

January 3, 2018

The meeting was called to order by the Clerk of the Legislature, John R. Searles.

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed one Legislator absent – Hastings.

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Mr. Searles stated the Legislature should now elect a Chairman for the year 2018, and asked for nominations.

MR. KLANCER moved, seconded by Mr. Boberg to nominate Paula Stockman. Carried.

MR. VANRENSELAER moved, seconded by Helmich to close the nominations. Carried.

By voice vote, MRS. STOCKMAN was elected Chairman for the year 2018.

CHAIRMAN STOCKMAN addressed the Legislature:

Good afternoon,

Good things come to those who wait. This was evidenced in 2017 in several ways: CAMP received the deed to the Civil War Museum; Shared Services Plan was developed and has become a model for New York State with Ellicottville implementing their portion; Cattaraugus County Health Department awarded accreditation status from the Public Health Accreditation Board (PHAB), fifth nationally accredited Health Department in NYS and first in Western New York, congratulations to Dr. Watkins and the employees of the Health Department; Congratulations to Cathy Mackay and the Department of Aging on a near perfect audit; Public Defender's Office is a model for other indigent legal defense offices across the State; County Clerk has opened the new DMV office in Delevan; and three departments have successfully moved into new office space at the Little Valley School.

I would like to thank the Labor Relations Committee and all those involved in negotiations for their efforts.

This Legislature adopted 620 resolutions in 2017 and I look forward to 2018. My hope is that the same holds true for the coming year.

Thank you.

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CHAIRMAN STOCKMAN asked for nominations for Vice-Chairman for the year 2018.

MR. SNYDER, JR. moved, seconded by Mr. Higgins to nominate James Snyder, Sr. Carried.

MR. HALE moved, seconded by Ms. Vickman to close the nominations. Carried.

By voice vote, MR. SNYDER, SR. was elected Vice-Chairman for the year 2018.

VICE-CHAIRMAN SNYDER SR. thanked everyone for their support; thanked Jack Searles and the department heads for keeping the County running smoothly; and hopes 2018 will be as good.

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CHAIRMAN STOCKMAN announced Donna Vickman has been chosen Majority Leader for the year 2018.

MAJORITY LEADER VICKMAN addressed the Legislature:

I cannot start this new year without thanking Jack Searles, Kelly Reed, the department heads, and the employees for all they did in 2017. I know this will continue in 2018. I would also like to thank Karen Burr for being our "go to" person.

This past month of December, I have had numerous contacts with those seeking some help, an answer, or just needing to talk. This morning I received a call again from someone who still seeks an answer to a troublesome problem. So, as we move on to the new year, I plan to try to become more aware of those around us, more sensitive to others and their feelings - to not just hear the words but listen to the meaning. I hope we can all...be strong, but not rude; be kind, but not weak; be bold, but don't bully; be humble, but not shy; be proud, but not arrogant.

Thank you for your support as Majority Leader.

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MS. VICKMAN announced that Howard VanRensselaer has been chosen Assistant Majority Leader and that Robert Neal has been chosen Majority Whip for the year 2018.

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CHAIRMAN STOCKMAN announced Susan Labuhn has been chosen Minority Leader for the year 2018.

MINORITY LEADER LABUHN stated on behalf of the caucus, they are ready to work with everyone and look forward to 2018.

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MINORITY LEADER LABUHN announced that John Padlo will be the Assistant Minority Leader and David Koch will be the Minority Whip for the year 2018.

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COUNTY COURT JUDGE RONALD D. PLOETZ administered the oath of office to the members of the leadership.

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CHAIRMAN STOCKMAN announced that Ann Giglio will serve as Journal Clerk for the year 2018.

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CHAIRMAN STOCKMAN noted that the minutes of the December 13, 2017 session stand approved as presented.

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#### COMMUNICATIONS:

Orange County Legislature: Resolution No. 284 of 2017, Resolution of the Orange County Legislature Urging the Governor and Legislature of New York State to Exempt County Tuition Chargeback Obligations for the Fashion Institute of Technology.

Letters of Disclosure From:

Ms. Barbara J. Hastings  
Mr. David M. Koch  
Mr. James J. Snyder  
Mr. Howard V. VanRensselaer

Dear Legislators:

This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #6 of the Cattaraugus County Legislature.

It is to further advise you that my son, Michael Hastings, is employed by Cattaraugus County as a Public Health Sanitarian in the Health Department.

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

Sincerely,  
Barbara J. Hastings, County Legislator

Dear Legislators:

This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #5 of the Cattaraugus County Legislature.

It is to further advise you that my daughter, Lora Prey, is employed by Cattaraugus County as a Keyboard Specialist in the Health Department.

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

Sincerely,  
David M. Koch, County Legislator

Dear Legislators:

This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #8 of the Cattaraugus County Legislature.

It is to further advise you that my daughter, Sydney Evans, is employed by Cattaraugus County as an Intensive Case Manager in the Community Services Department, and my son-in-law, Anthony Evans, is employed by Cattaraugus County as the Director of the Youth Bureau.

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

Sincerely,  
James J. Snyder, County Legislator

Dear Legislators:

This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #4 of the Cattaraugus County Legislature.

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

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

Sincerely,  
Howard V. VanRensselaer, County Legislator

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**APPOINTMENTS:****CATTARAUGUS COUNTY AGING ADVISORY COUNCIL***One-year terms to expire December 31, 2018*

Nancy Allen  
3522 Buffalo Road  
Allegany, New York 14706

Frank Aloï  
9 Goss Avenue  
Portville, New York 14770

Judith Blair  
725 Prospect Avenue  
Olean, New York 14760

Ann Ploetz  
5379 Beaver Meadows Road  
Machias, New York 14101

Diane Boser  
97 North 1<sup>st</sup> Street  
Allegany, New York 14706

Ruth Vincent  
2058 Peavy Road  
Franklinville, New York 14737

James Boser  
97 North 1<sup>st</sup> Street  
Allegany, New York 14706

Terry Shaw  
726 East Spring Street  
Olean, New York 14760

MaryAnn Chamberlain  
167 Columbia Avenue  
Salamanca, New York 14779

Dr. Kevin Watkins  
Public Health Director  
One Leo Moss Drive, Suite 4010  
Olean, New York 14760

Helen Crowley  
5440 Robbins Road  
Ellicottville, New York 14731

**CATTARAUGUS COUNTY EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL***Three-year terms to expire December 31, 2020*

Christopher Baker, Director  
Catt. County Emergency Services  
303 Court Street  
Little Valley, New York 14755

Robert Kuhn  
Catt. County EMS Coordinator  
303 Court Street  
Little Valley, New York 14755

Dr. Kevin Watkins  
Catt. County Public Health Director  
One Leo Moss Drive, Suite 4010  
Olean, New York 14760

Shomita Steiner, Emergency Preparedness Coordinator  
Catt. County Health Department  
One Leo Moss Drive, Suite 4010  
Olean, New York 14760

Timothy Richardson  
City of Olean Fire Department  
818 King Street  
Olean, New York 14760

Edwin Fredrickson  
City of Salamanca Fire Department  
225 Wildwood Avenue  
Salamanca, New York 14779

Jordan Haines  
 Catt. County Sheriff's Office  
 301 Court Street  
 Little Valley, New York 14755

Micah Jones  
 Seneca Nation of Indians  
 3582 Center Road  
 Salamanca, New York 14779

Todd Reisner  
 Commercial Ambulance Service  
 308 North 8<sup>th</sup> Street  
 Olean, New York 14760

Donna Kahm  
 Southern Tier Health Care System  
 150 North Union Street  
 Olean, New York 14760

Gregory Payne  
 Fire District 2  
 P.O. Box 336  
 Machias, New York 14101

Kennith Charles  
 Fire District 3  
 7561 State Lane Road  
 Cattaraugus, New York 14719

Daniel Parr  
 Fire District 4  
 14 Maple Avenue, P.O. Box 631  
 Portville, New York 14770

Daniel Kruszynski  
 Fire District 5  
 6701 Maple Road  
 Ellicottville, New York 14731

Denise O'Neil  
 Olean General Hospital  
 515 Main Street  
 Olean, New York 14760

Sandra Watkins  
 Olean General Hospital  
 515 Main Street  
 Olean, New York 14760

Jeff Myers, M.D., Acting ER Physician  
 Olean General Hospital  
 515 Main Street  
 Olean, New York 14760

Steve Baxter  
 Aeromedical Services  
 625 Main Street  
 Olean, New York 14760

*Ex-Officio Members:*

David Koch  
 Cattaraugus County Legislator  
 124 Academy Street  
 Salamanca, New York 14779

Howard V. VanRensselaer  
 Cattaraugus County Legislator  
 161 Cemetery Hill Road (ER)  
 Randolph, New York 14772

Alicia Broadbent  
 Southwestern Regional EMS Council Program Agency  
 150 North Union Street  
 Olean, New York 14760

**CATTARAUGUS COUNTY MEMORIAL MUSEUM BOARD**

*Five-year terms to expire December 31, 2022*

Mary Elizabeth Dunbar  
 6523 Donlen Drive  
 Ellicottville, New York 14731

James McGrath  
 3074 Narrows Road  
 Franklinville, New York 14737

**CATTARAUGUS COUNTY TRAFFIC SAFETY BOARD***Three-year terms to expire December 31, 2020*

Dan Hale  
Cattaraugus County Legislator  
P.O. Box 568  
Portville, New York 14770

Kathleen Ellis, Deputy Commissioner  
Catt. County Department of Public Works  
8810 Route 242  
Little Valley, New York 14755

Brian Taber, Highway Superintendent  
Town of Dayton  
9100 Route 62  
South Dayton, New York 14138

Timothy Whitcomb  
Cattaraugus County Sheriff  
301 Court Street  
Little Valley, New York 14755

Robert Ring, Director  
City of Olean Public Works Department  
P.O. Box 668  
Olean, New York 14760

**CATTARAUGUS-ALLEGANY WORKFORCE DEVELOPMENT BOARD***Three-year terms to expire December 31, 2020*

Ed Giardini, Jr.  
Laborer's Local #621  
1521 North Union Street  
Olean, New York 14760

Bryon Richards  
Cattaraugus Community Action, Inc.  
25 Jefferson Street  
Salamanca, New York 14779

Gretchen Hanchett  
Allegany County Chamber of Commerce  
6087 State Route 19N, Suite 120  
Belmont, New York 14813

David Wilkinson  
IBEW Local #106  
322 James Street  
Jamestown, New York 14701

Christine Luly  
NYS Education Department  
508 Main Street  
Buffalo, New York 14203

Meme Yanetski  
Great Olean Chamber of Commerce  
120 North Union Street  
Olean, New York 14760

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**2018 Standing Committee Appointed By Chairman**

\* Chair  
\*\* Vice Chair

**Labor Relations:** \*Vickman, \*\*Breton, Giardini, Higgins, Neal

\* \* \* \* \*

**ACT NO. 1-2018** by Mrs. Stockman

**ADOPTION OF 2018 RULES OF ORDER**

Pursuant to Section 153 of the County Law.

RESOLVED, that the Rules of Order of the Cattaraugus County Legislature for the year 2018 shall be as follows:

**RULES OF ORDER  
OF THE  
CATTARAUGUS COUNTY LEGISLATURE**

**RULE 1. ORGANIZATION MEETING**

**1.1** The organization meeting of the Legislature shall be held on or before January 8 in each year for election or appointment of all officers and employees. The Clerk shall call the meeting to order and the first order of business shall be the election of a Chair for the ensuing year. The Legislature, under the Chair, shall proceed with the election of a Vice-Chair whose term of office shall be for the current year.

**1.2** At the organization meeting commencing a new legislature, the Legislature shall appoint a County Attorney to act during the term of office for which the then members of such Legislature were elected.

**1.3** The Chair shall appoint the Journal Clerk whose term of office shall be for the current year.

**1.4.1** The Chair shall announce one majority leader selected by the members affiliated with one political party having a majority of the legislative membership.

**1.4.2** The majority leader shall be a member of the Finance Committee.

**1.5.1** The Chair shall announce one minority leader selected by the members affiliated with a political party or combination of political parties, other than the political party of the majority leader.

**1.5.2** The minority leader shall be a member of the Finance Committee.

**RULE 2. REGULAR MEETINGS**

**2.1** Regular meetings shall commence at 4:00 p.m. on the second and fourth Wednesdays of each month, except, that in the months of July and August, the only regular meeting will be the fourth Wednesday, and in the month of December, the only regular meeting will be the second Wednesday.

**RULE 3. SPECIAL MEETINGS**

**3.1** Special meetings shall be at the call of the Clerk upon the direction of the Chair, or at the call of the Clerk of the Legislature upon direction of the Vice-Chair provided that upon convening, a majority of the members of the Legislature pass a resolution ratifying such call, or upon written request signed by Legislators representing a majority of the Legislature.

**3.2** A notice in writing stating the time, place and purpose of the special meeting shall be served personally or by email upon each member of the Legislature by the Clerk at least 48 hours before the

date fixed for holding the meeting, or a member may waive the service of a notice for such meeting by a writing signed by the member.

3.3 Only business specified in the notice may be transacted at a special meeting.

#### RULE 4. PLACE AND TIME OF MEETINGS

4.1 All meetings shall be held at the Legislature Chambers in Little Valley, New York, and shall begin at the hour specified in these rules, unless a different time or place is provided by a motion for adjournment or by the call for the meeting.

4.2 The Clerk shall notify members, County Officers and Department Heads of all meetings, except adjourned regular meetings.

#### RULE 5. PRESENCE OF COUNTY ATTORNEY and COUNTY ADMINISTRATOR

5.1 The County Attorney shall be present during all legislative meetings for the purpose of advising the Legislature on legal questions, unless excused by the Chair.

5.2 The County Administrator shall be present during all legislative meetings for the purpose of counsel and advice, unless excused by the Chair.

#### RULE 6. QUORUM

6.1 A majority of the full Legislature shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

6.2 When a quorum is not present, the Clerk of the Legislature, upon request of the members present, shall notify members in the manner specified for calling special meetings that an adjourned meeting will be held at a specified time.

#### RULE 7. TEMPORARY CHAIR

7.1 Upon the appearance of a quorum, the Chair shall call the Legislature to order.

7.2 In the case of the non-appearance of the Chair, the Vice-Chair shall conduct the meeting.

7.3 In the case of the non-appearance of the Chair or the Vice-Chair, the Majority Leader shall conduct the meeting.

7.4 In case of the nonappearance of the Chair, Vice-Chair or Majority Leader within fifteen minutes of the appointed hour, the Clerk shall call the Legislature to order and a Chair pro tem shall be elected to preside for such day only, or during the absence of the Chair. The Chair pro tem shall have and exercise all of the powers and duties of the Chair at the meeting over which the Chair pro tem is called to preside.

#### RULE 8. ORDER OF BUSINESS

8.1 The order of business at each session shall be as follows, with the exception of times set apart for the consideration of special orders of the day:

1. Call to order by Chair.
2. Roll Call by Journal Clerk.
3. Invocation at each regular meeting.

4. Pledge of Allegiance.
5. Presentation of notices, petitions, claims, communications and departmental reports.
6. Privilege of the floor, subject to Rule 11.1.
7. Correcting and approving the minutes of any previous meetings.
8. Resolutions, motions and notices ready for action.
9. Resolutions presented for immediate consideration.
10. Unfinished business.
11. Adjournment.

#### RULE 9. ROLL CALL

9.1 On roll call, the Journal Clerk shall record by name all members present or absent. It shall be the duty of any Legislator arriving late or departing before adjournment to advise the Journal Clerk of his/her arrival and his/her departure and it shall be the duty of the Journal Clerk to note the name of the Legislator and the time by hour and minutes of his/her late arrival or early departure.

#### RULE 10. MINUTES OF PREVIOUS MEETING

10.1 Minutes of the previous meeting shall not be read, unless requested by any Legislator, by motion duly made, seconded and adopted by majority vote.

#### RULE 11. PRIVILEGE OF THE FLOOR

11.1 A person, other than a member of the County Legislature, may be granted the privilege of the floor by the Chair only on agenda items upon the request of a Legislator, unless a motion is made by a Legislator for a vote on extending the privilege. If such motion is made, a majority vote shall be made to extend the privilege. Such privilege may be granted upon non-agenda items by advance notice to the Chair prior to the meeting. The Chair, in its discretion, may set reasonable limitations upon the duration of time for which the privilege will be extended. In addition to persons granted the privilege of the floor, the Chair may extend such privilege under other appropriate times and circumstances. For purposes of this rule only, the Clerk of the Legislature and the County Attorney shall have the same speaking privilege as a Legislator.

11.2 If a person, other than a member of the County Legislature, in speaking transgresses the rules of the Legislature, the Chair or any member may call him/her to order and the Chair may suspend the privilege.

#### RULE 12. PRESENTATION AND WITHDRAWAL OF MOTIONS AND RESOLUTIONS

12.1 All resolutions shall be reduced to writing and filed with the Clerk.

12.2 Every resolution shall contain the name or names of the sponsors, a short title setting forth the purpose of the proposed action, and a reference to the law or laws, if any, from which the authority to pass the resolution shall be derived.

12.3 All resolutions and local laws shall be filed with the County Attorney not later than noon of the 13<sup>th</sup> day before the Legislature meeting.

12.4 All resolutions shall provide the name of the prime sponsor, or sponsors, on the first line.

12.5 Upon the request of the prime sponsor, or sponsors, prior to action taken by the legislature, the name or names of additional sponsors shall be added to the resolution in alphabetical order on the

second line with the majority members listed first and the minority members listed second. Such permission may be given by the sponsor or sponsors either in writing to the Chair of the Legislature prior to the legislative meeting at which the resolution is to be debated or orally when the resolution is on the floor for discussion.

12.6 If a Committee is sponsoring a resolution, then the names of the committee members shall appear on the first line as prime sponsors with additional sponsors listed on the second line.

12.7 Each resolution shall indicate the year of its introduction.

12.8 The Clerk of the Legislature shall assign all resolutions and correspondence to the proper committee or committees for proper action.

12.9 A copy of all resolutions shall be emailed to each Legislator. The Deputy Clerk of the Legislature shall place a copy of all resolutions in each Legislator's mail box located in the Office of the Assistant to the Legislature.

12.10 All committees with business to transact shall meet on the seventh day preceding the meeting of the Legislature. Five days preceding the meeting of the Legislature, the Clerk shall cause to be reproduced and emailed to all Legislators copies of all resolutions and the disposition, if any, of them.

12.11 The term "resolution" as herein used shall mean a formal proposed action, in writing, to be read by the Journal Clerk. Any proposed action given orally from the floor shall be deemed a motion.

12.12 No motion shall be debated until seconded. After a motion or resolution is stated by the Chair or read by the Journal Clerk, it shall be deemed to be in the possession of the Legislature and open for debate, but may be withdrawn at any time before decision is made or an amendment is adopted. A resolution may be withdrawn by the author. A motion or amendment may be withdrawn by the two members who offered and seconded it. The names of the members who offered and seconded the motion shall be entered in the proceedings by the Clerk.

12.13 All resolutions memorializing action on pending legislation by the State Legislature shall be identified by setting forth the Assembly or Senate Introductory Number of the legislation.

12.14 All resolutions in committee or reported on by committee and not acted on by committee and not acted on by the Legislature before the end of the year shall die each December 31.

12.15 No resolution shall be filed with the Clerk of the Legislature until it has been approved as to legality and form by the County Attorney. The County Attorney shall indicate his/ her approval of legality and form of the resolution by initialing the original copy of the resolution.

12.16 Each paragraph of each resolution or local law shall be numbered consecutively.

12.17 Paragraphs 12.3, 12.8 and 12.9 of this rule shall not apply to the organizational meeting in January, nor to tax and budget resolutions introduced in November and December.

12.18 Where applicable, a resolution request form shall be filed with the County Attorney prior to resolution preparation.

12.19.1 All proposed local laws and the public hearing resolutions accompanying them, after being passed out of the committees to which they are assigned, will appear on the legislative agenda for the next meeting of the Legislature, but the local law shall be listed under an agenda category entitled "Local Laws Not Ready for Final Action". No legislative action on a local law so listed except amendment may occur at that meeting. At the meeting at which the public hearing on a local law is scheduled to be held, the local law shall be listed on the legislative agenda under the category entitled "Resolutions, Motions and Notices Ready for Action", although the local law may not be acted upon until after the public hearing is held and closed.

12.19.2 Local laws and their accompanying hearing resolutions filed for immediate consideration will both be provided to the Legislature. In the event that the Legislature votes, pursuant to Rule 16.3, to consider the hearing resolution, it may be acted upon at the meeting at which it is introduced. In the event that the Legislature votes, pursuant to such rule, to consider the local law at that meeting, no legislative action on such local law may then occur except amendment. After such meeting of the Legislature, the procedure set forth in the last sentence of Rule 12.19.1 shall apply.

12.20 Beneath the caption of each proposed local law, there shall appear a brief description of the local law in plain language including its purpose and intent.

12.21 Academic and athletic achievement resolutions should be sponsored by all legislators.

#### RULE 13. RESOLUTIONS AND LOCAL LAWS CREATING COUNTY POSITIONS

13.1 Any local law or resolution seeking to create a new County position or fill a vacancy shall comply with the County policy adopted by Act 68-2003 as amended.

#### RULE 14. SPONSORSHIP OF COUNTY PROPERTY SALES

14.1 Every resolution which authorizes the sale of any County property, other than tax title property, must be sponsored by a majority of the Legislators representing the district in which the property is located.

#### RULE 15. TRANSFER OF FUNDS

15.1 Any resolution authorizing or directing the transfer of funds from any account to another account shall not be adopted unless such resolution or transfer of funds be accompanied by an explanation to be submitted by the applicable department head, fully explaining the reason and necessity of such transfer.

15.2 All other transfers of funds shall be made in accordance with Local Law Number 5-1985 (Intro Number 10-1985), as amended.

#### RULE 16. AGENDA

16.1 The Clerk shall prepare a statement of the order of business for each meeting of the Legislature which shall also contain the title and sponsor of each resolution to be presented together with the number to be assigned thereto.

16.2 The order of business shall be emailed prior to the regular meeting or be placed on the desk of each Legislator.

16.3 Any resolution not set forth in the order of business shall be tabled by the Chair until the next meeting of the Legislature, unless, upon motion regularly made and adopted by a two-thirds vote of the Legislators, the consideration of such resolution is authorized. The motion shall be as follows: "Move that Resolution No. \_\_\_\_ be considered at this time."

16.4 Any resolution appearing on the agenda will not be read at the meeting of the Legislature, but shall be called up by referring only to the Act number and the title, as hereinabove set forth, the same shall be deemed to be before the Legislature with the full force and effect as though the same had been fully read; if, however, any Legislator requests the reading of the resolution in full, such resolution must be read to the Legislature.

16.5 Information, correspondence, and non-County resolutions not germane to the regular legislative meeting shall be filed with the Journal Clerk.

#### RULE 17. UNFINISHED BUSINESS

17.1 All reports, resolutions, and other matters laid on the table, may be called therefrom under "Unfinished Business" in the regular order of business.

17.2 All questions laid over by rule, or by request of any member, for one day shall be considered in order on the succeeding day or at the next session, under the head of "Unfinished Business."

#### RULE 18. ORDER AND DECORUM

18.1 The Chair shall preserve order and decorum and shall decide all questions of order subject to an appeal to the Legislature. If an appeal be taken from the decision of the Chair, the Chair shall have the right in his/her place to make known the reason for his/her decision. The Legislature shall decide the case without debate and the question shall be stated, "Shall the ruling of the Chair be sustained?"

18.2 In order to debate, to give a notice, to make a motion, or to present a petition or other papers, a Legislator must rise and be recognized by the Chair before he/she shall proceed. When two or more Legislators rise to speak at the same time, the Chair shall determine who is entitled to the floor.

18.3 While a member is speaking, no member shall entertain any private discourse or pass between the speaker and the Chair.

18.4 While the Chair is putting a question, or while the roll is being called, no member shall speak or leave his/her place.

18.5 If any member, in speaking, transgresses the rules of the Legislature, then the Chair or any member may call him/her to order, in which case the member so called to order, shall immediately sit down, unless permitted to explain. He/She shall remain seated until the Chair determines the point raised and if the point shall be sustained, then such member shall not further proceed, except on order and by permission of the Chair.

18.6 When a motion to adjourn is carried, the members shall keep their seats and places until the Chair declares the Legislature adjourned.

18.7 While the Legislature is in session no person other than members of the Legislature shall be allowed on the floor without the consent of the Chair, except the County Attorney, Journal Clerk, County

Administrator or his/her designee. "On the floor" shall be designated as that area surrounding the Legislators' desks; all other County officers, department heads and interested persons and spectators shall remain in seats provided outside the railing, unless otherwise instructed by the Chair. The space designated for individuals wishing to videotape public meetings shall be at the end of the public area behind the railing next to the Chamber windows. The space designated for the print and audio media shall continue to be to the left of the podium.

18.8 In order to have an orderly presentation of speakers at public hearings, the Legislative Assistant shall maintain a sign-up sheet for persons interested in speaking at such hearings.

18.9 During public hearings, the Chair may set a reasonable limitation upon the duration of time for which members of the public will be granted the privilege of the floor.

18.10 Errors in actual fact made during public hearings may be corrected or addressed by the Chair, or his/her designee.

18.11 A member wishing to make comments germane to a resolution under consideration by the Legislature may submit such comments, not to exceed 75 words, in writing to the Journal Clerk on the date that the resolution is under consideration by the Legislature.

18.12 Matters raised by any person which are not germane to a resolution under consideration may be referred by the Chair to the appropriate committee.

#### RULE 19. RULES OF DEBATE

19.1 No debate shall be in order until the pending question shall be stated by the Chair.

19.2 If the question being debated contains several distinct propositions, the same shall be divided by the Chair at the request of any member, to the end that a vote may be taken on each proposition.

19.3 All questions relating to the priority of business, that is, the priority of one question or subject matter over another, under the same order of business, shall be decided by the Chair without debate.

19.4 When the reading of any paper is called for and objected to by any member, the question shall be determined without debate by a vote of the Legislature.

19.5 The Vice-Chair shall assume the chair to preside when the Chair desires to speak from the floor on any pending matter. In the absence of the Vice-Chair, the Chair, with the permission of the majority of the Legislature, may designate an acting Chair to preside when the Chair desires to speak from the floor on any pending matter. Such designation shall be effective until the question on the floor is disposed of, or the Chair elects to return to the Chair.

19.6 The Chair may limit the speaking of a member on any motion or resolution, or any amendment to a motion or resolution, to three times.

#### RULE 20. MOTIONS AND THEIR PRECEDENCE

20.1 When a question shall be under consideration, no motions shall be made except as herein specified, which motions shall have precedence in the order stated:

## UNDEBATABLE

1. For adjournment of the Legislature
2. Take recess
3. Raise a question of privilege
4. To lay on the table
5. For the previous question
6. Limit or extend limits of debate

## DEBATABLE

1. Postpone to a certain time
2. Commit or refer
3. Amend
4. Postpone indefinitely
5. Main motion

20.2 The motion to adjourn or to take a recess shall always be in order, but cannot be made while the Chair is putting a question or while a member has the floor or after the previous question has been ordered or while the Journal Clerk is calling the roll, or while in Committee of the Whole.

RULE 21. DEBATE CLOSURE

21.1 When a debate has run its course, a member may rise to request debate closure. The member must be recognized by the Chair prior to requesting debate closure. The Chair may recognize those members who were standing prior to the request for debate closure. When the Chair determines that the debate is concluded, the Chair shall put the resolution or motion on the floor to a vote.

21.2 Alternatively, a member may move the previous question. The motion requires a second, is non-debatable and requires a two-thirds vote.

RULE 22. QUESTIONS LAID OVER BY REQUEST

22.1 Any motion, resolution, or any other proposition giving rise to debate, except matters before the Legislature as unfinished business, or any regular parliamentary motion and any motion referring to a motion, shall lie over to the next day if so requested by a majority vote of the Legislature, but shall not be again postponed unless made a special order.

RULE 23. RULES OF VOTING

23.1 The ayes and nays shall be taken on all questions requiring a vote of the Legislature when required by statute. A roll call vote may be taken under all other circumstances, provided that two legislators request that such a roll call vote be taken. Except where otherwise specifically provided by these rules, Roberts Rules of Order, or by statute, a majority vote of the members shall govern. Every member who shall be present on the floor (as defined in Rule 18.7) when a question is stated by the Chair shall vote thereon, except that a legislator who has a prohibited conflict of interest under the General Municipal Law or the County's Code of Ethics shall not vote after stating his/her connection with the matter under consideration and obtaining a ruling from the County Attorney that such constitutes prohibition from voting. If a legislator who is present on the floor and not prohibited from voting refuses or otherwise fails to vote, then the Chair shall direct the Clerk to record such member's vote in the affirmative on the question being voted on.

23.2 In the event that a legislator wishes to leave the floor before a question is stated by the Chair, he/she must do so before the question is called, and announce his/her absence to the Journal Clerk, who shall record it, and thereafter announce his/her return to the Journal Clerk.

23.3 The order of voting at meetings of the Legislature shall be rotated alphabetically, beginning with the letter 'A'. For example, legislator 'A' would be required to vote first on resolutions requiring a roll call vote considered at the first meeting held during the year, Legislator 'B' would vote first on resolutions considered at the second meeting, etc., continuing through the members of the Legislature alphabetically for the meetings held during the remainder of the year.

**RULE 24. STANDING COMMITTEES**

24.1 The Chair shall appoint the members of all standing committees and special committees. All standing committees shall be appointed for the current year, but shall hold over until new committees have been appointed by the Chair, except at the end of a legislative term, at which time all committee assignments terminate. No person shall continue to serve after he/she has ceased to be a member of the Legislature. In order to conduct official business, a quorum, consisting of the majority of the committee, shall be required.

Standing committees and number of members are as follows:

Number	Name of Committee	Number of Members
1.	County Operations/Public Safety	7
2.	Development & Agriculture	7
3.	Finance	7
4.	Human Services	7
5.	Labor Relations	5
6.	Public Works	7
7.	Strategic Planning	7

Duties and scope of each committee are listed in the Appendix.

**RULE 25. SPECIAL COMMITTEES**

25.1 Special committees may be authorized at any legal meeting of the Legislature. They shall be appointed by the Chair. Any resolution creating any special committee shall specify the powers and duties of the committee and the number of its members.

**RULE 26. ADVISORY COMMITTEES AND LEGISLATIVE REPRESENTATIVES**

26.1 Advisory committees and legislative representatives shall be appointed in the same manner as special committees.

**RULE 27. COMMITTEE OF THE WHOLE**

27.1 In order to consider matters informally the Legislature may, at any time when in session, resolve itself into a Committee of the Whole on any subject before it. The Chair, or, in the Chair's absence, the Vice-Chair, shall preside.

27.2 The rules of the Legislature shall be observed by this committee insofar as they are applicable, except that the previous question shall not apply; nor shall the number of times a member may speak

be limited, and except that the ayes and nays shall be taken. The only motions in order are, "to amend," "to adopt," and "to rise and report." A motion to rise and report progress shall always be in order at any stage, and shall be decided without debate.

27.3 The committee cannot refer the subject to another committee.

27.4 Local Laws and other matters shall be considered in Committee of the Whole, in the following manner: They shall first be read through, if the committee so directs; otherwise, they shall be read and considered by sections, leaving the title to be last considered. All amendments in their proper connection shall be reported to the Legislature.

#### RULE 28. REFERRAL TO COMMITTEES

28.1 All petitions, communications, budget adjustments, reports, resolutions, motions, etc., requiring action of a committee, shall be referred by the Chair, without motion, to the appropriate committee, unless otherwise ordered by the Legislature.

#### RULE 29. COMMITTEES IN GENERAL

29.1 The first member designated on each committee shall be the Chair thereof, and the second member the Vice-Chair. In the absence of the Chair and Vice-Chair of the committee, the senior-ranking committee member of the Majority party shall become the temporary Chair of the committee. Under all circumstances, a committee quorum will be required for any official action.

29.2 The Chair of each committee shall give, or cause to be given by the Clerk of the Legislature, notice in person, by telephone, or by email at least two days in advance of the meeting, the hour and place of each meeting, except no advance notice need be required when the committee meeting is held on a day when the Legislature shall be in session.

29.3 All committee meetings shall be upon the lawful call of either the Chair of the County Legislature, the Committee Chair, or by the filing of a petition by a majority of the committee members with the Clerk of the Legislature.

29.4 No committee meeting shall be adjourned until announced by the Chair of the committee or upon a vote of the majority of the members present.

29.5 Action on any matter lawfully before any committee shall be taken only while a quorum of the committee is present and in session.

29.6 Only those committee members and the sponsor or sponsors of a resolution shall address the resolution during the committee session. Other persons may speak with the permission of the Committee Chair. The Committee Chair may limit the time to address the Committee.

29.7 Any committee is authorized to accept advice and counsel of citizens not members of the Legislature.

29.8 Each committee chair shall be responsible for keeping the minutes of the meetings of his/her committee. The minutes shall be kept on a form prescribed and furnished by the Clerk. The minutes shall contain a brief summary of the business conducted by the committee, together with a record of the decisions made by the committee, as well as the time, place, and persons present, and any other

pertinent information. A list of members of the committee present and pertinent facts such as meals, time and place of meeting shall be filed with the Clerk of the Legislature within one week after each meeting.

29.9 Any vacancy on a committee, standing or special, shall be filled by the Chair of the Legislature without delay.

29.10 Each committee shall have the power to investigate, in such manner as seems best, the particular branch or department of County Government under its supervision. Such investigation shall be authorized by a majority vote of the members of the committee. The Chair, County Administrator, County Attorney and Department Head shall be notified in writing.

29.11 Committees shall use their best efforts to deal only with agenda items at the Committee sessions on the first and third Wednesday of each month.

29.12 Committees, on making reports, shall return all papers relating thereto to the Clerk of the Legislature.

29.13 Committees shall have general charge of all matters pertaining to the work of this Legislature as indicated by the titles thereof, and as more specifically described as special duties, and each committee shall have supervision and charge of expenditures subject to the direction of the Legislature from appropriations indicated. Each committee shall contain members of the majority and minority parties, insofar as possible, in proportion to respective party representation on the Legislature.

29.14 The Committee Chair must report to the Chair of the County Legislature all situations where a Legislator's attendance falls below 50%.

29.15 Committees shall meet with Department Heads, from time to time, for mutual discussion of departmental objectives and/or problems.

29.16 All committee meetings shall be subject to the provisions of Article 7 of the Public Officers Law, together with any common-law privileges applicable under the circumstances.

#### RULE 30. REPORTS BY COMMITTEES

30.1 All committees, standing or special, shall, as promptly as possible, consider and submit to the Legislature, written reports upon such resolutions, communications, or other matters as may be referred to them. Once a majority of the members of a committee approve a resolution and sign a committee report so indicating, the resolution shall be deemed passed out of the committee. Resolutions not passed out of a committee shall be deemed "held" by the committee for further consideration. A resolution must be passed out of all committees to which it is assigned before it can be considered by the Legislature. The Finance Committee may only act on resolutions that have been passed out of all other committees to which they have been assigned.

#### RULE 31. PARLIAMENTARY QUESTIONS

31.1 On all points of order not governed by these rules, the general rules of parliamentary practice as outlined in Roberts Rules of Order, Revised, shall be referred to for the guidance of the Legislature and committees - special, standing, or advisory. The County Attorney shall be the parliamentarian for the Legislature and committees.

**RULE 32. AMENDMENT OF RULES**

**32.1** These rules may be amended, and other rules added and adopted, by a two-thirds vote of the Legislature by a motion made after a previous notice of one day. All rules and resolutions in conflict with these rules are hereby repealed and rescinded to the extent that they conflict with the rules herein.

**RULE 33. WAIVER OF RULES**

**33.1** These rules may be waived by a motion adopted by a two-thirds vote of the members of the Legislature but only so far as the rules affect or relate to a single resolution or rules may be waived for multiple resolutions provided each resolution is identified in the motion, and if any member objects to any resolution being included, it must be removed from the list and given consideration individually.

**RULE 34. DUTIES OF THE CHAIR**

**34.1** In addition to those prescribed heretofore, the Chair of the Legislature shall have the following powers and duties:

.1 To become familiar with the property, functions, and fiscal affairs of the County and make recommendations to the County Legislature on legislation, rules and regulations, and such other matters as he/she may deem material and advisable.

.2 To see that the statutory and local laws and resolutions of the Legislature and directions of County Officers empowered to make the same, are faithfully executed, and to report to the Legislature any neglect of duty.

.3 To advise department heads and officers and recommend matters deemed helpful to them in the performance of their duties.

.4 To transfer employees temporarily from one department or office to another with the approval of the appointing officer or Legislature.

.5 To determine what officer shall perform a particular power or duty not clearly defined by law.

.6 To determine what officers and employees may attend conferences and schools conducted for the betterment of County government.

.7 To execute and deliver in the name of the County all documents and contracts authorized by the County Legislature.

.8 To call a meeting of any standing or special committee of the Legislature at any time.

.9 To represent the County at all public hearings and conferences that he/she deems it necessary to attend.

.10 The Chair of the Legislature shall be an ex-officio member of all standing and special committees and shall be notified of such meetings. The Chair, as such ex-officio member of all committees, shall not be counted in determining if a quorum is present and his/her vote shall not be counted on a motion to bring a resolution out of committee.

.11 To execute all documents necessary for rights-of-way acquisitions, within budgetary appropriations.

.12 To execute all change orders, within budgetary appropriations.

#### RULE 35. DUTIES OF THE VICE-CHAIR

35.1 The Vice-Chair shall have the following duties:

.1 Shall preside over each duly constituted meeting of the Legislature, in the absence of the Chair.

.2 Shall have and exercise all the powers and duties of the Chair at any meeting over which he/she is called to preside.

.3 Shall have the right to name any member to perform the duties of Vice-Chair, but the power of such substitute shall not extend beyond the current session without the consent of the Legislature.

.4 Shall, in the absence of the Chair, execute and deliver in the name of the County all documents and contracts authorized by the County Legislature.

.5 Shall act as liaison between the Committee Chairmen and the Chair of the Legislature.

.6 Shall exercise such other duties as may be determined by subsequent action of the County Legislature.

.7 Shall be an ex-officio member of all standing and special committees, except for those committees to which the Vice-Chair is appointed as a member, and shall be notified of such meetings. The Vice-Chair, as such ex-officio member of all committees, shall not be counted in determining if a quorum is present and his/her vote shall not be counted on a motion to bring a resolution out of committee.

.8 Shall be the Chair of the Finance Committee.

#### RULE 36. DUTIES OF THE CLERK OF THE LEGISLATURE

36.1 The Clerk shall keep a record of all acts and proceedings of the Legislature and be the custodian of the record vouchers and other papers required or authorized by law to be deposited in his/her office.

36.2 The Clerk shall prepare the tax rolls, except when otherwise directed by the County Legislature, and perform such additional and related duties as may be prescribed by law.

#### RULE 37. DUTIES OF THE JOURNAL CLERK

37.1 The Journal Clerk shall, at the pleasure of the Chair, read all resolutions, reports, and communications received by the Legislature and keep minutes of proceedings. The Journal Clerk shall, at the close of each session of the Legislature, make and furnish a transcript of the proceedings to each member of the County Legislature.

RULE 38. SERGEANT-AT-ARMS

38.1 At any public hearing held by the County Legislature, and at any other meeting of the Legislature, when requested by the Chair of the Legislature, the Sheriff of Cattaraugus County shall delegate one of his/her uniformed deputies to the Legislature Rooms to act as a sergeant-at-arms.

RULE 39. DUTIES OF THE COUNTY ADMINISTRATOR

39.1 The County Administrator shall have those powers and duties set forth in Local Law Number 5-1985 (Intro Number 10-1985), as amended, together with such other powers and duties as may be granted by Local Law or resolution of the County Legislature.

RULE 40. SALE OF COUNTY-OWNED TAX TITLE PROPERTY

40.1 The Real Property Tax Director shall annually, after the last day for property owners to redeem their property, secure a written property evaluation description sheet from the town assessor for each parcel. Copies of these shall be submitted to the County Treasurer's Office no later than February 15 of each year.

40.2 The County Treasurer and the Real Property Tax Director shall review all properties, and recommend to the County Operations Committee, by April 15 of each year, where the auction will be held. After approval of the County Operations Committee, the auctions of those parcels shall be advertised in the official newspapers of the County, and such other newspapers as the Committee deems advantageous, for at least two successive weeks. The County Treasurer shall advertise such properties in a timely manner, so that the date of the auction shall be not less than three (3) days after the date of the second publication in the official newspapers.

40.3 The public auctions shall be conducted by such individual or individuals as the County Operations Committee deems appropriate.

40.4 The County requires a deposit of twenty percent (20%) of the bid price, in the form of cash, money order, certified check or credit card, to be applied to the purchase price. If the highest bidder fails to tender the 20% deposit before the deadline on the auction date, then the second highest bidder shall be notified that the second highest bidder is given the opportunity to tender the high bid price to the County. If the second highest bidder fails to tender the high bid price to the County by the deadline established on the auction date, then the parcel shall be reauctioned on the same date. Once the auctioneer declares the final and highest bid, no deposit will be refunded.

40.5 If at public auction, the highest bidder tenders payment in excess of twenty percent (20%) of the high bid, and then fails to complete the purchase, the County shall retain twenty percent (20%) of the bid price. The excess shall be returned to the highest bidder within a reasonable time after the public auction.

40.6 All property shall be sold to the highest bidder, upon the recommendation of the County Operations Committee and upon the adoption of a resolution by the County Legislature. However, the County Operations Committee and the County Legislature reserve the right to reject any and all bids. Additionally, only "eligible bidders" shall be permitted to bid at any such auction. For the purposes of Rule 40, the term "eligible bidder" is defined as a person who, or corporation or other entity which, on the auction date is not an owner of any parcels of real property in Cattaraugus County that are the subject of a pending in rem tax foreclosure proceeding.

40.7 No property shall be sold to the former owner without competitive bidding if tender of payment of taxes, interest, penalties and other charges due on the property, including those County charges, County liens or County mortgages which may have been extinguished by the judgment of foreclosure, is made less than fifteen (15) business days prior to the date of public auction. The former owner shall not be given another opportunity to repurchase the County-owned tax title property if the property is not sold at the initial public auction but is subsequently reauctioned.

40.8 The former owner shall not have an opportunity to tender payment of the back taxes, penalties, interest and other charges due on the property if the County conveys the property to another municipality, or the County declares the property necessary for County purposes.

40.9 No property shall be conveyed to another municipality unless the municipality reimburses the County for the amount of returned taxes for which the County has made whole to the municipality involved or any other town, city, village or school district.

40.10 Failure to tender the balance due to the County within 30 days from the date of bid acceptance by the Legislature will result in the forfeiture of the bid deposit by the highest bidder.

40.11 If the highest bidder fails to tender the balance due to the County within 30 days from the date of bid acceptance by the County Legislature, then the second highest bidder shall be notified that the Legislature will consider sale of the property to the second highest bidder at the high bid price. The second highest bidder shall notify the County within 30 days after notification by the County as to whether the second highest bidder will tender the high bid price to the County. Failure of the second highest bidder to tender the entire bid price within 30 days after notification by the County shall result in the property being placed on the next auction list.

40.12 The County Treasurer's office shall assist the highest bidder, or former owner, in recording the County Treasurer's deed.

40.13 A successful bidder shall be responsible for payment of the applicable current city and village taxes related to the spring auction, and school taxes related to the fall auction, at the time that the bidder tenders the bid balance to the County.

40.14 No sale of tax title property shall be made to any County Legislator, or County Legislator's spouse or dependent children, as defined by the County Ethics Code.

40.15 In the event that properties remain unsold after they have been offered for sale at two annual spring property tax auctions, and at the sole discretion of the County Treasurer and the Director of Real Property Tax Services, the County Treasurer's Office is hereby authorized to accept sealed bids for the purchase of such property until the close of business on the last day of July in each year, and a resolution authorizing the sale of any such property to the highest bidder shall thereafter be submitted to the Legislature for its consideration.

40.16 Properties sold for \$250.00 or less must be paid for in full on the auction date. This amount is non-refundable should the bidder fail to complete the purchase.

40.17 Any successful bidder who fails to tender the deposit upon being declared the successful high bidder, will be forbidden to participate in this or any future auction conducted on behalf of Cattaraugus

County. If a purchaser fails to close on the parcels that he/she bids on at the auction, he/she may be prohibited from participating at future auctions held for Cattaraugus County.

40.18 The successful bidder/purchaser shall certify that he/she does not represent the former owner(s) of the property against whom the County foreclosed and has no intent to defraud the County of the unpaid taxes, assessment, penalties and charges which have been levied against the property. The successful bidder/purchaser agrees that neither he/she nor his/her assigns shall convey the property to the former owner(s) against whom the County foreclosed within 24 months subsequent to the auction date and, if such conveyance occurs, the purchaser understands that he/she may be found to have committed fraud and/or intent to defraud and will be liable for any deficiency between the purchase price at the auction and such sums as may be owed to the County as related to the foreclosure on the property and consents to immediate judgment by Cattaraugus County for said amounts.

#### RULE 41. SALE OF SURPLUS EQUIPMENT

41.1 The Public Works Committee shall be responsible for the disposition of surplus equipment and other personal property of the County. Such Committee shall fix the times and places at which public auctions, the minimum number thereof being one per annum, shall be held and shall promulgate such additional rules and establish such procedures as may be necessary to effect the orderly and proper conduct thereof.

41.2 All sales shall become final upon payment by the purchaser of the full amount of the purchase price.

41.3 The Public Works Committee is authorized to employ such professional auctioneers from time to time for this purpose as may be necessary and to delegate its responsibility for the conduct of such auctions to one or more of its members or to any office of County government.

41.4 All officers, departments, and other agencies of County government shall dispose of equipment no longer necessary for public use in the manner set forth herein. The disposition of a specific item of equipment by another method may be permitted, however, by the Committee.

41.5 No sale of surplus equipment shall be made to any County Legislator, or County Legislator's spouse or dependent children, as defined by the County Ethics Code.

#### RULE 42. PROCEDURE FOR BIDDING AND ACCEPTING BIDS

42.1 Specifications and bids will be set and determined by the Department Head and the standing committee of the Legislature that governs the respective department for which the item or services are being procured and, wherever possible, the specifications shall be written to conform with State bid specifications.

42.2 No department, board, or other agency of County government shall advertise for sealed bids for any purpose which has not been included in the current year budget, without prior approval of the legislative committee which exercises jurisdiction over such agency.

42.3 No committee shall authorize advertisement for sealed bids, unless the bid item is partially or entirely included in the current year's budget.

**APPENDIX  
STANDING COMMITTEES**

1. COUNTY OPERATIONS/PUBLIC SAFETY (7 members)

1.1 This committee shall have charge of all matters relating to the following departments:

- .1 Board of Elections
- .2 County Attorney
- .3 County Clerk
- .4 County Museum
- .5 Information Services
- .6 Real Property Tax Service
- .7 Assigned Counsel
- .8 District Attorney
- .9 Emergency Services
- .10 Judiciary
- .11 Probation
- .12 Public Defender
- .13 Sheriff.

1.2 In addition, the committee shall have the following responsibilities:

- .1 General jurisdiction over general governmental functions.
- .2 Liaison with Chautauqua-Cattaraugus Library System.
- .3 Emergency Communications Systems.
- .4 Liaison with Fire Advisory Board.
- .5 Liaison with Society for Prevention of Cruelty to Animals (SPCA).
- .6 Liaison with Nuclear Waste industry.

2. DEVELOPMENT & AGRICULTURE (7 members)

2.1 This committee shall have charge of all matters relating to the Department of Economic Development, Planning and Tourism.

2.2 In addition, the committee shall have the following responsibilities:

- .1 General jurisdiction over matters relating to tourism and economic development in the County.
- .2 Liaison with the County Planning Board.
- .3 General jurisdiction over agricultural matters.
- .4 Liaison with the following:
  - .1 Agricultural Society
  - .2 Business Development Corporations
  - .3 Chambers of Commerce
  - .4 Cornell Cooperative Extension
  - .5 Empire Zone Corporation
  - .6 Federated Sportsmen
  - .7 Industrial Development Agency
  - .8 Local Development Corporations
  - .9 Salamanca Rail Museum
  - .10 Southern Tier West Regional Planning & Development Board.

3. FINANCE (7 members)

3.1 This committee shall have charge of all matters relating to the following departments:

- .1 County Administrator
- .2 County Treasurer.

3.2 In addition, the committee shall have the following responsibilities:

- .1 General jurisdiction over the financial affairs of the County.
- .2 Review tentative budget.
- .3 General jurisdiction over the following administrative divisions of the County Administrator:
  - .1 Auditing
  - .2 General Administration
  - .3 Purchasing.
- .4 General jurisdiction over community college issues.
- .5 Liaison with Off-Track Betting Corporation.

4. HUMAN SERVICES (7 members)

4.1 This committee shall have charge of all matters relating to the following departments:

- .1 Aging
- .2 Community Services
- .3 Coroners
- .4 Health
- .5 Nursing Homes
- .6 Social Services
- .7 Veterans Service Agency
- .8 Youth Bureau

4.2 In addition, the committee shall have the following responsibilities:

- .1 General jurisdiction over all matters relating to the general welfare of persons in the County.
- .2 Liaison with the following contract agencies:
  - .1 Cattaraugus County Chapter NYSARC, Inc.
  - .2 Council on Addiction Recovery Services, Inc. (CaRES)
- .3 Liaison with Cattaraugus-Allegany Workforce Development Board.

5. LABOR RELATIONS (5 members)

5.1 This committee shall have charge of all matters relating to the following department:

- .1 Human Resources.

5.2 In addition, the committee shall have the following responsibilities:

- .1 All employee classifications, salary changes, and employment practices.
- .2 Vacancies shall be filled in accordance with Act 68-2003, as amended.
- .3 Shall review personnel issues after those issues have been reviewed by the respective program committees.
- .4 Shall have charge of matters that influence the general labor relations and employment policies of the County.
- .5 Shall have the authority to hear all matters pursuant to Civil Service Law Section 75 involving misconduct or incompetence by County employees, except to the extent that

collective bargaining agreements provide otherwise, and may, upon motion, appoint or designate a hearing officer, to act in its stead, to hear such matters and make recommendations to the County Legislature accordingly.

5.3 Upon delegation by the Chair, this committee shall consider fiscal and other matters dealing with collective bargaining and employee relations.

5.4 This committee’s members, plus the Chair of the County Legislature, are the Employer representatives to the Labor-Management Committees referred to in the collective bargaining agreements.

6. PUBLIC WORKS (7 members)

6.1 This committee shall have charge of all matters relating to the Public Works Department.

6.2 In addition, the committee shall have the following responsibilities:

- .1 General jurisdiction over all County buildings and grounds.
- .2 Watershed Program.
- .3 Liaison with Cattaraugus County Soil & Water Conservation District.
- .4 Approve or disapprove requests from non-County government groups for County facility usage.
- .5 General jurisdiction over all matters relating to solid waste.
- .6 General jurisdiction over forestry matters.

7. STRATEGIC PLANNING (7 members)

7.1 This committee will have the following responsibilities:

- .1 General jurisdiction relating to the process of governmental review of planning mechanisms.
- .2 Liaison with the following entities:
  - .1 Southern Tier West regarding governmental planning.
  - .2 All local governments within Cattaraugus County regarding sharing/coordination of services.

7.2 In addition, this committee shall have charge of all matters relating to cooperation and coordination/sharing of County services within Cattaraugus County.

Adopted January 3, 2018 by voice vote.

**ACT NO. 2-2018** by Mrs. Stockman

**AUTHORIZATION TO EMPLOY OUTSIDE COUNSEL**

Pursuant to Section 501 of the County Law.

WHEREAS, it is anticipated that the County of Cattaraugus will be involved in civil actions during the year 2018, and

WHEREAS, the civil actions may require the services of outside counsel, now, therefore, be it

RESOLVED, that the County Attorney be, and hereby is, authorized and directed, on behalf of Cattaraugus County, to employ outside counsel from time-to-time in the year 2018 to perform services in relation to civil actions that may be pending or may hereafter occur, with preference given to attorneys in Cattaraugus County.

Adopted January 3, 2018 by voice vote.

**ACT NO. 3-2018** by Mrs. Stockman

**AUTHORIZATION TO EMPLOY FISCAL ADVISORS**

Pursuant to Section 153 of the County Law.

WHEREAS, it is necessary to prepare in-depth financial statements and other financial paraphernalia to market the financial instruments issued by the County, and

WHEREAS, Fiscal Advisors and Marketing, Inc., 120 Walton Street, Suite 600, Syracuse, New York 13202, is a reputable municipal bond marketing service, and

WHEREAS, the cost of these professional services will come from the proceeds of the financial issues, and

WHEREAS, it is desirable to retain the services of Fiscal Advisors and Marketing, Inc., to prepare the necessary financial information, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby retains the firm of Fiscal Advisors and Marketing, Inc., to undertake the above-described financial services for Cattaraugus County.

Adopted January 3, 2018 by voice vote.

**ACT NO. 4-2018** by Mrs. Stockman

**AUTHORIZATION TO EMPLOY BONDING ATTORNEY**

Pursuant to Section 501 of the County Law.

WHEREAS, it is anticipated that the County of Cattaraugus will undertake certain programs during the year 2018 which will be financed through the sale of bonds, and

WHEREAS, these projects will require the services of a recognized bonding attorney, now, therefore, be it

RESOLVED, that the County Attorney be, and hereby is, authorized and directed, on behalf of Cattaraugus County, to employ a recognized bonding attorney from time-to-time in the year 2018 to perform services in relation to financing such programs as may hereafter be authorized by the Cattaraugus County Legislature.

Adopted January 3, 2018 by voice vote.

**ACT NO. 5-2018** by Mrs. Stockman

**DELEGATING AUTHORITY FOR CERTAIN REAL PROPERTY TAX  
REFUNDS AND CORRECTION OF TAX BILLS AND TAX ROLLS**

Pursuant to Sections 554(a) and 556(8)(a) of the  
Real Property Tax Law.

WHEREAS, Act 5-2017 delegated the authority to make real property tax refunds and to correct tax bills and tax rolls to the County Administrator, and

WHEREAS, that delegation should be continued for the year 2018, now, therefore, be it

RESOLVED, that for the year 2018, the County Administrator is hereby authorized to perform the duties of the County Legislature in providing real property tax refunds, where the recommended refund is \$2,500.00 or less, in accordance with Section 556 of the Real Property Tax Law, and be it further

RESOLVED, that for the year 2018, the County Administrator is hereby authorized to correct tax bills and tax rolls, where the recommended tax refund is \$2,500.00 or less, in accordance with Section 554 of the Real Property Tax Law.

Adopted January 3, 2018 by voice vote.

**ACT NO. 6-2018** by Mrs. Stockman

**DESIGNATION OF OFFICIAL DEPOSITORIES AND TRADING PARTNERS**

Pursuant to Section 212 of the County Law.

RESOLVED, that the following banking institutions in Cattaraugus County be designated as official depositories for County funds, commencing January 1, 2018, and that the County Treasurer is hereby authorized to deposit in each or any of such banking institutions in an amount not to exceed Thirty-Five Million Dollars (\$35,000,000):

Bank of America, Buffalo, New York  
Bank of Cattaraugus, Cattaraugus, New York  
Cattaraugus County Bank, Little Valley, New York  
Cattaraugus County Bank, South Dayton, New York  
Community Bank, Gowanda, New York  
Community Bank, Olean, New York  
Fidelity Brokerage Services, LLC, Rochester, New York,  
Five Star Bank, Allegany, New York  
Five Star Bank, Ellicottville, New York  
Five Star Bank, Olean, New York  
Five Star Bank, Salamanca, New York  
JP Morgan Chase, Buffalo, New York  
Key Banc Capital Markets, Brooklyn, Ohio  
Key Bank, Olean, New York  
M & T Bank, Ellicottville, New York  
M & T Bank, Olean, New York  
Morgan Stanley/Dean Witter, Buffalo, New York

The Bancorp Bank, Wilmington, Delaware  
U.S. Bank Belfast, Maine.

Adopted January 3, 2018 by voice vote.

**ACT NO. 7-2018** by Mr. Boberg, Mr. Breton, Mr. Hale, Mr. Helmich, Mr. Higgins,  
Mr. Klancer, Mr. Neal, Mr. Snyder, Sr., Mr. Snyder, Jr.,  
Mrs. Stockman, Mr. VanRensselaer and Ms. Vickman

**DESIGNATING OFFICIAL REPUBLICAN NEWSPAPER FOR THE YEAR 2018**

Pursuant to Section 214 of the County Law.

RESOLVED, that the Olean Times Herald, a newspaper published in Olean, New York, and advocating the principles of the Republican Party be, and the same hereby is, designated as one of the newspapers for the publication of all local laws, notices, and other matters required by law to be published by Cattaraugus County for the year 2018.

Adopted January 3, 2018 by voice vote.

**ACT NO. 8-2018** by Mr. Giardini, Ms. Hastings, Mr. Koch, Mrs. Labuhn and Mr. Padlo

**DESIGNATING OFFICIAL DEMOCRATIC NEWSPAPER FOR THE YEAR 2018**

Pursuant to Section 214 of the County Law.

RESOLVED, that the Salamanca Press, a newspaper published in Salamanca, New York, and advocating the principles of the Democratic Party be, and the same hereby is, designated as one of the newspapers for the publication of all local laws, notices, and other matters required by law to be published by Cattaraugus County for the year 2018.

Adopted January 3, 2018 by voice vote.

**ACT NO. 9-2018** by Mrs. Stockman

**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 with a term to expire December 31, 2020:

Herbert Herman, Jr.  
Representing Grange  
10897 Cagwin Road  
Delevan, New York 14042,

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 January 3, 2018 by voice vote.

**ACT NO. 10-2018** by Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS FOR  
TAX FORECLOSURE SEARCHES**

Pursuant to Article 11 of the Real Property Tax Law and  
Section 450 of the County Law.

WHEREAS, Act 9-2017 authorized contracts with Cattaraugus Abstract Corporation, 406 Erie Street, Little Valley, New York 14755, and Empire Search Company, 208 Court Street, Little Valley, New York 14755, for the provision of tax foreclosure searches at a rate of \$90.00 per parcel, the terms of which expired December 31, 2017, and

WHEREAS, searches of the various records in the County Clerk's Office are necessary in order to comply with statutory notification provisions as Cattaraugus County prepares to commence its in rem foreclosure proceedings for unpaid taxes, and

WHEREAS, the County is desirous of renewing the aforementioned contracts, and

WHEREAS, Cattaraugus Abstract Corporation and Empire Search Company have agreed to perform the aforementioned searches for the amount of \$90.00 per parcel, for an annual amount per contract not to exceed \$45,000.00, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with Cattaraugus Abstract Corporation and Empire Search Company for the provision of the above-described tax foreclosure searches, for a term commencing January 1, 2018 and terminating December 31, 2018, according to the above-described terms.

Adopted January 3, 2018 by voice vote.

**ACT NO. 11-2018** by Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CHAUTAUQUA-CATTARAUGUS LIBRARY SYSTEM, INC.**

Pursuant to Sections 224, 233-a and 450 of the County Law and  
Section 256 of the Education Law.

WHEREAS, Act 10-2017 authorized a contract with the Chautauqua-Cattaraugus Library System, Inc. for the provision of educational materials for the citizens of the County, the term of which expired December 31, 2017, and

WHEREAS, the 2018 County budget provides for the payment of \$81,248.00 to the library system from Account No. A.298.7415.0000.42009 for these services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2018 with the Chautauqua-Cattaraugus Library System, Inc., for a term

commencing January 1, 2018 and terminating December 31, 2018, according to the above-described terms, and be it further

RESOLVED, that payment of the aforementioned amount be made to the Chautauqua-Cattaraugus Library System, Inc., in quarterly installments, upon submission of vouchers for payments certified by the Chair of the Legislature, audited by the County Administrator, and paid by the County Treasurer.

Adopted January 3, 2018 by voice vote.

**ACT NO. 12-2018** by Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
SALAMANCA RAIL MUSEUM**

Pursuant to Sections 224 (12) and 450 of the County Law.

WHEREAS, Act 11-2017 authorized a contract with the Salamanca Rail Museum to assist with the preservation of the history of railroads in the Southern Tier, the term of which expired December 31, 2017, and

WHEREAS, the Salamanca Rail Museum attracts thousands of visitors to Cattaraugus County annually, and

WHEREAS, it is important that the County assist the Salamanca Rail Museum with the preservation of the history of railroads in the Southern Tier, and

WHEREAS, the 2018 County budget provides for the payment of \$10,000.00 to the Salamanca Rail Museum from Account No. A.298.7450.0000.42010 for these services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2018 with the Salamanca Rail Museum, to assist with the preservation of the history of railroads in the Southern Tier, for a term commencing January 1, 2018 and terminating December 31, 2018, according to the above-described terms.

Adopted January 3, 2018 by voice vote.

**ACT NO. 13-2018** by Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH CATTARAUGUS COUNTY SPCA**

Pursuant to Sections 224 (4) and 450 of the County Law and  
Section 120 of the Agriculture and Markets Law.

WHEREAS, Act 12-2017, as amended by Act 308-2017, authorized a contract with the Cattaraugus County SPCA for the provision of dog control services and humanitarian assistance to animals in Cattaraugus County, the term of which expired December 31, 2017, and

WHEREAS, it is important that the County assist the Cattaraugus County SPCA with the provision of dog control services and humanitarian assistance to animals in Cattaraugus County, and

WHEREAS, the 2018 County budget provides for the payment of \$95,000.00 to the Cattaraugus County SPCA from Account No. A.298.3510.0000.42007 for these services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2018 with the Cattaraugus County SPCA, for a term commencing January 1, 2018 and terminating December 31, 2018, according to the above-described terms.

Adopted January 3, 2018 by voice vote.

**ACT NO. 14-2018** by Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
SOUTHERN TIER WEST REGIONAL PLANNING AND DEVELOPMENT BOARD**

Pursuant to Section 239-c of the General Municipal Law and  
Section 450 of the County Law.

WHEREAS, Act 13-2017 authorized a contract with the Southern Tier West Regional Planning and Development Board for the provision of planning assistance to municipalities and businesses in Cattaraugus, Chautauqua, and Allegany Counties, the term of which expired December 31, 2017, and

WHEREAS, the 2018 County budget provides for the payment of \$24,970.00 to the Southern Tier West Regional Planning and Development Board (STW) from Account No. A.643.8025.0000.42032 for these services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2018 with the Southern Tier West Regional Planning and Development Board for the provision of the above-described services for a term commencing January 1, 2018 and terminating December 31, 2018, according to the above-described terms.

Adopted January 3, 2018 by voice vote.

**ACT NO. 15-2018** by Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
BOCES FOR STUDENT GOVERNMENT PROGRAM**

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

WHEREAS, Act 14-2017 authorized a contract with BOCES for the provision of a student government program conducted by BOCES to teach students about local government, with an emphasis on County government, the term of which expired December 31, 2017, and

WHEREAS, the 2018 County budget provides for the payment of \$7,068.00 to BOCES from Account No. A.101.2980.0000.42001 for this program, of which 50% is reimbursable by the New York State Office of Children and Family Services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2018 with BOCES for a term commencing January 1, 2018 and terminating December 31, 2018, according to the above-described terms.

Adopted January 3, 2018 by voice vote.

**ACT NO. 16-2018** by Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COUNTY SOIL & WATER CONSERVATION DISTRICT**

Pursuant to Sections 224 (3) and 450 of the County Law.

WHEREAS, Act 15-2017 authorized a contract with the Cattaraugus County Soil & Water Conservation District for the provision of conservation of the soil and water resources of the County through prevention of soil erosion and prevention of flood water and sediment damages, the term of which expired December 31, 2017, and

WHEREAS, the 2018 County budget provides for the payment of \$120,998.00 to the Cattaraugus County Soil & Water Conservation District from Account No. A.871.8710.0000.42033 for these services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2018 with the Cattaraugus County Soil & Water Conservation District for a term commencing January 1, 2018 and terminating December 31, 2018, according to the above-described terms.

Adopted January 3, 2018 by voice vote.

**ACT NO. 17-2018** by Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COUNTY SOIL & WATER CONSERVATION DISTRICT FOR  
ISCHUA CREEK WATERSHED MAINTENANCE PROGRAM**

Pursuant to Sections 299-m and 450 of the County Law.

WHEREAS, Act 16-2017 authorized a contract with the Cattaraugus County Soil & Water Conservation District, Cooperative Extension Center, USDA Service Center Building, 8 Martha Street, Ellicottville, New York 14731, for the provision of a maintenance program for the County's watershed sites, the term of which expired December 31, 2017, and

WHEREAS, the County Department of Public Works is desirous of continuing the maintenance program for the Ischua Creek Watershed, and

WHEREAS, the Cattaraugus County Soil & Water Conservation District has agreed to provide the aforementioned maintenance program for the year 2018 at an amount not to exceed \$18,000.00, and

WHEREAS, sufficient funds are included in Account No. A.871.8740.0000.40809 of the 2018 budget of the Department of Public Works for the cost of the aforementioned watershed maintenance 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 the Cattaraugus County Soil & Water Conservation District, for the provision of the above-described watershed maintenance program, for a term commencing January 1, 2018 and terminating December 31, 2018, according to the above-described terms.

Adopted January 3, 2018 by voice vote.

**ACT NO. 18-2018** by Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
MERCY FLIGHT, INC.**

Pursuant to Sections 224 (14) and 450 of the County Law and  
Section 122-b of the General Municipal Law.

WHEREAS, Act 17-2017 authorized a contract with Mercy Flight, Inc., for the provision of vital emergency transportation services to Western New York, the term of which expired December 31, 2017, and

WHEREAS, the 2018 County budget provides for the payment of \$7,650.00 to Mercy Flight, Inc., from Account No. A.454.4540.0000.42015 for these services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2018, on behalf of Cattaraugus County, with Mercy Flight, Inc., for the provision of vital emergency transportation services to Western New York, for a term commencing January 1, 2018 and terminating December 31, 2018, according to the above-described terms.

Adopted January 3, 2018 by voice vote.

**ACT NO. 19-2018** by Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH SOUTHERN  
TIER HEALTH CARE SYSTEM, INC., FOR FLYCAR FUNDING**

Pursuant to Section 122-b of the General Municipal Law and  
Section 450 of the County Law.

WHEREAS, Act 18-2017 authorized a contract with Southern Tier Health Care System, Inc., One Blue Bird Square, Olean, New York 14760, for the Cattaraugus County Advanced Life Support (flycar) Program, the term of which expired December 31, 2017, and

WHEREAS, Southern Tier Health Care System, Inc., is a principal sponsor of the aforementioned program, and

WHEREAS, this program provides pre-hospital emergency medical treatment for ill or injured individuals, and

WHEREAS, the 2018 County budget provides for the payment of \$15,300.00 to Southern Tier Health Care System, Inc., for the provision of these services from Account A.454.4540.0000.42017, 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 Southern Tier Health Care System, Inc., for

the provision of the above-described services, for a term commencing January 1, 2018 and terminating December 31, 2018, according to the above-described terms.

Adopted January 3, 2018 by voice vote.

**ACT NO. 20-2018** by Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COUNTY ARTS COUNCIL**

Pursuant to Sections 224 (13) and 450 of the County Law.

WHEREAS, the Arts Council will be involved in sponsoring arts programs throughout Cattaraugus County, working in partnership with existing organizations throughout the County, and

WHEREAS, the 2018 County budget provides for the payment of \$9,250.00 to the Arts Council from Account No. A.298.7010.0000.42008 for these services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Cattaraugus County Arts Council, 100 West Main Street, Allegany, New York 14706, with a mailing address of P.O. Box 406, Olean, New York 14760, for a term commencing January 1, 2018 and terminating December 31, 2018, according to the above-described terms.

Adopted January 3, 2018 by voice vote.

**ACT NO. 21-2018** by Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
FEDERATED SPORTSMEN'S CLUBS OF CATTARAUGUS COUNTY, INC.**

Pursuant to Sections 224 (3) and 450 of the County Law.

WHEREAS, Cattaraugus County is desirous of supporting the Federated Sportsmen's Clubs of Cattaraugus County, Inc., and

WHEREAS, the Federated Sportsmen's Clubs of Cattaraugus County, Inc. is a County-wide organization which promotes interest pertaining to the development and expansion of conservation as applied to reforestation, propagation of fish and game, and purchase and maintenance of public game refuges and shooting grounds, and

WHEREAS, the organization has gathered many facts representing a cross section of recreation needs of Cattaraugus County as applied to forests, public parks, fish and game, and

WHEREAS, the 2018 County budget provides for the payment of \$2,400.00 to the Federated Sportsmen's Clubs of Cattaraugus County, Inc., from Account No. A.298.8720.0000.42011 for these services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Federated Sportsmen's Clubs of Cattaraugus County, Inc., for the year 2018, for the provision of services, for a term commencing January 1, 2018 and terminating December 31, 2018, according to the above-described terms.

Adopted January 3, 2018 by voice vote.

**ACT NO. 22-2018** by Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CORNELL COOPERATIVE EXTENSION ASSOCIATION OF CATTARAUGUS COUNTY**

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

WHEREAS, Act 21-2017 authorized a contract with the Cornell Cooperative Extension Association of Cattaraugus County, for the provision of a variety of services to the youth, farmers, and general public of Cattaraugus County, the term of which expired December 31, 2017, and

WHEREAS, the County Legislature is desirous of assisting the newly formed Cooperative Extension by providing the amount of \$181,275.00 for the provision of services, which includes the 4-H program, and

WHEREAS, the 2018 County budget provides for the payment of \$181,275.00 to the Cornell Cooperative Extension Association of Cattaraugus County from Account No. A.298.2980.0000.42003 for these services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2018, on behalf of Cattaraugus County, with the Cornell Cooperative Extension Association of Cattaraugus County, for the provision of a variety of services, for a term commencing January 1, 2018 and terminating December 31, 2018, according to the above-described terms, and be it further

RESOLVED, that payment of the aforementioned amount be made to the Cornell Cooperative Extension Association of Cattaraugus County upon submission of an invoice for payment certified by the Chair of the Legislature, audited by the County Administrator and paid by the County Treasurer.

Adopted January 3, 2018 by voice vote.

**ACT NO. 23-2018** by Mrs. Stockman

**APPOINTMENTS TO LAKE ERIE WATERSHED PROTECTION ALLIANCE  
REPRESENTING CATTARAUGUS COUNTY**

Pursuant to Section 153 of the County Law.

WHEREAS, the purposes of the Lake Erie Watershed Protection Alliance are to collaborate efforts between the soil and water conservation districts and Cattaraugus, Chautauqua and Erie Counties and the municipalities within these counties, and to develop work plans and seek funding for technical assistance to address watershed issues within the Lake Erie Basin in Western New York, which include flooding, stream problems, water quality impairments, etc., and

WHEREAS, the organizational structure for the Lake Erie Watershed Protection Alliance includes three (3) voting members from each county, representing county government, local municipalities, and the county soil and water conservation district, now, therefore, be it

RESOLVED, that the following individuals are appointed for a three (3) year term to expire December 31, 2020, to represent Cattaraugus County on the Lake Erie Watershed Protection Alliance:

*Voting Members:*

Crystal J. Abers                      County government representative  
 Cattaraugus County Department of Economic Development, Planning & Tourism  
 303 Court Street  
 Little Valley, New York 14755

Robert J. Barber, Jr.                Town of Otto, Local municipal representative  
 9574 Forty Road  
 Cattaraugus, New York 14719

Brian Davis                            Soil & Water Conservation District representative  
 Cattaraugus County Soil & Water Conservation District  
 P.O. Box 1765  
 8 Martha Street, Suite 2  
 Ellicottville, New York 14731

*Alternates:*

Patrick McGlew                      County government representative  
 3 South Franklin Street  
 Cattaraugus, New York 14719

Christopher B. Lexer                Town of Yorkshire, Local municipal representative  
 12171 Electric Lane  
 P.O. Box 471  
 Yorkshire, New York 14173

Megan Boberg                        Soil & Water Conservation District representative  
 5433 Ashford Hollow Road  
 West Valley, New York 14171.

Adopted January 3, 2018 by voice vote.

**ACT NO. 24-2018** by Mrs. Stockman

**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 & 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 38-2017 authorized the Chair to execute contracts with the New York State Office of Parks, Recreation and Historic Preservation, the Cattaraugus County Federation of Snowmobile Clubs, Inc., and various snowmobile clubs for the snowmobile trail grant program, the terms of which expired March 31, 2017, 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>2017 Grant</u>	<u>2018 Grant</u>
Ashford Snowmobile Club, Inc. PO Box 96 West Valley, NY 14171	\$ 9,540.00	\$10,387.00
Elibomwons, Inc. 4164 Elm Creek Road Randolph, NY 14772	\$23,955.00	\$26,730.00
Enchanted Mountains Border Riders, Inc. PO Box 325 Westons Mills, NY 14788	\$ 4,275.00	\$ 4,875.00
Franklinville Snow Sled Club, Inc. PO Box 22 Franklinville, NY 14737	\$18,355.00	\$21,055.00
Portville Snowmobile Club, Inc. PO Box 466 Portville, NY 14770	\$10,260.00	\$11,700.00
Snow Bounders, Inc. 9189 Cattaraugus-Otto Road Cattaraugus, NY 14719	\$38,575.00	\$43,609.00
Southern Tier Snow Drifters, Inc. PO Box 755 North Collins, NY 14111	\$ 7,945.00	\$ 9,113.00
Tri-County Drift Hoppers, Inc. Snowmobile Club PO Box 161 Sandusky, NY 14133-0161	\$10,830.00	\$13,000.00
Western New York Snowmobile Club of Boston, Inc. PO Box 137 Boston, NY 14025	\$ 3,710.00	\$ 4,277.00

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 New York State Office of Parks, Recreation and Historic Preservation, 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, 2017 and terminating March 31, 2018, 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.644.7180.0000.3889.01	NYS Snowmobile Trail Grant	\$144,746.00
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Increase Appropriation Account:

A.644.7180.0000.42037	NYS Snowmobile Trail Program	\$144,746.00.
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Adopted January 3, 2018 by voice vote.

**ACT NO. 25-2018** by Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH  
JIFFSOFT, LLC FOR PROPERTY MANAGEMENT SYSTEM FOR  
CATTARAUGUS COUNTY LAND BANK CORPORATION**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 372-2017 authorized a contract with Jiffsoft, LLC, P.O. Box 1295, Lockport, New York 14095-1295, to design and build a web based property management system for the Cattaraugus County Land Bank Corporation, the term of which expired December 31, 2017, and

WHEREAS, a contract extension to February 9, 2018 is necessary in order to complete the system, at no additional cost to the County, 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 the Cattaraugus County Land Bank Corporation, with JiffSoft, LLC, for the provision of the above-described services, to extend the term of the contract which commenced August 1, 2017 to February 9, 2018, according to the above-described terms.

Adopted January 3, 2018 by voice vote.

**ACT NO. 26-2018** by Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH BARTON & LOGUIDICE, D.P.C. FOR  
SITE REDEVELOPMENT ASSESSMENT AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Economic Development, Planning and Tourism)**

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

WHEREAS, Act 25-2016 authorized a contract with the New York State Empire State Development in order to accept funding to offset the costs for a feasibility study to assess the practicality of returning four (4) targeted manufacturing facilities to a condition that will create jobs and support economic development within Cattaraugus County, and

WHEREAS, the Department of Economic Development, Planning and Tourism is desirous of contracting with an entity to obtain a site redevelopment assessment for the above-described properties, and

WHEREAS, Barton & Loguidice, D.P.C., 11 Centre Park, Suite 203, Rochester, New York 14614, can perform a limited Phase II investigation for an amount of \$69,500.00 to determine the extent of site impacts that require remediation at the following properties:

1. Ellicottville – 1.45 acres  
J & B Capital Partners Property (Former Burrell Cutlery Facility)  
24 Rockwell Avenue, Village of Ellicottville, New York
2. Franklinville – 3.52 acres  
Kraig Munzert Property (former Milk Product Facility)  
29 Elm Street, Village of Franklinville, New York
3. Gowanda – 2 separate parcels, 1.8 acres total  
Former Buffalo Turbine Agriculture Co.  
20 Industrial Place, Village of Gowanda, New York,

and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Barton & Loguidice, D.P.C., for the provision of the above-described services, for a term commencing January 1, 2018 and terminating April 1, 2018, according to the above-described terms, and be it further

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

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

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

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

Increase Estimated Revenue Account:		
A.642.6420.0000.3789.02	State Aid, Site Redevelopment Assessment	\$50,000.00
Increase Appropriation Account:		
A.642.6420.0000.41233	Professional Services	\$50,000.00.

Adopted January 3, 2018 by voice vote.

ACT NO. 27-2018 by Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS  
WITH THE NEW YORK STATE HOMES AND COMMUNITY RENEWAL  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND  
AUTHORIZING PUBLIC HEARING ON APPLICATION FOR  
MANUFACTURED HOUSING REPLACEMENT PROGRAM**

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

WHEREAS, Cattaraugus County Department of Economic Development, Planning and Tourism shall act as the lead agency on a grant application provided under the New York State Homes and Community Renewal Community Development Block Grant Program for the Manufactured Housing Replacement Program, and

WHEREAS, the County is desirous of submitting a Community Development Block Grant ("CDBG") application to the New York State Office of Homes and Community Renewal (the "OCR") for funding to replace eight (8) to ten (10) dilapidated owner-occupied manufactured homes and address septic and well issues serving those properties (the "Project"), 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 on behalf of the County, 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, the County is required to hold a public hearing to provide information to the public and to consider citizen comments regarding the CDBG program and the Project prior to submitting an application for CDBG funding, and

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

RESOLVED, that a public hearing shall be held by this County Legislature on the submission of an application to the New York State Office of Homes and Community Renewal for Community Development Block Grant funding to replace eight (8) to ten (10) dilapidated owner-occupied manufactured homes and address septic and well issues serving those properties on the 24<sup>th</sup> day of January, 2018, at 4:01 p.m. at the Legislature's Chambers, County Center, 303 Court Street, Little Valley, New York, and that at least five (5) days' notice of such hearing shall be given by the Clerk by the due posting thereof upon the bulletin board of each County Court House within the County and by publishing such notice at least once in the official newspapers of the County, and be it further

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.

Adopted January 3, 2018 by voice vote.

**ACT NO. 28-2018** by Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE AGREEMENT WITH  
NYSDOT AND AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE IN  
THE FEDERAL-AID PROJECT ADMINISTERED BY THE NYSDOT  
(2014 Flood Event)**

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

WHEREAS, a project, for the Emergency Relief Event NY14-01, May 2014 flooding, flood damage repair by Cattaraugus County forces, Cattaraugus County, P.I.N. 5ER1.05 (the "Project"), is eligible for funding under Title 23 U.S. Code, as amended, for Federal Emergency Relief that calls for the apportionment of the costs of such project to be borne at the ratio of 100% Federal funds and non-Federal funds for costs associated with restoring essential highway traffic, minimizing the extent of damage, or protecting the remaining facility incurred within 180 days of the event, and the ratio of 100% Federal funds and non-Federal funds for permanent restoration work and the cost of all repairs incurred more than 180 days after the Emergency Event, 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 Construction Phase of the Project, P.I.N. 5ER1.05, 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 cost of the Construction Phase of the Project, or portions thereof, and be it further

RESOLVED, that the sum of \$615,550.00 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project, and be it further

RESOLVED, that in the event the full Federal and non-Federal shares of the cost of the Project exceeds the amount appropriated, the County of Cattaraugus shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT 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 eligible Project costs and all Project costs within appropriations therefor 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.

Adopted January 3, 2018 by voice vote.

**ACT NO. 29-2018** by Mrs. Stockman

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

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

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

WHEREAS, Ontario County, through its Department of Social Services Youth Care Facility, has agreed to provide non-secure detention services, as ordered by the Cattaraugus County Family Court for juvenile delinquency court-ordered placements and police admission placements at the rate of \$275.00 per day per juvenile for each day that such juvenile is placed in the Facility for a period in excess of three (3) hours, plus \$20.00 per child health assessment fee, as requested, and

WHEREAS, this program is 50% reimbursable through the New York State Office of Children and Family Services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Ontario County, for the provision of non-secure detention services, for a term commencing January 1, 2018 and terminating December 31, 2018, according to the above-described terms, and be it further

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

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

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

Adopted January 3, 2018 by voice vote.

**ACT NO. 30-2018** by Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CAPITAL DISTRICT YOUTH CENTER, INC. FOR  
NON-SECURE DETENTION SERVICES**

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

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

WHEREAS, the Capital District Youth Center, Inc., One Park Place, Albany, New York 12205, operates the Capital District Juvenile Secure Youth Detention Facility located at 838 Albany-Shaker Road in Albany, New York, and has agreed to provide non-secure detention services, as ordered by the Cattaraugus County Family Court for juvenile delinquency court-ordered placements and police admission placements at its current per diem rate, and

WHEREAS, this program is 50% reimbursable through the New York State Office of Children and Family Services, 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 Capital District Youth Center, Inc. for the provision of non-secure detention services, for a term commencing January 1, 2017 and terminating December 31, 2017, with an automatic renewal commencing January 1, 2018 and on each January 1 thereafter for one year terms until terminated by either party hereto, according to the above-described terms, and be it further

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

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

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

Adopted January 3, 2018 by voice vote.

**ACT NO. 31-2018** by Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH  
NASCENTIA HEALTH (FORMERLY VNA HOMECARE OPTIONS, LLC)  
FOR DEPARTMENT OF NURSING HOMES  
HEALTH AND LONG TERM CARE SERVICES**

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

WHEREAS, Act 487-2015 authorized a contract with VNA Homecare Options, LLC, 1050 West Genesee Street, Syracuse, New York 13204-2215, for the provision of health and long term care services from the County Department of Nursing Homes for eligible participants, and

WHEREAS, the New York State Department of Health (NYSDOH) is requiring that participating provider agreements for skilled nursing facility services be amended prior to December 31, 2017 to include a performance bonus provision, known as MLTC Level 1 VBP arrangements, and

WHEREAS, Nascentia Health, (formerly VNA Homecare Options), is offering the County Department of Nursing Homes the opportunity to earn a value based quality incentive for improvement in potentially avoidable hospitalizations (PAH) for its members, and

WHEREAS, the contract with Nascentia Health, (formerly VNA Homecare Options), must be amended immediately to include the aforementioned value based incentive payments for MLTC Level 1 VBP arrangements, and

WHEREAS, Nascentia Health (VNA Homecare Options) shall pay to the County an amount based on 110% of the latest published Medicaid *benchmark*<sup>1</sup> rates if we collect the resident NAMI amount, plus eligible incentive payments, 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 Nascentia Health, (formerly

VNA Homecare Options), for the provision of the above-described health and long term care services, to amend the original contract which commenced November 1, 2015, to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

<sup>1</sup>MS. VICKMAN moved, seconded by Mr. Klancer, to amend as follows: In the fifth Whereas after Medicaid, add: "benchmark". Carried.

Adopted, as amended, January 3, 2018 by voice vote.

**ACT NO. 32-2018** by Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH  
NASCENTIA HEALTH (FORMERLY VNA HOMECARE OPTIONS, LLC)  
FOR HEALTH DEPARTMENT MANAGED LONG TERM CARE SERVICES**

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

WHEREAS, Act 225-2015 authorized a contract with VNA Homecare Options, LLC, 1050 West Genesee Street, Syracuse, New York 13204, to provide a health and long term care services benefit package to eligible enrollees, and

WHEREAS, the New York State Department of Health (NYSDOH) is requiring that participating provider agreements for skilled nursing facility services be amended prior to December 31, 2017 to include a performance bonus provision, known as MLTC Level 1 VBP arrangements, and

WHEREAS, Nascentia Health, (formerly VNA Homecare Options), is offering the County Department of Health the opportunity to earn a value based quality incentive for improvement in potentially avoidable hospitalizations (PAH) for its members, and

WHEREAS, the contract with Nascentia Health, (formerly VNA Homecare Options), must be amended immediately to include the aforementioned value based incentive payments for MLTC Level 1 VBP arrangements, and

WHEREAS, the County Health Department shall continue to provide certain medical and health related services and social and environmental supports to Nascentia Health (VNA Homecare Options) enrollees at 100% of Cattaraugus County established rates in effect at the time services are provided, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with Nascentia Health, (formerly VNA Homecare Options), for the provision of the above-described health and long term care services, to amend the original contract which commenced November 1, 2015, to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

Adopted January 3, 2018 by voice vote.

**ACT NO. 33-2018** by Mrs. Stockman

**CANCELING UNENFORCEABLE LIEN  
(Town of Allegany)**

Pursuant to Sections 454 and 558 of the Real Property Tax Law.

WHEREAS, a certain parcel of land located in the Town of Allegany was transferred to the Seneca Nation of Indians or members thereof, and

WHEREAS, Section 454 of the Real Property Tax Law exempts property located on a reservation and owned by the Seneca Nation of Indians, from taxation, special ad valorem levies and special assessments, and

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

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

<u>Town/Village</u>	<u>Owner</u>	<u>Tax Map No.</u>	<u>Amount</u>
Allegany	Jack D. Redeye	92.002-2-.359	\$279.63.

Adopted January 3, 2018 by voice vote.

**ACT NO. 34-2018** by Mrs. Stockman

**SALE OF TAX TITLE PROPERTY TO VILLAGE OF GOWANDA AND  
WAIVING RULE 40 OF THE RULES OF ORDER  
(Village of Gowanda)**

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

WHEREAS, the property located in the Village of Gowanda, known as Tax Map Number 17.029-1-16 (“Property”), appears on the County's 2008 in rem tax foreclosure list, and

WHEREAS, the County has been unable to sell the aforementioned Property at public auction, and

WHEREAS, the County Treasurer proposes to designate the Village of Gowanda to take title to the Property, and

WHEREAS, the County Treasurer shall request that the County Court of Cattaraugus County enter judgment directing that the Property be conveyed to the Village of Gowanda, now, therefore, be it

RESOLVED, that upon the entry of judgment as aforesaid, the County Treasurer is hereby directed to waive all delinquent taxes, fees, penalties and interest due to the County upon conveyance of the Property to the Village of Gowanda for consideration in the amount of \$1.00, and be it further

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

Adopted January 3, 2018 by voice vote.

ACT NO. 35-2018 by Mrs. Stockman

**LOCAL LAW NUMBER 1 - 2018  
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 458-b of the Real Property Tax Law.

**A LOCAL LAW AMENDING LOCAL LAW NUMBER 1-2008  
GRANTING A PARTIAL EXEMPTION FROM COUNTY REAL  
PROPERTY TAXES FOR COLD WAR VETERANS**

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

SECTION 1. Legislative Intent. It is the intent of this legislation to amend Local Law No. 1-2008 (Intro No. 3-2008) which grants an exemption of fifteen percent (15%) of the assessed value of qualified residential property, as defined in Real Property Tax Law Section 458-b(2)(a)(i) to Cold War Veterans, as defined in Real Property Tax Law Section 458-b(1)(a).

SECTION 2. Amendment to Local Law No. 1-2008. Local Law No. 1-2008 is hereby amended by adding a new Section 3 which eliminates the ten (10) year exemption for qualifying property owners, as follows, and renumbering the subsequent sections:

"SECTION 3. Elimination of Ten Year Period. Cattaraugus County hereby further provides that qualifying residential owners of qualifying real property shall retain the exemption, provided for in Section 2 above, for as long as they remain qualifying owners, without regard to such ten year limitation, as provided for in Real Property Tax Law Section 458-b(2)(c)(iii)."

SECTION 3. Severability. If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication, shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4. Effective Date. This Local Law shall take effect immediately upon its filing with the Secretary of State and shall be applicable to all assessment rolls prepared pursuant to the first taxable status date occurring on or after the effective date of this Local Law.

No further action taken at this time.

ACT NO. 36-2018 by Mrs. Stockman

**AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 1-2018**

Pursuant to Section 20 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on January 3, 2018, a proposed Local Law entitled "A Local Law Amending Local Law Number 1-2008 Granting a Partial Exemption from County Real Property Taxes for Cold War Veterans", and

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

RESOLVED, that a public hearing shall be held on the proposed Local Law by this County Legislature on the 24<sup>th</sup> day of January, 2018, at 4:02 p.m. at the Legislature's Chambers, County Office Building, 303 Court Street, Little Valley, New York, and that at least five (5) days' notice of such hearing shall be given by the Clerk by the due posting thereof upon the bulletin board of each County Court House within the County and by publishing such notice at least once in the official newspapers of the County.

Adopted January 3, 2018 by voice vote.

**ACT NO. 37-2018** by Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH VANTIV, LLC AND GOVERNMENT PAYMENT SERVICE, INC. FOR DEPARTMENT OF SOCIAL SERVICES CREDIT AND DEBIT CARD SERVICES**

Pursuant to Section 5 of the General Municipal Law and Section 450 of the County Law.

WHEREAS, the County Department of Social Services (DSS) is in need of credit card services for the purpose of processing credit and debit card transactions, and

WHEREAS, contracts are necessary with Vantiv, LLC and Government Payment Service, Inc., for the provision of the aforementioned credit card services, at no cost to the County, and

WHEREAS, Government Payment Services, Inc., shall charge DSS clients the following fees on each transaction:

Service Fee Schedule for Government Program Payments Made via Internet (Web/Gov\$wipe®)							
Credit Card Fee for Payment Amount				Debit Card Fee Per payment Amount			
\$0.01 to \$50.00 = \$1.00				1.15% \$1.00 minimum			
\$50.01 to \$100.00 = \$2.00							
\$100.01 to \$150.00 = \$3.00							
\$150.01 and above = 2.50%							
Service Fee Schedule for Health Care Payments Made via Internet (Web/Gov\$wipe®)							
Transaction Range		Service Fee		Transaction Range		Service Fee	
\$0.01	>	\$50.00	\$1.75	\$100.00	>	\$150.00	\$5.75
\$50.01	>	\$75.00	\$2.00	\$150.01	>	\$200.00	\$7.25
\$75.01	>	\$100.00	\$3.75	For each additional increment of \$50.00, or portion thereof, add \$2.00			
Service Fee Schedule for Telephone-Assisted Payments							
Add \$2.50 to each payment amount for use of operator assistance				Add \$1.00 to each payment amount for use of integrated Response Unit			

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 Vantiv, LLC and Government Payment Service, Inc., for the provision of the above-described credit and debit card services, for a term

commencing January 1, 2018 and terminating December 31, 2018, with automatic renewals for additional one-year periods at the same rates, according to the above-described terms.

Adopted January 3, 2018 by voice vote.

**ACT NO. 38-2018** by Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT  
WITH UNITED STATES DEPARTMENT OF VETERANS AFFAIRS FOR  
NURSING HOME CARE SERVICES AT  
PINES HEALTHCARE AND REHABILITATION CENTER-MACHIAS CAMPUS**

Pursuant to 41 USCS 252(c)(4) and Section 450 of the County Law.

WHEREAS, Act 556-2015 authorized a contract with the United States Department of Veterans Affairs, 3495 Bailey Avenue, Buffalo, New York 14215, for the provision of nursing home services to veterans for The Pines Healthcare and Rehabilitation Center – Machias Campus, the term of which has expired, and

WHEREAS, a contract amendment is necessary whereby the County will continue to provide nursing home services at the Machias facility on behalf of the Department of Veterans Affairs, in accordance with the following rate schedule:

VA Daily Per Diem Rate

Machias Facility

\$215.84 per day

\*\*NOTE: A) Rates above **include** the following:

- ◆ Prescription Drugs
- ◆ Dental Services
- ◆ Oxygen
- ◆ Physical Therapy
- ◆ Occupational Therapy
- ◆ Speech Therapy

B) Rates above **do not include** the following:

- ◆ Specialized Medical Equipment
- ◆ Specialized Medical Procedures (MRI, CT Scan, Cardiac Cath)
- ◆ Physician Services
- ◆ Laboratory & X-Ray Services
- ◆ Transportation Services
- ◆ Prescription Drugs in excess of 8.5% per day

Per Diem Rate/Major Group

Rehabilitation plus Extensive Services	\$589.76 per day
Rehabilitation	\$400.00 per day
Extensive Services	\$531.27 per day
Special Care – High	\$369.33 per day
Special Care – Low	\$319.98 per day
Clinically Complex	\$219.00 per day

Behavioral & Cognitive	\$220.51 per day
Reduced Physical Functions	\$251.00 per day,

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 United States Department of Veterans Affairs for the provision of the above-described services, for a term commencing February 1, 2018 and terminating January 31, 2019, according to the above-described terms.

Adopted January 3, 2018 by voice vote.

**ACT NO. 39-2018** by Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENT WITH DIRECTIONS IN INDEPENDENT LIVING FOR LEASING OF SHARED OFFICE SPACE AT OLEAN OFFICE FACILITY**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Directions in Independent Living, 512 West State Street, Olean, New York 14760, is desirous of leasing office space in the Olean Office Facility, and

WHEREAS, the County Office for the Aging has shared space available for lease by Directions in Independent Living, and

WHEREAS, the County shall lease shared office space to Directions in Independent Living for an amount of \$3,750.00 per year, which includes utilities, and

WHEREAS, Directions in Independent Living shall provide its own office equipment and office furniture, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a lease agreement, on behalf of Cattaraugus County, with Directions in Independent Living for lease of the above-described shared office space, for a term commencing January 1, 2018 and terminating December 31, 2018, according to the above-described terms.

Adopted January 3, 2018 by voice vote.

**ACT NO. 40-2018** by Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CITY OF OLEAN FOR OLEAN MUNICIPAL AIRPORT CAPITAL IMPROVEMENTS**

Pursuant to Section 119-s of the General Municipal Law and Section 450 of the County Law.

WHEREAS, the City of Olean has requested funding in an amount not to exceed \$17,000.00 for capital improvements at the Olean Municipal Airport, and

WHEREAS, the City of Olean proposes to use the aforementioned funding to offset the purchase of two current-driven, omni-directional REIL systems to be used at the Olean Municipal Airport, and

WHEREAS, the 2017 County budget provides for the payment of \$17,000.00 to the City of Olean for the aforementioned Olean Municipal Airport capital improvements from Account A.561.5610.0000.42002, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the City of Olean, for payment to the City of Olean of an amount not to exceed \$17,000.00, for a term commencing January 1, 2017 and terminating December 31, 2017, according to the above-described terms.

Adopted January 3, 2018 by voice vote.

**ACT NO. 41-2018** by Mrs. Stockman

**UPDATING DRUG AND ALCOHOL TESTING POLICY AND  
RESCINDING ACT 607-2017**

Pursuant to Section 153 of the County Law.

WHEREAS, Act 265-1995 established the Cattaraugus County Drug and Alcohol Testing Policy as required by federal regulation, 49 CFR Part 40, for employees in positions requiring a commercial driver's license (CDL) and defined as safety sensitive, and

WHEREAS, the US Department of Transportation has issued updated requirements which will become effective January 1, 2018, and

WHEREAS, Cattaraugus County must, therefore, update its Drug and Alcohol Testing Policy in order to comply with these requirements, now, therefore, be it

RESOLVED, that Act 607-2017 be, and hereby is rescinded, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby adopts the Drug and Alcohol Testing Policy as set forth below to be effective January 1, 2018:

**DRUG AND ALCOHOL TESTING POLICY**

1. **PURPOSE**

The purpose of this policy is to establish the Cattaraugus County policy regarding federal law and rules governing drug and alcohol testing for employees in safety-sensitive jobs.

As an employer, Cattaraugus County maintains a strong commitment to provide a safe, efficient work environment for its employees and the public they serve. This policy is based upon the New York State's practice and policy prohibiting the use of alcohol and drugs on the job or prior to reporting to work. The policy is consistent with the Federal Drug Free Workplace Act of 1989, the Cattaraugus County Drug Free Workplace Policy of 1989, and the Omnibus Transportation Employee Testing Act (OTETA). It is the intent of this policy to assure compliance with Federal and State law and regulations regarding drug and alcohol testing of employees.

As a result of enactment of OTETA, the Federal Highway Administration (FHWA) instituted rules that mandate alcohol and drug testing for employees in positions requiring a Commercial Driver's License (CDL) and defined as safety sensitive. These rules, which became effective January 1, 1995, require pre-employment, reasonable suspicion, post-accident, random, follow-up, and return-to-duty drug and alcohol testing.

2. **PROGRAM REQUIREMENT**

2.1 **Employees Subject to Testing.** FHWA rules provide that safety-sensitive employees who operate vehicles requiring a CDL must be subject to drug and alcohol testing. A CDL is required of any person who operates a motor vehicle defined as a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- a) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a

- gross vehicle weight rating or more than 10,000 pounds;
- b) has a gross vehicle weight rating of 26,001 or more pounds;
- c) is designed to transport 16 or more passengers, including the driver; or
- d) is of any size and is used in the transportation of materials found to be hazardous for the purpose of the Hazardous Materials Transportation Act.

Examples of positions deemed to require a CDL include bus drivers, drivers of trucks over 26,000 GVWR, and snowplow drivers.

Each department shall identify a complete listing of safety-sensitive job functions and corresponding position titles located in the respective organizations. That listing shall be attached to this policy and shall be updated as necessary.

2.2 Participation as a Condition of Employment. All employees in, or applicants for, positions defined as safety sensitive in Section 2.1 must participate in the drug and alcohol testing program prescribed by FHWA rules as a condition of employment. Failure to participate and comply with program requirements may result in disciplinary action up to and including termination of employment.

2.3 Prohibited Behavior. It is the policy of Cattaraugus County that:

2.3.1 No employee shall use, sell, distribute, dispense, possess, or manufacture any alcoholic beverages or illegal drugs or any other intoxicating substance on a job site or County property while on duty or while in a County vehicle, a vehicle leased for County business, or a privately-owned vehicle being used for County business during the employee's work hours.

2.3.2 No employee shall report to work unfit for duty at the beginning of a shift or upon returning from any break, lunch, or rest period as a result of consuming alcohol, illegal drugs, or other intoxicant. Further, no employee notified of being in a safety-sensitive position as defined by the Omnibus Transportation Act of 1991 and FHWA rules shall report to work in a condition that violates that Act and the corresponding rules.

2.3.3 Effective January 1, 1995, an employee in a safety-sensitive position is further prohibited from the use of alcohol four (4) hours prior to performing safety-sensitive functions. No supervisor having knowledge that an employee in such a position has used alcohol within four (4) hours shall permit that employee to perform safety-sensitive functions.

2.3.4 In some cases, the use of prescription or over-the-counter drugs may cause impairment, which prohibits the employee from performing safety-sensitive functions. It is the responsibility of the employee on prescription or over-the-counter medication which may impair performance to consult with his/ her physician or pharmacist regarding its effects and inform his/her supervisor if he/she may be impaired. An employee may be required to have his/her physician certify that medication does/does not adversely affect the employee's fitness of duty.

2.3.5 Federal rules governing safety-sensitive positions determine the provisions of drug and alcohol testing related to accidents. Further, for employees with CDLs in non-safety-sensitive positions, any work-related accident or injury involving County vehicles, equipment, or property where it can be demonstrated that the use of alcohol, drugs, or other intoxicants was a contributing factor may result in disciplinary action up to, and including, termination of employment.

2.3.6 Violation of these rules may result in disciplinary action up to, and including, termination of employment.

2.4 Circumstances for Testing. FHWA rules require that drug and alcohol tests are given to safety-sensitive employees in specific circumstances: pre-employment, reasonable suspicion, post-accident, random, return-to-duty, and follow-up.

In order for employees to recognize the circumstances which may initiate these tests, the following definitions are provided:

2.4.1 Pre-employment Testing. The FHWA rules require that all applicants for employment in positions requiring a CDL or individuals being transferred into such positions must be given pre-employment drug and alcohol tests. Applicants may not be hired or assigned to a safety-

sensitive function unless they complete and pass the tests. Prior to conducting the tests, departments must inform that applicant or employee of the testing requirements. Vacancy announcements and job postings must stipulate that passing drug and alcohol tests are a condition of employment. Further, applicants may be required to sign a document acknowledging that they know they are subject to testing.

2.4.2 Reasonable Suspicion Testing. The FHWA rules require that an employee in a safety-sensitive position must be directed to undergo alcohol or drug testing when the supervisor has reasonable suspicion to believe that the employee has used a prohibited drug or has misused alcohol in violation of OTETA and FHWA regulations. The request to undergo a reasonable suspicion test must be based on specific, contemporaneous, articulable, reliable observations concerning appearance, behavior, speech, or body odor of the employee.

2.4.3 Post-Accident Testing. The FHWA rules provide that as soon as practicable following an accident, tests for alcohol and controlled substances shall be administered to employees performing safety-sensitive functions, if the accident involves the loss of human life or the driver receives a citation under state or local law for a moving traffic violation arising from the accident. Drug testing must be performed within thirty-two (32) hours following the accident. Alcohol tests must be performed within eight (8) hours. If an alcohol test is not administered within two (2) hours following the accident, then the department must still attempt to administer the test and must also prepare and maintain a record stating the reason(s) the test was not promptly administered.

If an alcohol test is still not administered within eight (8) hours following the accident, then the department shall cease attempts to administer an alcohol test and shall maintain the same record.

A safety-sensitive employee shall not use alcohol for eight (8) hours following an accident or until the employee undergoes a post-accident alcohol test, whichever occurs first.

The requirement to test for alcohol and drugs following an accident shall in no way delay necessary medical attention for injured people or prohibit a safety-sensitive employee from leaving the scene of an accident to obtain assistance in responding to the accident or to obtain necessary emergency medical care. However, an employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed to have refused to submit to testing.

2.4.4 Random Testing. The FHWA rules require that safety-sensitive employees be subject to random drug and alcohol testing. The selection of employees for random alcohol and drug testing shall be made by a scientifically valid random-number selection method. The selection process shall assure that each employee shall have an equal chance of being tested each time selections are made. Selection shall be determined by the third-party organization employed to administer the alcohol and drug testing program.

The minimum annual percentage for random alcohol testing shall be twenty-five percent (25%) of the average number of subject positions.

The minimum annual percentage for random drug testing shall be fifty percent (50%) of the average number of subject positions.

The test dates shall be spread reasonably throughout the year with no established pattern. Testing will be unannounced as well as random.

Once the employee has been notified that he/she has been selected for random testing, the employee shall report immediately to the collection site. Employees shall be individually and discretely notified to report to the collection site, and they shall be assured that they have been selected for a routine test. Schedules shall be adjusted so that additional personnel may be available to substitute for employees being tested.

2.4.5 Return-to-Duty Testing. Before any employee is allowed to return to duty to perform a safety-sensitive function following a verified drug test result, an alcohol result of 0.04 or greater or a refusal to submit to a test, that employee must undergo a return-to-duty test. The return-to-duty alcohol test result must indicate an alcohol concentration of less than 0.02. The return-to-duty drug test result must indicate a verified negative result for controlled substance use.

Before a return-to-duty test is performed, the employee must be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee may need and shall determine whether the employee has followed recommendations by a substance abuse professional (SAP) including participation in any rehabilitation program.

2.4.6 Follow-up Testing. Once allowed to return to duty, an employee shall be subject to unannounced follow-up testing for at least twelve (12) but not more than sixty (60) months. The frequency and duration of the follow-up testing will be recommended by a substance abuse professional (SAP) as long as a minimum of six (6) tests are performed during the first twelve (12) months after the employee has returned to duty. Employees subject to follow-up testing must also remain in the standard random pool.

2.5 Behavior that Constitutes a Refusal to Submit to a Test. The following actions or behaviors shall constitute a refusal to submit to a required test:

- a) refusal to take the test;
- b) inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation;
- c) tampering with, or attempting to adulterate, the specimen or collection procedure;
- d) failure to report to the collection site in the time allotted; or
- e) failure to remain readily available for post-accident testing for eight (8) hours or until the employee undergoes testing, whichever occurs first.

2.6 Testing Procedures.

2.6.1 Drug Testing. Drug testing is conducted by analyzing the employee's urine specimen. Specimens are collected in an off-site facility which must meet the "Procedures for Transportation Drug and Alcohol Testing Program" (49 CFR, Part 40) requirements to assure privacy and the integrity of specimen collection. The employee provides a urine specimen, which is sealed and labeled by an authorized agent of the testing organization. A chain of custody document is completed and the specimen is shipped to a certified laboratory. The specimen collection procedures and chain of custody ensure that the specimen's security, proper identification, and integrity are not compromised.

The OTETA requires that drug testing procedures for safety-sensitive employees include split specimen techniques. Each urine specimen is subdivided into two containers labeled as primary and split specimens. Both specimens are forwarded to a laboratory certified by the U.S. Department of Health and Human Services (DHHS). Only the primary specimen is used in the urinalysis. The split specimen remains sealed and stored unless, and until, it is required for confirmation of a positive test.

An initial screening test is performed. If the test is positive for one or more drugs, then a confirmation test is performed for each identified drug using a gas chromatography/mass spectrometry (GC/MS) analysis. GC/MS confirmation ensures that over-the-counter medications are not reported as positive results.

If the analysis of the primary specimen confirms the presence of controlled substances, then the employee has seventy-two (72) hours to request that the split specimen be sent to another DHHS certified laboratory for analysis. The split specimen procedures may provide the employee with an opportunity for a second opinion.

All drug tests are reviewed and interpreted by a physician, Medical Review Officer (MRO), before they are reported. If the laboratory reports a positive result to the MRO, then the MRO contacts the employee and conducts an interview to determine if there is an alternative medical explanation for the presence of a controlled substance in the specimen.

If the employee provides appropriate documentation and the MRO determines that there is a legitimate medical use of the prohibited drug, then the test result is reported as negative.

Urine specimens are analyzed for the following drugs:

- Marijuana (THC metabolite)

- Cocaine
- Amphetamines (amphetamine, methamphetamine, MDMA, MDA)
- Opioids (codeine, heroin, morphine, oxycodone, oxymorphone, hydrocodone, hydromorphone)
- Phencyclidine (PCP).

2.6.2 Alcohol Testing. FHWA rules provide that alcohol testing is conducted using evidential breath testing (EBT) devices approved by the National Highway Traffic Safety Administration (NHTSA). The breath test must be performed by a breath alcohol technician (BAT) trained in the operation of the EBT and in the alcohol testing procedures prescribed by the rules.

Two (2) breath tests are required to determine if a person has a prohibited alcohol concentration. Any result from the screening test is considered negative if the alcohol concentration is less than 0.02. If the alcohol concentration is 0.02 or greater, then a confirmation test must be conducted. The employee and the BAT complete the alcohol testing form to ensure that results are properly recorded. The confirmation test must be conducted using an EBT that prints the results, date, time, in sequential test numbers, and the name and serial number of the EBT to ensure the reliability of the results.

The EBT shall be conducted by BAT's employed by a drug and alcohol testing organization under contract with Cattaraugus County. Agents of Cattaraugus County or any of its departments shall not perform the breath alcohol test.

Law enforcement officers will not conduct the tests as part of roadside inspections. Under certain circumstances, post-accident tests conducted by law enforcement personnel will be acceptable.

2.6.3 Confidentiality of Test Results. Employee alcohol and drug testing results and records are maintained under strict confidentiality by Cattaraugus County, the drug testing laboratory, the laboratory, the alcohol testing facility, and the medical review officer. The results cannot be released to any other party except a substance abuse professional without the written consent of the employee.

Exceptions to these confidentiality provisions are limited to a decision-maker in arbitration, litigation, or administrative proceedings arising from a positive drug test or other violation of these rules.

Statistical records and reports are maintained by Cattaraugus County and the alcohol and drug testing provider. This information is aggregate data and is used only to monitor compliance with the FHWA rules.

## 2.7 Consequences of Misuse.

2.7.1 Consequences of Alcohol Misuse. Employees who engage in prohibited alcohol conduct must be immediately removed from safety-sensitive functions. The following circumstances constitute prohibited behaviors:

- a) Employee has an alcohol concentration of 0.02 or greater, but less than 0.04, as determined by EBT results, when tested just before, during, or just after performing safety-sensitive functions;
- b) Employee has used alcohol within four (4) hours prior to performing safety-sensitive functions;
- c) Employee has used alcohol while performing safety-sensitive functions;
- d) Employee has used alcohol during the eight (8) hours following an accident or until the employee has undergone a post-accident alcohol test;
- e) Employee refused to submit to a required alcohol test (as determined in Section 2.6); or
- f) Employee has an alcohol concentration of 0.04 or greater, as determined by EBT results, when tested just before, during, or just after performing safety-sensitive functions.

Employee found to have violated any provision of Section 2.7.1, a-f, shall be immediately removed from safety-sensitive duty for twenty-four (24) hours, and the incident shall be recorded.

No employee who has engaged in any prohibited alcohol conduct as defined in Section 2.7.1, b-f, shall be allowed to perform safety-sensitive functions until the employee has been evaluated by a substance abuse professional. Before an employee returns to duty performing a safety-sensitive function, the employee must undergo a return-to-duty alcohol test, with a result indicating alcohol concentration of less than 0.02.

2.7.2 Consequences of Use of Drugs. An employee who has verified positive drug test result must be immediately removed from safety-sensitive functions. The employee who has a verified positive drug test result shall not be allowed to perform safety-sensitive functions until the employee has been evaluated by a substance abuse professional. Before an employee returns to duty performing a safety-sensitive function, the employee must undergo a return-to-duty substance test with a verified negative result.

An employee who has an initial verified positive drug test result will be subject to disciplinary action up to, and including, termination of employment.

Failure of an employee to follow counseling and/or rehabilitation program as determined by the substance abuse professional will be subject to the disciplinary provisions of this policy.

Any subsequent verified positive drug test will result in disciplinary action up to, and including, termination of employment.

2.7.3 Refusal to Submit to a Required Alcohol or Drug Test (as defined in Section 2.5). Refusal or failure to submit to a required alcohol or drug test constitutes a failed test resulting in immediate removal from safety-sensitive duty and appropriate disciplinary action, as prescribed in Sections 2.7.1 and 2.7.2. The employee may not return to safety-sensitive duty until he/she has undergone return-to-duty testing with verified negative results. The employee shall be subject to the provisions for follow-up testing as defined in Section 2.4.6.

2.8 Training for Supervisors. Cattaraugus County shall ensure that all supervisors and other persons designated to determine whether reasonable suspicion exists to require an employee to undergo testing must receive a minimum of sixty (60) minutes of training on alcohol misuse and a minimum of sixty (60) minutes of training on controlled substance use. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

The training shall include an overview of the program requirements, disciplinary procedures, confrontation and documentation procedures, and rehabilitation and treatment options which are available through videos and written material provided by the firm currently under contract with Cattaraugus County handling the entire Drug and Alcohol Testing Program.

2.9 Training for Safety-Sensitive Employees. Cattaraugus County shall ensure that all employees performing job functions deemed safety-sensitive shall be trained for a minimum of sixty (60) minutes on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, as well as the manifestations and behavioral signs that may indicate prohibited use, as per the training materials (video and written) provided by the testing program firm.

2.10 Supervisory Responsibilities. It is the policy of Cattaraugus County that:

2.10.1 Supervisors are responsible for determining through the direct observation whether an employee is capable of performing his/her assigned duties. Determinations shall be based on specific, contemporaneous, articulable, reliable observations concerning the appearance, behavior, speech, or body odor of the employee.

2.10.2 Employees who are suspected of being unfit for duty as a result of alcohol or drug use shall be required to undergo reasonable suspicion drug and/or alcohol testing in accordance with FHWA rule and this policy. Supervisors should immediately bring their observations to the attention of their managers in order that arrangements for testing can be implemented as soon as practicable.

2.10.3 Incidents and behavior described in Section 2.10.1 should be witnessed and documented immediately. The supervisor's manager should be consulted and advised of the

incident. An employee who is impaired should not be allowed to drive home from the work place. The supervisor should arrange to send the unfit employee home with a member of the employee's family or friend of the employee or in a taxi at the employee's expense. If all other alternatives are exhausted, a supervisor may allow an employee who is unfit for duty to then be driven home in a County vehicle.

2.10.4 The fact that an unfit employee engaged in prohibited behavior, as defined in Sections 2.3 and 2.7, was not allowed to remain at work or is removed from safety-sensitive duties is not considered a disciplinary suspension. After the employee is removed from safety-sensitive duties or removed from the work place, supervisors and managers should discuss the specifics of the situation with their department human resources/employee relations staff to review appropriate disciplinary action. Each situation will be evaluated on a case-by-case basis.

2.10.5 When an employee displays dangerous, aggressive, or abusive behavior which constitutes a danger to that employee or others and the employee resists voluntarily leaving the work place, clearance to suspend under the disciplinary procedures as outlined in the Cattaraugus County Personal Threat Policy (Act No. 161-95) should be sought through appropriate channels. In cases where the employee does not comply with disciplinary suspension or due to the time of day, disciplinary suspension approval could not be obtained and the employee continues to display aggressive and/or abusive behavior which constitutes a danger in the work place, the supervisor may have to contact local law enforcement authorities to remove the employee from the work place.

Law enforcement intervention should only be taken if it is believed an immediate danger to persons or property exists and the other measures described above were unsuccessful in controlling the situation.

2.11 Management Responsibilities. It is the policy of Cattaraugus County that:

2.11.1 A drug and alcohol free work place shall be maintained through the efforts and personal example of management.

2.11.2 Subordinate managers and supervisors who fail to perform their duties and responsibilities as outlined in this policy will be subject to disciplinary action up to, and including, termination of employment.

2.11.3 Managers and supervisors are encouraged to discuss with employees any behavior or job performance factors that may indicate the use of drugs, alcohol, or other violations or this policy and to suggest, when appropriate, that employees seek assistance through the program benefit(s) offered under their own specific choice of the health insurance plans.

2.11.4 Effective January 1, 1995, managers shall direct employees in designated safety-sensitive positions to comply with the provisions for pre-employment, reasonable suspicion, random, post-accident, return-to-duty, and follow-up testing in accordance with the FHWA rules.

2.11.5 Supervisors who make reasonable suspicion determinations must receive training on the physical, behavioral, and performance indicators of probable drug use and alcohol misuse. Supervisors shall be instructed on the principle of the "reasonable prudent individual" in reasonable suspicion decisions.

Adopted January 3, 2018 by voice vote.

**ACT NO. 42-2018** by Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
TOTAL SENIOR CARE, INC. FOR SKILLED NURSING FACILITY SERVICES  
AND RESCINDING ACT 189-2017  
(Nursing Homes PACE Program)**

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

WHEREAS, Act 360-2013 authorized a contract with Total Senior Care, Inc., 519 North Union Street, Olean, New York 14760, for the provision of skilled nursing facility services under the PACE Program, and

WHEREAS, Total Senior Care, Inc., and the County have agreed to the Medicaid benchmark rate for long-term care for Total Senior Care participants, and

WHEREAS, it is necessary that the County enter into a new contract with Total Senior Care, Inc., to obtain the revised rate, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Total Senior Care, Inc., for the provision of the above-described skilled nursing facility services, for a term to become effective October 1, 2017 to continue in full force and effect until terminated by either party hereto, according to the above-described terms, and be it further

RESOLVED, that Act 189-2017 be, and hereby is, rescinded.

Adopted January 3, 2018 by voice vote. Mr. Padlo abstained from vote.

**ACT NO. 43-2018** by Mrs. Stockman

**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 effective January 1, 2018 with a four-year term to expire December 31, 2021:

Sondra J. Fox  
1620 Gemini Drive  
Olean, New York 14760

Michael H. Prutsman  
3021 NYS Route 417  
Olean, New York 14760

Kevin D. Watkins  
3236 Cranberry Road  
Olean, New York 14760

Robert C. Wood  
5650 Windfall Road  
Kill Buck, New York 14748.

Adopted January 3, 2018 by voice vote.

**ACT NO. 44-2018** by Mrs. Stockman

**APPOINTMENTS TO COMMUNITY SERVICES BOARD  
MENTAL HEALTH SUBCOMMITTEE**

Pursuant to Section 41.11 of the Mental Hygiene Law.

RESOLVED, that the following individuals are appointed to the Community Services Board Mental Health Subcommittee effective January 1, 2018 with a four-year term to expire December 31, 2021:

Sondra J. Fox  
1620 Gemini Drive  
Olean, New York 14760

Leonard Liquori  
512 ½ West State Street  
Olean, New York 14760

Shelly Woods  
740 Gleason Hollow Road  
Portville, New York 14770.

Adopted January 3, 2018 by voice vote.

**ACT NO. 45-2018** by Mrs. Stockman

**APPOINTMENTS TO COMMUNITY SERVICES BOARD  
ALCOHOL & SUBSTANCE ABUSE SUBCOMMITTEE**

Pursuant to Section 41.11 of the Mental Hygiene Law.

RESOLVED, that the following individuals are appointed to the Community Services Board Alcohol and Substance Abuse Subcommittee effective January 1, 2018 with a four-year term to expire December 31, 2021:

Michael H. Prutsman  
3021 NYS Route 417  
Olean, New York 14760

Kevin D. Watkins  
3236 Cranberry Road  
Olean, New York 14760.

Adopted January 3, 2018 by voice vote.

**ACT NO. 46-2018** by Mrs. Stockman

**APPOINTMENTS TO COMMUNITY SERVICES BOARD  
PEOPLE WITH DEVELOPMENTAL DISABILITIES SUBCOMMITTEE**

Pursuant to Section 41.11 of the Mental Hygiene Law.

RESOLVED, that the following individuals are appointed to the Community Services Board People with Developmental Disabilities Subcommittee effective January 1, 2018 with a four-year term to expire December 31, 2021:

Linda D. Edstrom  
408 Laurens Street  
Olean, New York 14760

Daniel Gayton  
The Rehabilitation Center  
3799 South Nine Mile Road  
Allegany, New York 14706.

Adopted January 3, 2018 by voice vote.

**ACT NO. 47-2018** by Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH US IMAGING, INC. FOR  
IMAGING SERVICES FOR COUNTY CLERK RECORDS**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Clerk's Office is in need of imaging services to scan Deed books into an electronic database, and

WHEREAS, US Imaging, Inc., 400 S. Franklin Street, Saginaw, Michigan 48607, can provide the aforementioned imaging services for an amount of \$25,326.20, to be paid as invoiced, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with US Imaging, Inc., for the provision of the above-described imaging services, for a term commencing January 1, 2018 and terminating June 30, 2018, according to the above-described terms.

Adopted January 3, 2018 by voice vote.

**MOTION TO ADJOURN IN MEMORY OF  
DANIEL M. MCVAUGH**

WHEREAS, Daniel M. McVaugh, 48, of Leon, passed away on December 12, 2017 at home, and

WHEREAS, Mr. McVaugh was employed with Cattaraugus County as an Emergency Services Dispatcher in the Sheriff's Office since December 22, 1997, and

WHEREAS, he was a member of the Immanuel Lutheran Church in Otto and was a past member of the Leon Volunteer Fire Department and the Cattaraugus Ambulance Service, and

WHEREAS, Mr. McVaugh is survived by his parents Calvin and Judith of Cattaraugus; two brothers – Timothy of Cattaraugus and Jonathan of Cassadaga; two sisters – Deborah Momeyer of Salamanca and Joan Myers of Jamestown; several nieces and nephews; and his best friend, his dog Neo, and

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

MOVE, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of Daniel M. McVaugh, 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 Daniel M. McVaugh, 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 parents.

**MOTION TO ADJOURN IN MEMORY OF  
MICHAEL A. PHILLIPS AND DONNA L. PHILLIPS**

WHEREAS, Michael A. Phillips, 73, of Salamanca, passed away on December 15, 2017 as the result of a pedestrian/motor vehicle accident, and

WHEREAS, Donna L. Phillips, 69, of Salamanca, passed away in the same tragic accident, and

WHEREAS, Mr. Phillips served as Salamanca Town Supervisor since January 1, 2010, and Mrs. Phillips was elected as Town Clerk in November and had previously served as Deputy Town Supervisor, and

WHEREAS, Mr. Phillips was a retired science teacher, educating students in the Allegany-Limestone Central School District for over 40 years, and Mrs. Phillips retired after 40 years as an administrative assistant at Prospect Elementary School in Salamanca, and

WHEREAS, both Mr. and Mrs. Phillips served as Eucharistic ministers at Our Lady of Peace Parish in Salamanca, and

WHEREAS, Mr. and Mrs. Phillips will be remembered as dedicated public servants, contributing significantly to their community, and

WHEREAS, Mr. and Mrs. Phillips are survived by their son, Andy of Great Valley, four grandchildren, and six great-grandchildren, and

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

MOVE, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of Michael A. Phillips and Donna L. Phillips 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 Michael A. Phillips and Donna L. Phillips, 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 their son.

\* \* \* \* \*

MR. GIARDINI moved, seconded by Mr. Breton to adjourn until January 24, 2018 at 4:00 p.m. Carried.

Meeting adjourned at 4:58 p.m.

Ann M. Giglio  
Journal Clerk