

February 11, 2009

The meeting was called to order by Chairman Crystal J. Abers.

The invocation was given by Rev. Piatt.

The Attendance Roll Call disclosed two Legislators absent - Mr. Burrell and Mr. O'Brien.

MR. SNYDER moved, seconded by Mr. Vecchiarella that the minutes of the January 28, 2009 session be approved. Carried.

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COMMUNICATIONS:

Assembly Member Giglio: Copy of a letter sent to Governor Paterson objecting to the elimination of reimbursement to counties for "state-ready" inmates and parole violators in the 2009-2010 executive budget.

Family of James R. Elling: Thank you note for the words of sympathy and plant._

APPOINTMENTS:

Agriculture & Farmland Protection Board:
Four-year term to expire December 31, 2012

Henry Steuernagel
"Farmer" Representative
11523 North Road
Perryburg, New York 14129

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MRS. ABERS granted privilege of the floor to Lenora Leasure, Development Specialist, from the Cattaraugus County Economic Development, Planning and Tourism Department, who gave a brief overview of the Procurement Technical Assistance Center program. She introduced Ralph Vinciguerra, Assistant Director for Small Business from the Defense Contract Management Agency, who announced that the Cattaraugus County Department of Economic Development, Planning and Tourism will be receiving a grant from the Department of Defense in the amount of \$121,025. A check for that amount was presented to Chairman Abers and Legislator Boser.

MRS. ABERS granted privilege of the floor to Joseph Williams, Interim Director of the Cattaraugus County Department of Economic Development, Planning and Tourism, who announced the 2009 grant award of \$229,075 from the New York State Office of Parks, Recreation and Historic Preservation for improvement and maintenance of the 368 miles of snowmobile trails in Cattaraugus County. He introduced Tom Hill, President of the Cattaraugus County Federation of Snowmobile Clubs, Inc., who thanked everyone for their assistance in making this grant possible and for their support of the program. He expressed the concern of the federation if the County decides to contract out tourism and the subsequent effect on snowmobiling. Representatives from Ashford Snowmobile Club, Elibomwons, Enchanted Mountains Border Riders, Franklinville Snow Sled Club, Portville Snowmobile Club, Snow Bounders, Southern Tier Snow Drifters, and Tri County Drift Hoppers

introduced themselves. A check in the amount of \$229,075 was presented by Chairman Abers and Legislator Boser to Tom Hill.

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ACT NO. 65-2009 by Mr. Giardini
and Mr. Ellis
and Mr. Sprague¹

**AUTHORIZING THE CHAIR TO EXECUTE UTILITY EASEMENT
WITH NIAGARA MOHAWK POWER CORPORATION AND VERIZON NEW YORK, INC.
FOR OVERHEAD ELECTRIC FACILITIES ALONG COUNTY ROAD NO. 55**

Pursuant to Sections 219 and 450 of the County Law.

WHEREAS, National Grid is desirous of relocating its overhead electric facilities from the middle of County Reforestation property, described as being part of Tax Map No. 12.003-2-10 in the Town of Yorkshire, along County Road No. 55 (Gooseneck Road) in the Town of Yorkshire, and

WHEREAS, the relocation of the overhead facilities will help to improve the reliability of electric service to customers in that area and make it easier to get to facilities in the event of future restoration efforts, and

WHEREAS, the easement area shall consist of a portion of land 20 feet in width along County Road No. 55 (Gooseneck Road) in the Town of Yorkshire, and

WHEREAS, Niagara Mohawk Power Corporation has requested permission to cut and trim certain trees along the easement area, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a utility easement, on behalf of Cattaraugus County, with Niagara Mohawk Power Corporation and Verizon New York, Inc., for the relocation of overhead electric facilities along County Road No. 55, for a term commencing February 12, 2009 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 7 members of the Public Works Committee.

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

Adopted February 11, 2009 by voice vote.

ACT NO. 66-2009 by Mr. Giardini
and Mrs. Abers and Mr. Ellis

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

Pursuant to Title 23 U.S. Code and

Sections 363, 366 and 450 of the County Law.

WHEREAS, the County Road No. 57 and Bentley Road intersection improvement project, in the Town of Dayton, Cattaraugus County, PIN 5759.09 (the "Project"), is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 90% Federal funds and 10% Non-Federal funds, and

WHEREAS, the County desires to advance the above Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Scoping & Design I-VI) phases of the Project, PIN 5759.09, now, therefore, be it

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

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to pay in the first instance 100% of the Federal and Non-Federal shares of the costs of the Preliminary Engineering (Scoping & Design I-VI) phases of the Project, or portions thereof, and be it further

RESOLVED, that the sum of \$160,000 is hereby appropriated and made available to cover the cost of participation in the above phases of the Project, and be it further

RESOLVED, that in the event the amount required to pay the full Federal and Non-Federal shares of the cost of the Project's Preliminary Engineering (Scoping & Design I-VI) phases exceeds the amount appropriated above, the County of Cattaraugus shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof, and be it further

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

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and be it further

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

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

Increasing Estimated Revenue Account:		
H.4597	TEA-21 (SAFETEA-LU)	\$144,000.00
Decrease Appropriation Account:		
H.5198.728	County Road No. 57 (old)	\$ 16,000.00
Increase Appropriation Account:		
H.5198.140	County Road No. 57 (new)	\$160,000.00.

Approved by 6 members of the Finance Committee and 5 members of the Public Works Committee.

Adopted February 11, 2009 by voice vote. Mr. McClune and Mr. Sprague voting no.

ACT NO. 67-2009 by Mr. Snyder
and Mrs. Witte¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR
FAMILY PLANNING PROGRAMS AND ADJUSTING
VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Health Department)**

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

WHEREAS, Act 44-2008 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 December 31, 2008, and

WHEREAS, the New York State Health Department has awarded the County Health Department an amount of \$321,579 for the period January 1, 2009 through December 31, 2009, and

WHEREAS, a contract is necessary with the New York State Department of Health to receive the aforementioned grant, 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 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 January 1, 2009 and terminating December 31, 2009, according to the above-described terms, and be it further

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

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

Increase Estimated Revenue Account:

A.3435	Family Planning Services	\$52,397.00
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Increase Appropriation Accounts:

A.4078.401	Advertising	\$ 6,679.00
A.4078.477	Consumables	\$45,718.00.

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

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

Adopted February 11, 2009 by voice vote.

ACT NO. 68-2009 by Mr. Snyder
and Mr. Marsh, Mr. Neal, Mr. Padlo and Mrs. Witte¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW DIRECTIONS YOUTH & FAMILY SERVICES, INC.
FOR FAMILY PLANNING SERVICES**

Pursuant to 14 NYCRR Sections 587.9(d)(6) and 587.9(e)(1) and (2) and
Section 450 of the County Law.

WHEREAS, Act 204-2007, as amended by Act 568-2007, authorized a contract with New Directions Youth & Family Services, Inc., 6395 Old Niagara Road, Lockport, New York 14094, for the provision of basic reproductive health services, routine family planning/GYN care (which includes cancer screening), patient education, STD screening and treatment, HIV counseling and testing and any other medically indicated services as deemed necessary, the term of which expired December 31, 2008, and

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

WHEREAS, New Directions Youth & Family Services, Inc., has agreed to allow the County Health Department to provide the aforementioned services to residents of the facility located at 356 Main Street, ER, Randolph, New York 14772, in accordance with family planning clinic negotiated rates, and

WHEREAS, sufficient funds are included in the 2009 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with New Directions Youth & Family Services, Inc., for the provision of the above-described services, for a term commencing January 1, 2009 and terminating December 31, 2009, according to the above-described terms.

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

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

Adopted February 11, 2009 by voice vote.

ACT NO. 69-2009 by Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH HELEN COLE FOR
HEALTH DEPARTMENT QUALITY ASSURANCE**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Health Department is in need of quality assurance for its patient care, and

WHEREAS, Helen Cole, 1784 Wilson Road, Franklinville, New York 14737, can review Health Department records and procedures involving patient care for an amount not to exceed \$20,000, and

WHEREAS, sufficient funds are included in the 2009 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 Helen Cole for the provision of the above-described services, for a term commencing February 1, 2009 and terminating December 31, 2009, according to the above-described terms.

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

Adopted February 11, 2009 by voice vote.

ACT NO. 70-2009 by Mr. Snyder
and Mr. Aiello, Mr. Hebdon, Mr. McClune and Mr. Padlo¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
CATHOLIC CHARITIES OF WESTERN NEW YORK FOR
INTENSIVE CASE MANAGEMENT SERVICES FOR CHILDREN AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

Pursuant to Section 41.07 of the Mental Hygiene Law,
Sections 363 and 366 of the County Law and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 83-2008 authorized a contract with Catholic Charities of Western New York for the provision of case management services for Cattaraugus County children and the operation of a Psychosocial Club for Cattaraugus County adults, the term of which expired December 31, 2008, and

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

WHEREAS, Catholic Charities of Western New York, Allegany & Cattaraugus County District Office, 520 West State Street, P.O. Box 554, Olean, New York 14760, can provide case management services to children and operate a Psychosocial Club for Adults for an amount of \$98,015, and

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

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract for the year 2008 with Catholic Charities of Western New York, for the provision of case management services for children and the operation of a Psychosocial Club for adults, for a term commencing January 1, 2009 and terminating December 31, 2009, according to the above-described terms, and be it further

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

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

Increase Estimated Revenue Accounts:

A.3443	RIV-Catholic Charities	\$ 1,339.00
A.3454	HCRA-CC	\$ 731.00

Increase Appropriation Accounts:

A.4347.445	HCRA-Catholic Charities	\$ 731.00
A.4347.455	RIV-Catholic Charities	\$ 1,339.00.

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

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Mr. Hebdon, Mr. McClune and Mr. Padlo".

Adopted February 11, 2009 by voice vote.

ACT NO. 71-2009 by Mr. Snyder
and Mr. Aiello and Mr. Padlo¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
DIRECTIONS IN INDEPENDENT LIVING, INC. FOR
MENTAL HEALTH CONSUMER ADVOCACY AND TRAINING PROGRAM AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

Pursuant to Section 75.13 of the Mental Hygiene Law,
Sections 363 and 366 of the County Law and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 90-2008 authorized a contract with Directions in Independent Living, Inc., 514 West State Street, Olean, New York 14760, for the provision of advocacy and training programs for consumers of mental health services, the term of which expired December 31, 2008, and

WHEREAS, New York State has approved funding for the program in the amount of \$49,969 for the period January 1, 2009 through December 31, 2009, and

WHEREAS, the 2009 County budget provides for the payment of \$49,969 to Directions in Independent Living, Inc. from Account No. A.4328.455 for this program, and

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

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Directions in Independent Living, Inc., for a term commencing January 1, 2009 and terminating December 31, 2009, 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 Accounts:

A.3462	SCM	\$423.00
A.3472	Reinvestment-Peer Advocacy	\$644.00

Increase Appropriation Accounts:

A.4328.445	SCM	\$423.00
A.4328.455	Reinvestment-Peer Advocacy	\$644.00.

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

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

Adopted February 11, 2009 by voice vote.

ACT NO. 72-2009 by Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT
WITH HEALTHY COMMUNITY ALLIANCE FOR DEPARTMENT OF
COMMUNITY SERVICES AWARE NEWSLETTER AND ADJUSTING
VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

Pursuant to Section 41.07 of the Mental Hygiene Law,
Sections 363 and 366 of the County Law and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 82-2008 authorized a contract with Healthy Community Alliance, 26 Jamestown Street, P.O. Box 27, Gowanda, New York 14070, for the provision of a toll-free youth suicide information, prevention telephone line, and Aware newsletter, the term of which expired December 31, 2008, and

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

WHEREAS, Healthy Community Alliance has agreed to continue the distribution of the Mental Health informational Aware newsletter, for an amount of \$2,060, and

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

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Healthy Community Alliance, for the provision of the above-described services, for a term commencing January 1, 2009 and terminating December 31, 2009, according to the above-described terms, and be it further

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

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

Increase Estimated Revenue Account:

A.3442	RIV-HCA	\$ 38.00
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Increase Appropriation Account:

A.4326.445	HCA	\$ 38.00.
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Approved by 6 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted February 11, 2009 by voice vote.

ACT NO. 73-2009 by Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
CATTARAUGUS COUNTY CHAPTER, NYSARC, INC. FOR PROVISION OF SERVICES**

Pursuant to Section 75.13 of the Mental Hygiene Law and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 84-2008, as amended by Act 739-2008, authorized a contract with the Cattaraugus County Chapter, NYSARC, Inc., for the provision of comprehensive programs and service facilities for the mentally retarded, mentally ill, developmentally disabled, and physically handicapped residents of Cattaraugus County, the term of which expired December 31, 2008, and

WHEREAS, New York State has approved funding for the program in the amount of \$583,318 for the period January 1, 2009 through December 31, 2009, and

WHEREAS, the net County cost for the provision of these services shall not exceed \$40,500, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract with the Cattaraugus County Chapter of the New York State Association for Retarded Children, Inc., for the provision of the above-described services, for a term commencing January 1, 2009 and terminating December 31, 2009, and be it further

RESOLVED, that payment of the aforementioned amount be made to the Cattaraugus County Chapter, NYSARC Inc., in monthly installments upon submission of vouchers for payment certified by the Chair of the Legislature, audited by the County Administrator, and paid by the County Treasurer, and be it further

RESOLVED, that upon reduction or termination of either state or federal funding for this program, then this program shall be automatically abolished.

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

Adopted February 11, 2009 by voice vote.

ACT NO. 74-2009 by Mr. Snyder
and Mr. Vecchiarella and Mr. McClune¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
SENECA NATION OF INDIANS FOR CASE MANAGEMENT SERVICES FOR
HOMELESS/MICA CLIENTS AND ADJUSTING VARIOUS
APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

Pursuant to 14 NYCRR 587.8(g), Sections 363 and
366 of the County Law and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 78-2008 authorized a contract with the Seneca Nation of Indians for case management services to the Homeless/Mentally Ill Chemical Abuser (MICA) clients, the term of which expired December 31, 2008, and

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

WHEREAS, the Seneca Nation of Indians, P.O. Box 231, 3582 Center Road, Salamanca, New York 14779, has proposed to continue the aforementioned program of case management services for the Homeless/MICA population on the Seneca Nation Reservations, for an amount of \$46,548, and

WHEREAS, this program is 100% state funded, and

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

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Seneca Nation of Indians for the provision of the above-described services, for a term commencing January 1, 2009 and terminating December 31, 2009, according to the above-described terms, and be it further

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

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

Increase Estimated Revenue Account:

A.3466	Homeless/Mica	\$1,115.00
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Increase Appropriation Account:

A.4324.445	Homeless/Mica	\$1,115.00.
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Approved by 6 members of the Finance Committee and 6 members of the Human Services Committee.

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

Adopted February 11, 2009 by voice vote.

ACT NO. 75-2009 by Mr. Snyder
and Mr. Aiello, Mr. Teachman and Mr. Padlo¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
S.T.E.L., INC., FOR VARIOUS MENTAL HEALTH PROGRAMS AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

Pursuant to Section 75.13 of the Mental Hygiene Law,
Sections 363 and 366 of the County Law and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 79-2008 authorized a contract with S.T.E.L., Inc., 715 Central Avenue, Dunkirk, New York 14048, for the provision of employment assistance, intensive case management and supportive case management for mentally ill individuals, the term of which expired December 31, 2008, and

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

WHEREAS, S.T.E.L., Inc., has agreed to provide the following programs for a total amount of \$58,663:

ICM
Adult - SCM
Integrated Supportive Employment,

and

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

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract for the year 2009 with S.T.E.L., Inc., for the provision of the above-described services for a term

commencing January 1, 2009, and terminating December 31, 2009, 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 Accounts:

A.3453	HCRA Adult STEL	\$ 423.00
A.3464	STEL COLA	\$ 45.00
A.3471	OMH State Aid-STEL	\$ 158.00
A.3480	Kendra's Law-STEL	\$ 308.00

Increase Appropriation Accounts:

A.4327.415	Case Management	\$ 308.00
A.4327.445	OMH State Aid-STEL	\$ 158.00
A.4327.455	COLA Funding	\$ 45.00
A.4327.476	HCRA Adult STEL	\$ 423.00.

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

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

Adopted February 11, 2009 by voice vote.

ACT NO. 76-2009 by Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT
WITH TLC HEALTH NETWORK FOR RESIDENTIAL DRUG-FREE PROGRAM AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

Pursuant to Section 41.55 of the Mental Hygiene Law,
Sections 363 and 366 of the County Law and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 80-2008 authorized the Chair to execute a contract with TLC Health Network for the operation of a residential drug-free program in Cattaraugus County, the term of which expired December 31, 2008, and

WHEREAS, the County Department of Community Services is desirous of continuing the operation of the aforementioned residential drug-free program, and

WHEREAS, the New York State Office of Alcoholism and Substance Abuse Services has awarded \$522,103 to Cattaraugus County for the operation of a Residential Drug-Free Program for the 2009 fiscal year, and

WHEREAS, TLC Health Network, 100 Memorial Drive, Gowanda, New York 14070, shall operate a Residential Drug-Free Program in Cattaraugus County for an amount of \$522,103, and

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

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with TLC Health Network for the operation of the above-described Residential Drug-Free Program, for a term commencing January 1, 2009 and terminating December 31, 2009, according to the above-described terms, and be it further

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

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

Decrease Estimated Revenue Account:

A.3456 OASAS Funding \$57,271.00

Decrease Appropriation Account:

A.4318.455 OASAS Funding \$57,271.00.

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

Adopted February 11, 2009 by voice vote.

ACT NO. 77-2009 by Mr. Snyder
and Mr. Sprague¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT
WITH HOUSING OPTIONS MADE EASY, INC. FOR DEPARTMENT OF
COMMUNITY SERVICES SUPPORTED HOUSING PROGRAMS AND
TELEPHONE "WARM" LINE AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

Pursuant to Sections 41.47 and 41.55 of the Mental Hygiene Law,
Sections 363 and 366 of the County Law and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 81-2008, as amended by Act 264-2008, authorized a contract with Housing Options Made Easy, Inc., 75 Jamestown Street, Gowanda, New York 14070, for the relocation of the supported housing for mentally ill people and the homeless, the provision of a consumer operated client systems advocacy service, and the operation of a telephone "warm" line, the term of which expires December 31, 2009, and

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

WHEREAS, Housing Options Made Easy, Inc., can provide supported housing beds for an amount of \$283,269, and

WHEREAS, the 2009 County budget provides for the payment of \$283,269 to Housing Options Made Easy, Inc., for the aforementioned programs, and

WHEREAS, the above programs are funded through Reinvestment, CSS and Commissioner's Performance funds with a net County cost of zero, and

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

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with Housing Options Made Easy, Inc., for the provision of the above-mentioned program, for a term commencing January 1, 2009 and terminating December 31, 2009, according to the above-described terms, and be it further

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

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

Increase Estimated Revenue Accounts:

A.3463	OMH Supported Housing	\$1,064.00
A.3470	Commissioners Performance	\$4,794.00
A.3478	Reinvestment	\$ 911.00
A.3479	Community Support - Case Management	\$ 874.00

Increase Appropriation Accounts:

A.4341.445	Home RIV	\$ 911.00
A.4343.445	Home CSS Funds	\$ 874.00
A.4345.445	Commissioners Performance	\$4,794.00
A.4346.445	OMH Supported Housing	\$1,064.00.

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

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

Adopted February 11, 2009 by voice vote.

ACT NO. 78-2009 by Mr. Snyder
and Mr. Sprague¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
SUBURBAN ADULT SERVICES, INC. FOR MENTAL HEALTH SERVICES AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

Pursuant to Section 75.13 of the Mental Hygiene Law,
Sections 363 and 366 of the County Law and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 101-2008 authorized a contract with Suburban Adult Services, Inc., Route 39, P.O. Box 526, Sardinia, New York 14134-0526, for the provision of sheltered workshop training for the mentally and physically handicapped, plus the provision of occupational therapy, physical therapy and speech therapy as needed by the clients, the term of which expired December 31, 2008, and

WHEREAS, New York State has approved funding for the program in the amount of \$17,629 for the period January 1, 2009 through December 31, 2009, and

WHEREAS, the net County cost for the provision of these services shall not exceed \$9,224, and

WHEREAS, the 2009 County budget provides for the payment of \$26,853 to Suburban Adult Services, Inc. for these services, and

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

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract with Suburban Adult Services, Inc. for a term commencing January 1, 2009 and terminating December 31, 2009, according to the above-described terms, and be it further

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

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

Increase Estimated Revenue Accounts:

A.3473	Reinvestment	\$2,249.00
A.3465	Sheltered Workshop	\$ 32.00

Increase Appropriation Accounts:

A.4320.445	SAS	\$2,249.00
A.4320.455	COLA	\$ 32.00.

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

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

Adopted February 11, 2009 by voice vote.

ACT NO. 79-2009 by Mr. Snyder
and Mr. Padlo¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT
WITH SADIQ H. AL-SAMARRAI, M.D. FOR DEPARTMENT OF
COMMUNITY SERVICES PSYCHIATRIC SERVICES**

Pursuant to 14 NYCRR Section 587.8(d)(3) and (i) and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 713-2007 authorized a contract with Sadiq H. Al-Samarrai, M.D., 8 Woodview Court, Olean, New York 14760, for the provision of psychiatric services for clients of the Department of Community Services, the term of which expires December 31, 2008, and

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

WHEREAS, Sadiq H. Al-Samarrai, M.D., has agreed to provide psychiatric services for the Department of Community Services mental health clinic at a rate of \$130 per hour of direct care for up to 50 hours per month, for a total amount not to exceed \$77,480, and

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

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Sadiq H. Al-Samarrai, M.D., for the provision of the above-described psychiatric services, for a term commencing January 1, 2009 and terminating December 31, 2009, according to the above-described terms, and be it further

RESOLVED, that upon reduction or termination of funding for this program, then this program shall be automatically abolished.

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

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

Adopted February 11, 2009 by voice vote.

ACT NO. 80-2009 by Mr. Vecchiarella
and Mr. Aiello, Mr. Ellis, Mr. Neal, Mr. Hebdon and Mr. Padlo¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH SAM ASHER COMPUTING SERVICES, INC. FOR
SHERIFF'S OFFICE HYPER-REACH SYSTEM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 109-2006 authorized a contract with Sam Asher Computing Services, Inc., 3300 Monroe Avenue, Suite 317, Rochester, New York 14618, for the provision of the Hyper-Reach notification system in the Sheriff's Office, for an amount not to exceed \$24,300 for the account management fee, plus an amount of \$.20 per minute of usage, for a three year period terminating February 28, 2009, and

WHEREAS, Hyper-Reach notification system enables the County to instantly send voice messages to any number of recipients at the same time, advising of an emergency of any nature, and

WHEREAS, the cost to access the Hyper-Reach notification system has increased and a new contract is necessary, and

WHEREAS, the Sheriff's Office is desirous of continuing the aforementioned Hyper-Reach notification system, and

WHEREAS, Sam Asher Computing Services, Inc., can provide access to the Hyper-Reach notification system for an amount not to exceed \$30,612.56 for the account management fee, plus an amount of \$.20 per minute of usage, for a three year period commencing March 1, 2009, as follows:

3/1/2009 to 2/28/2010	\$ 9,072.00
3/1/2010 to 2/28/2011	\$10,160.64
3/1/2011 to 2/28/2012	\$11,379.92,

and

WHEREAS, the funding for the above-described system is provided through state 911 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 Sam Asher Computing Services, Inc., for the provision of the above-described services, for a term commencing March 1, 2009 and terminating February 28, 2012, according to the above-described terms.

Approved by 6 members of the Finance Committee and 6 members of the Public Safety Committee.

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Mr. Ellis, Mr. Neal, Mr. Hebdon and Mr. Padlo".

Adopted February 11, 2009 by voice vote.

ACT NO. 81-2009 by Development & Agriculture Committee:

Mr. Burrell, Mr. Boser, Mr. Ellis, Mr. McLarney,
 Mr. Snyder, Mr. Padlo and Mr. McClune
*and Mrs. Abers, Mr. Aiello, Mr. Marsh, Mr. Murphy, Mr. Neal, Mr. Teachman,
 Mr. Vecchiarella, Ms. Vickman, Mr. Giardini, Mr. Hebdon,
 Mr. Sprague, Mr. Ward and Mrs. Witte¹*

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
 CATTARAUGUS COUNTY FEDERATION OF SNOWMOBILE CLUBS, INC. AND
 VARIOUS SNOWMOBILE CLUBS IN CATTARAUGUS COUNTY FOR
 SNOWMOBILE TRAIL GRANT PROGRAM AND ADJUSTING VARIOUS
 APPROPRIATION AND REVENUE ACCOUNTS
 (Department of Economic Development, Planning and Tourism)**

Pursuant to Article 27 of the Parks, Recreation and
 Historic Preservation Law and Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 119-2008 authorized the Chair to execute a contract with the New York State Office of Parks, Recreation and Historic Preservation and various snowmobile clubs for the snowmobile trail grant program, the term of which expired March 31, 2008, and

WHEREAS, the Cattaraugus County Federation of Snowmobile Clubs, Inc., oversees the activities of various snowmobile clubs within the County, and

WHEREAS, the County desires that the development and maintenance of snowmobile trails be the responsibility of the Cattaraugus County Federation of Snowmobile Clubs, Inc., and

WHEREAS, the County shall act as a pass-through agency for purposes of disbursing the aforementioned grant funds, and

WHEREAS, the Cattaraugus County Federation of Snowmobile Clubs, Inc., shall distribute the aforementioned grant funds to the snowmobile clubs listed below:

	<u>2008 Grant</u>	<u>2009 Grant</u>
Ashford Snowmobile Club, Inc. PO Box 96 West Valley, NY 14171	\$ 6,650.00	\$ 11,200.00
Elibomwons, Inc. 4164 Elm Creek Road Randolph, NY 14772	\$17,650.00	\$ 38,175.00
Enchanted Mountains Border Riders, Inc. PO Box 325 Westons Mills, NY 14788	\$ 4,225.00	\$ 5,850.00
Franklinville Snow Sled Club, Inc. PO Box 22 Franklinville, NY 14737	\$19,200.00	\$ 38,075.00

Portville Snowmobile Club, Inc. PO Box 466 Portville, NY 14770	\$ 9,825.00	\$ 15,825.00
Snow Bounders, Inc. 9189 Cattaraugus-Otto Road Cattaraugus, NY 14719	\$41,875.00	\$ 83,850.00
Southern Tier Snow Drifters, Inc. PO Box 755 North Collins, NY 14111	\$ 8,425.00	\$ 13,800.00
Tri-County Drift Hoppers, Inc. Snowmobile Club PO Box 161 Sandusky, NY 14133-0161	\$ 7,400.00	\$ 15,900.00
Western New York Snowmobile Club of Boston, Inc. PO Box 137 Boston, NY 14025	\$ 3,800.00	\$ 6,400.00

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 contracts, on behalf of Cattaraugus County, with the Cattaraugus County Federation of Snowmobile Clubs, Inc. and the above-listed snowmobile clubs, for the provision of the above-described services, for a term commencing April 1, 2008 and terminating March 31, 2009, 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.3889	NYS Snowmobile Trail Grant	\$229,075.00
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Increase Appropriation Account:

A.7186.445	NYS Snowmobile Trail Program	\$229,075.00.
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Approved by 6 members of the Finance Committee.

¹ The following Legislators requested their names be listed as additional sponsors: "Mrs. Abers, Mr. Aiello, Mr. Marsh, Mr. Murphy, Mr. Neal, Mr. Teachman, Mr. Vecchiarella, Ms. Vickman, Mr. Giardini, Mr. Hebdon, Mr. Sprague, Mr. Ward and Mrs. Witte".

Adopted February 11, 2009 by voice vote.

ACT NO. 82-2009 by Mr. Burrell and Mr. Boser

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
SOFTSHARE, INC. FOR SOFTSHARE BID MATCH SERVICES FOR
PROCUREMENT TECHNICAL ASSISTANCE PROGRAM**

Pursuant to 10 USCS 4211 and Act 432-2002 of the

Cattaraugus County Legislature.

WHEREAS, Act 102-2008 authorized a contract with Softshare, Inc., 2241 Stanwood Drive, Santa Barbara, California 93103, for the provision of governmental bid opportunities to clients of the County's Procurement Technical Assistance Program, for an amount of \$7,000, the term of which expires January 31, 2009, and

WHEREAS, the County Department of Economic Development, Planning and Tourism is desirous of renewing the aforementioned contract, and

WHEREAS, Softshare, Inc., has agreed to continue providing governmental bid opportunities to clients of the County's Procurement Technical Assistance Program for an amount of \$7,000, and

WHEREAS, sufficient funds are included in the 2009 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Softshare, Inc., for the provision of the above-described services, for a term commencing February 1, 2009 and terminating January 31, 2010, according to the above-described terms.

Approved by 6 members of the Finance Committee and 5 members of the Development and Agriculture Committee.

Adopted February 11, 2009 by voice vote.

ACT NO. 83-2009 by Labor Relations Committee:

Mr. McLarney, Mr. Ward, Mr. Aiello,
Mr. Vecchiarella and Mr. Boser

**AMENDING ACT 533-2008 REGARDING CONTRACT WITH
PMA MANAGEMENT CORP. FOR
WORKERS' COMPENSATION PROGRAM ADMINISTRATION**

Pursuant to Section 64 of the Workers' Compensation
Law and Section 450 of the County Law.

WHEREAS, Act 533-2008 authorized a contract with PMA Management Corp., a service affiliate of The PMA Insurance Group, Blue Bell Office, 380 Sentry Parkway, P.O. Box 3031, Blue Bell, Pennsylvania 19422-0754, for the provision of workers' compensation claim file administration, and

WHEREAS, Act 533-2008 should be amended to reflect managed care fees, risk control service fees, in-house legal services fees and risk management information system fees, now, therefore, be it

RESOLVED, that Act 533-2008 is hereby amended, to include additional fees, by adding the following:

"IV. WHEREAS, PMA Management Corp. shall also provide managed care fees, risk control service fees, in-house legal services fees and risk management information system fees in accordance with the following fee schedule:

Managed Care Fees:

CMs Services (billed to client)	\$95/hr for onsite management
DMCs Services (billed to client)	\$85/hr for telephonic case management
Medical Bill Review & Repricing Services	\$8.25/bill review + 35% of savings resulting from use of PMAMC's Cost Containment Program

Risk Control Service Fee:

RCS Services	\$125/hr
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In-House Legal Services Fees:

Basic Hearing, Non-Trial	\$105
All Other Legal Services	\$115/hr

Risk Management Information System Fee:

RMIS users (up to 3 users)	No Charge
RMIS users (more than 3 users)	\$500 annually per additional user".

Approved by 6 members of the Finance Committee.

Adopted February 11, 2009 by voice vote.

ACT NO. 84-2009 by Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH HEATHER L. RAMSEY
FOR HEALTH DEPARTMENT HOME HEALTH AID SERVICES**

Pursuant to Section 450 of the County Law.

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

WHEREAS, Heather L. Ramsey, 320 Maplecrest Avenue, Lakewood, New York 14750, can provide home health aid services for the County Health Department's home health care program for an amount of \$18 per hour, and

WHEREAS, sufficient funds are included in the 2009 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 Heather L. Ramsey for the provision of the above-described services, for a term commencing February 1, 2009 and terminating December 31, 2009, according to the above-described terms.

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

MR. SNYDER moved seconded by Mr. Teachman to refer Act No. 84-2009 to the Finance Committee and the Human Services Committee. Carried.

ACT NO. 85-2009 by Mrs. Abers
who asks immediate consideration

APPOINTMENT TO BOARD OF HEALTH

Pursuant to Section 343 of the Public Health Law.

RESOLVED, that the following individual is appointed to the Board of Health for an unexpired term to expire December 31, 2013:

Giles B. Hamlin, M.D. FACS
1301 Sunrise Drive
Olean, New York 14760.

replacing Frank T. Frost, M.D., who resigned

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

Adopted February 11, 2009 by voice vote.

ACT NO. 86-2009 by Mrs. Abers
who asks immediate consideration

APPOINTMENTS TO COMMUNITY SERVICES BOARD

Pursuant to Section 41.11 of the Mental Hygiene Law.

RESOLVED, that the following individuals are appointed to the Community Services Board with terms to expire December 31, 2012:

Dr. O.D. Knight, M.D.
21 Riggs Street
Franklinville, New York 14737

Gerald Zimmerman
408 Laurens Street
Olean, New York 14760

Wendy Bourgeois
111 Sherlock Hollow Road
Hinsdale, New York 14743

Charles Ried
104 Clarence Street
Allegany, New York 14706

Theresa K. Simon
1779 Gargoyle Rd, Trlr. 48
Olean, New York 14760.

MR. NEAL moved, seconded by Mr. McClune to waive Rule 12. Carried.

Adopted February 11, 2009 by voice vote.

ACT NO. 87-2009 by Mr. Ellis and Mr. Murphy
who ask immediate consideration

**DIRECTING COUNTY TREASURER TO ISSUE
CERTIFICATE OF PROSPECTIVE CANCELLATION
(Town of New Albion)**

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

WHEREAS, there is property on the assessment rolls for which there is no practical method to enforce the collection of delinquent tax liens arising hereafter against the parcel, and

WHEREAS, the County Treasurer should issue a Certificate of Prospective Cancellation, and

WHEREAS, the parcel shall hereby become exempt from taxation notwithstanding any other provision of law, and shall remain exempt until the County Legislature determines that the parcel should be restored to the taxable portion of the assessment rolls, now, therefore, be it

RESOLVED, that the County Treasurer is hereby directed to issue a Certificate of Prospective Cancellation for the following property:

<u>Town</u>	<u>Owner</u>	<u>Tax Map No.</u>	<u>As listed on Tax Roll</u>
New Albion	Lorna Blakely	35.082-1-25	2008
	Randy Dollinger		

MR. AIELLO moved, seconded by Mr. Murphy to waive Rule 12. Carried.

Adopted February 11, 2009 by voice vote.

**MOTION TO ADJOURN IN MEMORY OF
JAMES R. ELLING**

WHEREAS, James R. Elling, 73, of Allegany, New York, passed away on January 29, 2009, and

WHEREAS, Mr. Elling served as a County Legislator from 1984 - 1985 and then again from 1996 - 1999, and

WHEREAS, Mr. Elling graduated from Allegany High School, then graduated from Bryant Stratton College in Buffalo and was employed for 41 years at Dresser-Rand, and

WHEREAS, Mr. Elling was a member of the First Baptist Church in Cuba, and many other community organizations including Adnorim Lodge 883 F & AM and Jamestown Consistory, the National Management Association, the Enchanted Mountain Transportation Club, the Eagle Rod and Gun Club, the National Heart Association, Allegany 60 Plus Club and the Allegany Historical Society, and

WHEREAS, Mr. Elling further served his community on the Allegany School Board for twelve years, six years as the president; five years on the Allegany Town Council; and Chairman of the Allegany Zoning Board and the Allegany Town Planning Board, and

WHEREAS, Mr. Elling was a fan of NASCAR, John Wayne movies and classical music, and

WHEREAS, Mr. Elling is survived by his wife, Marion; three daughters, Debbie Freeman of Cuba, New York; Jeanne Campanella of Greenwood; Tina Elling-Smith of Allegany; one son, David of Allegany; nine grandchildren; three great-grandchildren; a brother, Richard Elling of San Diego, California; and several nieces and nephews, and

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

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

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

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

MR. SNYDER moved, seconded by Mr. Giardini to adjourn until February 25, 2009 at 3:00 p.m. Carried.

Meeting adjourned at 3:45 p.m.

Ann M. Giglio
Journal Clerk