



November 25, 2008

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

The invocation was given by Rev. Piatt.

The Attendance Roll Call disclosed all Legislators present.

MR. SNYDER moved, seconded by Mr. Giardini that the minutes of the November 12, 2008 session be approved. Carried.

\* \* \* \* \*

**COMMUNICATIONS:**

New York State Department of Agriculture and Markets: Letter from Commissioner Hooker certifying that Cattaraugus County Agricultural District No. 1 is eligible for redistricting.

**APPOINTMENTS:**

**Workforce Investment Board**

***Three-Year terms to expire December 31, 2011***

Cesar Cabrera  
Western Region NYS Department of Labor  
290 Main Street  
Buffalo, New York 14202

Philip Ghent  
Olean Advanced Products  
1695 Seneca Avenue  
Olean, New York 14760

Christopher Napoleon  
Napoleon Engineering Services  
241 Adams Street  
Olean, New York 17460

Kathleen Premo  
St. Bonaventure University  
239 Murphy Professional Building  
St. Bonaventure, New York 14778

Michael Hendrix, President  
Both, Branch & Hendrix  
128 South Union Street  
Olean, New York 14760

John Stevens  
JB Stevens Organizational Solutions  
917 Forness Avenue  
Olean, New York 14760

\* \* \* \* \*

CHAIRMAN ABERS announced this is the time and place called for a public hearing on **Act No. 592-2008**, Local Law Number 15-2008, A Local Law Providing for Enhanced Personal Privacy Protection for Documents Recorded in the Office of the County Clerk, and Authorizing an Increase in Fees Collected by the County Clerk for the Recording, Entering, Indexing and Endorsing a Certificate of any Instrument, asked that it be read and anyone wishing to speak for or against this local law, may now do so.

There being no one wishing to speak, CHAIRMAN ABERS declared the hearing closed.

CHAIRMAN ABERS requested a Roll Call Vote to adopt Act No. 592-2008 which disclosed as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Ellis 1.0875, Giardini 1.0094, Hebdon 1.0915, Marsh 1.0843, McClune 0.8834, McLarney 1.0632, Murphy 1.0875, Neal 1.0843, O'Brien 1.0632, Padlo 0.8772, Snyder 0.8772, Sprague 1.0530, Teachman 0.8772, Vecchiarella 0.8834, Vickman 1.0915, Ward 1.0043, Witte 0.8772, Abers 1.0265 - 20.9999.

Nays: none.

Act No. 592-2008, having received the majority vote of the Legislature, was declared Adopted.

\* \* \* \* \*

CHAIRMAN ABERS called up Act No. 117-2008 Authorizing the Chair to Execute Contract with New York state Division of Criminal Justice Services for District Attorney Recruitment and Retention Program and Adjusting Various Appropriation and Revenue Accounts (District Attorney), and asked that it be read.

Approved by 9 members of the Finance Committee, 7 members of the County Operations Committee, 7 members of the Development and Agriculture Committee and 4 members of the Labor Relations Committee.

MR. VECCHIARELLA moved, seconded by Mr. Snyder to amend Act No. 117-2008 as follows: Delete the third Whereas: "Whereas, funds will be used towards improving the recruitment and retention of district attorneys," and replace with the following: "Whereas, the aforementioned funds will be divided equally between the following five (5) Assistant District Attorneys, with each one receiving \$2,287.80: Lori Pettit Rieman, Kelly Balcom, John Luzier, William Preston Marshall, Erich Weyand,". Carried.

Adopted, as amended, November 25, 2008 by voice vote.

\* \* \* \* \*

**ACT NO. 594-2008** by Mr. Giardini  
and Mr. Ellis

**BID ACCEPTANCE FOR PAPER PRODUCTS  
(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 paper products, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications for paper products was XPEDX, 75 Allied Drive, Buffalo, New York 14227, for the term January 1, 2009 through December 31, 2009, as follows:

Price per case of Recycled paper (greater than 40%)

Bleached Roll Toilet Tissue (Scott 04460):	\$35.21
Size 4.1" x 4" (48400 sheets per case)	

Price per case of Recycled paper (greater than 40%)

Bleached Roll Towels (Scott 41482):	\$23.56
Size 11" x 8.78" (2560 sheets per case)	

Price per case of Recycled paper (greater than 40%)

Bleached Folded Hand Towels (Scottfold 01980): \$26.74  
Size - 9.4" x 12.4" (4375 sheets per case)

now, therefore, be it

RESOLVED, that the aforementioned bids be, and the same hereby are, accepted, and be it further

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

State Bid does not meet County Specifications.

Eight sets of specifications were sent out.

No other bids received met specifications.

Approved by 9 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted November 25, 2008 by voice vote.

**ACT NO. 595-2008** by Mr. Giardini  
and Mr. Ellis

**BID ACCEPTANCE FOR GASOLINE FOR ONOVILLE MARINA**  
**(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 no-lead gasoline for the Onoville Marina, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest<sup>1</sup> bid received meeting specifications was the bid of NOCO Energy Corp., 2440 Sheridan Drive, Tonawanda, New York 14150, at a cost of \$2.4329 per gallon, based on the November 3, 2008 Rack Price of \$1.7341 per gallon, plus a firm differential of \$0.1000 per gallon and tax of \$0.5988 per gallon, now, therefore, be it

RESOLVED, that the bid of NOCO Energy Corp., be, and the same hereby is, accepted, for a term commencing January 1, 2009 and terminating December 31, 2009.

No State Bid.

Five sets of specifications were sent out.

Two other bids received meeting specifications are on file at the Cattaraugus County Department of Public Works.

<sup>1</sup> MR. SNYDER moved, seconded by Mr. Vecchiarella to amend Act No. 595-2008 as follows: In the second Whereas, delete: "only" and replace with: "lowest". Carried.

MR. GIARDINI moved, seconded by Mr. Ward to table Act No. 595-2008. Carried.

ACT NO. 596-2008 by Mr. Giardini  
and Mr. Ellis

**BID ACCEPTANCE FOR TREE REMOVAL & STUMP GRINDING  
(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 tree removal & stump grinding for the Department of Public Works, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest acceptable bids for the tree removal, stump grinding and limbing in the four quadrants of the County is split between the following two (2) bidders:

Covey Tree, Inc.  
P.O. Box 551  
1 Railroad Avenue  
Frewsburg, New York 14738

Sean M. Maurer d/b/a  
Sean's Tree Service  
1339 Windfall Road  
Olean, New York 14760

and

WHEREAS, the lowest responsible bids received meeting specifications are as follows:

Sean M. Maurer d/b/a  
SEAN'S TREE SERVICE  
1339 Windfall Road  
Olean, New York 14760

<u>TREE REMOVAL (Per Diameter Inch)</u>	<u>Quadrant</u>	<u>Rate</u>
<b>Schedule A</b>		
Provide ALL equipment and personnel necessary to complete contract specifications. Minimum requirements for equipment shall include a stump grinder, tractor loader, large dump truck for hauling wood, utility truck, chipper, truck with enclosed chipper box, a 50' high platform hydraulic aerial device, saws, adequate ropes and pulleys, and other related equipment, as well as traffic control.	NE	\$31.00
	NW	\$33.00
	SE	\$31.00
	SW	\$31.00
<b>Schedule B</b>		
The same as Schedule A except the County will provide traffic control.	NE	\$27.00
	SE	\$27.00
	SW	\$27.00
<b>Schedule C</b>		
The same as Schedule A except all wood greater than four (4) inches in diameter will be left on site, in a safe area off the shoulder of the road, for the County to dispose of. The successful bidder shall remove all wood and debris smaller than four (4) inches in diameter. Required equipment will not be as extensive as listed in Schedule A above.	NE	\$25.00
	NW	\$28.00
	SE	\$25.00
	SW	\$25.00
<b><u>STUMP GRINDING (Per Diameter Inch)</u></b>		
<b><u>Schedule A</u></b>		
Same as Schedule A above	NE	\$ 5.50
<b><u>LIMBING- per Hour FIRST HOUR</u></b>		
To include mobilization, a 50' bucket truck, operator/sawer, and one groundperson. County will provide cleanup, disposal of wood &	NE	\$150.00
	NW	\$160.00

debris, and traffic control.	SE	\$150.00
	SW	\$150.00

**LIMBING- AFTER FIRST HOUR**This is a "Per Half Hour" rate

NE	\$ 75.00
NW	\$ 80.00
SE	\$ 75.00
SW	\$ 75.00

COVEY TREE, INC.  
1 Railroad Avenue  
P.O. Box 551  
Frewsburg, New York 14738

**TREE REMOVAL (Per Diameter Inch)**

<u>Quadrant</u>	<u>Rate</u>
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**Schedule A**

Provide ALL equipment and personnel necessary to complete contract specifications. Minimum requirements for equipment shall include a stump grinder, tractor loader, large dump truck for hauling wood, utility truck, chipper, truck with enclosed chipper box, a 50' high platform hydraulic aerial device, saws, adequate ropes and pulleys, and other related equipment, as well as traffic control.

**Schedule B**

The same as Schedule A except the County will provide traffic control.

NW	\$28.00
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**Schedule C**

The same as Schedule A except all wood greater than four (4) inches in diameter will be left on site, in a safe area off the shoulder of the road for the County to dispose of. The successful bidder shall remove all wood and debris smaller than 4 inches in diameter. Required equipment will not be as extensive as listed in Schedule A above.

**Schedule D**

The same as Schedule C except the County will provide traffic control.

NE	\$24.00
NW	\$23.00
SE	\$23.00
SW	\$22.00

**STUMP GRINDING (Per Diameter Inch)**

<u>Quadrant</u>	<u>Rate</u>
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**Schedule A**

Same As Schedule "A" Above

NW	\$ 5.50
SE	\$ 5.50
SW	\$ 5.00

**Schedule B**

Same As Schedule "B" Above

NE	\$ 5.00
NW	\$ 4.50
SE	\$ 4.50
SW	\$ 4.00

now, therefore, be it

RESOLVED, that the bid of Covey Tree, Inc., be, and the same hereby is, accepted, for a term commencing January 1, 2009 and terminating December 31, 2009, and be it further

RESOLVED, that the bid of Sean M. Maurer d/b/a Sean's Tree Service be, and the same hereby is, accepted, for a term commencing January 1, 2009 and terminating December 31, 2009, 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.

14 sets of specifications were sent out.

One other bid was received meeting specifications which is on file at the Cattaraugus County Department of Public Works.

Approved by 9 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted November 25, 2008 by voice vote.

**ACT NO. 597-2008** by Mr. Giardini  
and Mr. Ellis

**BID ACCEPTANCE FOR HVAC MAINTENANCE FOR COUNTY BUILDINGS  
(Department of Public Works)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for HVAC maintenance for County buildings, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was the bid of Van Hook Service Co., Inc., 76 Seneca Avenue, Rochester, New York 14621, for a term commencing January 1, 2009 and terminating December 31, 2012, as follows:

<u>Locations</u>	<u>1/1/2009 - 12/31/2010</u>	<u>1/1/2011-12/31/ 2012</u>
County Center & Jail - LV	\$1,390.00/year	\$1,475.00/year
Public Works Facility - LV	\$2,615.00/year	\$2,747.50/year
Social Services & Youth Bureau Bldg - LV	\$1,250.00/year	\$1,312.50/year
Olean Office Facility	\$2,615.00/year	\$2,747.50/year
Pines - Olean Campus	\$3,735.00/year	\$3,925.00/year
Pines - Machias Campus	\$3,735.00/year	\$3,925.00/year
Stone House - Machias	\$1,250.00/year	\$1,312.50/year
Hourly rate for work not covered by contract	\$72.00/hour	\$72.00/hour
Mileage rate for work not covered by contract	\$0.35/mile	\$0.35/mile

and

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

RESOLVED, that the bid of Van Hook Service Co., 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.

No State Bid.

Nine sets of specifications were sent out.

Two other bids received meeting specifications are on file in the office of the Cattaraugus County Department of Public Works.

Approved by 9 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted November 25, 2008 by voice vote.

**ACT NO. 598-2008** by Mr. Giardini  
and Mr. Ellis

**BID ACCEPTANCE FOR ELECTRICAL MAINTENANCE  
(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 electrical maintenance for the Department of Public Works, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications was the bid of Zimbardi Electric, 5085 Route 353, Salamanca, New York 14779, as follows:

<u>Description</u>	<u>2007-2008 Rate</u>	<u>2009-2010 Rate</u>
Hourly Rate: per hour	\$ 61.75	\$ 67.50
Overtime Rate: per hour	\$ 95.00	\$101.25
Holiday/Weekend Rate: per hour	\$125.00	\$134.50
Mileage Rate when service calls to more than one job site in a day is required, travel to first site is excluded: per mile	\$ 0.45	\$ 0.40
Additional Charges:		
Boom Truck: per hour	\$ 60.00	\$105.00
Boom Truck: rate per mile	\$ 0.45	\$ 0.55
Additional Help: per hour per person	\$45.00-\$61.75	\$ 67.50

now, therefore, be it

RESOLVED, that the bid of Zimbardi Electric, be, and the same hereby is, accepted, for a term commencing January 1, 2009 and terminating December 31, 2010, and be it further

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

No State Bid.

Five sets of specifications were sent out.

One other bid was received meeting specifications which is on file at the Cattaraugus County Department of Public Works.

Approved by 9 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted November 25, 2008 by voice vote.



ACT NO. 599-2008 by Mr. Giardini  
and Mr. Ellis

**BID ACCEPTANCE FOR PAINTING OF VARIOUS COUNTY BRIDGES AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and  
Section 131-b of the Highway Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for painting of various county bridges, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications for three (3) bridges was the bid of United Eagle Painting Corporation, 50 James Street, Tonawanda, New York 14151-0088, as follows:

Humphrey Bridge #15	\$ 31,000.00
South Valley Bridge #8	\$ 23,745.00
Randolph Bridge #1	\$ 23,816.00
TOTAL \$78,561.00,	

and

WHEREAS, the lowest bid received meeting specifications for two (2) bridges was the bid of Amstar of Western New York, Inc., 825 Rein Road, Cheektowaga, New York 14225, as follows:

Hinsdale Bridge #62	\$117,400.00
City of Olean Bridge BIN #2012340	\$219,400.00
TOTAL \$336,800.00,	

and

WHEREAS, the lowest bid received meeting specifications for Franklinville Bridge #22 was the bid of Phoenix Development and Construction, Inc., 5428 Genesee Street, Lancaster, New York 14086, in the amount of \$80,200.00, and

WHEREAS, the aforementioned bridge painting services shall not commence until May 1, 2009 and shall be completed by September 30, 2009, and

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

RESOLVED, that the bids of United Eagle Painting Corp. be, and the same hereby are, accepted, and be it further

RESOLVED, that the bids of Amstar of Western New York, Inc., be, and the same hereby are, accepted, and be it further

RESOLVED, that the bid of Phoenix Development and 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.

No State Bid.

14 sets of specifications were sent out.

Four other bids received meeting specifications are on file at the Cattaraugus County Department of Public Works.

Approved by 9 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted November 25, 2008 by voice vote.

**ACT NO. 600-2008** by Mr. Giardini  
and Mr. Ellis

**BID ACCEPTANCE FOR BRIDGE DECK SEALING PROGRAM  
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law,  
Section 131-b of the Highway Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the bridge deck sealing 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 program was the bid of Amstar of Western New York, Inc., 825 Rein Road, Cheektowaga, New York 14225, in the amount of \$71,322, and

WHEREAS, the aforementioned bridge deck sealing program shall not commence until July 1, 2009 and shall be completed by August 31, 2009, and

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

RESOLVED, that the bid of Amstar of Western New York, 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.

No State Bid.

13 sets of specifications were sent out.

Eight other bids received meeting specifications are on file at the Cattaraugus County Department of Public Works.

Approved by 9 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted November 25, 2008 by voice vote.

**ACT NO. 601-2008** by Mr. Giardini  
and Mr. Ellis

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
ENERGY ENTERPRISES, INC. FOR NATURAL GAS SERVICES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 733-2007 authorized a contract with Energy Enterprises, Inc. for bid assistance, consulting and auditing services for the purchase of natural gas, the term of which expires December 31, 2008, and

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

WHEREAS, Energy Enterprises, Inc., 10 Mill Street, P.O. Box 182, Mount Morris, New York 14510, has agreed to provide the following services at the following rates:

- |   |          |
|---|----------|
| a) Research natural gas accounts, assist in preparation of bid specifications and evaluation of bid results                                   | \$650.00 |
| b) Monitor and audit monthly gas bills and compare with actual gas usage (per month) County Center  | \$220.00 |
| c) Monitor and audit monthly gas bills and compare with actual gas usage (per month) County Little Valley DPW Facility                        | \$115.00 |
| d) Monitor and audit monthly gas bills and compare with actual gas usage (per month) Pines Healthcare & Rehabilitation Center-Machias Campus, | \$115.00 |

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

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

Approved by 9 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted November 25, 2008 by voice vote.

**ACT NO. 602-2008** by Mr. Giardini  
and Mr. Ellis

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
SOUTHERN TIER PROFESSIONAL PEST CONTROL FOR  
PEST CONTROL SERVICES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 561-2006 authorized a contract with Jeff Herbert, d/ b/a First Choice Pest Control for the provision of pest control services at various County buildings located through Cattaraugus County, the term of which expires December 31, 2008, and

WHEREAS, continued pest control services are needed at various County buildings located throughout the County, and

WHEREAS, the County Department of Public Works has solicited proposals from six (6) companies for the aforementioned pest control services, and

WHEREAS, Southern Tier Professional Pest Control, 12001 Cross Road, Randolph, New York 14772, has been recommended to provide pest control services at various County buildings throughout the County, for an amount as follows:

**MONTHLY MAINTENANCE**

<u>Cattaraugus County Jail, 301 Court Street, Little Valley</u>	
Indoor Treatment	\$75/visit

Indoor/Outdoor Treatment	\$150/visit
Cluster Fly Treatment (as needed)	\$150/treatment

\*\*Note: Hospital/Nursing Home Approved Bait and/or Spray will be used  
 \*\*Note: Treatments at the Jail WILL NOT start until May 1, 2009

Pines Healthcare and Rehabilitation Center - Olean Campus

Indoor Treatment	\$75/visit
Indoor/Outdoor Treatment	\$150/visit
Cluster Fly Treatment (as needed)	\$150/treatment

\*\*Note: Hospital/Nursing Home Approved Bait and/or Spray will be used

Pines Healthcare and Rehabilitation Center - Machias Campus

Indoor Treatment	\$75/visit
Indoor/Outdoor Treatment	\$150/visit
Cluster Fly Treatment (as needed)	\$150/treatment

\*\*Note: Hospital/Nursing Home Approved Bait and/or Spray will be used

Stonehouse Building - Machias

Outdoor Insect Pest Control (2 visits-spring & summer)	\$150/visit
Rodent Control (2 visits-fall & early winter) (combination - 3 traps & 3 bait stations)	\$75/visit

SEMI-ANNUAL TREATMENT (spring and fall)

Cattaraugus County Office Building, 1 Leo Moss Drive, Olean

Indoor Treatment	\$150/visit
Indoor/Outdoor Treatment	\$150/visit
Cluster Fly Treatment (as needed)	\$175/treatment
Rodent Treatment (as needed)	\$50/visit

AS-NEEDED RODENT TREATMENTS

(per visit price to include servicing five (5) bait stations)

Transfer Stations

Allegany	\$30/visit
Conewango	\$30/visit
Dayton	\$30/visit
Five Points	\$30/visit
Machias	\$30/visit
Onoville	\$30/visit
Portville	\$30/visit
Salamanca	\$30/visit
Additional Bait Stations	\$5/each

NON-COVERED EMERGENCY TREATMENT: (TIME AND MATERIALS)

Hourly Rate for Weekdays	\$12/hour
Hourly Rate for Weeknights	\$15/hour
Hourly Rate for Weekends	\$15/hour
Hourly Rate for Holidays	\$20/hour
Mileage Rate (per mile)	\$0.25/mile,

now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Southern Tier Professional Pest Control, for the provision of the above-described services, for a term commencing January 1, 2009 and terminating December 31, 2010, according to the above-described terms.

Approved by 9 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted November 25, 2008 by voice vote.

**ACT NO. 603-2008** by Mr. Snyder  
and Mr. Aiello, Mr. Burrell, Mr. Neal and Mr. Teachman<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CORNELL COOPERATIVE EXTENSION ASSOCIATION OF CATTARAUGUS COUNTY FOR  
FOOD STAMP NUTRITIONAL EDUCATION PROGRAM**

Pursuant to 7 CFR Part 227 and Section 450 of the County Law.

WHEREAS, Act 653-2007 authorized a contract with Cornell Cooperative Extension Association of Cattaraugus County, 28 Parkside Drive, Suite A, Ellicottville, New York 14731, for the provision of the Food Stamp Nutrition Educational Program, the term of which expired September 30, 2008, and

WHEREAS, the Food Stamp Nutritional Education Program is designed to target food stamp applicants and recipients, including: individuals, senior citizens, sheltered workshops participants, homeless individuals and youth at risk in Cattaraugus County, and

WHEREAS, the purpose of the aforementioned program is for participants to acquire knowledge, skills and desired practices which contribute to the health and well-being of themselves and/or their families, and

WHEREAS, Cornell Cooperative Extension Association of Cattaraugus County has again agreed to implement the aforementioned programs for an amount of \$604,590, and

WHEREAS, this program is partially federally funded, with the remainder being donated services by Cornell Cooperative Extension, 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 Cornell Cooperative Extension Association of Cattaraugus County, for the provision of the above-described Food Stamp Nutritional Education Program, for a term commencing October 1, 2008 and terminating September 30, 2009, 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.

Approved by 9 members of the Finance Committee and 5 members of the Human Services Committee.

<sup>1</sup> The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Mr. Burrell, Mr. Neal and Mr. Teachman".

Adopted November 25, 2008 by voice vote.

**ACT NO. 604-2008** by Mr. Snyder

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH  
ENRIQUE BARRERA FOR SPANISH INTERPRETER SERVICES**

Pursuant to 14 NYCRR Section 527.4 (a), (b) and (c) and  
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 661-2007 authorized a contract with Enrique Barrera for Spanish interpreter services for various County departments, the term of which expires December 31, 2008, and

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

WHEREAS, Enrique Barrera, 6750 Poverty Hill Road, Ellicottville, New York 14731, shall provide Spanish interpreter services at a rate not to exceed \$36 per hour, plus mileage at the County rate in effect at the time services are rendered, and

WHEREAS, this service may be paid through various funding streams ranging from 100% federal funds, down to 30% federal funds, 29% state funds, 36% county funds and 5% local funds, and

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

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

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

Approved by 9 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted November 25, 2008 by voice vote.

**ACT NO. 605-2008** by Mr. Snyder  
and Mr. Murphy<sup>1</sup>

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH  
CRAIG H. ZUCKERMAN FOR WIB VOCATIONAL ASSESSMENT SERVICES**

Pursuant to Public Law 105-220 (Workforce Investment Act of 1998),  
29 USCS 2841 and Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 656-2007 authorized a contract with Craig H. Zuckerman, 784 Main Street, Olean, New York 14760, for the provision of vocational assessments for persons with disabilities, the term of which expires December 31, 2008, and

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

WHEREAS, Craig H. Zuckerman has agreed to continue the provision of the aforementioned vocational assessments for an amount of \$100 per hour, not to exceed an amount of \$5,000, which is the same as the 2008 rate, and

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

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

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

Approved by 9 members of the Finance Committee and 5 members of the Human Services Committee.

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

Adopted November 25, 2008 by voice vote.

**ACT NO. 606-2008** by Mr. Neal

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
KENT A. LIEBER, M.D. FOR PINES HEALTHCARE &  
REHABILITATION CENTER-MACHIAS CAMPUS MEDICAL DIRECTOR SERVICES**

Pursuant to 10 NYCRR Section 415.15 and  
Section 450 of the County Law.

WHEREAS, Act 710-2007 authorized a contract with Kent A. Lieber, M.D., 879 West Ferry Street, Buffalo, New York 14209, for the provision of medical director and staff physician services at The Pines Healthcare and Rehabilitation Center in Machias, the term of which expires December 31, 2008, and

WHEREAS, Kent A. Lieber, M.D., shall provide the services of Medical Director at The Pines Healthcare & Rehabilitation Center-Machias Campus, for an amount of \$40,000, and

WHEREAS, sufficient funds are included in the 2009 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 Kent A. Lieber, M.D., for the provision of the above-described services, for a term commencing January 1, 2009 and terminating December 31, 2009, according to the above-described terms.

Approved by 9 members of the Finance Committee and 7 members of the Senior Services Committee.

Adopted November 25, 2008 by voice vote.

**ACT NO. 607-2008** by Human Services Committee:  
Mr. Snyder, Mr. Ward, Mr. Aiello, Mr. Marsh,  
Ms. Vickman, Mr. Giardini and Mrs. Witte

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS THROUGH  
NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES  
FOR MEMBER ITEM FUNDING TO OFFSET COSTS OF VARIOUS YOUTH PROGRAMS**

Pursuant to Section 450 of the County Law.

WHEREAS, \$10,000 is available through the New York State Office of Children and Family Services to offset costs of the Youth Bureau's "Cattaraugus County: The Future is NOW!" conference with futurist Edward Barlow, which was attended by 250 invited guests held at the Premier Banquet Center on September 25, 2008, and

WHEREAS, a contract is necessary in order to receive the aforementioned grant-in-aid funding, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the New York State Office of Children and Family Services, to receive the aforementioned member item grant funding, for a term commencing May 1, 2008 and terminating October 31, 2008, according to the above-described terms.

Approved by 9 members of the Finance Committee.

Adopted November 25, 2008 by voice vote.

**ACT NO. 608-2008** by Mr. Burrell and Mr. Boser  
and Mr. Aiello, Mr. Teachman and Mr. Padlo<sup>1</sup>

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH  
EMPLOYEE SERVICES, INC., FOR EMPLOYEE ASSISTANCE PROGRAM**

Pursuant to Section 205 of the County Law and  
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 721-2007, authorized a contract with Employee Services, Inc., 111 West Pearl Street, Wellsville, New York 14895, for the provision of an Employee Assistance program, the term of which expires December 31, 2008, and

WHEREAS, Employee Services, Inc. has advised the County that a new rate of \$23.02 per non-public safety employee and \$34.74 per public safety employee will be charged effective January 1, 2009, for a total not to exceed \$24,583.76, based on a combined total of 1,016 covered employees, and

WHEREAS, the total number of covered employees may increase or decrease up to, and including, five percent without affecting the total value of the agreement, and

WHEREAS, if the number of covered employees increases or decreases by more than five percent, then the total agreement value may be revised quarterly to reflect the changes in employees covered, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Employee Services, Inc., for the provision of the above-



described services, for a term commencing January 1, 2009 and terminating December 31, 2009, according to the above-described terms.

Approved by 9 members of the Finance Committee and 4 members of the Labor Relations Committee.

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

Adopted November 25, 2008 by voice vote.

**ACT NO. 609-2008** by Mr. Burrell and Mr. Boser  
and Mr. Neal, Mr. Teachman and Mr. Padlo<sup>1</sup>

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH  
FIRST AMERITAS LIFE INSURANCE CORP. OF NEW YORK  
FOR DENTAL INSURANCE COVERAGE**

Pursuant to Section 92-a of the General Municipal Law and  
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 720-2007 authorized a contract with Group Health, Inc. (GHI), for the provision of employee dental coverage, the term of which expires December 31, 2008, and

WHEREAS, the County is desirous of continuing the provision of dental coverage for its employees, and

WHEREAS, First Ameritas Life Insurance Corp. of New York, 400 Rella Boulevard, Suite 304, Suffern, New York 10901, can provide employee dental coverage for an annual amount of \$80,453, based on the following:

Single Coverage	\$ 7.40/month
Family Coverage	\$20.76/month (employee would pay difference between \$20.76 & \$7.40 per month),

and

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

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with First Ameritas Life Insurance Corp. of New York, for the provision of the above-described coverage, for a term commencing January 1, 2009 and terminating December 31, 2010, according to the above-described terms.

Approved by 9 members of the Finance Committee and 4 members of the Labor Relations Committee.

<sup>1</sup> The following Legislators requested their names be listed as additional sponsors: "Mr. Neal, Mr. Teachman and Mr. Padlo".

Adopted November 25, 2008 by voice vote.

**ACT NO. 610-2008** by Mr. Burrell, Mr. Marsh, Mr. Neal and Mr. Boser  
and Mr. Murphy and Mr. Vecchiarella<sup>1</sup>

**LOCAL LAW NUMBER 16-2008**  
**COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 969 of the General Municipal Law and  
Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW EXPANDING BOUNDARIES OF**  
**CATTARAUGUS EMPIRE ZONE AS REDESIGNATED BY**  
**LOCAL LAW NUMBER 17-2005 (INTRO NUMBER 17-2005)**

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

SECTION 1. Legislative Intent. It is the intent of this Local Law to approve the addition of lands to the Cattaraugus Empire Zone, as redesignated by Local Law Number 17-2005 (Intro Number 17-2005), for the proposed expansion of the Innovative Wood Solutions, Inc. manufacturing project, as follows:

1.1 Innovative Wood Solutions, Inc. is proposing an expansion of their manufacturing facility located at 300 Fair Oak Street in the Village of Little Valley; and

1.2 The aforementioned expansion will add 50 jobs that support on-site manufacturing; and

1.3 The aforementioned manufacturing project is not currently located within the Cattaraugus Empire Zone boundaries; and

1.4 The New York State Department of Economic Development has determined that the proposed expansion is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law; and

1.5 The Cattaraugus Empire Zone Administrative Board has determined that the proposed expansion is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law; and

1.6 The boundaries of the Regionally Significant Project area to be included in the Cattaraugus Empire Zone is set forth in Section 3, infra., consisting of approximately 13.85 acres.

SECTION 2. Approval of Allocation. The Cattaraugus County Legislature hereby approves the allocation of zone lands for the proposed expansion of the Innovative Wood Solutions, Inc. manufacturing project for a regionally significant project as determined by the Cattaraugus Empire Zone Administrative Board and the New York State Department of Economic Development Law, such zone lands to constitute the property described in Section 3, infra.

SECTION 3. Amendment of Local Law Number 17-2005 (Intro Number 17-2005). Local Law Number 17-2005 (Intro Number 17-2005) is hereby amended as follows:

Add a polygon, beginning at the northwesterly corner of lands conveyed by Benjamin Chamberlain to Horace Hart by deed recorded in the Cattaraugus County Clerk's Office in Liber 61 and Page 563; thence westerly along the southerly line of Fair Oak Street, a distance of 772.5 feet; thence southerly at a right angle, a distance of 231 feet; thence westerly parallel to Fair Oak Street, a distance of 49.5 feet; thence southerly at a right angle a distance approximately 540 feet to the northerly line of Eagle Street; thence easterly along the northerly line of Eagle Street a distance 478 feet; thence northerly along the western boundary of lands conveyed to R. Martin Velie by deed recorded in the Cattaraugus County Clerk's Office in Liber 6162 and Page 4001, a distance of approximately 178 feet to the centerline of the Little Valley Creek; thence easterly along the centerline of said creek a distance of approximately 200 feet, being the northerly boundary of said lands conveyed to R. Martin Velie by last referenced deed; thence southerly along the easterly boundary of said lands conveyed to R. Martin Velie by last referenced deed, a distance of approximately 213 feet to the northerly line of Eagle Street; thence easterly along the northerly line of Eagle Street a distance of 99 feet; thence northerly to the point of beginning a distance of 810 feet, encompassing an area totaling 13.85 acres, more or less.

SECTION 4. State Approval. The Commissioner of the New York State Department of Economic Development is hereby requested to approve this addition to the Empire Zone in accordance with this Local Law.

SECTION 5. Effective Date. This local law shall take effect immediately.

Approved by 9 members of the Finance Committee and 7 members of the Development and Agriculture Committee.

<sup>1</sup> The following Legislators requested their names be listed as additional sponsors: "Mr. Murphy and Mr. Vecchiarella".

MR. BURRELL moved, seconded by Mr. Boser to postpone action on Act No. 610-2008 until December 10, 2008. Carried.

**ACT NO. 611-2008** by Mr. Burrell, Mr. Marsh, Mr. Neal and Mr. Boser

**AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 16-2008**

Pursuant to Section 20 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on November 25, 2008, a proposed Local Law entitled "A Local Law Expanding Boundaries of Cattaraugus Empire Zone as Redesignated by Local Law 17-2005 (Intro Number 17-2005)", 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 10<sup>th</sup> day of December, 2008, at 3:01 p.m. at the Legislature's Chambers, County Office Building, 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.

Approved by 9 members of the Finance Committee and 7 members of the Development and Agriculture Committee.

Adopted November 25, 2008 by voice vote.

**ACT NO. 612-2008** by Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH SIRIUS COMPUTER SOLUTIONS, INC. FOR  
PROVISION OF SOFTWARE MAINTENANCE FOR  
DEPARTMENT OF INFORMATION SERVICES  
(AS/400 County System)**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 501-2003 authorized a contract with IBM Corporation for the provision of software and maintenance for the County's financial accounting AS/400 system, the term of which maintenance agreement expired October 23, 2008, and

WHEREAS, the County Department of Information Services is desirous of continuing the maintenance for the County's AS/400 system, and

WHEREAS, Sirius Computer Solutions, Inc., P.O. Box 202289, Dallas, Texas 75320-2289, can provide the aforementioned software maintenance for the County's financial accounting AS/400 system for an amount of \$12,607.07, and

WHEREAS, sufficient funds are included in the 2008 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 Sirius Computer Solutions, Inc., for the provision of the above-described software maintenance, for a term commencing October 24, 2008 and terminating October 23, 2009, according to the above-described terms.

Approved by 9 members of the Finance Committee and 7 members of the County Operations Committee.

Adopted November 25, 2008 by voice vote.

**ACT NO. 613-2008** by Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH SIRIUS COMPUTER SOLUTIONS, INC. FOR  
PROVISION OF SOFTWARE MAINTENANCE FOR  
DEPARTMENT OF INFORMATION SERVICES  
(AS/400 Sheriff's Department)**

Pursuant to Section 450 of the County Law.

WHEREAS, the maintenance agreement for the Sheriff's Department's AS/400 system expired September 8, 2008, and

WHEREAS, the County Department of Information Services is desirous of continuing the aforementioned maintenance for the Sheriff's Department's AS/400 system, and

WHEREAS, Sirius Computer Solutions, Inc., P.O. Box 202289, Dallas, Texas 75320-2289, can provide the aforementioned software maintenance for the Sheriff's Department's financial accounting AS/400 system for an amount of \$13,207.40, and

WHEREAS, sufficient funds are included in the 2008 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 Sirius Computer Solutions, Inc., for the provision of the above-described software maintenance, for a term commencing September 9, 2008 and terminating September 8, 2009, according to the above-described terms.

Approved by 9 members of the Finance Committee, 7 members of the County Operations Committee and 7 members of the Public Safety Committee.

Adopted November 25, 2008 by voice vote.

**ACT NO. 614-2008** by Labor Relations Committee:

Mr. Aiello, Mr. Burrell, Mr. McLarney,  
Mr. Boser and Mr. Ward  
and Mrs. Abers and Ms. Vickman  
and Mr. Murphy<sup>1</sup>

**LOCAL LAW NUMBER 17- 2008  
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law and  
Sections 201 and 205 of the County Law.

**A LOCAL LAW ESTABLISHING SALARY FOR COUNTY CLERK  
FOR THE YEAR 2008**

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 establish a salary, including all longevity entitlements, for County Clerk for the year 2008.

SECTION 2. Salary. The County Officer listed below shall receive an annual salary, effective January 1, 2008 as follows:

	1/1/2008
<u>Position</u>	<u>Salary</u>
County Clerk	\$63,898

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

SECTION 4. Supercession. All local laws and resolutions of the Cattaraugus County Legislature, to the extent that the same are inconsistent with this local law, are hereby superceded.

SECTION 5. Effective Date. This Local Law is subject to permissive referendum in accordance with Section 24 of the Municipal Home Rule Law.

Approved by 9 members of the Finance Committee and 7 members of the County Operations Committee.

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

MR. SNYDER moved, seconded by Mr. McLarney to postpone action on Act 614-2008 until December 10, 2008. Carried.

**ACT NO. 615-2008** by Labor Relations Committee:  
Mr. Aiello, Mr. Burrell, Mr. McLarney,  
Mr. Boser and Mr. Ward  
and Mrs. Abers and Ms. Vickman

**AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 17 - 2008**

Pursuant to Section 20 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on November 25, 2008, a proposed Local Law entitled "A Local Law Establishing Salary for County Clerk for the Year 2008", 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 10<sup>th</sup> day of December, 2008, at 3:02 p.m. at the Legislature's Chambers, Cattaraugus 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.

Approved by 9 members of the Finance Committee and 7 members of the County Operations Committee.

Adopted November 25, 2008 by voice vote.

**ACT NO. 616-2008** by Mrs. Abers  
who asks immediate consideration

**REQUESTING NEW YORK STATE LEGISLATURE AUTHORIZE EXTENSION  
OF ADDITIONAL 1% SALES TAX FOR CATTARAUGUS COUNTY**

Pursuant to Section 40 of the Municipal Home Rule Law.

WHEREAS, the New York State Legislature authorized the imposition of an additional 1% sales tax in Cattaraugus County by Chapter 332 of the Laws of 2009 of the State of New York, and

WHEREAS, that authorization expires on November 30, 2009, and

WHEREAS, the revenue generated by the 1% sales tax during 2007 was approximately \$8,600,000, and

WHEREAS, the additional 1% sales tax has been allocated in the 2009 budget for the maintenance, repair, rehabilitation and replacement of the infrastructure in Cattaraugus County, and

WHEREAS, due to the need to continue this infrastructure program, the additional 1% sales tax should be extended for a term commencing December 1, 2009 through November 30, 2011, and

WHEREAS, there should be an exemption for home heating fuels from this additional 1% sales tax, 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 adopt special legislation to amend such laws, including the New York State Tax Law, to authorize the Cattaraugus County Legislature to extend the additional 1% sales tax, for a term commencing December 1, 2009 and terminating November 30, 2011, and be it further

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

MR. O'BRIEN moved, seconded by Mrs. Witte to waive Rule 12. Carried.

CHAIRMAN ABERS requested a Roll Call Vote on Act No. 616-2008, which disclosed as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Ellis 1.0875, Giardini 1.0094, Hebdon 1.0915, Marsh 1.0843, McClune 0.8834, McLarney 1.0632, Murphy 1.0875, Neal 1.0843, O'Brien 1.0632, Padlo 0.8772, Snyder 0.8772, Sprague 1.0530, Teachman 0.8772, Vecchiarella 0.8834, Vickman 1.0915, Ward 1.0043, Witte 0.8772, Abers 1.0265 - 20.9999.

Nays: none.

Act No. 616-2008, having received the two-thirds majority vote of the Legislature, was declared Adopted.

**ACT NO. 617-2008** by Mr. Neal and Mr. Boser  
and Mr. Aiello, Mr. Burrell, Mr. Ellis,  
Mr. Murphy, Mr. Giardini and Mr. Padlo<sup>1</sup>  
who ask immediate consideration

**AMENDING ACT 499-2008 REGARDING  
INTERIM DIRECTOR OF DEPARTMENT OF NURSING HOMES**

Pursuant to Sections 204 and 205 of the County Law.

WHEREAS, Act 499-2008 designated the Administrator of The Pines Healthcare and Rehabilitation Center-Olean Campus as the Interim Director of the Department of Nursing Homes, and

WHEREAS, one of the responsibilities of the Director of the Department of Nursing Homes is the appointment of the Administrators for both facilities, and

WHEREAS, since there is a current vacancy in the position of Nursing Home Administrator of The Pines Healthcare and Rehabilitation Center-Machias Campus, the authority to appoint the Nursing Home Administrator

should be placed with the County Administrator, rather than the Interim Director of the Department of Nursing Homes, now, therefore, be it

RESOLVED, that Act 499-2008 is hereby amended as follows: Add a second Resolved: "and be it further Resolved, that the authority to appoint The Pines Healthcare and Rehabilitation Center-Machias Campus Nursing Home Administrator shall be vested in the County Administrator, until such time as a permanent Director of the Department of Nursing Homes is appointed."

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

<sup>1</sup> The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Murphy, Mr. Giardini and Mr. Padlo".

Adopted November 25, 2008 by voice vote.

**ACT NO. 618-2008** by Mr. Burrell, Mr. Ellis,  
Mr. McLarney, Mr. O'Brien, Mr. Snyder,  
Mr. Vecchiarella, Mr. Giardini and Mrs. Witte  
who ask immediate consideration

**REQUESTING NEW YORK STATE LEGISLATURE AUTHORIZE IMPOSITION OF  
25 CENT MORTGAGE RECORDING FEE**

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. recording tax for mortgages, and

WHEREAS, in preparation for anticipated difficulties in municipal finances, Cattaraugus County should have the same option for the mortgage recording tax revenue stream as afforded to other municipalities in New York State, 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 to adopt such legislation to amend such laws, including the New York State Tax Law, to authorize the Cattaraugus County Legislature to impose a 25 cent per \$100. mortgage recording tax, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to State Senator Young and Assembly Member Giglio.

MR. BURRELL moved, seconded by Mr. Sprague to waive Rule 12. Carried.

CHAIRMAN ABERS requested a Roll Call Vote on Act No. 618-2008, which disclosed as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Ellis 1.0875, Giardini 1.0094, Hebdon 1.0915, Marsh 1.0843, McClune 0.8834, McLarney 1.0632, Murphy 1.0875, Neal 1.0843, O'Brien 1.0632, Padlo 0.8772, Snyder 0.8772, Teachman 0.8772, Vecchiarella 0.8834, Vickman 1.0915, Ward 1.0043, Witte 0.8772, Abers 1.0265 - 19.9469.

Nays: Sprague 1.0530.



Act No. 618-2008, having received the two-thirds majority vote of the Legislature, was declared Adopted.

**ACT NO. 619-2008** by Mrs. Abers, Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Murphy, Mr. Neal, Mr. O'Brien, Mr. Snyder, Mr. Teachman, Mr. Vecchiarella, Ms. Vickman, Mr. Boser, Mr. Giardini, Mr. Hebdon, Mr. McClune, Mr. Padlo, Mr. Sprague, Mr. Ward and Mrs. Witte who ask immediate consideration

**OPPOSING GOVERNOR PATERSON'S PROPOSED CLOSURE OF  
NYS OFFICE OF CHILDREN AND FAMILY SERVICES  
CATTARAUGUS RESIDENTIAL CENTER IN LIMESTONE AND  
GREAT VALLEY RESIDENTIAL CENTER**

Pursuant to Section 153 of the County Law.

WHEREAS, the New York State Office of Children and Family Services (OCFS) has systematically diverted youth from Western New York to facilities outside of Western New York, and

WHEREAS, the Great Valley Residential Center is a non-secure facility that has the capacity to house 25 youth in a court-recognized foster care setting, and

WHEREAS, in response to the requirement that the facility be kept open, the OCFS transferred the youth from that facility to other facilities in New York State, and

WHEREAS, the Great Valley and Limestone facilities receive 50 percent of their<sup>1</sup> operating budget from the federal government, as compared with the larger facilities across the state, which are 100 percent state funded, and

WHEREAS, the Cattaraugus Residential Center in Limestone, is a new facility which was open in May 1995, and requires no current or proposed, capital improvement project, and

WHEREAS, the Cattaraugus Residential Center in Limestone has begun utilizing the sanctuary model training approach to deal with troubled youth, and

WHEREAS, the Cattaraugus Residential Center is one of the OCFS facilities that has initiated the new training approach, and

WHEREAS, both the Great Valley Residential Center and the Cattaraugus Residential Center are major employers in the respective Towns of Great Valley and Carrollton, and

WHEREAS, the facilities employ staff who would have to relocate from the area to other state facilities, and

WHEREAS, the New York State Office of Children and Family Services has an apparent current philosophy of treating children in a close proximity to their homes, yet is closing the only two facilities for troubled youth in Western New York, and

WHEREAS, the loss of jobs, as well as treatment opportunity for the youth of the western portion of the state, would adversely effect the residents of Cattaraugus County, now, therefore, be it

RESOLVED, that Cattaraugus County hereby opposes the closure of the New York State Office of Children and Family Services Great Valley Residential Center in the Town of Great Valley and the Cattaraugus Residential Center in Limestone, in the Town of Carrollton for the above-stated reasons, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Governor Paterson, Senators Skelos, Smith and Young, Assembly Speaker Silver, Assembly Member Giglio, and Gladys Carrion, Esq., OCFS Commissioner.

MR. McLARNEY moved, seconded by Mr. Hebdon to waive Rule 12. Carried.

MR. McCLUNE moved, seconded by Mr. Neal to amend Act No. 619-2008 as follows: In the fourth Whereas, delete the following: "facility receives 50 percent of its", and add the following: "and Limestone facilities receive 50 percent of their". Carried.

Adopted, as amended, November 25, 2008 by voice vote.

**ACT NO. 620-2008** by Mr. Marsh and Mr. Neal  
who ask immediate consideration

**CONGRATULATING ANN E. DUNWOODY ON PROMOTION TO UNITED STATES  
ARMY FOUR STAR GENERAL**

Pursuant to Section 153 of the County Law.

WHEREAS, on June 23, 2008, Ann E. Dunwoody, from Randolph, New York, was nominated by President George W. Bush to become the first woman to achieve the rank of Four Star General in the United States Army, and

WHEREAS, in July, 2008, the United States Senate confirmed her nomination to this position, and

WHEREAS, at a promotion ceremony at the Pentagon in Washington, DC, Ann E. Dunwoody was added a fourth star, and later at Fort Belvoir, her birthplace, she was sworn in as Commander of the Army Materiel Command, being responsible for equipping, outfitting and arming all soldiers, and

WHEREAS, General Dunwoody, started her military career after graduating from SUNY at Cortland in 1975, and

WHEREAS, General Dunwoody's first assignment was to Fort Sill as supply platoon leader in June 1976, and

WHEREAS, in July 1980, General Dunwoody was sent to quartermaster officer school at Fort Lee, Virginia, and

WHEREAS, after later serving in Germany and Saudi Arabia, General Dunwoody graduated from the Command and General Staff College in 1987, then was assigned to Fort Bragg, North Carolina, becoming the 82<sup>nd</sup> Airborne Division's first female battalion commander, and

WHEREAS, her earlier assignments include Commander of Army Combined Arms Support Command and the Army Deputy Chief of Staff for logistics, and

WHEREAS, Defense Secretary Robert Gates issued a statement regarding General Dunwoody as follows: "Her 33 years of service, highlighted by extraordinary leadership and devotion to duty, make her exceptionally qualified for this senior position.", and

WHEREAS, the Cattaraugus County Legislature hereby wishes to congratulate General Ann E. Dunwoody on her promotion to four-star general of the United States Army, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby honors, congratulates and thanks General Ann E. Dunwoody on her military accomplishments, her promotion to four star general and her service to this country, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to General Ann E. Dunwoody.

MR. MURPHY moved, seconded by Mr. Boser to waive Rule 12. Carried.

Adopted November 25, 2008 by voice vote.

**ACT NO. 621-2008** by Mrs. Abers, Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Murphy, Mr. Neal, Mr. O'Brien, Mr. Snyder, Mr. Teachman, Mr. Vecchiarella, Ms. Vickman, Mr. Boser, Mr. Giardini, Mr. Hebdon, Mr. McClune, Mr. Padlo, Mr. Sprague, Mr. Ward and Mrs. Witte who ask immediate consideration

**CONGRATULATING GOWANDA PANTHERS BOYS CROSS-COUNTRY TEAM AND  
CLIFF NIELSON ON WINNING 2008 SECTION 6 CLASS C CHAMPIONSHIP**

Pursuant to Section 153 of the County Law.

WHEREAS, the Gowanda Central School's Panthers boys cross-country team won the Section 6 Class C 2008 sectional meet on Friday, October 31, 2008, at Elma Meadows, New York, and

WHEREAS, the Gowanda Panthers boys cross-country team finished with a score of 45 points, beating 12 other schools, including runner-up Fredonia with a score of 61 points, and

WHEREAS, Gowanda's Cliff Nielson won the race with a time of 17:14.6 seconds, and

WHEREAS, this is Gowanda Central School's first sectional title in cross-country since 1954, and

WHEREAS, the Gowanda Panthers boys cross-country team also won the CCAA Championship at Long Point State Park on October 24, 2008, their first county cross-country championship in over 50 years, finishing with a total of 44 points, and

WHEREAS, the team and coach should be commended for their hard work and dedication, which led to a successful season, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby congratulates Coach Dave Bolen, the Gowanda Panthers boys cross-country team for their 2008 Section 6 Class C championship, and Cliff Nielson, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Charles Rinaldi, Superintendent of Schools and Coach Dave Bolen.

MS. VICKMAN moved, seconded by Mr. Giardini to waive Rule 12. Carried.

Adopted November 25, 2008 by voice vote.

**ACT NO. 622-2008** by Mrs. Abers, Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Murphy, Mr. Neal, Mr. O'Brien, Mr. Snyder, Mr. Teachman, Mr. Vecchiarella, Ms. Vickman, Mr. Boser, Mr. Giardini, Mr. Hebdon, Mr. McClune, Mr. Padlo, Mr. Sprague, Mr. Ward and Mrs. Witte who ask immediate consideration

**CONGRATULATING OLEAN LADY HUSKIES SWIM TEAM FOR  
WINNING 2008 SECTION 6 CLASS B 200-YARD MEDLEY RELAY TITLE**

Pursuant to Section 153 of the County Law.

WHEREAS, the Olean City School Lady Huskies swim team won the 200-yard medley relay and captured the Section 6 title on Saturday, November 15, 2008 by beating runner-up Williamsville North at the Erie Community College Flickinger Center Pool in Buffalo, and

WHEREAS, the top-seeded Lady Huskies swam a 1:51.32, breaking the school record of 1:52.18, beating Williamsville North by nearly 3½ seconds in topping all three classifications (A, B, C/D), and

WHEREAS, the team and coach should be commended for their hard work and dedication, which led to a successful season, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby congratulates Coach Dan Brown and the Olean City School District Lady Huskies Swim Team on the 2008 Section 6 200-yard medley relay title, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Superintendent of Schools Colleen Taggerty and Coach Dan Brown.

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

Adopted November 25, 2008 by voice vote.

**ACT NO. 623-2008** by Mrs. Abers, Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Murphy, Mr. Neal, Mr. O'Brien, Mr. Snyder, Mr. Teachman, Mr. Vecchiarella, Ms. Vickman, Mr. Boser, Mr. Giardini, Mr. Hebdon, Mr. McClune, Mr. Padlo, Mr. Sprague, Mr. Ward and Mrs. Witte who ask immediate consideration

**CONGRATULATING SALAMANCA LADY WARRIORS SWIM TEAM FOR  
WINNING FOUR 2008 SECTION 6 CLASS C/D TITLES**

Pursuant to Section 153 of the County Law.

WHEREAS, the Salamanca City School Lady Warriors swim team won four events which captured four Section 6 titles on Saturday, November 15, 2008 at the Erie Community College Flickinger Center Pool in Buffalo, and

WHEREAS, Chloe Fries-Isaac won two events, the 50-yard freestyle with a time of 25.66 seconds and the 100 yard freestyle with a time of 57.16 seconds, and

WHEREAS, Jadye Lichy won the 100-yard butterfly with a personal best time of 1 minute 6.21 seconds, and

WHEREAS, Chloe Fries-Isaac, Melissa Liberatore, Jadye Lichy and Sierra Whitmore won the 200 yard freestyle relay, setting a new school record of 1 minute 47.58 seconds, and

WHEREAS, the team and coach should be commended for their hard work and dedication, which led to a successful season, now, therefore, be it

RESOLVED, that Cattaraugus County Legislature hereby congratulates Coach Laurie Lafferty-John and the Salamanca City School District Lady Warriors Swim Team on the 2008 Section 6 Class C/D titles, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Superintendent of Schools Douglas Hay and Coach Laurie Lafferty-John.

MR. TEACHMAN moved, seconded by Mr. Padlo to waive Rule 12. Carried.

Adopted November 25, 2008 by voice vote.

**ACT NO. 624-2008** by Mrs. Abers, Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Murphy, Mr. Neal, Mr. O'Brien, Mr. Snyder, Mr. Teachman, Mr. Vecchiarella, Ms. Vickman, Mr. Boser, Mr. Giardini, Mr. Hebdon, Mr. McClune, Mr. Padlo, Mr. Sprague, Mr. Ward and Mrs. Witte who ask immediate consideration

**CONGRATULATING SALAMANCA LADY WARRIORS VOLLEYBALL TEAM FOR  
WINNING 2008 NEW YORK STATE CLASS C CHAMPIONSHIP**

Pursuant to Section 153 of the County Law.

WHEREAS, the Salamanca Central School Lady Warriors volleyball team won the New York State Public High School Class C volleyball championship on Sunday, November 16, 2008 by defeating Section 2 West Lake at the Glens Falls Civic Center, and

WHEREAS, the Lady Warriors won the title by defeating West Lake by scores of 25 - 21, 25- 19 and 25 - 15, and

WHEREAS, the No. 6 seeded Lady Warriors swept No. 1 seeded City Honors in three sets in the Section 6 finals, capturing the Section 6 title, by scores of 25-13, 28-26 and 25-22, and

WHEREAS, the Lady Warriors beat Section 5 Nazareth in three sets in the Far West Regional Championship, and

WHEREAS, the Lady Warriors beat Lake George and East Rockaway and split with West Lake by winning five of six matches during semifinal pool play, and

WHEREAS, the Lady Warriors had a perfect, undefeated season with a final record of 20 - 0, and

WHEREAS, the team and coach should be commended for their hard work and dedication, which led to a successful season, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby congratulates Coaches Tom Roof and Colleen Wiedman and the Salamanca Central School District Lady Warriors Volleyball Team on the 2008 New York State Class C title, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Superintendent of Schools Douglas Hay and Coaches Tom Roof and Colleen Wiedman.

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

Adopted November 25, 2008 by voice vote.

**ACT NO. 625-2008** by Mrs. Abers, Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Murphy, Mr. Neal, Mr. O'Brien, Mr. Snyder, Mr. Teachman, Mr. Vecchiarella, Ms. Vickman, Mr. Boser, Mr. Giardini, Mr. Hebdon, Mr. McClune, Mr. Padlo, Mr. Sprague, Mr. Ward and Mrs. Witte who ask immediate consideration

**CONGRATULATING PORTVILLE LADY PANTHERS VOLLEYBALL TEAM FOR  
WINNING 2008 NEW YORK STATE CLASS D CHAMPIONSHIP**

Pursuant to Section 153 of the County Law.

WHEREAS, the Portville Central School Lady Panthers volleyball team won the New York State Public High School Class D volleyball championship on Sunday, November 16, 2008 by defeating Chateaugay at the Glens Falls Civic Center, and

WHEREAS, the Lady Panthers won the title by defeating Section 10 Chateaugay by scores of 25-22, 25-21, 14-25 and 28-26, and

WHEREAS, the Lady Panthers swept Panama in three sets in the Section 6 finals, capturing their first Section 6 title since 1981, and

WHEREAS, the Lady Panthers beat Section 5 Gananda in three sets in the Far West Regional Championship, and

WHEREAS, the Lady Panthers were also awarded the state Class D Team Sportsmanship Award, and

WHEREAS, the Lady Panthers swept Condor, Haldane and Chateaugay in semifinal pool play, and

WHEREAS, this is the first state championship for the Portville Lady Panthers volleyball team, and

WHEREAS, the Lady Panthers closed the season with a final record of 23-4, and

WHEREAS, the team and coach should be commended for their hard work and dedication, which led to a successful season, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby congratulates Coach Aaron Decker and the Portville Central School District Lady Panthers Volleyball Team on the 2008 New York State Class D title, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Superintendent of Schools *Tom Simon*<sup>1</sup> and Coach Aaron Decker.

MR. ELLIS moved, seconded by Mr. McLarney to waive Rule 12. Carried.

<sup>1</sup> MR. O'BRIEN moved, seconded by Mr. Vecchiarella to amend Act No. 625-2008 as follows: In the second Resolved, delete: "Michael O'Brien" and replace with: "Tom Simon". Carried.

Adopted, as amended, November 25, 2008 by voice vote.

\* \* \* \* \*

MR. O'BRIEN moved, seconded by Mr. Vecchiarella to adjourn for the public hearing on the 2009 tentative budget. Carried.

CHAIRMAN ABERS announced that anyone wishing to speak on the 2009 tentative budget may now do so.

There being no one wish to speak, CHAIRMAN ABERS declared the public hearing closed.

MR. O'BRIEN moved, seconded by Mrs. Witte to accept the Finance Committee Report on the 2009 tentative budget. Carried.

MR. O'BRIEN moved, seconded by Mr. Snyder to revise the revenue estimate for the payment in lieu of taxes, item number 3, on the following page. Carried.

MR. WARD moved, seconded by Mr. Teachman to accept the 2009 budget as amended. Carried.

## ADDITIONAL BUDGET ACTION

	Recommended Finance	Motion	Recommended Legislature	Contingent Fund	Impact on Tax Levy
Finance Budget			\$ 280,872	\$	\$ 44,788,000

## # 3 To Revise revenue estimate for Payment In Lieu of Taxes -

133	Tax Accounts				
901	Payment In Lieu Of Taxes	A .1081	403,513	(52,217)	351,296
	County General Accounts				
	Contingent Fund	A .1990.445	280,872	(52,217)	228,655
				(52,217)	

## Recommended Budget Adoption

2008 Tax Levy	228,655	44,788,000
% Increase	252,540	42,960,000
		4.26%



**ACT NO. 626-2008** by Mr. O'Brien  
who asks immediate consideration

**ADOPTION OF 2009 BUDGET**

Pursuant to Section 360 of the County Law.

RESOLVED, that the tentative County Budget for the year 2009, as amended and filed with the Clerk of the Legislature and as hereafter attached, is hereby adopted as the County Budget for 2009 and the budget requires the raising by tax of the amount of \$44,788,000.

Adopted November 25, 2008 by voice vote.

**ACT NO. 627-2008** by Mr. O'Brien  
who asks immediate consideration

**APPORTIONMENT OF COUNTY BUDGET**

Pursuant to Section 804 of the Real Property Tax Law.

RESOLVED, that the following report of the assessed value of all property assessed in each of the several towns and cities of the County for 2009 shows the equalized value of real estate and the amount of the County budget apportioned to each district:

--Continued on the following page--

## PROPERTY TAX REPORT

November 25, 2008

PROPERTY TAX AMOUNT..... \$44,788,000

TOWN	Taxable Value	Taxable Value With Fixed Exemptions	Equalization Rate	Full Value	Apportioned Tax	Tax Rate
ALLEGANY	312,338,139	312,366,039	100.00	312,366,039	3,767,010.89	12.0607
ASHFORD	76,381,841	76,393,141	67.00	114,019,613	1,375,031.44	18.0021
CARROLLTON	65,426,500	65,433,950	83.00	78,836,084	950,731.99	14.5313
COLDSPRING	47,038,800	47,042,250	81.00	58,076,852	700,383.87	14.8895
CONEWANGO	32,637,392	32,640,392	70.00	46,629,131	562,328.88	17.2296
DAYTON	48,201,062	48,207,562	83.00	58,081,400	700,438.71	14.5316
EAST OTTO	45,680,684	45,683,174	77.00	59,328,797	715,481.83	15.6627
ELLCOTTVILLE	553,233,052	553,236,052	100.00	553,236,052	6,671,807.99	12.0597
FARMERSVILLE	52,475,976	52,479,276	100.00	52,479,276	632,879.31	12.0604
FRANKLINVILLE	86,358,814	86,442,080	81.00	106,718,617	1,286,984.32	14.9028
FREEDOM	5,118,377	5,145,437	5.31	96,900,885	1,168,586.35	228.3119
GREAT VALLEY	3,220,082	3,265,782	2.32	140,766,466	1,697,587.91	527.1878
HINSDALE	69,306,937	69,313,915	100.00	69,313,915	835,898.40	12.0608
HUMPHREY	23,114,999	23,114,999	47.00	49,180,849	593,101.59	25.6587
ISCHUA	3,540,221	3,561,890	9.00	39,576,556	477,277.61	134.8158
LEON	26,436,151	26,438,051	66.00	40,057,653	483,079.45	18.2734
LITTLE VALLEY	47,446,679	47,471,969	76.00	62,463,117	753,280.49	15.8764
LYNDON	27,469,053	27,472,753	81.00	33,916,979	409,025.35	14.8904
MACHIAS	85,651,618	85,661,843	73.00	117,344,990	1,415,134.17	16.5220
MANSFIELD	98,495,678	98,508,145	100.00	98,508,145	1,187,969.27	12.0611
NAPOLI	32,070,031	32,071,531	68.00	47,164,016	568,779.38	17.7355
NEW ALBION	55,404,094	55,414,844	80.00	69,268,555	835,351.38	15.0774
OLEAN/CITY	38,755,600	39,422,420	7.95	495,879,497	5,980,110.62	154.3031
OLEAN/TOWN	82,337,407	82,362,447	80.00	102,953,059	1,241,573.18	15.0791
OTTO	30,536,709	30,544,509	79.00	38,663,935	466,271.77	15.2692
PERRYSBURG	55,837,687	55,846,437	77.00	72,527,840	874,657.07	15.6643
PERSIA	59,044,980	59,058,880	80.00	73,823,600	890,283.42	15.0781
PORTVILLE	137,749,690	138,048,490	98.00	140,865,806	1,698,785.91	12.3324
RANDOLPH	80,255,606	80,259,256	97.00	82,741,501	997,829.78	12.4331
RED HOUSE	88,107,791	88,107,791	100.00	88,107,791	1,062,545.11	12.0596
SALAMANCA/CITY	19,404,660	19,556,360	20.00	97,781,800	1,179,209.84	60.7694
SALAMANCA/TOWN	27,675,052	27,676,652	100.00	27,676,652	333,769.48	12.0603
SOUTH VALLEY	29,479,418	29,480,918	88.00	33,501,043	404,009.33	13.7048
YORKSHIRE	30,225,809	30,250,309	19.50	155,129,790	1,870,803.92	61.8943
	2,476,456,589	2,477,979,544		3,713,886,301	44,788,000.01	
TAX RATE % FULL VALUE		0.0120596045				
TAX RATE % TAXABLE VALUE		0.0180855179				

Adopted November 25, 2008 by voice vote.

**ACT NO. 628-2008** by Mr. O'Brien  
who asks immediate consideration

**APPROPRIATIONS FOR THE FISCAL YEAR 2009**

Pursuant to Sections 356 and 360 of the County Law.

WHEREAS, the Cattaraugus County Legislature has, by resolution, adopted a budget for the fiscal year 2009, now, therefore, be it

RESOLVED, that the several subtotals specified in such budget, in the column headed "Adopted" opposite the several items of expenditures, be approved for such items, effective January 1, 2009.

Adopted November 25, 2008 by voice vote.

**ACT NO. 629-2008** by Mr. O'Brien  
who asks immediate consideration

**ADOPTION OF EQUALIZATION RATES**

Pursuant to Section 804 of the Real Property Tax Law.

RESOLVED, that the Cattaraugus County Legislature does hereby adopt the equalization rate fixed by the State Board of Real Property Tax Services for the year 2008 as follows:

<u>TOWNS</u>	<u>EQUALIZATION RATES</u>
Allegany	100.00
Ashford	67.00
Carrollton	83.00
Cold Spring	81.00
Conewango	70.00
Dayton	83.00
East Otto	77.00
Ellicottville	100.00
Farmersville	100.00
Franklinville	81.00
Freedom	5.31
Great Valley	2.32
Hinsdale	100.00
Humphrey	47.00
Ischua	9.00
Leon	66.00
Little Valley	76.00
Lyndon	81.00
Machias	73.00
Mansfield	100.00
Napoli	68.00
New Albion	80.00
Olean, City	7.95
Olean, Town	80.00
Otto	79.00
Perrysburg	77.00
Persia	80.00
Portville	98.00

Randolph	97.00
Red House	100.00
Salamanca, Town	100.00
Salamanca, City	20.00
South Valley	88.00
Yorkshire	19.50

Adopted November 25, 2008 by voice vote.

**ACT NO. 630-2008** by Mr. O'Brien  
who asks immediate consideration

**AUTHORIZATION TO DEBIT AND CREDIT  
ACCOUNTS OF TOWNS AND CITIES**

Pursuant to Section 940 of the Real Property Tax Law.

WHEREAS, at the meeting of the Legislature on November 25, 2008, a report was filed by the County Treasurer in the Office of the County Treasurer showing the debits and credits of all the towns and cities in the County, now, therefore, be it

RESOLVED, that the Clerk of the Legislature be, and hereby is, authorized and directed to debit and credit the respective towns and cities as set forth on such report in the tax levy:

<u>TOWN</u>	<u>DEBIT</u>	<u>CREDIT</u>
Allegany	\$ 8,013.70	
Ashford	\$ 595.55	
Carrollton	\$ 96.86	
Cold Spring	\$ .01	
Conewango	\$ 20.88	
Dayton	\$ 323.33	
East Otto	\$ 1,300.90	
Ellicottville	\$ 1,947.89	
Farmersville	\$ 560.07	
Franklinville	\$ 1,321.49	
Freedom	\$ 1.10	
Great Valley		\$841.83
Hinsdale	\$ 362.34	
Humphrey	\$ 328.52	
Ischua	\$ 1,622.24	
Leon	\$ 813.29	
Little Valley	\$ 4,810.76	
Lyndon	\$ 138.42	
Machias	\$ 2,034.68	
Mansfield		\$ .51
Napoli	\$ 3,478.12	
New Albion	\$ 30.01	
Olean, Town	\$ 1,752.82	
Otto	\$ 00.00	
Perrysburg	\$ 597.05	
Persia	\$ 293.52	
Portville	\$ 2,652.34	
Randolph	\$13,242.78	

Red House	\$	.04	
Salamanca, Town	\$	74.48	
South Valley			\$ .25
Yorkshire	\$	1,099.61	
 <u>CITY</u>			
Olean, City		\$37,450.80	
Salamanca, City			\$ .16

Adopted November 25, 2008 by voice vote.

**ACT NO. 631-2008** by Mr. O'Brien  
who asks immediate consideration

**AUTHORIZING THE CHAIR AND CLERK TO SIGN AND ATTACH WARRANTS**

Pursuant to Section 904 of the Real Property Tax Law.

RESOLVED, that tax levies as extended upon the several rolls of the County be, and they hereby are, approved, and be it further

RESOLVED, that the Chair and the Clerk of the Legislature be, and they hereby are, authorized and directed to sign and attach warrants thereto under the date of December 10, 2008.

Adopted November 25, 2008 by voice vote.

**ACT NO. 632-2008** by Mr. O'Brien  
who asks immediate consideration

**WORKERS' COMPENSATION INSURANCE PREMIUMS CHARGED TO TOWNS**

Pursuant to Local Law Number 3-1989.

RESOLVED, that the following items covering workers' compensation self-insurance premiums under the Cattaraugus County Self-Insurance Program for the period January 1, 2007 to January 1, 2008 be charged back to the town set opposite each item and the same be included in taxes levied in the year 2008:

<u>TOWNS</u>	<u>TOTAL TO BE LEVIED</u>
Ashford	\$ 64,605.53
Carrollton	\$ 24,066.22
Cold Spring	\$ 19,226.44
Conewango	\$ 25,877.11
Dayton	\$ 11,027.55
East Otto	\$ 16,715.02
Farmersville	\$ 15,054.11
Franklinville	\$ 45,724.01
Great Valley	\$ 44,865.81
Hinsdale	\$ 23,022.47
Humphrey	\$ 23,265.96
Ischua	\$ 27,311.97
Leon	\$ 13,914.47
Little Valley	\$ 34,314.97
Lyndon	\$ 8,491.27

Machias	\$ 37,583.99
Mansfield	\$ 25,000.67
Napoli	\$ 19,334.07
New Albion	\$ 10,535.92
Olean	\$ 44,193.92
Otto	\$ 19,865.83
Perrysburg	\$ 38,682.61
Persia	\$ 6,013.04
Portville	\$ 34,909.56
Randolph	\$ 14,193.01
Yorkshire	\$ 32,447.20

VILLAGES

Cattaraugus	\$ 20,601.10
Delevan	\$ 9,820.67
Franklinville	\$ 35,435.46
Gowanda	\$ 46,765.40
Limestone	\$ 2,578.88
Little Valley	\$ 12,529.30
Perrysburg	\$ 2,535.75
Randolph	\$ 10,290.48
South Dayton	\$ 3,715.46

CITY

Salamanca	\$108,082.80
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Adopted November 25, 2008 by voice vote.

**ACT NO. 633-2008** by Mr. O'Brien  
who asks immediate consideration

**BOND RESOLUTION DATED NOVEMBER 25, 2008.**

**A RESOLUTION AUTHORIZING THE RECONSTRUCTION AND CONSTRUCTION OF IMPROVEMENTS TO VARIOUS BRIDGES, INCLUDING RETAINING WALLS AND/OR APPROACHES THERETO, IN AND FOR THE COUNTY OF CATTARAUGUS, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,010,000, AND AUTHORIZING THE ISSUANCE OF \$845,000 BONDS OF SAID COUNTY TO PAY PART OF THE COST THEREOF.**

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Cattaraugus, New York, as follows:

Section 1. The reconstruction and construction of improvements to various bridges, including retaining walls and/or approaches thereto, as well as design and engineering costs and other incidental improvements and costs in connection therewith, in and for the County of Cattaraugus, New York, are hereby authorized at a maximum estimated cost of \$1,010,000.

Section 2. SEQR DETERMINATION: It is hereby determined that the aforesaid purposes constitute Type II Actions as defined under the SEQR Regulations of the State of New York which, by definition, will not have a significant impact upon the environment.

Section 3. The plan for the financing of such maximum estimated cost shall be as follows:

a) By the issuance of \$845,000 bonds of said County hereby authorized to be issued therefor pursuant to the Local Finance Law; and

b) By the appropriation and expenditure of \$165,000 funds of said County available to it, which appropriation and expenditure is hereby authorized.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is twenty (20) years, pursuant to subdivision 10 of paragraph a of Section 11.00 of the Local Finance Law.

Section 5. The faith and credit of said County of Cattaraugus, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the County Treasurer, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the County Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to

be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in the **Olean Times Herald** and in the **Salamanca Press**, the official newspapers of such County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

CHAIRMAN ABERS requested a Roll Call Vote on Act No. 633-2008, which disclosed as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Ellis 1.0875, Giardini 1.0094, Hebdon 1.0915, Marsh 1.0843, McClune 0.8834, McLarney 1.0632, Murphy 1.0875, Neal 1.0843, O'Brien 1.0632, Padlo 0.8772, Snyder 0.8772, Sprague 1.0530, Teachman 0.8772, Vecchiarella 0.8834, Vickman 1.0915, Ward 1.0043, Witte 0.8772, Abers 1.0265 - 20.9999.

Nays: none.

Act No. 633-2008, having received the two-thirds majority vote of the Legislature, was declared Adopted.

**ACT NO. 634-2008** by Mr. O'Brien  
who asks immediate consideration

**BOND RESOLUTION DATED NOVEMBER 25, 2008.**

**A RESOLUTION AUTHORIZING THE RECONSTRUCTION AND RESURFACING OF ROADS  
IN AND FOR THE COUNTY OF CATTARAUGUS, NEW YORK, AT A MAXIMUM ESTIMATED  
COST OF \$2,616,800, AND AUTHORIZING THE ISSUANCE OF \$346,800 BONDS  
OF SAID COUNTY TO PAY PART OF THE COST THEREOF.**

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Cattaraugus, New York, as follows:

Section 1. The reconstruction and resurfacing of roads in and for the County of Cattaraugus, New York, including design and engineering costs and other incidental improvements and costs in connection therewith, are hereby authorized at a maximum estimated cost of \$2,616,800.

Section 2. SEQR DETERMINATION: It is hereby determined that the aforesaid purposes constitute Type II Actions as defined under the SEQR Regulations of the State of New York which, by definition, will not have a significant impact upon the environment.

Section 3. The plan for the financing of such maximum estimated cost shall be as follows:

a) By the issuance of \$346,800 bonds of said County hereby authorized to be issued therefor pursuant to the Local Finance Law;

b) By the appropriation and expenditure of \$365,000 funds of said County available to it, which appropriation and expenditure is hereby authorized; and

c) By the application of \$1,905,000 of grants-in-aid.



Section 4. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen (15) years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law.

Section 5. The faith and credit of said County of Cattaraugus, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the County Treasurer, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the County Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in the **Olean Times Herald** and in the **Salamanca Press**, the official newspapers of such County, together with a notice of the

Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

CHAIRMAN ABERS requested a Roll Call Vote on Act No. 634-2008, which disclosed as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Ellis 1.0875, Giardini 1.0094, Hebdon 1.0915, Marsh 1.0843, McClune 0.8834, McLarney 1.0632, Murphy 1.0875, Neal 1.0843, O'Brien 1.0632, Padlo 0.8772, Snyder 0.8772, Sprague 1.0530, Teachman 0.8772, Vecchiarella 0.8834, Vickman 1.0915, Ward 1.0043, Witte 0.8772, Abers 1.0265 - 20.9999.

Nays: none.

Act No. 634-2008, having received the two-thirds majority vote of the Legislature, was declared Adopted.

**ACT NO. 635-2008** by Mr. O'Brien  
who asks immediate consideration

**AUTHORIZING RELEVY OF RETURNED SCHOOL TAXES AND  
RETURNED CITY TAXES OF THE CITY OF OLEAN**

Pursuant to Section 1330 of the Real Property Tax Law.

RESOLVED, that effective November 15, 2008, the Clerk of the Legislature be, and hereby is, authorized and directed to relevy all returned school taxes and returned city taxes of the City of Olean.

Adopted November 25, 2008 by voice vote.

**ACT NO. 636-2008** by Mr. O'Brien  
who asks immediate consideration

**AUTHORIZATION TO APPLY PORTION OF TOWN OF ELLICOTTVILLE'S  
SHARE OF SALES TAX REVENUE TO REDUCTION OF  
COUNTY TAX LEVIED AGAINST THE TOWN**

Pursuant to Article 29 of the Tax Law.

WHEREAS, the Town of Ellicottville has elected to take its share of the sales tax revenue in cash, and

WHEREAS, the share due to the Town of Ellicottville will result in a surplus, and

WHEREAS, the Town of Ellicottville has requested that a portion of such surplus be applied to reduce the County Tax against the Town of Ellicottville (outside), now, therefore, be it,

RESOLVED, that \$450,000 of the 2009 sales tax revenue due the Town of Ellicottville be applied to the reduction of the County Tax levied against the real property in the Town of Ellicottville (outside).

Adopted November 25, 2008 by voice vote.

**ACT NO. 637-2008** by Mr. O'Brien  
who asks immediate consideration

**AUTHORIZATION TO APPLY PORTION OF TOWN OF FARMERSVILLE'S  
SHARE OF SALES TAX REVENUE TO REDUCTION OF  
COUNTY TAX LEVIED AGAINST THE TOWN**

Pursuant to Article 29 of the Tax Law.

WHEREAS, the Town of Farmersville has elected to take its share of the sales tax revenue in cash, and

WHEREAS, the share due to the Town of Farmersville will result in a surplus, and

WHEREAS, the Town of Farmersville has requested that a portion of such surplus be applied to reduce the County Tax against the Town of Farmersville, now, therefore, be it,

RESOLVED, that \$200,000 of the 2009 sales tax revenue due the Town of Farmersville be applied to the reduction of the County Tax levied against the real property in the Town of Farmersville.

Adopted November 25, 2008 by voice vote.

**ACT NO. 638-2008** by Mr. O'Brien  
who asks immediate consideration

**AUTHORIZATION TO APPLY PORTION OF TOWN OF GREAT VALLEY'S  
SHARE OF SALES TAX REVENUE TO REDUCTION OF  
COUNTY TAX LEVIED AGAINST THE TOWN**

Pursuant to Article 29 of the Tax Law.

WHEREAS, the Town of Great Valley has elected to take its share of the sales tax revenue in cash, and

WHEREAS, the share due to the Town of Great Valley will result in a surplus, and

WHEREAS, the Town of Great Valley has requested that a portion of such surplus be applied to reduce the County Tax against the Town of Great Valley, now, therefore, be it,

RESOLVED, that \$450,000 of the 2009 sales tax revenue due the Town of Great Valley be applied to the reduction of the County Tax levied against the real property in the Town of Great Valley.

Adopted November 25, 2008 by voice vote.

**ACT NO. 639-2008** by Mr. O'Brien  
who asks immediate consideration

**AUTHORIZATION TO APPLY PORTION OF TOWN OF PORTVILLE'S  
SHARE OF SALES TAX REVENUE TO REDUCTION OF  
COUNTY TAX LEVIED AGAINST THE TOWN**

Pursuant to Article 29 of the Tax Law.

WHEREAS, the Town of Portville has elected to take its share of the sales tax revenue in cash, and

WHEREAS, the share due to the Town of Portville will result in a surplus, and

WHEREAS, the Town of Portville has requested that a portion of such surplus be applied to reduce the County Tax against the Town of Portville (outside), now, therefore, be it,

RESOLVED, that \$360,000 of the 2009 sales tax revenue due the Town of Portville be applied to the reduction of the County Tax levied against the real property in the Town of Portville (outside).

Adopted November 25, 2008 by voice vote.

**ACT NO. 640-2008** by Mr. O'Brien  
who asks immediate consideration

**AUTHORIZATION TO APPLY PORTION OF TOWN OF RED HOUSE'S  
SHARE OF SALES TAX REVENUE TO REDUCTION OF  
COUNTY TAX LEVIED AGAINST THE TOWN**

Pursuant to Article 29 of the Tax Law.

WHEREAS, the Town of Red House has elected to take its share of the sales tax revenue in cash, and

WHEREAS, the share due to the Town of Red House will result in a surplus, and

WHEREAS, the Town of Red House has requested that a portion of such surplus be applied to reduce the County Tax against the Town of Red House, now, therefore, be it,

RESOLVED, that \$350,000 of the 2009 sales tax revenue due the Town of Red House be applied to the reduction of the County Tax levied against the real property in the Town of Red House.

Adopted November 25, 2008 by voice vote.

**ACT NO. 641-2008** by Mr. O'Brien  
who asks immediate consideration

**AUTHORIZING RELEVY OF VILLAGE TAXES OF  
THE COUNTY OF CATTARAUGUS**

Pursuant to Section 1442 of the Real Property Tax Law.

RESOLVED, that effective November 15, 2008, the Clerk of the Legislature be, and hereby is, authorized and directed to relevy all returned village taxes of the County of Cattaraugus.

Adopted November 25, 2008 by voice vote.

**ACT NO. 642-2008** by Mr. O'Brien  
who asks immediate consideration

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

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, Acts 633-2008 and 634-2008 authorized bond issues in the total amount of \$1,191,800, and

WHEREAS, it is necessary to create appropriation and revenue accounts to accommodate the aforementioned bond funds, now, therefore, be it

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

Increase Estimated Revenue Accounts:

H .5725	Serial Bonds - Bridges	\$ 845,000.00
H .5726	Serial Bonds - Roads	\$ 346,800.00

Increase Appropriation Accounts:

H .5198.128	New Albion Bridge No. 35	\$ 420,000.00
H .5198.685	Napoli Bridge No. 8	\$ 425,000.00
H .5198.756	County Road No. 83	\$ 200,000.00
H .5198.757	County Road No. 58	\$ 146,800.00.

Adopted November 25, 2008 by voice vote.

**ACT NO. 643-2008** by Mr. O'Brien  
who asks immediate consideration

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

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, Cattaraugus County has been notified that it will receive CHIPS funding in the amount of \$2,000,000 for 2009, and

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

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

Increase Estimated Revenue Account:

H .3501	Consolidated Highway Aid	\$2,000,000.00
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Increase Appropriation Accounts:

H .5197.201	Milling & Paving Program	\$ 150,000.00
H .5197.202	County Road No. 58	\$ 660,000.00
H .5197.203	New Albion Culvert No. 33	\$ 120,000.00
H .5197.285	County Road No. 30	\$1,070,000.00.

Adopted November 25, 2008 by voice vote.

MR. SNYDER moved, seconded by Mr. Vecchiarella to adjourn until December 10, 2008 at 3:00 p.m.

Meeting adjourned at 3:48 p.m.

Ann Giglio  
Journal Clerk