

July 25, 2018

The meeting was called to order by Chairman Snyder.

The invocation was given by Legislator Helmich.

The Attendance Roll Call disclosed one Legislator absent - Klancer.

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CHAIRMAN SNYDER noted that the minutes of the June 27, 2018 session stand approved as presented.

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APPOINTMENTS:

CATTARAUGUS-ALLEGANY WORKFORCE DEVELOPMENT BOARD

Ron Konka, Jr., Manager
Armor Building Supply
1702 Constitution Avenue
Olean, New York 14760,
to fill the remainder of Joe Hart's term through December 31, 2019.

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PRIVILEGE OF THE FLOOR:

Chairman Snyder granted Privilege of the Floor to Mike McCarthy of McCarthy & Conlon who provided a presentation of the 2017 Nursing Home Audit.

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ACT NO. 313-2018 by Mr. Giardini and Mr. Helmich

**BID ACCEPTANCE FOR PURCHASE OF NATURAL GAS
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and
Sections 408 and 408-a of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the purchase of natural gas for the County Center building, the DPW Facility in Little Valley, and The Pines Healthcare and Rehabilitation Center in Machias, according to specifications provided by the Public Works Committee, and

WHEREAS, Energy Enterprises, Inc., energy consultant for the County, has reviewed the bids submitted as well as the performance history of the bidders and has recommended that the County

accept the bid of National Fuel Resources, Inc., P.O. Box 9072, Williamsville, New York 14231, for Method #1 – Firm Index Based Pricing with 2 year Trigger Option (Two Year Commitment), as follows:

Basis Pricing shall be the difference between the monthly NYMEX, Henry Hub settlement price, as reported in the Wall Street Journal and the total price to the LDC. Each month this non-changing basis will be added to the appropriate monthly NYMEX settlement figure or the fixed NYMEX upon fixing.

Basis including shrinkage, upstream transportation, margin, etc. \$+0.0231/Dth

The price can be fixed anytime during the contract term at the current NYMEX + Basis. Notice will be given to the marketer by noon of the day which the price shall be fixed.,

now, therefore, be it

RESOLVED, that the bid of National Fuel Resources, Inc., be, and the same hereby is, accepted for a term commencing September 1, 2018 and terminating August 31, 2020, and be it further

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

No State Bid.

18 sets of specifications were sent out.

3 bids were received meeting specifications.

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

Adopted July 25, 2018 by voice vote.

ACT NO. 314-2018 by Mr. Giardini and Mr. Helmich

**BID ACCEPTANCE FOR 2018 BRIDGE DECK SEALING AND
BRIDGE CLEANING AND WASHING PROGRAM AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law,
Section 131-b of the Highway Law, and Sections 363 and 366 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the 2018 Bridge Deck Sealing and Bridge Cleaning and Washing Program, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications for the provision of the aforementioned Bridge Deck Sealing and Bridge Cleaning and Washing Program was the bid of Hunting Valley Construction, Inc., 825 Rein Road, Cheektowaga, New York 14225, in the amount of \$327,200.00, to be paid periodically on a percentage of completion basis, as invoiced and approved by the Department of Public Works, and

WHEREAS, the 2018 Bridge Deck Sealing and Bridge Cleaning and Washing Program is a federal-aid project and the award of this contract to Hunting Valley is contingent upon the approval of the NYS Department of Transportation, and

WHEREAS, the term of the contract for the aforementioned Bridge Deck Sealing and Bridge Cleaning and Washing Program shall commence within ten (10) days of effective date of contract and shall be completed by September 30, 2018, and

WHEREAS, various appropriation accounts must be adjusted in order to cover the costs of the aforementioned services, now, therefore, be it

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

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

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

Decrease Appropriation Account:		
D.502.5111.5111.41603	Bridge Washing	\$71,000.00
Increase Appropriation Account:		
D.502.5111.5113.41603	Bridge Deck Sealing	\$71,000.00.

No State Bid.
 Four sets of specifications were sent out.
 Three bids were received that meet specifications.

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

Adopted July 25, 2018 by voice vote.

ACT NO. 315-2018 by Mr. Giardini and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
 WITH BERGMANN ASSOCIATES FOR
 ISCHUA 5 DAM SPILLWAY IMPROVEMENTS AND
 ADJUSTING VARIOUS ESTIMATED REVENUE ACCOUNTS
 (Department of Public Works)**

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

WHEREAS, the County Department of Public Works is desirous of making improvements to the Ischua 5 Dam spillway, and

WHEREAS, Bergmann Associates, 280 East Broad Street, Suite 200, Rochester, New York 14604, can provide the necessary evaluation and assessment services to produce a design to correct and arrest the erosion issue for a total amount not to exceed \$13,400.00, to be paid as invoiced, and

WHEREAS, various estimated revenue accounts must be adjusted 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 Bergmann Associates, for the provision of the above-described services, for a term commencing August 1, 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:

H.504.8740.0000.21040.41213	Small Watershed Protection-Dam Assessment- Engineering Services	\$13,400.00
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Increase Appropriation Account:

H.504.8740.0000.21201.41213	Ischua Dam 5 – Engineering	\$13,400.00.
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Approved by 6 members of the Finance Committee and 7 members of the Public Works Committee.

Adopted July 25, 2018 by voice vote.

ACT NO. 316-2018 by Mr. Giardini and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH BERGMANN ASSOCIATES FOR
EVALUATION AND INSPECTION OF COUNTY-OWNED DAMS**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the County Department of Public Works is desirous of evaluating and inspecting County-owned dams, including the Ischua and Conewango (Cattaraugus County-owned) watershed dams, and

WHEREAS, Bergmann Associates, 280 East Broad Street, Suite 200, Rochester, New York 14604, can provide the necessary evaluation and inspection services for a total amount not to exceed \$7,500.00, to be paid as invoiced, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Bergmann Associates, for the provision of the above-described services, for a term commencing January 1, 2019 and terminating December 31, 2020, according to the above-described terms.

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

Adopted July 25, 2018 by voice vote.

ACT NO. 317-2018 by Mr. Giardini and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
WENDEL WD, ARCHITECTURE, ENGINEERING, SURVEYING &
LANDSCAPE ARCHITECTURE, P.C. FOR ENGINEERING SERVICES FOR
THE LITTLE VALLEY COUNTY CENTER
(Civil Defense Air Handling Unit Improvements)**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 201-2018 authorized a contract with Wendel WD, Architecture, Engineering, Surveying & Landscape Architecture, P.C., Centerpointe Corporate Park, 375 Essjay Road, Suite 200, Williamsville, New York 14221, for engineering services to investigate and recommend improvements for the air handling unit in the Civil Defense area of the Cattaraugus County Center in Little Valley to meet existing design requirements, and

WHEREAS, engineering services are now necessary for design improvements and design services to make modifications to the air handling unit, and

WHEREAS, Wendel WD, Architecture, Engineering, Surveying & Landscape Architecture, P.C., can provide the necessary engineering services to modify the air handling unit to meet ventilation, heating and cooling requirements, for an amount of \$12,195.00, including mileage, 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 an amended contract, on behalf of Cattaraugus County, with Wendel WD, Architecture, Engineering, Surveying & Landscape Architecture, P.C., for the provision of the above-described engineering services, for a term commencing August 1, 2018 and terminating June 1, 2019, according to the above-described terms.

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

Adopted July 25, 2018 by voice vote.

ACT NO. 318-2018 by Ms. Vickman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH VARIOUS ENTITIES AND
ESTABLISHING FEES FOR DEPARTMENT OF SOCIAL SERVICES BURIALS**

Pursuant to Section 141 of the Social Services Law
and Section 450 of the County Law.

WHEREAS, Act 405-2015 authorized contracts with various entities and established burial fees paid by the County Department of Social Services, the term of which expire August 31, 2018, and

WHEREAS, the County is desirous of renewing the aforementioned contracts for a three-year term, 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 entities for the provision of the above-described burial services, for a term commencing September 1, 2018 and terminating August 31, 2021, according to the above-described terms, and be it further

RESOLVED, that the following fee schedule, which was established September 1, 2015, shall continue through August 31, 2021 for Department of Social Services indigent burials:

Burial:

including casket, embalming, plot, grave liner and grave opening/closing \$3,000.00

Cremation:

including cremation, container, plot and grave opening/closing \$3,000.00.

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

Adopted July 25, 2018 by voice vote.

ACT NO. 319-2018 by Ms. Vickman and Mr. Snyder, Jr.

**APPROVING MEMBERSHIP IN PROFESSIONAL ORGANIZATION
(Department of Community Services)**

Pursuant to Section 203(1) of the County Law.

WHEREAS, it is beneficial for the Department of Community Services to be a member of the New York State Association for Infant and Mental Health, and

WHEREAS, membership in this organization is beneficial to the County and serves a public purpose, at no cost to the County, and

WHEREAS, through the aforementioned membership, Community Services therapists will be provided training and education to strengthen and promote social and emotional wellbeing for all children under the age of six (6) years, now, therefore, be it

RESOLVED, that effective August 1, 2018, Cattaraugus County authorizes membership in the New York State Association for Infant and Mental Health.

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

Adopted July 25, 2018 by voice vote.

ACT NO. 320-2018 by Mr. Higgins, Mr. Snyder, Sr. and Mrs. Labuhn
*and Mr. Koch*¹

**CANCELING CERTAIN TAX LIENS AND
TRANSFER OF FUNDS
(Contingent Fund - Cattaraugus County Land Bank)**

Pursuant to 558 of the Real Property Tax Law and
Sections 363 and 365 of the County Law.

WHEREAS, the County Health Department is also desirous of executing the financing documents for the leasing of the aforementioned laboratory equipment, and

WHEREAS, Thermo Fisher Financial Services, Inc., in partnership with Fisher HealthCare (part of Thermo Fisher Scientific), 81 Wyman Street, Waltham, Massachusetts 02451, has agreed to lease to the County Health Department laboratory equipment for an amount as follows:

Horiba/ABX Micros 60 Lab Equipment	\$ 346.27/month for 60 months
Reagents	\$3,830.02/year
Shipping Costs	(one-time fee) \$ 350.00
Documentation Fee	(one-time fee) \$ 75.00,

and

WHEREAS, the aforementioned lease shall be a 60-month lease with a full five-year warranty at no additional charge, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a lease agreement and necessary financing documents, on behalf of Cattaraugus County, with Thermo Fisher Financial Services, Inc., in partnership with Fisher HealthCare (part of Thermo Fisher Scientific), for the provision of the above-described leased laboratory equipment, for a term commencing August 1, 2018 and terminating July 31, 2023, according to the above-described terms.

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

Adopted July 25, 2018 by voice vote.

ACT NO. 322-2018 by Ms. Vickman and Mr. Snyder, Jr.

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

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

WHEREAS, Act 339-2017 authorized a contract with Healthy Community Alliance, Inc., One School Street, Suite 100, Gowanda, New York 14070, for the provision of the following components of the Health Department WIC program, the term of which expires September 30, 2018:

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

and

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

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

<u>Breastfeeding Peer Counselor (two part-time)</u>	Total not to	\$27,598.04
*to be paid on a monthly basis, as invoiced	exceed	
*Approved work-related expenses will be reimbursed, including		

approved work-related cell phone usage

*Mileage will be reimbursed at the established rate of \$0.485/mile

Nutrition Program Aide (two full-time)

*to be paid on a monthly basis, as invoiced

Total not to exceed	\$96,255.92
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*Approved work-related expenses will be reimbursed, including approved work-related cell phone usage

*Mileage will be reimbursed at the established rate of \$0.485/mile and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Healthy Community Alliance, Inc., for the provision of the above-described services, for a term commencing October 1, 2018 and terminating September 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 6 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted July 25, 2018 by voice vote.

ACT NO. 323-2018 by Ms. Vickman and Mr. Snyder, Jr.

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Health)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, the New York State Department of Health (NYSDOH) has notified the County Health Department that, based upon its submission of documentation to the Performance Incentive Initiative and full PHAB accreditation, it will receive an award in the amount of \$48,000.00 to be used to support continued costs associated with Article 6 eligible services (chronic disease prevention), and

WHEREAS, various accounts must be adjusted in order to accommodate this additional NYSDOH funding, now, therefore, be it

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

Increase Estimated Revenue Account:

A.401.0000.0000.3401	State Aid, Public Health	\$48,000.00
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Increase Appropriation Accounts:

A.401.4017.4034.20202	Community Health Nursing, Medical Equipment	\$ 2,450.00
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A.401.4017.4034.41406	Community Health Nursing, Contracted Computer Services	\$11,925.00
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A.401.4017.4034.41603	Community Health Nursing, Contracted Services	\$10,000.00
A.401.4017.4035.41406	Family Planning, Contracted Computer Services	\$11,925.00
A.401.4025.0000.41417	Laboratory, Laboratory and Diagnostic Services	\$ 3,100.00
A.401.4095.0000.20006	BT Grant, Computer Equipment/Software	\$ 1,600.00
A.401.4095.0000.20008	BT Grant, Tools and Equipment	\$ 3,800.00
A.401.4095.0000.47006	BT Grant, Operating Supplies	\$ 3,200.00.

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

Adopted July 25, 2018 by voice vote.

ACT NO. 324-2018 by Ms. Vickman and Mr. Snyder, Jr.

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
STRATEGY SOLUTIONS, INC. FOR HEALTH DEPARTMENT
COMMUNITY HEALTH NEEDS ASSESSMENT AND IMPROVEMENT PLAN**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 394-2016 authorized a contract with Strategy Solutions, Inc., 8425 Peach Street, Erie, Pennsylvania 16509, for facilitation of a joint Olean General Hospital/County Health Department Community Health Improvement Plan (CHIP) and the hospital's Community Health Needs Assessment (CHNA), the term of which expired, and

WHEREAS, the County Health Department, along with the Upper Allegheny Health System for the Olean General Hospital, have joined together for the development and implementation of the aforementioned needs assessment and improvement plan, and

WHEREAS, Strategy Solutions, Inc., shall facilitate the collaboration of a joint Olean/County Health Department CHNA and CHIP for a total project cost of \$40,000.00, to be paid by the County and Olean General Hospital, as follows:

<u>Olean General Hospital</u>	<u>Amount</u>	<u>Cattaraugus County Health Department</u>	<u>Amount</u>
Total Cost	\$30,000.00	Total Cost	\$10,000.00
Monthly Payments Dec - June	\$ 4,285.71	Monthly Payments Aug - Nov	\$ 2,500.00

*Note: Olean General Hospital shall pay all other expenses, including travel costs for this project and

WHEREAS, sufficient funds are included in the budget to cover the County Health Department's cost of the aforementioned project, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Strategy Solutions, Inc., for the provision of the above-described services, for a term commencing August 1, 2018 and terminating June 30, 2019, according to the above-described terms.

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

Adopted July 25, 2018 by voice vote.

ACT NO. 325-2018 by Ms. Vickman and Mr. Snyder, Jr.

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COMMUNITY ACTION, INC. FOR
WIC NUTRITIONIST**

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

WHEREAS, Act 333-2017 authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, for the provision of a qualified nutritionist for the County's WIC Program, the term of which expires September 30, 2018, and

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

WHEREAS, Cattaraugus Community Action, Inc., has agreed to provide a full-time qualified nutritionist for the County's WIC Program for an amount of \$55,718.00, to be paid on a monthly basis as invoiced, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Cattaraugus Community Action, Inc., for the provision of the above-described services, for a term commencing October 1, 2018 and terminating September 30, 2019, and be it further

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

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

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

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

Adopted July 25, 2018 by voice vote.

ACT NO. 326-2018 by Ms. Vickman and Mr. Snyder, Jr.

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HELUNA HEALTH FOR SCALE INITIATIVE
FUNDED THROUGH ROBERT WOOD JOHNSON FOUNDATION**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 60-2018 authorized a contract with the Institute for Healthcare Improvement for participation in the SCALE initiative program (Spreading Community Accelerators through Learning and Evaluation) by the Health Department, the term of which expires April 30, 2019, and

WHEREAS, effective May 1, 2018, the SCALE grant will be managed by Heluna Health, 13300 Crossroads Parkway North, Suite 450, City of Industry, California 91746, and

WHEREAS, the remaining disbursement of the funding awarded for participation in the aforementioned SCALE initiative program will be disbursed by Heluna Health, as follows:

May 2018 – April 2019	\$30,000.00
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Additional Funds:

- | | |
|---|-------------|
| – funding for meeting costs, planning and implementing | \$ 2,500.00 |
| – Travel allowance for National CHILAs 3 and 4 | \$ 4,000.00 |
| – Limited funding available by request for travel for Bright Spots/Present CHILAs | |
| – Limited additional supplemental funds available by request, | |

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 Heluna Health, for management of the SCALE initiative program funding, for a term commencing May 1, 2018 and terminating April 30, 2019, according to the above-described terms.

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

Adopted July 25, 2018 by voice vote.

ACT NO. 327-2018 by Ms. Vickman

**AMENDING INCENTIVE PACKAGE FOR NON-BARGAINING UNIT
PART-TIME NURSING SUPERVISORS AND HEAD NURSES
IN THE DEPARTMENT OF NURSING HOMES**

Pursuant to Section 205 of the County Law.

WHEREAS, Act No. 276-2002 established an incentive package for enhancing the recruitment and retention of part-time, temporary and substitute Nurse Supervisors and Head Nurses, and

WHEREAS, the County is desirous of amending the aforementioned incentive package, and

WHEREAS, the benefit package should increase the availability of part-time Head Nurse and Nurse Supervisor employees, thereby reducing the need for full-time employees to work overtime, which should result in lower costs, now, therefore, be it

RESOLVED, that effective June 24, 2018, there is hereby created a benefit package for part-time Head Nurses and Nurse Supervisors in the Department of Nursing Homes which provides as follows:

Employees working on the following holidays shall be compensated at time and one-half the regular rate of pay which has heretofore or may hereinafter be established for such positions: New Year's Day, Independence Day, Thanksgiving Day, Christmas Day, Labor Day and Memorial Day.

Such employees described above shall accumulate paid leave time in the amount of 6% for each hour worked which shall be computed every payroll and shall not exceed more

than 20 hours per quarter nor more than 80 hours in any calendar year. Employees shall be permitted to carry over up to 80 hours at the end of the year.

Such employees described above shall earn the hourly equivalent of time and one-half for all time worked in excess of eight (8) hours in a day.,

and be it further

RESOLVED, that the provisions of this resolution shall be administered by the Department of Nursing Homes in accordance with the policy as has been established or as hereinafter may be established or amended, and be it further

RESOLVED, that the benefits of the program will be evaluated and amended as needed, and be it further

RESOLVED, that the benefits herein described shall remain in effect, unless such legislative action is taken to amend or terminate such benefits.

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

Adopted July 25, 2018 by voice vote.

ACT NO. 328-2018 by Ms. Vickman and Mr. Snyder, Jr.

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
TOTAL SENIOR CARE, INC. FOR
PACE AND DAYBREAK PROGRAM HOME DELIVERED AND CONGREGATE MEALS**

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

WHEREAS, Act 366-2017 authorized a contract with Total Senior Care, Inc., 519 North Union Street, Olean, New York 14760, to purchase home delivered meals and congregate meals from the County Department of Aging for PACE and DayBreak Program participants as part of a comprehensive program of services to participants, the term of which expires August 31, 2018, and

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

WHEREAS, the Department of Aging has agreed to provide the aforementioned meals through its Senior Nutrition Program to PACE and DayBreak Program participants in accordance with the following rates:

Noon Meal and Cold Supper combined:	\$9.00 per delivery
Noon Home Delivered Meal only:	\$7.00 per meal
Congregate Meal:	\$7.00 per meal,

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 meal services, for a term commencing September 1, 2018 and terminating August 31, 2019, according to the above-described terms.

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

Adopted July 25, 2018 by voice vote. Padlo abstained from vote.

ACT NO. 329-2018 by Ms. Vickman and Mr. Snyder, Jr.

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE OFFICE FOR THE AGING FOR VARIOUS PROGRAMS
FOR DEPARTMENT OF AGING**

Pursuant to Title III of the Older Americans Act of 1965,
as amended, Section 541 of the Executive Law and
Section 95-a of the General Municipal Law.

WHEREAS, Act 214-2017 authorized the Chair to apply for, and accept, funding through the New York State Office for the Aging for the 2017 program year for various programs, and

WHEREAS, funding is available for various programs through the New York State Office for the Aging for the 2018-2019 program year, and

WHEREAS, the County Department of Aging is desirous of applying for the following program funding:

<u>Program</u>	<u>Funding Source</u>	<u>Amount</u>
Caregiver Resource Center (CRC)	100% State	\$ 19,611.00
Community Services for the Elderly (CSE)	75% State	\$144,187.00
Congregate Services Initiative (CSI)	75% State	\$ 1,722.00
Expanded In-Home Services for the Elderly (EISEP)	75% State	\$223,260.00
Health Insurance Information, Counseling & Assistance (HIICAP)	100% Federal (CFDA #93.779)	\$ 32,677.00
Wellness in Nutrition (WIN)	100% State	\$213,908.00
State Transportation Program	100% State	\$ 5,600.00
State Retired Senior Volunteer Program (RSVP)	100% State	\$ 6,014.00
Federal Retired Senior Volunteer Program (RSVP)	70% Federal (CFDA #94.002)	\$ 40,000.00,

and

WHEREAS, a contract is necessary with the New York State Office for the Aging in order to accept the aforementioned funds, and

WHEREAS, the aforementioned programs are funded through federal, state and county funds, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the New York State Office for the Aging, in order to apply for, and accept, the aforementioned funds for the 2018-2019 program year, and be it further

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

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

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

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

Adopted July 25, 2018 by voice vote.

ACT NO. 330-2018 by Ms. Vickman and Mr. Snyder, Jr.

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE OFFICE FOR THE AGING FOR FUNDING UNDER
VARIOUS TITLES OF THE OLDER AMERICANS ACT OF 1965, AS AMENDED**

Pursuant to Titles III-B, III-C1, III-C2, III-D and III-E of the Older Americans Act of 1965,
as amended, Section 541 of the Executive Law and
Section 95-a of the General Municipal Law.

WHEREAS, Act 213-2017 authorized the Chair to apply for funding through the New York State Office for the Aging for the 2017 program year, and

WHEREAS, federal funding is again available through the New York State Office for the Aging under Titles III-B, III-C1, III-C2, III-D and III-E of the Older Americans Act of 1965, as amended, for the 2018 program year, for the following programs:

- Title III-B - direct services to the senior citizens of Cattaraugus County,
- Title III-C - congregate and home delivered services and other related services to the senior citizens of Cattaraugus County,
- Title III-D - health promotion and preventative services to senior citizens of Cattaraugus County, and
- Title III-E - family caregiver support program,

and

WHEREAS, it is necessary to file grant applications with the New York State Office for the Aging to obtain this funding, and

WHEREAS, the above-described programs are funded as follows:

Title III-B	- 90% federally funded (CFDA #93.044)	\$ 78,254.00
Title III-C1	- 90% federally funded (CFDA #93.045)	\$105,924.00
Title III-C2	- 90% federally funded (CFDA #93.045)	\$ 48,731.00
Title III-D	- 90% federally funded (CFDA #93.043)	\$ 4,899.00
Title III-E	- 75% federally funded (CFDA #93.052)	\$ 35,706.00,

now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute the necessary grant applications, on behalf of Cattaraugus County, with the New York State Office for the Aging in order to apply for, and accept, funding under Titles III-B, III-C1, III-C2, III-D and III-E for the 2018 program year, and be it further

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

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

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

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

Adopted July 25, 2018 by voice vote.

ACT NO. 331-2018 by Ms. Vickman and Mr. Snyder, Jr.

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH
THE NEW YORK STATE OFFICE FOR THE AGING FOR
NY CONNECTS EXPANSION & ENHANCEMENT PROGRAM FUNDING**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 449-2016 authorized the Chair to execute grant documents with the New York State Office for the Aging for the NY Connects Program for the 2017-2018 program year, and

WHEREAS, funding is again available in the amount of \$264,051.00 through the New York State Office for the Aging for the NY Connects Expansion & Enhancement Program for the 2018-2019 program year, and

WHEREAS, the County Department of the Aging is desirous of applying for the aforementioned funding, and

WHEREAS, the NY Connects 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 grant documents, on behalf of Cattaraugus County, with the New York State Office for the Aging to apply for the aforementioned program funding, for the program year April 1, 2018 through March 31, 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 6 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted July 25, 2018 by voice vote.

* * * * *

MR. PADLO, moved, seconded by Mr. Hale, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 332-2018 through Act No. 348-2018, inclusive. Carried.

* * * * *

ACT NO. 332-2018 by Mr. Boberg, Mr. Klancer, Mr. Snyder, Jr., Mr. Snyder, Sr.,
Mr. Giardini, Ms. Hastings and Mrs. Labuhn
*and Mr. Padlo*¹
who ask immediate consideration

**BID ACCEPTANCE FOR DEMOLITION AND REMOVAL OF
FRANKLINVILLE HIGHWAY BARN**

Pursuant to Section 103 of the General Municipal Law and
Sections 408 and 408-a of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the demolition and removal of multiple structures throughout Cattaraugus County, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications for the demolition and removal of the Franklinville Highway Barn located at 8600 Route 16 in the Town of Franklinville was the bid of Geiter Done of WNY, Inc., 300 Greene Street, Buffalo, New York 14206, for an amount of \$13,500.00, to be paid as invoiced and approved by the Department of Public Works, 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 Geiter Done of WNY, Inc., be, and the same hereby is, accepted, for a term commencing upon Notice to Proceed, and terminating upon completion of the work on or before December 31, 2018, and be it further

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

No State Bid.

Four sets of specifications were sent out.

Four bids were received.

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

MR. HALE and MR. PADLO requested a Roll Call vote, which disclosed as follows:

Ayes: Boberg, Giardini, Hale, Hastings, Higgins, Labuhn, Padlo, Snyder, Sr., Snyder, Jr. – 9.

Nays: Breton, Burr, Helmich, Koch, Neal, VanRensselaer, Vickman – 7.

Adopted July 25, 2018 by majority vote.

ACT NO. 333-2018 by Public Works Committee:
 Mr. Giardini, Mr. Helmich, Mr. Boberg, Mr. Breton,
 Mr. Klancer, Mr. Snyder, Jr. and Mr. Koch
 and Mr. Hale, Mr. Higgins, Mr. Snyder, Sr., Mr. VanRensselaer,
 Ms. Vickman, Ms. Hastings and Mrs. Labuhn
 who ask immediate consideration

**ADJUSTING VARIOUS ESTIMATED REVENUE AND APPROPRIATION ACCOUNTS
 (Department of Public Works)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, the County has received insurance reimbursement from the Franklinville Highway Barn fire claim, and

WHEREAS, the insurance reimbursement should be used to repair or replace the Franklinville Highway Barn, and

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

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

Increase Estimated Revenue Account:

H.504.5130.5198.21082.2680	Franklinville Highway Barn – Insurance Recoveries	\$1,325,000.00
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Increase Appropriation Account:

H.504.5130.5198.21082.41603	Franklinville Highway Barn – Contracted Services	\$1,325,000.00.
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Adopted July 25, 2018 by voice vote.

ACT NO. 334-2018 by Public Works Committee:
 Mr. Giardini, Mr. Helmich, Mr. Boberg, Mr. Breton,
 Mr. Klancer, Mr. Snyder, Jr. and Mr. Koch
 who ask immediate consideration

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
 (Olean Court Entrance and Waiting Area Renovations Project)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, an additional \$962,500.00 is needed from the fund balance in order to cover the expected expenses related to the Olean Court Entrance and Waiting Area Renovations Project, and

WHEREAS, various appropriation and revenue accounts must be adjusted to cover the cost of the aforementioned project, and

WHEREAS, upon receipt of reimbursement from New York State for the aforementioned Project, such funds shall be placed back into Undesignated Fund Balance Account A.909.0000, now, therefore, be it

RESOLVED, that the County Administrator is hereby directed to appropriate \$962,500.00 from Undesignated Fund Balance Account A.909.0000 and make the following budgetary changes:

Increase Appropriation Accounts:		
H.504.1623.0000.21061.41603	Olean County Center - Court Facilities Renovation	\$962,500.00
A.990.9950.0000.90504	Transfer to Capital Projects Fund	\$962,500.00
Increase Revenue Account:		
H.990.9950.0000.5031	Interfund Transfer	\$962,500.00.

Adopted July 25, 2018 by voice vote.

ACT NO. 335-2018 by Public Works Committee:
 Mr. Giardini, Mr. Helmich, Mr. Boberg, Mr. Breton,
 Mr. Klancer, Mr. Snyder, Jr. and Mr. Koch
 who ask immediate consideration

**BID ACCEPTANCE FOR OLEAN COURT ENTRANCE AND WAITING AREA RENOVATIONS
 (General Construction, Mechanical (HVAC), Plumbing and Electrical)**

Pursuant to Section 103 of the General Municipal Law and
 Sections 408 and 408-a of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the provision of General Construction, Mechanical (HVAC), Plumbing and Electrical Services for the Olean County Court entrance and waiting area renovations project, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications for the General Construction portion of the project was the bid of Duggan & Duggan General Contractors, Inc., 85 West Main Street, P.O. Box 5, Allegany, New York 14706, for an amount of \$348,000.00, to be paid on a percent-of-completion basis, as invoiced and approved by the Department of Public Works, and

WHEREAS, the lowest bid received meeting specifications for the Mechanical (HVAC) portion of the project was the bid of Mazza Mechanical Services, Inc., 430 North 7th Street, Olean, New York 14760, for an amount of \$62,900.00, to be paid on a percent-of-completion basis, as invoiced and approved by the Department of Public Works, and

WHEREAS, the lowest bid received meeting specifications for the Plumbing portion of the project was the bid of D. V. Brown & Associates, 567 Vickers Street, Tonawanda, New York 14150, for an amount of \$23,795.00, to be paid on a percent-of-completion basis, as invoiced and approved by the Department of Public Works, and

WHEREAS, the lowest bid received meeting specifications for the Electrical portion of the project was the bid of Ahlstrom Schaeffer Electrical Corp., 49 Hopkins Avenue, Jamestown, New York 14701, for an amount of \$175,000.00, to be paid on a percent-of-completion basis, as invoiced and approved by the Department of Public Works, 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 Duggan & Duggan General Contractors, Inc., be, and the same hereby is, accepted, for a term commencing within five (5) days of the Notice to Proceed, and terminating 210 days thereafter, and be it further

RESOLVED, that the bid of Mazza Mechanical Services, Inc., be, and the same hereby is, accepted, for a term commencing within five (5) days of the Notice to Proceed, and terminating 210 days thereafter, and be it further

RESOLVED, that the bid of D. V. Brown & Associates, be, and the same hereby is, accepted, for a term commencing within five (5) days of the Notice to Proceed, and terminating 210 days thereafter, and be it further

RESOLVED, that the bid of Ahlstrom Schaeffer Electrical Corp., be, and the same hereby is, accepted, for a term commencing within five (5) days of the Notice to Proceed, and terminating 210 days thereafter, and be it further

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

No State Bid.

General Construction Portion

Six sets of specifications were sent out.

Three bids were received.

Mechanical (HVAC) Portion

Six sets of specifications were sent out.

Three bids were received.

Plumbing Portion

Six sets of specifications were sent out.

Four bids were received.

Electrical Portion

Two sets of specifications were sent out.

Two bids were received.

Adopted July 25, 2018 by voice vote.

ACT NO. 336-2018 by Public Works Committee:
Mr. Giardini, Mr. Helmich, Mr. Boberg, Mr. Breton,
Mr. Klancer, Mr. Snyder, Jr. and Mr. Koch
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
MCMAHON & MANN CONSULTING ENGINEERS, P.C. FOR
GEOTECHNICAL ENGINEERING SERVICES FOR
COUNTY ROAD NO. 76 SLOPE FAILURE AREA**

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

WHEREAS, Act 409-2005, as amended by Act 628-2005, authorized a contract with McMahon & Mann Consulting Engineers, P.C., 2495 Main Street, Suite 432, Buffalo, New York 14214, for the provision of geotechnical engineering services for the County Road No. 76 (Lover's Lane Road) slope failure located in the Town of New Albion, the term of which expired, and

WHEREAS, the Department of Public Works is desirous of amending the aforementioned contract to include data review, site visit and the development of options for the remediation of the aforementioned slope failure, and

WHEREAS, McMahon & Mann Consulting Engineers, P.C., can provide additional engineering services for a lump sum amount of \$4,000.00, plus miscellaneous expenses, to be paid as invoiced, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with McMahan & Mann Consulting Engineers, P.C., for the provision of the above-described services, for a term commencing August 1, 2018 and terminating December 31, 2018, according to the above-described terms.

Adopted July 25, 2018 by voice vote.

ACT NO. 337-2018 by Ms. Vickman and Mr. Snyder, Jr.
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CERTIFICATION OF
LOCAL APPROVAL FOR EVERGREEN HEALTH TO ADMINISTER
HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAM
(HOPWA)**

Pursuant to 24 CFR Section 574 and Section 450 of the County Law.

WHEREAS, Housing Opportunities for Persons with AIDS (HOPWA) is a housing option for HIV/AIDS individuals, which provides temporary housing subsidies in rural areas, and

WHEREAS, HOPWA funds are available through the New York State Office of Temporary and Disability Assistance, Bureau of Housing Services, and

WHEREAS, Evergreen Health, 206 South Elmwood Avenue, Buffalo, New York 14201, currently administers the HOPWA program in Western New York and has received verbal approval for the HOPWA funding, and

WHEREAS, HOPWA regulations require the approval of local government before the State enters into a contract with a not-for-profit organization to conduct HOPWA-related activities, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a Certification of Local Approval, on behalf of Cattaraugus County, for the above-described HOPWA program.

Adopted July 25, 2018 by voice vote.

ACT NO. 338-2018 by Ms. Vickman and Mr. Snyder, Jr.
who ask immediate consideration

AMENDING ACT 195-2018 REGARDING REIMBURSEMENT FOR OATS BUS SERVICE

Pursuant to Public Law 104-1993, Section 119-o of the
General Municipal Law and Section 450 of the County Law.

WHEREAS, Act 195-2018 authorized a contract with the City of Olean for Reimbursement for the OATS bus service, and

WHEREAS, there was an error in the reimbursement amount, and Act 195-2018 should be amended, now therefore, be it

RESOLVED, that Act 195-2018 be, and hereby is, amended as follows: In the Third Whereas, delete: "\$14,770.24", and replace with: "\$14,774.02".

Adopted July 25, 2018 by voice vote.

ACT NO. 339-2018 by Public Works Committee:
Mr. Giardini, Mr. Helmich, Mr. Boberg, Mr. Breton,
Mr. Klancer, Mr. Snyder, Jr. and Mr. Koch
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED LEASE AGREEMENT WITH
CATTARAUGUS-LITTLE VALLEY CENTRAL SCHOOL DISTRICT TO
INCLUDE ADDITIONAL SPACE FOR REAL PROPERTY TAX SERVICES OFFICE**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 650-2016 authorized a lease agreement with the Cattaraugus-Little Valley Central School District (CLVCS) for use of space in the Little Valley campus building, located at 207 Rock City Street in Little Valley, by the Health Department, Youth Bureau and Office of Real Property Tax Services, and

WHEREAS, the Office of Real Property Tax Services would like to include an additional 1059 square feet of space known as Room #112 in the aforementioned rental agreement, and

WHEREAS, commencing August 1, 2018, the CLVCS District shall lease to the County, an additional 1059 square feet of space, known as Room #112, at a cost of \$7.79 per square foot, for an additional amount of \$8,249.61 per year, for the Office of Real Property Tax Services, subject to the terms of the existing lease agreement, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended rental agreement, on behalf of Cattaraugus County, with the Cattaraugus-Little Valley Central School District, for the rental of the above-described additional space, for a term commencing August 1, 2018 and terminating December 31, 2019, with the option to renew for two (2) additional one-year terms, according to the above-described terms and subject to the terms of the existing lease agreement.

Adopted July 25, 2018 by voice vote.

ACT NO. 340-2018 by Mr. Klancer and Mr. Neal
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT
WITH COMMUNICATION SERVICES OF WNY & PA, INC. D/B/A
EAGLE RADIO TECHNOLOGIES FOR E911 RADIO SYSTEM MICROWAVE BACKHAUL**

Pursuant to Sections 408 and 450 of the County Law.

WHEREAS, Act 694-2015, as amended by Act 614-2017, authorized a contract with Communication Services of WNY & PA, Inc., d/b/a Eagle Radio Technologies, 19 Cross Street, Falconer,

New York 14733, for the provision of additional microwave radios, antennas, waveguides, and pressurization equipment for the microwave backhaul, the term of which expires December 31, 2018, and

WHEREAS, it is necessary to amend the aforementioned contract to add seven (7) additional microwave communication backhaul links to the existing Land Mobile Radio (LMR) system, and extend the term of the contract to December 31, 2019, and

WHEREAS, Communication Services of WNY & PA, Inc., d/b/a Eagle Radio Technologies, can provide and install the aforementioned additional microwave communication backhaul links for an amount of \$663,916.00, to be paid as invoiced, and

WHEREAS, sufficient funds are provided through the Statewide Interoperable Communications Grant to cover the cost of the aforementioned equipment and services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with Communication Services of WNY & PA, Inc., d/b/a Eagle Radio Technologies, which amends the original contract which commenced December 9, 2015 to terminate December 31, 2019, for the provision of the above-described services, according to the above-described terms.

Adopted July 25, 2018 by voice vote.

ACT NO. 341-2018 by Mr. Klancer
who asks immediate consideration

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING WITH
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR
DISTRICT ATTORNEY AID TO PROSECUTION PROGRAM
(Project AP18-1003-R01)**

Pursuant to Section 450 of the County Law and
Chapter 53 of the Laws of 1990.

WHEREAS, Act 320-2017 authorized a contract with the New York State Division of Criminal Justice Services for funding for the Aid to Prosecution Program, for the period October 1, 2017 to September 30, 2018, and

WHEREAS, the District Attorney has been notified by the New York State Division of Criminal Justice Services that the District Attorney's Office is eligible for a grant up to the amount of \$40,228.00 through the Aid to Prosecution Program for the period October 1, 2018 to September 30, 2019, and

WHEREAS, the purpose of this program is to expedite the processing of repeat and serious felony offenders, to maintain increased levels of experienced prosecution personnel, to seek the imposition of maximum sentences and minimum plea bargaining options for defendants, to limit the caseloads of experienced attorneys in order to maintain a policy of vertical prosecution, and to screen all potentially Aid to Prosecution-eligible felony cases, and

WHEREAS, it is necessary to apply through the New York State Division of Criminal Justice Services for the aforementioned funding, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a grant application, on behalf of Cattaraugus County, with the New York State Division of

Criminal Justice Services, in order to apply for the above-described funding, for a term commencing October 1, 2018 and terminating September 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.

Adopted July 25, 2018 by voice vote.

ACT NO. 342-2018 by Ms. Vickman, Mr. Breton, Mr. Higgins and Mr. Giardini
who ask immediate consideration

**CREATING ONE (1) PART-TIME POSITION OF LICENSED PRACTICAL NURSE
IN THE HEALTH DEPARTMENT, ESTABLISHING COMPENSATION FOR THE SAME
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Health and Youth Bureau)**

Pursuant to Sections 204, 205, 363 and 365 of the County Law and
Section 22 of the Civil Service Law.

WHEREAS, the Department of Health is in need of a part-time Licensed Practical Nurse to assist in providing clients of the Department with the required level of care, and

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

WHEREAS, various accounts must be adjusted in order to accommodate the cost of this position, now, therefore, be it

RESOLVED, that effective immediately, there is hereby created one (1) position of Licensed Practical Nurse in the Department of Health to be filled on a part-time basis, Part-Time Bargaining Unit Salary Schedule Grade 20 (\$20.13 per hour), Position No. 401-201-001, and be it further

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

Decrease Appropriation Account:

A.296.2960.0000.11000	Full Time Wages	\$7,592.31
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Increase Estimated Revenue Account:

A.401.4059.0000.1366	YB Reimbursement El Admin	\$7,592.31
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Increase Appropriation Accounts:

A.296.2960.0000.48326	Health Dept. Early Intervention	\$7,592.31
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A.401.4059.0000.12000	Part Time Wages	\$6,491.93
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A.401.4059.0000.81000	FICA	\$ 496.63
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A.401.4059.0000.82000	Retirement	\$ 603.75.
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Adopted July 25, 2018 by voice vote.

ACT NO. 343-2018 by Ms. Vickman, Mr. Breton, Mr. Higgins and Mr. Giardini
who ask immediate consideration

**CREATING ONE (1) FULL-TIME POSITION OF PUBLIC HEALTH EMERGENCY PREPAREDNESS DIRECTOR
IN THE HEALTH DEPARTMENT, ESTABLISHING COMPENSATION FOR THE SAME
AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Health)**

Pursuant to Sections 204, 205, 363 and 365 of the County Law and
Section 22 of the Civil Service Law.

WHEREAS, the Department of Health is in need of a Public Health Emergency Preparedness Director, and

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

WHEREAS, funding for this position is provided by the New York State Department of Health, and

WHEREAS, various appropriation accounts must be adjusted in order to accommodate this position, now, therefore, be it

RESOLVED, that effective immediately, there is hereby created one (1) position of Public Health Emergency Preparedness Director in the Department of Health to be filled on a full-time basis, Management/Confidential Salary Schedule, Position No. 401-238-001, to be compensated at \$1,872.50 bi-weekly, and be it further

RESOLVED, should State funding for this position cease, this position will be automatically abolished, and be it further

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

Decrease Appropriation Account:

A.401.4095.0000.41011	Contracted BT Director	\$23,698.41
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Increase Appropriation Accounts:

A.401.4095.0000.11000	Full Time Wages	\$16,384.38
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A.401.4095.0000.81000	FICA	\$ 1,253.40
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A.401.4095.0000.82000	Retirement	\$ 1,523.75
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A.401.4095.0000.83000	Health Insurance	\$ 4,426.28
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A.401.4095.0000.84000	Dental Insurance	\$ 110.60.
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Adopted July 25, 2018 by voice vote.

ACT NO. 344-2018 by Mrs. Labuhn
who asks immediate consideration

ABOLISHING CERTAIN UNFILLED POSITIONS

Pursuant to Section 204 of the County Law.

WHEREAS, Act 680-2003 established policies and guidelines for certain vacant positions,
and

WHEREAS, these guidelines require that any position left vacant for one (1) year will be eliminated January 1st of the following year after the vacancy occurred, and

WHEREAS, certain positions have been identified as meeting this criteria, now, therefore, be it

RESOLVED, effective immediately, the following vacant positions are hereby abolished:

Position Number	Title	Department
101-196-018	Legislator	Legislature
101-196-019	Legislator	Legislature
101-196-020	Legislator	Legislature
101-196-021	Legislator	Legislature
116-062-002	Confidential Law Secretary	District Attorney
116-080-002	Criminal Investigator	District Attorney
116-992-001	Confidential Law Secretary	District Attorney
116-992-002	Confidential Law Secretary	District Attorney
117-017-007	Assistant Public Defender	Public Defender
117-017-008	Assistant Public Defender	Public Defender
117-175-003	Investigator	Public Defender
117-185-004	Keyboard Specialist	Public Defender
117-916-001	Keyboard Specialist - Sub	Public Defender
117-979-001	Law Intern	Public Defender
123-292-002	Secretary to Co Administrator	Administration
123-984-001	Deputy County Administrator	Administration
132-901-001	Account Clerk Typist - Temp	Treasurer's Office
142-186-001	Keyboard Specialist II	County Attorney
142-957-001	Secretary to County Attorney	County Attorney
168-348-002	Switchboard Operator	Information Services
168-924-005	Reception Clerk - Sub	Information Services
168-924-006	Reception Clerk - Sub	Information Services
168-928-002	Switchboard Operator - Sub	Information Services
200-986-001	Payroll Specialist	Pines- Olean
300-164-112	Hospitality Aide	Pines- Machias
300-164-113	Hospitality Aide	Pines- Machias
300-224-118	Nurse Supervisor	Pines- Machias
300-224-119	Nurse Supervisor	Pines- Machias
300-246-111	Physical Therapy Aide	Pines- Machias
300-280-111	Registered Nurse	Pines- Machias
300-280-114	Registered Nurse	Pines- Machias
300-916-001	Keyboard Specialist - Sub	Pines- Machias
300-916-002	Keyboard Specialist - Sub	Pines- Machias
300-925-001	Staff RN - Sub	Pines- Machias
300-936-001	Cert Occu Therapy Asst - Sub	Pines- Machias
300-964-001	Physical Therapy Aide	Pines- Machias

311-002-003	Account Clerk Typist	Sheriff's Office
311-066-002	Correction Lieutenant	Sheriff's Office
311-097-012	Deputy Sheriff	Sheriff's Office
311-097-014	Deputy Sheriff	Sheriff's Office
311-097-021	Deputy Sheriff	Sheriff's Office
311-097-033	Deputy Sheriff	Sheriff's Office
311-097-042	Deputy Sheriff	Sheriff's Office
311-097-045	Deputy Sheriff	Sheriff's Office
311-097-050	Deputy Sheriff	Sheriff's Office
311-097-054	Deputy Sheriff	Sheriff's Office
311-097-058	Deputy Sheriff	Sheriff's Office
311-097-071	Deputy Sheriff	Sheriff's Office
311-097-078	Deputy Sheriff	Sheriff's Office
311-097-081	Deputy Sheriff	Sheriff's Office
311-097-083	Deputy Sheriff	Sheriff's Office
311-097-090	Deputy Sheriff	Sheriff's Office
311-097-091	Deputy Sheriff	Sheriff's Office
311-097-094	Deputy Sheriff	Sheriff's Office
311-097-098	Deputy Sheriff	Sheriff's Office
311-097-099	Deputy Sheriff	Sheriff's Office
311-097-100	Deputy Sheriff	Sheriff's Office
311-097-101	Deputy Sheriff	Sheriff's Office
311-099-004	Deputy Sheriff Sergeant	Sheriff's Office
311-099-012	Deputy Sheriff Sergeant	Sheriff's Office
311-978-001	Temp Undersheriff	Sheriff's Office
314-185-001	Keyboard Specialist	Probation
364-186-002	Keyboard Specialist II	Emergency Services
364-211-001	Medical Director	Emergency Services
401-057-013	Community Health Nurse	Health Department
401-057-034	Community Health Nurse	Health Department
401-186-012	Keyboard Specialist II	Health Department
401-223-001	Nurse Practitioner	Health Department
401-269-001	Physician's Assistant	Health Department
401-280-010	Registered Professional Nurse	Health Department
401-280-014	Registered Professional Nurse	Health Department
401-916-001	Keyboard Specialist - Sub	Health Department
401-916-002	Keyboard Specialist - Sub	Health Department
401-925-001	Registered Professional Nurse	Health Department
401-944-002	Keyboard Specialist II	Health Department
401-966-001	Social Work Consultant	Health Department
401-967-001	Home Health Aide	Health Department

431-357-002	Therapeutic Activities Aide	Community Services
431-901-001	Account Clerk Typist - Sub	Community Services
431-916-001	Keyboard Specialist - Temp	Community Services
431-977-001	Interim Director	Community Services
502-207-007	Maintenance Worker	Public Works
502-207-008	Maintenance Worker	Public Works
502-242-001	Personnel & Safety Clerk	Public Works
502-342-003	Stores Clerk	Public Works
502-901-001	Account Clerk Typist - Sub	Public Works
502-901-002	Account Clerk Typist - Sub	Public Works
502-946-002	Clerk of the Works	Public Works
502-954-001	Land Surveyor - Temp	Public Works
502-958-001	Procurement Specialist - Sub	Public Works
601-003-001	Accountant	Social Services
601-034-027	Caseworker	Social Services
601-060-004	Community Services Aid	Social Services
601-085-007	Data Entry Operator	Social Services
601-085-009	Data Entry Operator	Social Services
601-092-001	Deputy Commissioner	Social Services
601-131-005	Eligibility Worker	Social Services
601-185-007	Keyboard Specialist	Social Services
601-901-001	Account Clerk Typist - Sub	Social Services
601-908-001	Data Entry Operator - Sub	Social Services
601-915-005	Keyboard Specialist - HEAP	Social Services
601-916-001	Keyboard Specialist - Sub	Social Services
601-916-002	Keyboard Specialist - Sub	Social Services
601-916-006	Keyboard Specialist	Social Services
601-916-007	Keyboard Specialist	Social Services
601-918-001	Laborer - Seasonal	Social Services
601-918-002	Laborer - Seasonal	Social Services
601-918-003	Laborer - Seasonal	Social Services
601-918-004	Laborer - Seasonal	Social Services
601-918-005	Laborer - Seasonal	Social Services
601-930-001	Vocational Instructor - Seasonal	Social Services
601-930-002	Vocational Instructor - Seasonal	Social Services
601-931-001	Worksite Supervisor - Sub	Social Services
601-931-002	Worksite Supervisor - Seasonal	Social Services
601-931-003	Worksite Supervisor - Seasonal	Social Services
601-931-004	Worksite Supervisor - Seasonal	Social Services
601-941-002	Eligibility Worker - Seasonal	Social Services
601-941-003	Eligibility Worker - Seasonal	Social Services

601-941-004	Eligibility Worker - Seasonal	Social Services
601-941-005	Eligibility Worker - Seasonal	Social Services
601-941-006	Eligibility Worker - Seasonal	Social Services
601-941-007	Eligibility Worker - Seasonal	Social Services
601-941-008	Eligibility Worker - Seasonal	Social Services
601-942-010	Sr Social Svcs Examiner - Season	Social Services
601-942-012	Sr Social Svcs Examiner - Season	Social Services
601-944-001	Keyboard Specialist II - Sub	Social Services
601-952-001	Social Services Examiner - Sub	Social Services
601-952-002	Social Services Examiner - Sub	Social Services
601-957-001	Caseworker - Sub	Social Services
601-957-002	Caseworker - Sub	Social Services
601-957-003	Caseworker- Temp	Social Services
601-957-004	Caseworker	Social Services
601-958-001	Comm Svcs Aide - HEAP	Social Services
601-958-002	Comm Svcs Aide - HEAP	Social Services
601-973-001	Unit Supervisor - Temp	Social Services
601-973-002	Unit Supervisor - Temp	Social Services
601-975-001	Chief Social Services Examiner	Social Services
601-976-001	Support Officer	Social Services
601-989-001	Work Experience Supervisor	Social Services
601-989-002	Work Experience Supervisor	Social Services
601-989-003	Work Experience Supervisor	Social Services
601-989-004	Work Experience Supervisor	Social Services
601-990-001	Director of Income Programs	Social Services
651-916-001	Keyboard Specialist - Sub	Veteran's Services
677-064-004	Cook	Aging
677-145-113	Food Service Helper	Aging
677-145-115	Food Service Helper	Aging
677-145-116	Food Service Helper	Aging
677-145-120	Food Service Helper	Aging
677-145-126	Food Service Helper	Aging
677-145-128	Food Service Helper	Aging
677-145-132	Food Service Helper	Aging
677-145-137	Food Service Helper	Aging
677-913-114	Food Service Helper - Sub	Aging
677-913-116	Food Service Helper - Sub	Aging
677-913-118	Food Service Helper - Sub	Aging
677-913-119	Food Service Helper - Sub	Aging
677-974-001	Nutrition Services Coordinator	Aging
677-999-012	Overtime - Dietary Tech HN	Aging

677-999-013	Overtime - Dietary Main HK	Aging
731-928-001	Pre School Program Coord - Temp	Youth Bureau
731-987-001	Youth Bureau Program Coordinator	Youth Bureau

Adopted July 25, 2018 by voice vote.

ACT NO. 345-2018 by Mr. Snyder, Sr.
who asks immediate consideration

APPOINTMENT OF CORONER'S PHYSICIANS

Pursuant to Section 400 (4-b) of the County Law and Act 138-81.

RESOLVED, that the following individuals are appointed Coroner's Physicians for Cattaraugus County for two years with their terms to expire on December 31, 2019, at the salary which has heretofore, or may hereafter be established:

Erika Connor
111 Main Street
Randolph, New York 14772

Thayaparan Mathanakaran
2626 West State Street, Suite 202
Olean, New York 14760

Richard D. Scott
1102 Four Mile Road
Allegany, New York 14706

Donald E. Higgs
3456 Five Mile Road
Allegany, New York 14706

Tara Mahar
Erie County Medical Examiner's Office
501 Kensington Avenue
Buffalo, New York 14214

Katherine F. Maloney
Erie County Medical Examiner's Office
501 Kensington Avenue
Buffalo, New York 14214.

Adopted July 25, 2018 by voice vote.

ACT NO. 346-2018 by Mr. Snyder, Jr.
who asks immediate consideration

APPOINTMENT TO COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY BOARD OF DIRECTORS

Pursuant to Section 856 of the General Municipal Law.

WHEREAS, Michael Wimer resigned from the IDA Board of Directors on May 23, 2018 due to a work-related conflict and now wishes to be reappointed as a member of the Board as the conflict no longer exists, now, therefore, be it

RESOLVED, that the following individual is hereby appointed to the County of Cattaraugus Industrial Development Agency Board of Directors:

Michael Wimer
120 Main Street
Little Valley, New York 14755
(replacing Michael Wimer, who resigned),

and be it further

RESOLVED, that the Clerk of the Legislature be, and hereby is, directed to forward a certified copy of this resolution to the County of Cattaraugus Industrial Development Agency.

Adopted July 25, 2018 by voice vote.

ACT NO. 347-2018 by Mr. Snyder, Jr.
who asks immediate consideration

APPOINTMENT TO CATTARAUGUS COUNTY CAPITAL RESOURCE CORPORATION

Pursuant to Section 450 of the County Law.

WHEREAS, Michael Wimer resigned from the County of Cattaraugus Industrial Development Agency Board of Directors on May 23, 2018 due to a work-related conflict and has now been reappointed as a member of the IDA Board as the conflict no longer exists, and

WHEREAS, the Certificate of Incorporation of the Cattaraugus County Capital Resource Corporation, as approved by Act 259-2009, provides that the Board of Directors of the Corporation consist of up to seven (7) members, each of whom must be a member of the County of Cattaraugus Industrial Development Agency, who has also been appointed by the County Legislature to serve as a director of the Corporation, now, therefore, be it

RESOLVED, that the following individual is hereby reappointed to the Cattaraugus County Capital Resource Corporation Board of Directors:

Michael Wimer
120 Main Street
Little Valley, New York 14755
(replacing Michael Wimer, who resigned),

and be it further

RESOLVED, that the Clerk of the Legislature be, and hereby is, directed to forward a certified copy of this resolution to the Cattaraugus County Capital Resource Corporation.

Adopted July 25, 2018 by voice vote.

ACT NO. 348-2018 by Mr. Giardini and Mr. Helmich
who ask immediate consideration

AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK FOR FLOOD DAMAGE RECOVERY FUNDING

Pursuant to Section 450 of the County Law.

WHEREAS, the County Department of Public Works has been awarded Flood Damage Recovery Funding in the amount of \$706,500.00 through the Dormitory Authority of the State of New

York (DASNY), State and Municipal Facilities Program (SAM), for storm recovery project costs incurred during July 14 and 15, 2015, and

WHEREAS, it is necessary to file grant documents with DASNY in order to accept and receive the aforementioned flood damage recovery reimbursement, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the Dormitory Authority of the State of New York (DASNY), in order to accept and receive the aforementioned flood damage recovery reimbursement, according to the above-described terms.

Adopted July 25, 2018 by voice vote.

**MOTION TO ADJOURN IN MEMORY OF
JOHN E. HARE**

WHEREAS, John E. Hare, 69, of Allegany, passed away at home on July 21, 2018, and
WHEREAS, Mr. Hare served as Allegany Town Supervisor since January 1, 2012, and
WHEREAS, Supervisor Hare previously served the Town of Allegany on the Town Board and the Planning Board, and

WHEREAS, Mr. Hare retired in 2010 from Indeck Energy Services of Olean as Vice President of Operations, and

WHEREAS, Mr. Hare was a member of St. Bonaventure Church, the Allegany Knights of Columbus Council 1220, and the Sixty Plus Club of Allegany, and

WHEREAS, Mr. Hare is survived by his wife Carolyn; a son, John R. of Highland; a daughter, Elizabeth of Mars, Pennsylvania; and a grandson, Joshua, and

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

MOVE, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of John E. Hare 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 John E. Hare, and be it further

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

* * * * *

MR. NEAL moved, seconded by Ms. Hastings, to adjourn until August 22, 2018 at 4:00 p.m. Carried.

Meeting adjourned at 4:38 p.m.

Ann M. Giglio
Journal Clerk