

April 25, 2018

The meeting was called to order by Chairman Snyder.

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed one Legislator absent – Klancer.

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CHAIRMAN SNYDER noted that the minutes of the April 11, 2018 session stand approved as presented.

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COMMUNICATIONS:

Essex County Board of Supervisors: Resolution No. 91 entitled, "Resolution Calling on the Office of Alcoholism and Substance Abuse Services and the Governor of the State of New York to Provide State Funding to Support the Treatment and Transition Services to Individuals with Substance Use Disorders (SUD) who are Incarcerated in County Jails".

Seneca Nation Council: Letter to Chairman Snyder thanking the Legislature for support of opposition to proposed fracking wastewater treatment facility in Coudersport area. The Coudersport Area Municipal Authority voted unanimously to terminate permit applications. (letter read in its entirety)

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APPOINTMENTS:

YOUTH BUREAU BOARD OF DIRECTORS

Indefinite Terms

James Daley
681 Lakeview Terrace
Olean, New York 14760

Emma Fiske
29 Grove Place
Salamanca, New York 14779

Jordan Ray
75 Hancock Street
Salamanca, New York 14779

Anthony Smith
8842 Deer Creek Road
Portville, New York 14770

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PROCLAMATION:

CHAIRMAN SNYDER proclaimed May 2018 as **Older Americans Month** in Cattaraugus County. Chairman Snyder presented the proclamation to Cathy Mackay, Director of the Department of Aging.

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PRIVILEGE OF THE FLOOR:

CHAIRMAN SNYDER granted Privilege of the Floor to Kate Ebersole from Healthy Livable Communities Consortium (HLCC) who spoke about the Consortium, its efforts to date, and the positive impact on Cattaraugus County.

CHAIRMAN SNYDER granted Privilege of the Floor to Joseph G. Keller, County Treasurer, who presented his 2017 Year-End Report.

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ACT NO. 204-2018 by Mr. Giardini and Mr. Helmich

**BID ACCEPTANCE FOR MARKHAMS AND ALLEGANY HIGHWAY BARN
ROOF REPLACEMENT PROJECTS
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and
Sections 215, 363 and 366 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the replacement of roofs on the Markhams and Allegany Highway Barns, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications for the aforementioned roof replacement projects was the bid of Action Roofing, Inc., 10267 Crump Road, Glenwood, New York 14069, in the amount of \$90,200.00, which includes Unit Price #1 – replacement of wet roof insulation for an amount of \$2.90/SF, to be paid as invoiced, and

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

RESOLVED, that the bid of Action Roofing, Inc., be, and the same hereby is, accepted, for a term commencing within ten (10) days of the effective date of the contract and terminating on or before September 30, 2018, and be it further

RESOLVED, that vouchers submitted in accordance with the provisions of the General Municipal Law §106-b and certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Six sets of specifications were sent out.

Five bids were received that met specifications.

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

Adopted April 25, 2018 by voice vote.

ACT NO. 205-2018 by Mr. Giardini, Mr. Helmich and Ms. Vickman
and Mr. Breton¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
WENDEL WD ARCHITECTURE, ENGINEERING, SURVEYING &
LANDSCAPE ARCHITECTURE, P.C. FOR CONDITIONS ASSESSMENT FOR THE
PINES HEALTHCARE AND REHABILITATION CENTER-MACHIAS CAMPUS AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Nursing Homes)**

Pursuant to Sections 215, 363, 366 and 450 of the County Law.

WHEREAS, an assessment of The Pines Healthcare and Rehabilitation Center-Machias Campus is needed in order to identify necessary future improvements to the facility, and

WHEREAS, Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C., Centerpointe Corporate Park, 375 Essjay Road, Suite 200, Williamsville, New York 14221, can provide a conditions assessment for The Pines Healthcare and Rehabilitation Center-Machias Campus, for a total amount of \$21,700.00, which includes reimbursable expenses, and

WHEREAS, various appropriation accounts must be adjusted in order 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 Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C., for the provision of the above-described services, for a term commencing April 13, 2018 and terminating December 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:

Decrease Appropriation Account:

El.453.4530.1160.20002	Capital Expenditures; Building Improvements	\$50,000.00
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Increase Appropriation Account:

El.453.4530.1223.20002	Building Envelope/Boiler System	\$50,000.00.
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Approved by 7 members of the Finance Committee, 6 members of the Public Works Committee and 7 members of the Human Services Committee.

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

Adopted April 25, 2018 by voice vote.

ACT NO. 206-2018 by Mr. Giardini and Mr. Helmich
and Mr. Boberg¹

ESTABLISHING RESERVE ACCOUNT FOR REFORESTATION

Pursuant to Section 6-c of the General Municipal Law.

WHEREAS, a reserve account should be established for reforestation activities, now, therefore, be it

RESOLVED, that the County Administrator is hereby directed to establish the following reserve account: A.891.0000 Reforestation Reserve, and be it further

RESOLVED, that the County Administrator is hereby directed to modify the Reforestation Reserve balance at the end of each fiscal year by the difference between revenues and expenditures in the reforestation accounts beginning with A.873.8730 in the County financial system unless doing so would create a negative balance in the reserve.

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

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

Adopted April 25, 2018 by voice vote.

ACT NO. 207-2018 by Ms. Vickman and Mr. Snyder, Jr.

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

Pursuant to Section 450 of the County Law.

WHEREAS, Act 334-2016, as amended by Act 580-2017, authorized a contract with Westcom Solutions, Inc., d/b/a PointClickCare, 5570 Explorer Drive, Mississauga, Ontario Canada L4W 0C4, for the provision of a cloud-based electronic medical records system for the The Pines Healthcare and Rehabilitation Centers-Olean and Machias Campuses, and

WHEREAS, Westcom Solutions, Inc., d/b/a PointClickCare, has increased the monthly subscription fee by 3% effective July 1, 2018, and

WHEREAS, a contract amendment is necessary to cover the aforementioned 3% increase in the monthly subscription fee, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned subscription, 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 Westcom Solutions, Inc., d/b/a PointClickCare, for the provision of the above-described services, for a term to commence July 1, 2018 and shall terminate to coincide with the five (5) year term of the original contract dated July 27, 2016, according to the above-described terms.

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

Adopted April 25, 2018 by voice vote.

ACT NO. 208-2018 by Ms. Vickman and Mr. Snyder, Jr.
and Ms. Hastings¹

**BID ACCEPTANCE FOR MOSQUITO SPRAYING
(Health Department)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for aerial application and insect control, according to specifications provided by the Cattaraugus County Health Department, and

WHEREAS, the only bid received was Duflo Spray-Chemical, Inc., 8369 State Route 812, Lowville, New York 13367, as follows:

Applications - Applied Rates

Teknar HP-D & Zoecon Altosid Mixture

1st larvicide application $\$12.78/\text{acre} \times 3,505.71 \text{ acres} = \$44,802.97$

Subsequent larvicide application $\$12.23/\text{acre} \times 3,505.71 \text{ acres} = \$42,874.83$

1st adulticide application

if Scourge is used $\$4.39/\text{acre} \times 10,984 \text{ acres} = \$48,219.76$

Subsequent adulticide $\$4.18/\text{acre} \times 10,984 \text{ acres} = \$45,913.12$

2nd adulticide application

if Anvil 10 + 10 is used $\$4.22/\text{acre} \times 10,984 \text{ acres} = \$46,352.48$

Subsequent adulticide $\$4.12/\text{acre} \times 10,984 \text{ acres} = \$45,254.08,$

and

WHEREAS, the aforementioned services are 100% locally funded, and

WHEREAS, sufficient funds are included in the 2018 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the bid of Duflo Spray-Chemical, Inc. be, and the same hereby is, accepted, for a term commencing May 1, 2018 and terminating December 31, 2018, and be it further

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

No State Bid.

14 sets of specifications were sent out.

Only one bid was received.

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

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

Adopted April 25, 2018 by voice vote.

ACT NO. 209-2018 by Ms. Vickman and Mr. Snyder, Jr.
*and Ms. Hastings*¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ALLEGANY COUNTY FOR HEALTH DEPARTMENT
FAMILY PLANNING SERVICES PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, the Allegany County Health Department is in need of a Family Planning Nurse Practitioner at its Family Planning Clinics, and

WHEREAS, the Cattaraugus County Health Department is able to provide the aforementioned nurse practitioner services for the Allegany County Health Department Family Planning Clinics for an amount of \$56.93 per hour for time spent by the nurse practitioner at the clinic and an amount of \$80.49 per hour for any hours over the regular seven (7) hour day, plus mileage at the current Federal mileage 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 Allegany County for the provision of the above-described Family Planning Nurse Practitioner services, for a term commencing June 1, 2018 and continuing in full force and effect until terminated by either party hereto upon fourteen (14) days written notice, according to the above-described terms.

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

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

Adopted April 25, 2018 by voice vote.

ACT NO. 210-2018 by Ms. Vickman and Mr. Snyder, Jr.

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH
BUREAU OF EARLY INTERVENTION FOR SERVICE COORDINATION**

Pursuant to Public Health Law Section 2550 and Section 450 of the County Law.

WHEREAS, pursuant to Public Health Law Section 2550, the New York State Department of Health (NYSDOH) is the lead agency responsible for the administration of the Early Intervention Program (EIP) in New York State, and

WHEREAS, Act 132-2013 authorized a contract with the NYSDOH Bureau of Early Intervention setting forth the terms and conditions for participation in the EIP and establishing the obligations, expectations and relationship between the NYSDOH and the County as the EIP provider for initial and on-going service coordination, the term of which expired March 31, 2018, and

WHEREAS, it is necessary to renew the aforementioned contract for another five (5) year term, and

WHEREAS, the County employs individuals who are trained as service coordinators and can provide this service for the County, and

WHEREAS, the County Health Department shall be responsible for ensuring that its employees and individual and agency EIP providers comply with the provisions of applicable law and regulations when delivering evaluations or services which have been approved by the NYSDOH, and

WHEREAS, the NYSDOH shall pay to the County Health Department, for the provision of the aforementioned service coordination, an amount established by New York State, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the New York State Department of Health Bureau of Early Intervention, for the provision of the above-described services, for a term commencing April 1, 2018 and terminating March 31, 2023, according to the above-described terms.

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

Adopted April 25, 2018 by voice vote.

ACT NO. 211-2018 by Ms. Vickman and Mr. Snyder, Jr.
and Ms. Hastings¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ALLEGANY COUNTY FOR HEALTH DEPARTMENT
CANCER SERVICES PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 408-2014 authorized a contract with the Allegany County Health Department for the provision of medical services, including cancer screening services, by the Cattaraugus County Health Department, the term of which expired March 31, 2018, and

WHEREAS, the parties are desirous of continuing the aforementioned program through September 30, 2018, and

WHEREAS, the Cattaraugus County Health Department is able to provide the aforementioned medical services, including colposcopy, colposcopy-directed biopsy and pathology, in accordance with the NYS maximum allowable reimbursement rates, for the Allegany County Health Department, and

WHEREAS, this program is 100% State funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Allegany County for the provision of the above-described services, for a term commencing April 1, 2018 and terminating September 30, 2018, according to the above-described terms, and be it further

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

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

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

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

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

Adopted April 25, 2018 by voice vote.

ACT NO. 212-2018 by Ms. Vickman and Mr. Snyder, Jr.
and Ms. Hastings¹

**AUTHORIZING THE CHAIR TO EXECUTE AGREEMENT WITH
P² COLLABORATIVE OF WNY FOR PARTICIPATION IN
AGING MASTERY PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Department of the Aging is desirous of participating in the Aging Mastery Program, which is an evidence-based intervention developed by the National Council on Aging, which addresses several ways to mitigate triggers of decline in older adults and promote healthy aging, including exercise, sleep, healthy eating and hydration, and

WHEREAS, P² Collaborative of WNY, d/b/a Population Health Collaborative, 355 Harlem Road, Building C, 2nd Floor, West Seneca, New York 14224, will provide implementation support for the Program, including fiscal management of the project, and funding to the County up to \$30,000.00, and

WHEREAS, the County Department of the Aging will be the implementing agency in Cattaraugus County and will use the aforementioned funding to establish and offer the Program in Cattaraugus County through a community-based organization, and

WHEREAS, funding is provided through the Aging Mastery Program, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an agreement, on behalf of Cattaraugus County, with P² Collaborative of WNY, for participation in the Aging Mastery Program, for a term commencing May 15, 2018 and terminating May 15, 2020, according to the above-described terms, and be it further

RESOLVED, that upon termination of the aforementioned funding for this program, then this program shall be automatically abolished, and be it further

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

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

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

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

Adopted April 25, 2018 by voice vote.

ACT NO. 213-2018 by Ms. Vickman and Mr. Snyder, Jr.
*and Ms. Hastings and Mrs. Labuhn*¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COMMUNITY ACTION, INC. FOR ASSISTANCE WITH
FOOD FOR THOUGHT CULINARY ARTS EMPLOYMENT TRAINING PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 200-2017 authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, for the Food for Thought Culinary Arts Employment Training Program, which is an initiative that focuses on job training, job skills development, job placement and retention, and financial and civic literacy, the term of which expires May 31, 2018, and

WHEREAS, the Program is operated by Cattaraugus Community Action, Inc. and is 100% funded through the New York State Department of State's Community Services Block Grant discretionary funding program (CFDA #93.558), and

WHEREAS, Cattaraugus Community Action, Inc., is requesting an amount not to exceed \$25,000.00, to be paid as tuition for up to 18 participants at the rate of \$2,700.00 per student for a 15 week cycle which includes ServSafe Certificate, Work Readiness Credential, Financial Literacy Certificate, and the Culinary Arts Certificate, and

WHEREAS, in the event a student drops out within the first four (4) weeks of class (20 classes), consideration will be as follows:

1 to 10 days – charge of \$36.00 per day (up to 10 days)

11 to 20 days – charge of \$1,200 for tuition per student,

and

WHEREAS, the County is desirous of contributing an amount not to exceed \$25,000.00 to support the aforementioned program, which shall be made in monthly installments, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Cattaraugus Community Action, Inc., in order to contribute an amount not to exceed \$25,000.00 towards the cost of the Food for Thought Culinary Arts Employment Training Program, as stated above, for a term commencing June 1, 2018 and terminating May 31, 2019, according to the above-described terms.

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

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

Adopted April 25, 2018 by voice vote.

ACT NO. 214-2018 by Ms. Vickman and Mr. Snyder, Jr.

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS-ALLEGANY WORKFORCE DEVELOPMENT BOARD FOR
WIOA CAREER SERVICES**

Pursuant to P.L. 105-220, Workforce Investment Act of 1998,
20 USC 9201 and Section 450 of the County Law.

WHEREAS, Act 510-2015 authorized a contract with the Cattaraugus-Allegany Workforce Development Board, Inc., One Blue Bird Square, Lower Level, Olean, New York 14760, (CAWDB), for the operation of the WIOA One-Stop Career Services program, the term of which expired June 30, 2016, and

WHEREAS, the County Department of Social Services is desirous of continuing the One Stop Operator Career Services program, and

WHEREAS, the CAWDB will pay the County for the administration of the above-described program the sum of \$267,882.00 for the program year July 1, 2017 through June 30, 2018, to be paid on a monthly basis, as invoiced, and as follows:

Adult	\$133,280.00
Dislocated Worker	\$129,012.00
Administration	\$ 5,590.00,

and

WHEREAS, this program is 100% federally funded (CFDA #17.250), 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-Allegany Workforce Development Board, Inc., for the provision of the above-described services, for a term commencing July 1, 2017 and terminating June 30, 2018, according to the above-described terms, and be it further

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

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

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

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

Adopted April 25, 2018 by voice vote. Mr. Padlo abstained from vote.

ACT NO. 215-2018 by Ms. Vickman, Mr. Breton and Ms. Hastings
and Mr. Neal¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH ERIE 1 BOCES TECHNOLOGY SERVICES
FOR CLEARTRACK COUNTY MEDICAID MODULE**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 182-2017 authorized a contract with Erie 1 BOCES Technology Services, 355 Harlem Road, West Seneca, New York 14224, for the access to the ClearTrack County Medicaid Module for the Special Needs Pre-K Program for the 2017-2018 school year, the term of which expires June 30, 2018, and

WHEREAS, Erie 1 BOCES can provide access to the ClearTrack County Medicaid Module, for an amount not to exceed \$4,810.59 for the 2018-2019 school year, to be paid as invoiced, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned module, 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 Erie 1 BOCES Technology Services for the provision of the above-described services, for a term commencing July 1, 2018 and terminating June 30, 2019, according to the above-described terms.

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

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

Adopted April 25, 2018 by voice vote.

ACT NO. 216-2018 by Ms. Vickman, Mr. Breton and Ms. Hastings
and Mr. Neal¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
VARIOUS HANDICAPPED EDUCATION PROVIDERS FOR
YOUTH BUREAU CHILDREN WITH SPECIAL NEEDS PROGRAM**

Pursuant to Section 236 of the Family Court Act and
Section 450 of the County Law.

WHEREAS, Act 181-2017 authorized contracts with various handicapped education providers for the provision of educational and evaluation services for various County preschool-aged children with special needs, the terms of which expire June 30, 2018, and

WHEREAS, the Family Court Act mandates that the County provide payment for the educational and evaluation services which are approved by the Court, and

WHEREAS, contracts are necessary with education providers, related-service providers, and evaluators which are accredited by the New York State Education Department, and

WHEREAS, payments to the education providers, related-service providers, and evaluators will be in accordance with the budgetary tuition rate approved by the County and/or the State, and

WHEREAS, these services are 59.5% State funded and 40.5% County funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with various education providers, related-service providers, and evaluators for the provision of the above-described services, for a term commencing July 1, 2018 and terminating June 30, 2019, according to the above-described terms, and be it further

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

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

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

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

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

Adopted April 25, 2018 by voice vote.

ACT NO. 217-2018 by Ms. Vickman, Mr. Breton and Ms. Hastings
and Mr. Neal¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
LEAGUE FOR THE HANDICAPPED FOR
PEDIATRIC SKILLED NURSING SERVICES**

Pursuant to 450 of the County Law.

WHEREAS, Act 330-2017 authorized a contract with the League for the Handicapped, 393 North Street, Springville, New York 14141, for the provision of pediatric skilled nursing services for one preschool child during transport to and from school in the Gowanda Central School District, the term of which expires June 30, 2018, and

WHEREAS, the Youth Bureau is desirous of renewing the aforementioned contract, and

WHEREAS, the League for the Handicapped has personnel who can provide the aforementioned services for an amount of \$45 per one way trip on an as-needed basis, as requested by the Youth Bureau, and

WHEREAS, the League for the Handicapped shall also provide periodic medical evaluations/reviews to determine whether the pediatric skilled nursing services are still necessary during transport to and from school in the Gowanda Central School District, 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 the League for the Handicapped, for the provision of the above-described services, for a term commencing July 1, 2018 and terminating June 30, 2019, according to the above-described terms, and be it further

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

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

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

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

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

Adopted April 25, 2018 by voice vote.

ACT NO. 218-2018 by Mr. VanRensselaer and Mr. Neal

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

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

WHEREAS, Cattaraugus County has tax title to certain properties located at 112 Main Street and 114 Main Street in the Town of Randolph, known as Tax Map Numbers 70.072-1-11 and 70.072-1-12.1, and

WHEREAS, the Town of Randolph has invested over \$142,000.00 in the emergency demolition and clean-up of the buildings which were previously situated on the aforementioned properties and has requested that the County transfer title to both properties to the Town, and

WHEREAS, it is in the County's best interest to convey the subject properties to the Town for consideration in the amount of \$1.00, now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized to convey the aforementioned parcels know as Tax Map Numbers 70.072-1-11 and 70-072-1-12.1 to the Town of Randolph, and be it further

RESOLVED, that the County Treasurer is hereby directed to waive all delinquent taxes, penalties and interest due to the County upon conveyance of the properties to the Town of Randolph 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.

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

Adopted April 25, 2018 by voice vote.

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MR. PADLO, moved, seconded by Mr. Snyder, Jr., to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 219-2018 through Act No. 225-2018, inclusive. Carried.

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ACT NO. 219-2018 by Mr. Snyder, Sr.
who asks immediate consideration

**REQUESTING NEW YORK STATE LEGISLATURE ENACT
SENATE BILL S.8018 AND ASSEMBLY BILL A.10194 REGARDING
EXTENDED AUTHORIZATION OF 25 CENT MORTGAGE RECORDING TAX**

Pursuant to Section 40 of the Municipal Home Rule Law.

WHEREAS, the New York State Legislature has authorized most counties in New York State to charge a 25 cent per \$100 mortgage recording tax, and

WHEREAS, Senate Bill S.8018 and Assembly Bill A.10194 have been introduced in the New York State Legislature, which authorize the Cattaraugus County Legislature to extend a 25 cent per \$100 mortgage recording tax for Cattaraugus County, for a term ending December 1, 2021, and

WHEREAS, a necessity exists for the passage of such legislation by the New York State Legislature, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby requests the New York State Legislature hereby enact Senate Bill S.8018 and Assembly Bill A.10194, which authorizes the Cattaraugus County Legislature to extend an additional 25 cent per \$100 mortgage recording tax, in accordance with the above-described terms, and be it further

RESOLVED, that the County Attorney be, and hereby is, authorized and directed to submit one or more Home Rule Requests to the New York State Legislature pursuant hereto, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Senator Young, Assembly Member Giglio, and the New York State Department of Taxation and Finance.

Adopted April 25, 2018 by two-thirds majority vote.

ACT NO. 220-2018 by Mr. Giardini and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO EXECUTE
RIGHT-OF-ENTRY LICENSE AGREEMENT WITH
ROCHESTER & SOUTHERN RAILROAD, INC. FOR FREEDOM BRIDGE NO .8
REHABILITATION PROJECT DETOUR**

Pursuant to Section 119-o of the General Municipal Law,
Section 102(9) of the Highway Law and Section 450 of the County Law.

WHEREAS, the County is desirous of utilizing an old railroad right-of-way in the Town of Freedom as a temporary access detour while Freedom Bridge No. 8 is closed for repairs, and

WHEREAS, the Rochester & Southern Railroad, Inc., has agreed to allow the County to utilize the aforementioned railroad right-of-way as a detour during the aforementioned bridge repair project for an amount of \$1,500.00, and

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

RESOLVED, that the Commissioner of Public Works be, and hereby is, authorized and directed to execute a temporary Right-of-Entry License Agreement, on behalf of Cattaraugus County, with the Rochester & Southern Railroad, Inc., for use of the aforementioned railroad right-of-way as a detour, for a term which shall commence April 25, 2018 and terminate upon completion of the work or at midnight sixty (60) calendar days following the effective date, according to the above-described terms.

Adopted April 25, 2018 by voice vote.

ACT NO. 221-2018 by Mr. Boberg, Mr. Breton, Mr. Burr, Mr. Hale, Mr. Helmich, Mr. Higgins, Mr. Klancer, Mr. Neal, Mr. Snyder, Jr., Mr. Snyder, Sr., Mr. VanRensselaer, Ms. Vickman, Mr. Giardini, Ms. Hastings, Mr. Koch, Mrs. Labuhn and Mr. Padlo who ask immediate consideration

**LOCAL LAW NUMBER 5 - 2018
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Article 1 of the Municipal Home Rule Law and Section 400 of the County Law.

**A LOCAL LAW AMENDING LOCAL LAW NUMBER 1-1985 PROVIDING
FOR THE CREATION OF A CATTARAUGUS COUNTY PUBLIC WORKS DEPARTMENT AND
THE OFFICE OF CATTARAUGUS COUNTY COMMISSIONER OF PUBLIC WORKS**

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

SECTION 1. Legislative Intent. It is the intent of this local law to empower the Commissioner of Public Works with the authority to appoint and remove at his/her discretion one secretary to the Commissioner of Public Works.

SECTION 2. Amendment of Local Law Number 1-1985. Local Law No. 1-1985 entitled "A Local Law Providing for the Creation of a Cattaraugus County Public Works Department and the Office of Cattaraugus County Commissioner of Public Works", adopted by the Cattaraugus County Legislature on January 23, 1985, is hereby amended by adding a new paragraph under Section IV. Powers and Duties, as follows:

"15. Have authority to appoint and remove at his/her discretion one secretary to the Commissioner of Public Works, which shall be in the exempt class of Civil Service."

SECTION 3. Severability. If any provision of this local law or the application thereof to any person or circumstance be held unconstitutional or invalid in whole or in part by any court, such holding of unconstitutionality or invalidity shall in no way affect or impair any other provision of this local law, or the application of any such provision to any other person or circumstance.

SECTION 4. Effective Date. This local law shall take effect immediately.

No further action taken at this time.

ACT NO. 222-2018 by Mr. Boberg, Mr. Breton, Mr. Burr, Mr. Hale, Mr. Helmich, Mr. Higgins, Mr. Klancer, Mr. Neal, Mr. Snyder, Jr., Mr. Snyder, Sr., Mr. VanRensselaer, Ms. Vickman, Mr. Giardini, Ms. Hastings, Mr. Koch, Mrs. Labuhn and Mr. Padlo who ask immediate consideration

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 5 - 2018

Pursuant to Section 10 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on April 25, 2018, a proposed Local Law entitled, "A Local Law Amending Local Law 1-1985 Providing for the Creation of a Cattaraugus County Public Works Department and the Office of Cattaraugus County Commissioner of Public Works", and

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

RESOLVED, that a public hearing shall be held on the proposed local law by this County Legislature on the 9th day of May, 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 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 April 25, 2018 by voice vote.

ACT NO. 223-2018 by Mr. Giardini and Mr. Helmich who ask immediate consideration

AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH LAKESHORE EMPLOYEE TESTING SERVICES, INC. FOR CATTARAUGUS COUNTY DRUG AND ALCOHOL TESTING PROGRAM FOR COMMERCIAL MOTOR VEHICLE DRIVERS

Pursuant to Section 450 of the County Law.

WHEREAS, Act 325-2017 authorized a contract with Occupational Health Services, PLLC, for the provision of drug and alcohol testing services for commercial motor vehicle drivers, and

WHEREAS, Occupational Health Services, PLLC, is no longer able to provide the aforementioned services, and

WHEREAS, Lakeshore Employee Testing Services, Inc., 202 East Main Street, Fredonia, New York 14063, can provide drug and alcohol testing services for commercial motor vehicle drivers for the Department of Public Works and also the towns and villages of Cattaraugus County, in accordance with the following fee schedule:

Random Program Testing:

\$57.00 per random drug test (25% of employees)

\$30.00 per random breath alcohol test (10% of employees)

Pre-Employment, Post-Accident, Reasonable Causes, Follow-Up and Return to Duty Testing:

\$57.00 *Urine Drug Screening

N/C Direct Observed Specimen (if done at our office)

\$30.00	Direct Observed Specimen (done elsewhere)
\$200.00	Per Positive Confirmatory Test (Sent to a Different Lab)
\$35.00	*Breath Alcohol Testing
	*Collection Fee for collections performed at a collection site not utilized by Lakeshore Employee Testing Services

All Testing, excluding Random Program, will be charged an hourly rate for "At Your Site" services:

\$50.00	Per Hour from 8:00 a.m. – 4:00 p.m.
\$.55	Per mile round trip from Fredonia Office or Collector's Home
\$100.00	Emergency call out (includes 1 st hour) after hours, weekends, and holidays

Training:

\$60.00	Supervisor's Reasonable Cause Training Video
\$10.00	Certificates for Training

*No administration fee is charged, contract price includes random pull, lab statistical reports, quarterly, and year-end reports and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Lakeshore Employee Testing Services, Inc., for the provision of the above-described services, for a term commencing May 17, 2018 and terminating May 16, 2019, according to the above-described terms.

Adopted April 25, 2018 by voice vote.

ACT NO. 224-2018 by Mr. VanRensselaer and Mr. Koch
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
APPALACHIAN REGIONAL COMMISSION FOR
DEPARTMENT OF ECONOMIC DEVELOPMENT, PLANNING AND TOURISM
CULTURAL INITIATIVE FUNDING 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, the County Department of Economic Development, Planning and Tourism is desirous of implementing a Cultural Development Initiative that will integrate the preservation and promotion of the County's arts, cultural and heritage assets; maximize the opportunities for communities to tell their stories and promote their cultural heritage; and capitalize the economic benefits of cultural-oriented tourism activity, and

WHEREAS, the County will develop a cultural initiative that will enhance the assets within our communities and implement the Arts, Culture and Heritage plan, and

WHEREAS, it is anticipated that the total cost of the project will be approximately \$50,000.00, and

WHEREAS, funding in the amount of \$25,000.00 is available through the Appalachian Regional Commission to offset the cost of the aforementioned Cultural Development Initiative, and

WHEREAS, it is necessary to apply to the Appalachian Regional Commission for the aforementioned funding, and

WHEREAS, in the event the County is awarded a \$25,000.00 grant from Appalachian Regional Commission, a \$15,000.00 County match and a \$10,000.00 in-kind match would be required, 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 grant documents, on behalf of Cattaraugus County, in order to apply for, and accept, the above-described funding, with a cash match not to exceed \$15,000.00 and an in-kind match of \$10,000, to the Appalachian Regional Commission, 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.642.6420.6414.4989.05	Cultural Development Initiative ARC Grant	\$25,000.00
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Increase Appropriation Accounts:

A.642.6420.6414.44204	Room Rental	\$ 500.00
A.642.6420.6414.48001	Advertising	\$24,500.00.

Adopted April 25, 2018 by voice vote.

ACT NO. 225-2018 by Ms. Vickman
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COMMUNITY ACTION, INC. FOR
DEPARTMENT OF SOCIAL SERVICES TRUANCY PREVENTION PROGRAM**

Pursuant to Public Law 104-193 and Section 450 of the County Law.

WHEREAS, Act 428-2016 authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, for the implementation of a truancy prevention program in Cattaraugus County, in an attempt to reduce the percentage of poor attendance and chronic absenteeism in area school districts, the term of which expired September 30, 2017, and

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

WHEREAS, Cattaraugus Community Action, Inc., has agreed to provide a truancy prevention program in Cattaraugus County for an amount not to exceed \$136,842.00, to be paid on a monthly basis for services provided during the preceding month, as invoiced, and

WHEREAS, this program is 62% state funded and 38% county funded, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Cattaraugus Community Action, Inc., for the provision of the above-described services, for a term commencing October 1, 2017 and terminating September 30, 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 April 25, 2018 by voice vote.

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MR. BRETON moved, seconded by Mr. Burr, to adjourn until May 9, 2018 at 4:00 p.m. Carried.

Meeting adjourned at 4:45 p.m.

Ann M. Giglio
Journal Clerk