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 prices listed:

**CITY OF OLEAN**

PARCEL NO.	TAX MAP NO.	HIGH BIDDER	ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
52	94.057-5-28	Michael J. Sader Kathleen M. Sader	5 Upland Terrace Allegany, NY 14706	\$1,430.67	\$650.00

**TOWN OF FARMERSVILLE**

PARCEL NO.	TAX MAP NO.	HIGH BIDDER	ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
148c	31.004-1-18	Darel Tingue	8383 Kingsbury Hill Road Franklinville, NY 14737.	\$0	\$8,400.00

Adopted July 27, 2016 by voice vote.

**ACT NO. 368-2016** by Mr. Neal and Mr. Boberg  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH  
NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES  
FOR PUBLIC SAFETY ANSWERING POINTS OPERATIONS GRANT**

Pursuant to Section 450 of the County Law.

WHEREAS, the Sheriff's Office has been informed that it is eligible to receive an award, in the tentative amount of \$175,000.00 from the 2016-2017 Public Safety Answering Points Operations Grant Program (PSAP Operations Grant), and

WHEREAS, the purpose of the aforementioned program is to facilitate the development, consolidation and/or improved operation of public safety communications to support and enhance statewide interoperable communications for first responders, and

WHEREAS, the Sheriff's Office is desirous of applying for the aforementioned funding, and

WHEREAS, it is necessary to execute grant documents in order to apply for the aforementioned funding, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the New York State Division of Homeland Security and Emergency Services, in order to apply for the aforementioned grant funding, according to the above-described terms.

Adopted July 27, 2016 by voice vote.



**ACT NO. 369-2016** by Public Works Committee:  
Mr. Klancer, Mr. Koch, Mr. Boberg, Mr. Breton,  
Mr. Hale, Mr. Helmich and Mr. Snyder, Jr.  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE EASEMENT  
WITH TOWN OF MACHIAS  
FOR HOOKUP INTO LIME LAKE SEWER DISTRICT  
(The Pines Healthcare and Rehabilitation Center-Machias Campus)**

Pursuant to Section 450 of the County Law.

WHEREAS, the Town of Machias, on behalf of the Lime Lake Sewer District, is constructing a sewage collection system for the businesses and residents of the Town of Machias, and

WHEREAS, upon the construction of the sewage collection system, the District will construct a grinder pump station and install a discharge line from it, and

WHEREAS, an easement is necessary for the installation of, connection to, and maintenance of the grinder pump station at The Pines Healthcare and Rehabilitation Center-Machias Campus, and

WHEREAS, the County shall modify the electrical and plumbing configuration at The Pines Healthcare and Rehabilitation Center-Machias Campus to accommodate such installation and to provide electrical power to operate the grinder pump, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an easement, on behalf of Cattaraugus County, with the Town of Machias, for the installation of, connection to, and maintenance of the grinder pump station at The Pines Healthcare and Rehabilitation Center-Machias Campus, for a term commencing July 28, 2016 to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

Adopted July 27, 2016 by voice vote.

**ACT NO. 370-2016** by Mr. Neal  
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE MEMORANDUM OF UNDERSTANDING WITH  
U.S. DEPARTMENT OF ENERGY WEST VALLEY DEMONSTRATION PROJECT,  
NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY,  
CH2M HILL - B&W WEST VALLEY, LLC FOR EMERGENCY RESPONSE ACTIVITIES**

Pursuant to U.S. DOE Order 151.1C and  
Section 450 of the County Law.

WHEREAS, Act 457-2013 authorized a memorandum of understanding with the U.S. Department of Energy and the New York State Energy Research and Development Authority for the provision of timely and effective responses as a result of operational emergencies or other incidents arising out of, or caused by, West Valley Demonstration Project activities, and

WHEREAS, the U.S. Department of Energy West Valley Demonstration Project, the New York State Energy Research and Development Authority, and CH2M Hill - B&W West Valley, LLC, have amended the terms of the aforementioned memorandum of understanding, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a new Memorandum of Understanding, on behalf of Cattaraugus County, with the U.S. Department of Energy West Valley Demonstration Project, the New York State Energy Research and Development Authority, and CH2M Hill - B&W West Valley, LLC, for the provision of the above-described services, effective upon the date of the last signature to the Memorandum of Understanding and will remain in effect until canceled by the mutual agreement of the parties or by either party upon providing a 30-day written notice to the other party by certified mail.

Adopted July 27, 2016 by voice vote.

**ACT NO. 371-2016** by Mrs. Stockman and Mrs. Labuhn  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO ACCEPT MEMBER ITEM FUNDING AND EXECUTE  
CONTRACT WITH CORNELL COOPERATIVE EXTENSION FOR 4-H PROGRAM  
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(4-H Agriculture Program)**

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

WHEREAS, the NYS Assembly Ways & Means Committee has made Member Item funding available in the amount of \$7,500.00 for the Cornell Cooperative Extension of Cattaraugus County 4-H Program, and

WHEREAS, the aforementioned Member Item funding will be used for 4-H agriculture programming, and

WHEREAS, various documents are needed through the Grants Gateway in order to accept the aforementioned funding, and

WHEREAS, a contract is necessary with Cornell Cooperative Extension of Cattaraugus County in order to pass the funding on for the 4-H Program, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute documents, on behalf of Cattaraugus County, in the Grants Gateway and with Cornell Cooperative Extension of Cattaraugus County, to receive the aforementioned Member Item grant funding, for a term commencing July 27, 2016 and terminating October 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.298.2980.0000.3910.05	4-H Agriculture Programming	\$7,500.00
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Increase Appropriation Account:

A.298.2980.0000.42003	Cornell Cooperative Extension	\$7,500.00.
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Adopted July 27, 2016 by voice vote.

**ACT NO. 372-2016** by Mrs. Stockman, Ms. Vickman and Mrs. Labuhn  
who ask immediate consideration

**SUPPORTING S.4237-A AND A.10510 REGARDING INCREASE  
IN VENDOR FEES AT CERTAIN GAMING FACILITIES**

Pursuant to Section 153 of the County Law.

WHEREAS, Western New York Racinos are a strong economic driver for local economics that also provide critical revenue for county governments throughout the region, and

WHEREAS, it is vitally important that the State act to increase vendor fees to these facilities, and

WHEREAS, these changes will allow Western New York Racinos the kind of economic certainty that is needed to not only retain their current workforce but also to contemplate expansion, and

WHEREAS, as New York implements changes to its gaming laws and rules, it is important to make sure that a level playing field exists for those gaming venues that already support the local economy, and

WHEREAS, Cattaraugus County, along with sixteen (16) other counties and cities are municipal owners of WROTBC/Batavia Downs gaming and have a vested interest in the future viability of the Public Benefit Corporation, and

WHEREAS, the increase in vendor fees provided by S.4237-A and A.10510 will enable Batavia Downs to have an equivalent tax rate to surrounding privately held gaming facilities, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby expresses its support for S.4237-A and A.10510 regarding an increase in vendor fees and urges Governor Cuomo to sign the bill into law, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Governor Cuomo, Senator Young, Assemblyman Giglio and the New York State Gaming Commission.

Adopted July 27, 2016 by voice vote.

MR. KLANCER moved, seconded by Mr. Hale to adjourn until August 10, 2016 at 4:00 p.m.  
Carried.

Meeting adjourned at 4:33 p.m.

Ann M. Giglio  
Journal Clerk