



- 435-09 Mr. Vecchiarella and Mr. Hebdon  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CITY OF  
OLEAN FOR FIRE TRAINING FACILITY
- 436-09 Mr. Vecchiarella and Mr. Hebdon  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CITY OF  
SALAMANCA FOR FIRE TRAINING FACILITY
- 437-09 Mr. Burrell and Mr. Boser  
AUTHORIZING THE CHAIR TO EXECUTE GRANT APPLICATION AND  
CONTRACT WITH DEFENSE LOGISTICS AGENCY FOR PROCUREMENT  
TECHNICAL ASSISTANCE PROGRAM
- 438-09 Mr. Aiello and Mr. Snyder  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATHOLIC  
CHARITIES OF WESTERN NEW YORK, INC. FOR DEPARTMENT OF SOCIAL  
SERVICES KINSHIP PROGRAM AND ADJUSTING VARIOUS  
APPROPRIATION AND REVENUE ACCOUNTS (Department of Social  
Services)
- 439-09 Mr. Aiello and Mr. Snyder  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD, INC.  
FOR YEAR-ROUND YOUTH PROGRAMS
- 440-09 Human Services Committee: Mr. Snyder, Mr. Aiello, Mr. Marsh, Ms. Vickman,  
Mr. Giardini, Mr. Ward and Mrs. Witte  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK  
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICES FOR  
AMERICORPS START PROGRAM
- 441-09 Mr. Aiello and Mr. Snyder  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CORNELL  
COOPERATIVE EXTENSION FOR COORDINATOR OF PUBLIC HEALTH  
PREPAREDNESS & RESPONSE TO BIOTERRORISM
- 442-09 Mr. Aiello and Mr. Snyder  
AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH  
NEW YORK STATE DEPARTMENT OF HEALTH FOR HEALTH EDUCATION  
HEALTHY COMMUNITIES BUILDING INITIATIVE FOR OBESITY  
PREVENTION PROGRAM AND ADJUSTING VARIOUS APPROPRIATION  
AND REVENUE ACCOUNTS (Health Department)
- 443-09 Mr. Aiello and Mr. Snyder  
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH  
CORNELL COOPERATIVE EXTENSION ASSOCIATION OF CATTARAUGUS  
COUNTY FOR VARIOUS SERVICES AND TRANSFER OF FUNDS (Contingent  
Fund – Contract Agencies)
- 444-09 Mr. Aiello and Mr. Snyder  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH SALAMANCA  
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- 445-09 Mr. Aiello and Mr. Snyder  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH BRANDON M.  
COBURN FOR HEALTH DEPARTMENT NURSE PRACTITIONER AND  
REGISTERED NURSING SERVICES

- 446-09 Mr. Aiello and Mr. Snyder  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK  
STATE DEPARTMENT OF HEALTH FOR HEALTH DEPARTMENT  
CHILDHOOD LEAD POISONING PREVENTION PROGRAM
- 447-09 Mr. Neal  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH STATE  
UNIVERSITY OF NEW YORK AT ALFRED FOR CLINICAL EXPERIENCE  
PROGRAM FOR DEPARTMENT OF NURSING HOMES AND DEPARTMENT  
OF HEALTH
- 448-09 Mr. Aiello and Mr. Snyder  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH VARIOUS  
PHARMACIES AND CERTIFIED PHARMACISTS FOR HEALTH  
DEPARTMENT IMMUNIZATION PROGRAM
- 449-09 Mr. Aiello and Mr. Snyder  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CORNELL  
COOPERATIVE EXTENSION FOR EMERGENCY PREPAREDNESS RESOURCE  
SPECIALIST FOR PUBLIC HEALTH PREPAREDNESS & RESPONSE TO  
BIOTERRORISM PROGRAM
- 450-09 Mr. Aiello and Mr. Snyder  
AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT  
WITH CORNELL COOPERATIVE EXTENSION FOR HEALTH DEPARTMENT  
NUTRITION PROGRAM AIDE AND ADJUSTING VARIOUS  
APPROPRIATION ACCOUNTS (Department of Health)
- 451-09 Mr. Aiello and Mr. Snyder  
AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT  
WITH CORNELL COOPERATIVE EXTENSION FOR HEALTH DEPARTMENT  
BREASTFEEDING COORDINATOR COUNSELOR
- 452-09 Mr. Aiello and Mr. Snyder  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CORNELL  
COOPERATIVE EXTENSION FOR COORDINATOR OF EMERGENCY  
MEDICAL SERVICES
- 453-09 Human Services Committee: Mr. Snyder, Mr. Aiello, Mr. Marsh, Ms. Vickman,  
Mr. Giardini, Mr. Ward and Mrs. Witte  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH SALAMANCA  
CITY CENTRAL SCHOOL DISTRICT FOR PRE-SCHOOL HANDICAPPED  
TRANSPORTATION SERVICES
- 454-09 Mr. Neal and Mr. McClune  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH TOTAL  
SENIOR CARE, INC. FOR PACE PROGRAM MEALS
- 455-09 Mr. Neal and Mr. McClune  
AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH  
NEW YORK STATE OFFICE FOR THE AGING FOR HEALTH INSURANCE  
INFORMATION COUNSELING AND ASSISTANCE PROGRAM (HIICAP)  
MEDICARE IMPROVEMENTS FOR PATIENTS & PROVIDERS ACT (MIPPA)  
FUNDING
- 456-09 Mr. Burrell and Mr. Boser  
AUTHORIZING APPLICATION FOR TOURISM PROMOTION AND  
DESIGNATING GRANT ADMINISTRATOR

- 457-09 Mr. Burrell and Mr. Marsh  
EXTENDING THE POSITION OF STUDENT AIDE IN THE REAL PROPERTY TAX SERVICE AGENCY, ESTABLISHING COMPENSATION FOR SAME AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS (Real Property Tax Services Office)
- 458-09 Mr. Aiello and Mr. Snyder  
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH THE BONADIO GROUP FOR DEPARTMENT OF COMMUNITY SERVICES MEDICAID RISK ANALYSIS SERVICES AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Community Services)
- 459-09 Mr. Aiello and Mr. Snyder  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD, INC. FOR OPERATION OF WIA ONE-STOP PROGRAM
- 460-09 Mr. Burrell, Mr. Boser and Mr. Sprague  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH CATTARAUGUS-CHAUTAUQUA CHAPTER OF NYS HORSE COUNCIL AND ANDORA GROUP, LLC FOR *BEST OF AMERICA BY HORSEBACK* TELEVISION PROGRAM
- 461-09 Mr. Vecchiarella  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH UNITED STATES DEPARTMENT OF ENERGY AND NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY FOR USE OF COUNTY FIRING RANGE
- 462-09 Mr. O'Brien  
AMENDING ACT 570-1985 REGARDING IMPOSITION OF SALES AND USE TAXES, AS AMENDED, TO EXTEND THE ADDITIONAL 1% RATE OF TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES
- 463-09 Mr. O'Brien  
LOCAL LAW NUMBER 6-2009 - A LOCAL LAW IMPOSING AN ADDITIONAL MORTGAGE RECORDING TAX WITHIN THE COUNTY OF CATTARAUGUS
- 464-09 Mr. O'Brien  
AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 6-2009

Committee referrals for the August 18, 2009 Committee meetings									
Act #	Finance	County Ops	DPW	Senior Services	Strategic Planning	Human Services	Develop. & Agriculture	Public Safety	Labor Relations
430	X		X						
431	X		X						
432	X		X						
433	X		X	X					
434	X		X					X	
435	X							X	
436	X							X	
437	X						X		
438	X					X			
439	X					X			
440	X					X			
441	X					X			
442	X					X			
443	X					X			
444	X					X			
445	X					X			
446	X					X			
447	X			X		X			
448	X					X			
449	X					X			
450	X					X			
451	X					X			
452	X					X			
453	X					X			
454	X			X					
455	X			X					
456	X						X		
457	X	X					X		X
458	X					X			
459	X					X			
460	X						X		
461	X							X	
462	X								
463	X								
464	X								
<b>TOTALS</b>	<b>35</b>	<b>1</b>	<b>5</b>	<b>4</b>	<b>0</b>	<b>18</b>	<b>4</b>	<b>4</b>	<b>1</b>

**BID ACCEPTANCE FOR PRECAST CONCRETE BOX CULVERT  
FOR NEW ALBION CULVERT NO. 33  
(Department of Public Works)**

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

I. WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the purchase of a precast concrete box culvert for New Albion Culvert No. 33, according to specifications provided by the Public Works Committee, and

II. WHEREAS, the lowest bid received meeting specifications for a precast concrete box culvert for New Albion Culvert No. 33 was the bid of Binghamton Precast and Supply Corp., 18 Phelps Street, Binghamton, New York 13901, in the amount of \$57,319.36, and

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

I. RESOLVED, that the aforementioned bid be, and the same hereby is, accepted, for a term commencing on the date of the contract signing and terminating upon delivery within forty five (45) days after approval of shop drawings, and be it further

II. 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.

Three bids were received.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
ABATE ASSOCIATES ENGINEERS & SURVEYORS, P.C. FOR  
CONSTRUCTION INSPECTION SERVICES FOR  
RANDOLPH SAND/SALT STORAGE BUILDING**

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

I. WHEREAS, Acts 291-2009 and 292-2009 authorized bid acceptances for the construction of a sand/salt building at the Randolph County Highway Garage, and

II. WHEREAS, construction inspection services are needed for this building project, and

III. WHEREAS, Abate Associates Engineers & Surveyors, P.C., 4455 Genesee Street, P.O. Box 218, Buffalo, New York 14225-0218, can provide the necessary construction inspection services for an amount not to exceed \$14,458, and

IV. WHEREAS, inspection costs are included in the 2009 budget, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Abate Associates Engineers & Surveyors, P.C., for the provision of the above-described services, for a term commencing August 27, 2009 and terminating December 31, 2009, according to the above-described terms.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH  
OTIS ELEVATOR COMPANY FOR ELEVATOR MAINTENANCE  
SERVICES FOR STONE HOUSE MUSEUM**

Pursuant to Section 215 of the County Law and  
Act 432-2002 of the Cattaraugus County Legislature.

I. WHEREAS, Act 429-2004 authorized a contract with Otis Elevator Company, 1001 State Street, Suite 311, Erie, Pennsylvania 16501, for the provision of maintenance services on the elevator at the Stone House Museum in Machias, and

II. WHEREAS, the County Department of Public Works is desirous of continuing the aforementioned maintenance services, and

III. WHEREAS, Otis Elevator Company shall provide maintenance services on the elevator at the Stone House Museum for an amount of \$380.00 per month, and

IV. WHEREAS, the contract price will be adjusted on the effective date of any labor rate adjustment under Otis' contract with the International Union of Elevator Constructors to reflect increases or decreases in material and labor costs, and

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

I. RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Otis Elevator Company for the provision of the above-described services, for a term commencing August 1, 2009 and terminating July 31, 2014, with the option to renew for an additional five year period, according to the above-described terms.

Resolution Referred to:			
Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>



**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT  
WITH OTIS ELEVATOR COMPANY FOR ELEVATOR MAINTENANCE SERVICES  
FOR THE PINES HEALTHCARE & REHABILITATION CENTER - MACHIAS CAMPUS**

Pursuant to Section 215 of the County Law and  
Act 432-2002 of the Cattaraugus County Legislature.

I. WHEREAS, Act 430-2004 authorized a contract with Otis Elevator Company, 1001 State Street, Suite 311, Erie, Pennsylvania 16501, for the provision of maintenance services on two elevators at the Pines Healthcare & Rehabilitation Center - Machias Campus, and

II. WHEREAS, the County Department of Public Works is desirous of continuing the aforementioned maintenance services, and

III. WHEREAS, Otis Elevator Company shall provide maintenance services on the elevator at the nursing home for an amount of \$415.00 per month, and

IV. WHEREAS, the contract price will be adjusted on the effective date of any labor rate adjustment under Otis' contract with the International Union of Elevator Constructors to reflect increases or decreases in material and labor costs, and

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

I. RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Otis Elevator Company for the provision of the above-described services, for a term commencing September 15, 2009 and terminating September 14, 2014, with the option to renew for an additional five year period, according to the above-described terms.

	Resolution Referred to:	
Finance	<input type="checkbox"/>	Human Services <input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag <input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety <input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations <input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	<input type="checkbox"/>

**AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AMENDED CONTRACT  
WITH NEW YORK STATE UNIFIED COURT SYSTEM FOR COURT  
AREA CLEANING SERVICES AND REPAIR AND MAINTENANCE**

Pursuant to Chapter 686 of the Laws of 1996, 22 NYCRR Part 34.1 and  
Act 432-2002 of the Cattaraugus County Legislature.

I. WHEREAS, Act 529-2008 authorized a contract with the New York State Unified Court System for the cleaning of court facilities as well as minor and emergency repairs for an amount of \$96,352 for the 2008-2009 period, the term of which expires March 31, 2013, and

II. WHEREAS, the New York State Unified Court System shall reimburse the County for the aforementioned cleaning services and repairs an amount of \$94,856 for the period April 1, 2009 through March 31, 2010, and

III. WHEREAS, an amended contract is necessary due to the change in the amount of reimbursement, now, therefore, be it

I. RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with the New York State Unified Court System for the 2009-2010 period, according to the above-described terms.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH CITY OF OLEAN FOR FIRE TRAINING FACILITY**

Pursuant to Section 450 of the County Law.

I. WHEREAS, the City of Olean is desirous of repairing its fire training facility, including, but not limited to, the following services:

- Install steel door and frame in the first floor of the tower;
- Point and patch block work and seal exterior walls on the tower - three stories;
- Form and pour a 12' x 24' x 4" concrete pad at the garage;
- Complete tear off and new roof installation on garage;
- Complete tear off and new roof installation on third story of the training tower;
- Replace soffits and missing shingles on the classroom building;
- Install dry-hydrant system for water supply,

and

II. WHEREAS, the County Office of Emergency Services is desirous of assisting the City of Olean with costs associated with the repairs to the fire training facility, and

III. WHEREAS, the County Office of Emergency Services shall pay to the City of Olean an amount not to exceed \$20,000 for the aforementioned repairs and/or upgrades, and

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

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the City of Olean, for the provision of the above-described services, for a term commencing August 27, 2009 and terminating December 31, 2009, according to the above-described terms.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>		<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH CITY OF SALAMANCA FOR FIRE TRAINING FACILITY**

Pursuant to Section 450 of the County Law.

I. WHEREAS, the City of Salamanca is desirous of repairing its fire training facility, as follows:

- Re-lining the live fire burn facility with fireproofing material;

and

- Purchase a storage shelter to house equipment and props,

II. WHEREAS, the County Office of Emergency Services is desirous of assisting the City of Salamanca with costs associated with the aforementioned upgrades to the fire training facility, and

III. WHEREAS, the County Office of Emergency Services shall pay to the City of Salamanca an amount not to exceed \$20,000 for the aforementioned upgrades, and

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

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the City of Salamanca, for the provision of the above-described services, for a term commencing August 27, 2009 and terminating December 31, 2009, according to the above-described terms.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE GRANT APPLICATION AND  
CONTRACT WITH DEFENSE LOGISTICS AGENCY FOR  
PROCUREMENT TECHNICAL ASSISTANCE PROGRAM**

Pursuant to 10 USCS Section 2411, et seq., and  
Section 450 of the County Law.

I. WHEREAS, Act 238-2008 authorized the Chair to execute a grant application and contract with the Defense Logistics Agency, 8725 John J. Kingman Road, Ft. Belvoir, Virginia 22060-6221, in order to secure funding for the continuation of the Procurement Technical Assistance Program, and

II. WHEREAS, Cattaraugus County is eligible for funding through the Defense Logistics Agency in order to maintain the Procurement Technical Assistance Program, and

III. WHEREAS, it is estimated that the project cost will not exceed \$161,366, of which Cattaraugus County's cash contribution will not exceed \$20,812, plus an in-kind contribution of \$16,030, plus third-party support of \$3,500, and

IV. WHEREAS, Cattaraugus County will be responsible for the share of any third-party agency which fails to contribute its portion to the program, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a grant application and contract, on behalf of Cattaraugus County, with the Defense Logistics Agency in order to secure funding for the continuation of the Procurement Technical Assistance Program, and be it further

II. RESOLVED, that the Procurement Technical Assistance Program will commence January 16, 2010 and terminate January 15, 2011, and be it further

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

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH CATHOLIC CHARITIES OF WESTERN NEW YORK, INC.  
FOR DEPARTMENT OF SOCIAL SERVICES KINSHIP PROGRAM AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Social Services)**

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

I. WHEREAS, Act 435-2008 authorized a contract with Catholic Charities of Western New York, Inc., 520 West State Street, Olean, New York 14760, for the provision of a Kinship Program for grandparents or other relatives who obtain custody of children, the term of which expires August 31, 2009, and

II. WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned program, and

III. WHEREAS, the Kinship Program will serve approximately 50 participants and is for those children who are placed with relatives in lieu of foster care, and

IV. WHEREAS, Catholic Charities of Western New York, Inc., can provide the aforementioned Kinship Program for an amount of \$1,340 per child for a total amount not to exceed \$64,962.67, and

V. WHEREAS, this program is 100% funded through the Flexible Fund for Family Services, and

VI. WHEREAS, various appropriation and revenue accounts must be adjusted in order to cover the cost of the aforementioned services, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Catholic Charities of Western New York, Inc., for the provision of the above-described services, for a term commencing September 1, 2009 and terminating August 31, 2010, according to the above-described terms, and be it further

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

Increase Estimated Revenue Account:

A.4618	FFFS	\$21,655.00
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Increase Appropriation Account:

A.6018.522	Catholic Charities Kinship	\$21,655.00.
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Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>

**ACT NO. 439-2009**

by Mr. Aiello and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD, INC. FOR  
YEAR-ROUND YOUTH PROGRAMS**

Pursuant to Section 450 of the County Law.

I. WHEREAS, Act 391-2008 authorized a contract with the Cattaraugus-Allegany Workforce Investment Board, Inc. (WIB), for the provision of services necessary to operate year-round youth programs, the term of which expired June 30, 2009, and

II. WHEREAS, the County Department of Social Services is desirous of continuing the provision of services to youth and can make available all necessary qualified personnel, licenses, facilities and expertise to perform, or have performed, the services required, and

III. WHEREAS, the WIB will pay the County an amount of \$160,000 for the provision of the above-described youth services for the period July 1, 2009 through June 30, 2010, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Cattaraugus-Allegany Workforce Investment Board, Inc., for the provision of the above-described services, for a term commencing July 1, 2009 and terminating June 30, 2010, according to the above-described terms.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

by Human Services Committee:  
Mr. Snyder, Mr. Aiello, Mr. Marsh,  
Ms. Vickman, Mr. Giardini, Mr. Ward and Mrs. Witte

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH NEW YORK STATE COMMISSION ON NATIONAL AND  
COMMUNITY SERVICE FOR AMERICORPS START PROGRAM**

Pursuant to 42 USCS Section 12501 and  
Section 450 of the County Law.

I. WHEREAS, Act 583-2008 authorized the Chair to apply for funding through the New York State Commission on National and Community Service for the Southern Tier Americorps Resource Team (START) Program, and

II. WHEREAS, the County Youth Bureau has been notified that it has been awarded \$203,700 for the 2009-2010 Americorps START Program, and

III. WHEREAS, it is necessary to execute a contract with the New York State Commission on National and Community Service in order to receive the aforementioned funding, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the New York State Commission on National and Community Service, in order to receive the funding for the Americorps START Program, for a term commencing October 1, 2009 and terminating December 31, 2010, according to the above-described terms.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>



**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CORNELL COOPERATIVE EXTENSION FOR COORDINATOR OF PUBLIC  
HEALTH PREPAREDNESS & RESPONSE TO BIOTERRORISM**

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

I. WHEREAS, Act 460-2008 authorized the Chair to execute a contract with Cornell Cooperative Extension, 28 Parkside Drive, Ellicottville, New York 14731, for the services of a Coordinator of Public Health Preparedness & Response to Bioterrorism for an amount of \$32,300, the term of which expired August 9, 2009, and

II. WHEREAS, the County Health Department is desirous of renewing the aforementioned contract, and

III. WHEREAS, the Coordinator of Public Health Preparedness & Response to Bioterrorism shall be responsible for ensuring that the County Health Department is prepared to respond and react to environmental and/or health-related disasters which may affect Cattaraugus County, and

IV. WHEREAS, Cornell Cooperative Extension can provide personnel to perform the tasks of Coordinator of Public Health Preparedness & Response to Bioterrorism for an amount not to exceed \$43,990, and

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

I. 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, for the provision of the above-described services, for a term commencing August 10, 2009 and terminating August 9, 2010, according to the above-described terms.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS  
WITH NEW YORK STATE DEPARTMENT OF HEALTH FOR  
HEALTH EDUCATION HEALTHY COMMUNITIES BUILDING INITIATIVE FOR  
OBESITY PREVENTION PROGRAM AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Health Department)**

Pursuant to 45 CFR Parts 16, 74 and 96 and  
Sections 363, 366 and 450 of the County Law.

I. WHEREAS, up to \$34,000 is available through the New York State Department of Health for the Health Education Healthy Communities Building Initiative Obesity Prevention Program for the period of August 1, 2009 to March 31, 2010, and

II. WHEREAS, the purpose of the Obesity Prevention Program is to:

- familiarize community leaders and stakeholders with the benefits of working toward policy, system and environmental changes;
- assist local health departments and partner organizations to building infrastructure and support in the community for chronic disease prevention; and
- increase awareness of funding opportunities for chronic disease prevention activities.,

and

III. WHEREAS, the required activities of the program include coaches meeting, team recruitment, action institute and development and implementation of the action plan, and

IV. WHEREAS, the County Department of Health is desirous of applying and accepting the aforementioned funding, and

V. WHEREAS, this program is 100% state funded, and

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

I. 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 Department of Health, in order to apply for and accept the aforementioned funding, according to the above-described terms and be it further

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

Increase Estimated Revenue Account:		
A.3407	Healthy Communities Grant	\$34,000.00
Increase Appropriation Account:		
A.4019.476	Contracted Services	\$34,000.00.

Resolution Referred to:			
Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH CORNELL  
COOPERATIVE EXTENSION ASSOCIATION OF CATTARAUGUS COUNTY  
FOR VARIOUS SERVICES AND TRANSFER OF FUNDS  
(Contingent Fund - Contract Agencies)**

Pursuant to Sections 224 (8), 336, 365 and 450 of the County Law.

I. WHEREAS, Act 28-2009 authorized a contract with Cornell Cooperative Extension Association of Cattaraugus County for the provision of a variety of services to the youth, farmers, and general public of Cattaraugus County, the term of which expires December 31, 2009, and

II. WHEREAS, Cornell Cooperative Extension Association of Cattaraugus County has requested a loan in the amount of \$21,675 for cashflow purposes, and

III. WHEREAS, the aforementioned contract should be amended to include a \$21,675 loan, which Cornell Cooperative Extension will repay at no interest, and

IV. WHEREAS, a transfer of funds is necessary to cover the aforementioned costs, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract for the year 2009 with the Cornell Cooperative Extension Association of Cattaraugus County for a term commencing January 1, 2009 and terminating December 31, 2009, according to the above-described terms, and be it further

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

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

Decrease Appropriation Account:

A.1990.445	Contingent Fund	\$21,675.00
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Increase Appropriation Account:

A.2980.423	Cornell Cooperative Extension	\$21,675.00.
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Resolution Referred to:			
Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
SALAMANCA HOUSING AUTHORITY FOR HEALTH DEPARTMENT OFFICE SPACE

Pursuant to 10 NYCRR 763.3, Section 3602 of the Public  
Health Law and Sections 215 and 450 of the County Law.

I. WHEREAS, Act 431-2006 authorized a contract with Salamanca Housing Authority, Iroquois Drive, Salamanca, New York 14779, for the rental of office space in Hillview Homes in the City of Salamanca for Health Department office/clinic space, at the rate of \$948 per month on a month-to-month basis, the term of which expires October 31, 2009, and

II. WHEREAS, the Health Department is desirous of renewing the aforementioned contract, and

III. WHEREAS, the Salamanca Housing Authority has agreed to continue leasing the above-described space for an amount of \$948 per month on a month-to-month basis, and

IV. WHEREAS, the office space rental is partially funded through state aid and generated revenues, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Salamanca Housing Authority, for the provision of the above-described services, for a term commencing November 1, 2009 and terminating December 31, 2012, according to the above-described terms, and be it further

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

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH BRANDON M. COBURN FOR HEALTH DEPARTMENT  
NURSE PRACTITIONER AND REGISTERED NURSING SERVICES**

Pursuant to Section 450 of the County Law.

I. WHEREAS, the County Health Department is desirous of obtaining the services of a registered nurse for homecare and a nurse practitioner for Family Planning and Sexually Transmitted Disease Clinics, and

II. WHEREAS, Brandon M. Coburn, 6442 Cotter Road, Ellicottville, New York 14731, can provide the aforementioned services at the rate of \$40 per hour for nurse practitioner services and a rate of \$37.30 per hour for registered nursing services, and

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

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

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
NEW YORK STATE DEPARTMENT OF HEALTH FOR  
HEALTH DEPARTMENT CHILDHOOD LEAD POISONING PREVENTION PROGRAM**

Pursuant to 10 NYCRR Parts 22 and 67, Sections 1370-1376 of the Public Health Law and Section 450 of the County Law.

I. WHEREAS, Act 445-2008 authorized the Chair to execute a contract with the New York State Department of Health for the County Health Department's Childhood Lead Poisoning Prevention Program, the term of which expired March 31, 2009, and

II. WHEREAS, the County Health Department has been awarded a grant in the amount of \$37,971 for the period April 1, 2009 to March 31, 2010, and

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

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the New York State Department of Health for the provision of funding for the Childhood Lead Poisoning Prevention Program, for a term commencing April 1, 2009 and terminating March 31, 2010, according to the above-described terms, and be it further

II. RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be terminated immediately.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS  
WITH STATE UNIVERSITY OF NEW YORK AT ALFRED FOR  
CLINICAL EXPERIENCE PROGRAM FOR DEPARTMENT OF  
NURSING HOMES AND DEPARTMENT OF HEALTH**

Pursuant to Section 450 of the County Law.

I. WHEREAS, the State University of New York at Alfred, State University Plaza, Albany, New York 12246, offers a training and educational program to students in the nursing program who would benefit from clinical experience at the Cattaraugus County Department of Nursing Homes and the Cattaraugus County Department of Health, and

II. WHEREAS, the County believes that the value of the presence of such students would add to its operation, and

III. WHEREAS, the aforementioned program is conducted at no cost to the County, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with the State University of New York at Alfred, for the provision of the above-described services, for a term commencing August 1, 2009 to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>



**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH VARIOUS PHARMACIES AND CERTIFIED PHARMACISTS  
FOR HEALTH DEPARTMENT IMMUNIZATION PROGRAM**

Pursuant to Sections 6527, 6801 and 6909 of the Education Law and  
Section 450 of the County Law.

I. WHEREAS, the New York State Education Law allows pharmacists to administer immunizations to persons 18 years of age and older against influenza or pneumococcal disease, and

II. WHEREAS, the County Health Department is desirous of contracting with various pharmacies and certified pharmacists within Cattaraugus County for the provision of the aforementioned immunizations, and

III. WHEREAS, contracts are necessary with any pharmacies and certified pharmacists who are desirous of participating in the aforementioned immunization program, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with various pharmacies and certified pharmacists, for the provision of the above-described services, for a term commencing September 1, 2009 and terminating August 31, 2010, according to the above-described terms.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CORNELL COOPERATIVE EXTENSION FOR EMERGENCY PREPAREDNESS  
RESOURCE SPECIALIST FOR PUBLIC HEALTH PREPAREDNESS & RESPONSE  
TO BIOTERRORISM PROGRAM**

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

I. WHEREAS, Act 463-2008 authorized a contract with Western New York Public Health Alliance for the provision of support staff services for the Coordinator of Public Health Preparedness & Response to Bioterrorism, the term of which expired August 9, 2009, and

II. WHEREAS, the County Health Department is desirous of contracting with Cornell Cooperative Extension for the provision of the aforementioned support staff services, and

III. WHEREAS, the Emergency Preparedness Resource Specialist shall be responsible for assisting the Coordinator in ensuring that the County Health Department is prepared to respond and react to environmental and/or health related disasters which may affect Cattaraugus County, and

IV. WHEREAS, Cornell Cooperative Extension, 28 Parkside Drive, Ellicottville, New York 14731, can provide the Emergency Preparedness Resource Specialist for an amount not to exceed \$26,603, and

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

I. 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, for the provision of the above-described support staff services, for a term commencing August 10, 2009 and terminating August 9, 2010, according to the above-described terms.

	Resolution Referred to:	
Finance	<input type="checkbox"/>	Human Services <input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag <input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety <input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations <input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	<input type="checkbox"/>

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT  
WITH CORNELL COOPERATIVE EXTENSION  
FOR HEALTH DEPARTMENT NUTRITION PROGRAM AIDE AND  
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS  
(Department of Health)**

Pursuant to 10 NYCRR Part 40-1, Sections 363 and 366 of the County Law and Act 432-2002 of the Cattaraugus County Legislature.

I. WHEREAS, Act 514-2008, as amended by Acts 743-2008 and 241-2009, authorized a contract with Cornell Cooperative Extension, 28 Parkside Drive, Ellicottville, New York 14731, for the provision of two nutrition program aides for the Health Department WIC Program for an amount of \$15.78 per hour for a total amount of the contract not to exceed \$57,157, the term of which expires September 30, 2009, and

II. WHEREAS, the County Health Department is desirous of renewing the aforementioned contract, and

III. WHEREAS, Cornell Cooperative Extension has agreed to perform the aforementioned nutrition program aide services for the WIC Program, for an amount not to exceed \$64,114, and

IV. WHEREAS, this program is 100% funded through the WIC Program, and

V. WHEREAS, various appropriation accounts must be adjusted, now, therefore, be it

I. RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with Cornell Cooperative Extension for the provision of the above-described services, for a term commencing October 1, 2008 and terminating September 30, 2010, according to the above-described terms, and be it further

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

Decrease Appropriation Account:

A.4082.101	Full-Time Wages	\$25,000.00
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Increase Appropriation Account:

A.4082.476	Contracted Services	\$25,000.00.
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Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT  
WITH CORNELL COOPERATIVE EXTENSION  
FOR HEALTH DEPARTMENT BREASTFEEDING COORDINATOR COUNSELOR**

Pursuant to 10 NYCRR Part 40-1 and  
Act 432-2002 of the Cattaraugus County Legislature.

I. WHEREAS, Act 515-2008, as amended by Act 244-2009, authorized a contract with Cornell Cooperative Extension, 28 Parkside Drive, Ellicottville, New York 14731, for the provision of a Breastfeeding Coordinator for the County Health Department Women, Infant and Children (WIC) Program, the term of which expires September 30, 2009, and

II. WHEREAS, the Health Department WIC Program is desirous of renewing the aforementioned contract, and

III. WHEREAS, Cornell Cooperative Extension can provide personnel to perform the tasks of a Breast Feeding Peer Counselor Coordinator for an amount not to exceed \$42,092, and

IV. WHEREAS, this program is 100% funded through the WIC Program, now, therefore, be it

I. RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with Cornell Cooperative Extension for the provision of the above-described services, for a term commencing October 1, 2009 and terminating September 30, 2010, according to the above-described terms.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CORNELL COOPERATIVE EXTENSION FOR COORDINATOR  
OF EMERGENCY MEDICAL SERVICES**

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

I. WHEREAS, Act 464-2008 authorized the Chair to execute a contract with Cornell Cooperative Extension, 28 Parkside Drive, Ellicottville, New York 14731, for the services of a Coordinator of Emergency Medical Services, for an amount of \$14,400, the term of which expired August 30, 2009, and

II. WHEREAS, the County Health Department is desirous of renewing the aforementioned contract, and

III. WHEREAS, the Coordinator of Emergency Medical Services shall be responsible for the preparation, review and approval of a basic grant application form, which is forwarded to the State for final approval of state-reimbursed EMT courses, and

IV. WHEREAS, Cornell Cooperative Extension can provide personnel to perform the tasks of Coordinator of Emergency Medical Services, for an amount not to exceed \$14,830, and

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

I. 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, for the provision of the above-described services, for a term commencing August 31, 2009 and terminating August 30, 2010, according to the above-described terms.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

by Human Services Committee:  
Mr. Snyder, Mr. Aiello, Mr. Marsh,  
Ms. Vickman, Mr. Giardini, Mr. Ward and Mrs. Witte

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
SALAMANCA CITY CENTRAL SCHOOL DISTRICT FOR  
PRE-SCHOOL HANDICAPPED TRANSPORTATION SERVICES**

Pursuant to 8 NYCRR Part 4410 and  
Section 450 of the County Law.

I. WHEREAS, Act 295-2008 authorized a contract with the Salamanca City Central School District for the provision of transportation services for preschool children with handicapping conditions children living within the Salamanca City Central School District who attend classes at a BOCES preschool special education class at Prospect Elementary school, the term of which expired June 30, 2009, and

II. WHEREAS, the Salamanca City Central School District has agreed to continue providing the aforementioned services at a rate of \$3.70 per mile per day, plus \$7.25 per hour per bus for an aide, on a case-by-case basis, when deemed necessary with proof of documentation in the child's IEP requiring such aide, and

III. WHEREAS, these services shall be provided in accordance with the provisions of Section 103 of the General Municipal Law and Section 4410 of the Education Law, and

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

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Salamanca City Central School District for the provision of the above-described pre-school handicapped transportation services, for a term commencing September 1, 2009 and terminating June 30, 2010, according to the above-described terms, and be it further

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

Resolution Referred to:			
Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>		<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
TOTAL SENIOR CARE, INC. FOR  
PACE PROGRAM MEALS**

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

I. WHEREAS, Act 462-2008 authorized a contract with Total Senior Care, Inc., 519 North Union Street, Olean, New York 14760, to purchase home delivered meals and congregate meals from the County Department of Aging for PACE Program participants as part of a comprehensive program of services to participants, and

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

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

Hot Noon Meal and Cold Supper combined:	Medicaid Rate
Hot Noon Meal only:	70% of Medicaid Rate
Congregate Meal:	\$3.75 per meal,

now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Total Senior Care, Inc., for the provision of the above-described meal services, for a term commencing September 1, 2009 and terminating August 31, 2010, according to the above-described terms.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH  
NEW YORK STATE OFFICE FOR THE AGING FOR HEALTH  
INSURANCE INFORMATION COUNSELING AND ASSISTANCE PROGRAM (HIICAP)  
MEDICARE IMPROVEMENTS FOR PATIENTS & PROVIDERS ACT (MIPPA) FUNDING**

Pursuant to Medicare Improvements for Patients & Providers  
Act (MIPPA) of 2008, Section 541 of the Executive Law,  
Section 95-a of the General Municipal Law and  
Section 450 of the County Law.

I. WHEREAS, funding is available through the New York State Office for the Aging Health Insurance Information Counseling and Assistance Program (HIICAP) for the Medicare Improvements for Patients & Providers Act (MIPPA) component, and

II. WHEREAS, the aforementioned program strengthens the capability of area agencies on aging to provide Medicare beneficiaries information, counseling and assistance to purchase, file claims, and appeal health insurance coverage decisions, and

III. WHEREAS, the MIPPA component funding will allow for more public outreach, and

IV. WHEREAS, the County should execute grant documents in order to apply for and receive the aforementioned funding, and

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

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the New York State Office for the Aging, in order to apply for and receive the above-described funding, for a term commencing June 1, 2009 and terminating May 31, 2010, according to the above-described terms, and be it further

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

Resolution Referred to:			
Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>



**AUTHORIZING APPLICATION FOR TOURISM PROMOTION AND  
DESIGNATING GRANT ADMINISTRATOR**

Pursuant to Section 164 of the Economic Development Law.

I. WHEREAS, Act 337-2008 authorized an application for tourism promotion and designated the grant administrator, and

II. WHEREAS, the New York State Tourist Promotion Act provides that the Commissioner of Economic Development may, upon application, match the funds expended by tourist promotion agencies and provide other assistance to local organizations for the promotion of tourist travel, resorts, and vacation businesses of the State of New York, and

III. WHEREAS, before an application for matching funds for the promotion of tourism can be submitted, it is required that the Cattaraugus County Legislature designate a tourist promotion agency to make such application and to receive grants for the purposes specified in the law, and

IV. WHEREAS, Cattaraugus County should contribute a local share of \$70,000 in Fiscal Year 2010 to leverage additional funds from the New York State I Love New York Matching Funds Program, now, therefore, be it

I. RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism, is hereby authorized and directed to submit all the required applications and other documents, on behalf of Cattaraugus County, necessary for the purpose of receiving these funds, and be it further

II. RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism, is hereby authorized and directed to receive grants from the State of New York for, and on behalf of, Cattaraugus County for the purposes herein specified, and be it further

III. RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism is hereby designated as the administrator of these funds, and be it further

IV. RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism is authorized to apply for state matching funds up to \$500,000 for the program year October 1, 2009 through September 30, 2010, and be it further

V. RESOLVED, that if the application for such funding is approved, then the Cattaraugus County Department of Economic Development, Planning and Tourism shall submit the grant agreement to the Legislature for approval and appropriation prior to the commencement of any work, and be it further

VI. RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Commissioner of Economic Development of the State of New York, and the Marketing Manager, Matching Funds, New York State Department of Economic Development.

Resolution Referred to:			
Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**EXTENDING THE POSITION OF STUDENT AIDE IN THE  
REAL PROPERTY TAX SERVICE AGENCY,  
ESTABLISHING COMPENSATION FOR SAME AND  
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS  
(Real Property Tax Services Office)**

Pursuant to Article 15-A of the Real Property Tax Law,  
Sections 204, 205, 363 and 366 of the County Law and  
Section 64.1(b) of the Civil Service Law.

I. WHEREAS, the Real Property Tax Service Agency is looking to extend the position of the seasonal employee to assist in a variety of office and real property related functions, including assisting with GIS, and

II. WHEREAS, this seasonal employee will work no more than an additional 18 week period or exceed 574 hours (excluding holidays), and

III. WHEREAS, sufficient funds are available in accounts A.8020.101 and A.8020.833 to cover the additional costs associated with this position, now, therefore, be it

I. RESOLVED, the position of Student Aide in the Real Property Tax Service Agency to be filled on a temporary basis, to be compensated at Grade 16, Step A, (\$10.48 per hour) of the Seasonal Salary Schedule, is hereby extended, and be it further

II. RESOLVED, that effective January 1, 2010, the position created herein shall automatically be abolished, and be it further

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

Decrease Appropriation Accounts:

A.8020.101	Planning Full-time Wages	\$6,016.00
A.8020.833	Planning FICA	\$ 461.00

Increase Appropriation Accounts:

A.1355.109	Real Property Part-time Wages	\$6,016.00
A.1355.833	Real Property Tax FICA	\$
461.00.		

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>		<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT  
WITH THE BONADIO GROUP FOR DEPARTMENT OF COMMUNITY SERVICES  
MEDICAID RISK ANALYSIS SERVICES AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Community Services)**

Pursuant to Section 41.07 of the Mental Hygiene Law and  
Sections 363, 366 and 450 of the County Law.

I. WHEREAS, Act 159-2009 authorized a contract with The Bonadio Group, 171 Sully's Trail, Pittsford, New York 14534, for the provision of Medicaid risk analysis services and related consultant services for its mental health clinic and continuing day treatment programs, the term of which expires December 31, 2009, and

II. WHEREAS, The Bonadio Group has completed its risk analysis and can now provide a documentation assessment and related consulting services, as well as, consulting services for self-disclosure assistance, if needed, for an amount of \$200 per hour not to exceed \$18,000, and

III. WHEREAS, various appropriation and revenue accounts must be adjusted to cover the cost of the aforementioned services, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with The Bonadio Group for the provision of the above-described services, for a term commencing August 27, 2009 and terminating December 31, 2009, according to the above-described terms, and be it further

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

Increase Estimated Revenue Account:

A.4490	Federal Salary Sharing	\$18,000.00
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Increase Appropriation Account:

A.4342.445	FSS Consultant Services	\$18,000.00.
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Resolution Referred to:

Finance	"> <input type="checkbox"/>	Human Services	"> <input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD, INC. FOR  
OPERATION OF WIA ONE-STOP PROGRAM**

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

I. WHEREAS, Act 421-2009 authorized a contract with the Cattaraugus-Allegany Workforce Investment Board, Inc., for the operation of the aforementioned WIA One-Stop program, the term of which expired June 30, 2009, and

II. WHEREAS, the WIB has the authority to regulate and provide funding for the establishment and operation of program services and desires to contract with skilled parties possessing the necessary resources to provide such services, and

III. WHEREAS, the County Department of Social Services is desirous of providing for the operation of the WIA One-Stop program and can make available all necessary qualified personnel, licenses, facilities and expertise to perform, or have performed, the services required, and

IV. WHEREAS, the WIB will pay the County for the administration of the above-described program the sum of \$469,235, and

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

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Cattaraugus-Allegany Workforce Investment Board, Inc., for the provision of the above-described services, for a term commencing July 1, 2009 and terminating June 30, 2010, according to the above-described terms.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS  
WITH CATTARAUGUS-CHAUTAUQUA CHAPTER OF  
NYS HORSE COUNCIL AND ANDORA GROUP, LLC  
FOR *BEST OF AMERICA BY HORSEBACK* TELEVISION PROGRAM**

Pursuant to Section 450 of the County Law.

I. WHEREAS, the County Department of Economic Development, Planning and Tourism is desirous of promoting tourism in Cattaraugus County, and

II. WHEREAS, from September 24 through September 27, 2009, Cattaraugus and Chautauqua Counties will be the focus of a nationally broadcast horse trails television program, and

III. WHEREAS, the RFD-TV program *Best of America by Horseback* will come to Cattaraugus and Chautauqua Counties to film for four (4) days and will produce a thirty minute program for its television show which will air at a future date, and

IV. WHEREAS, the total cost for the above-described filming will be split between Cattaraugus and Chautauqua Counties, with an amount of \$4,180 being Cattaraugus County's portion, and

V. WHEREAS, the Andora Group, LLC, 512 Meadow Road, Ferguson, North Carolina 28624, is the production company for the *Best of America by Horseback* TV program and will produce the aforementioned television program for an amount of \$3,000, and

VI. WHEREAS, the Cattaraugus-Chautauqua Chapter of the NYS Horse Council, 12503 Cottage Road, South Dayton, New York 14138 will provide event staging, meals and travel for an amount of \$1,180, and

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

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with the Cattaraugus-Chautauqua Chapter of the NYS Horse Council and the Andora Group, LLC, for the provision of the above-described services, for a term commencing September 24, 2009 and terminating December 31, 2009, according to the above-described terms.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>		<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
UNITED STATES DEPARTMENT OF ENERGY AND  
NEW YORK STATE ENERGY RESEARCH AND  
DEVELOPMENT AUTHORITY FOR USE OF COUNTY FIRING RANGE**

Pursuant to Section 450 of the County Law.

- I. WHEREAS, the County operates a firing range, and
- II. WHEREAS, the United States Department of Energy and the New York State Energy Research and Development Authority are in need of an outdoor firing range, and
- III. WHEREAS, use of the range will be at no cost to the United States Department of Energy and the New York State Energy Research and Development Authority, now, therefore, be it
- I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the United States Department of Energy and the New York State Energy Research and Development Authority for a period of five years, according to the above-described terms.

Resolution Referred to:

Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AMENDING ACT 570-1985 REGARDING IMPOSITION OF SALES  
AND USE TAXES, AS AMENDED, TO EXTEND THE ADDITIONAL  
1% RATE OF TAXES ON SALES AND USES OF TANGIBLE  
PERSONAL PROPERTY AND OF CERTAIN SERVICES, AND ON  
OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES**

Pursuant to Article 29 of the Tax Law and Chapter 97  
of the Laws of 2009 of the State of New York,  
for the period through November 30, 2011.

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

SECTION 1. The first sentence of Section 2 of Act 570-1985 which was adopted  
December 30, 1985, as amended, is amended to read as follows:

"SECTION 2. Imposition of Sales Tax.

On and after March 1, 1986, and through November 30, 2011, there is  
hereby imposed and there shall be paid a tax of 4 percent upon, and on  
and after December 1, 2011, there is hereby imposed and there shall be  
paid a tax of 3 percent upon:".

SECTION 2. Subdivisions (a), (b) and (c) of Section 2-A of Act 570-1985, as  
added by Act 174-1986, as amended, are amended to read as follows:

(a) Notwithstanding the rate of tax set forth in Section 2 of this  
resolution, on and after March 1, 1986, and through November 30, 2011,  
the taxes imposed on the receipts from the retail sale of fuel oil and  
coal used for residential purposes; the receipts from the retail sale  
of wood used for residential heating purposes; and the receipts from  
every sale, other than for resale, of propane (except when sold in  
containers of less than one hundred pounds) natural gas, electricity,  
steam and gas, electric and steam services used for residential  
purposes shall be paid at the rate of 3 percent. The provisions of  
this subdivision shall not apply to a sale of (i) diesel motor fuel  
which involves a delivery at a filling station or into a repository  
which is equipped with a hose or other apparatus by which such fuel can  
be dispensed into the fuel tank of a motor vehicle and (ii) enhanced  
diesel motor fuel except in the case of a sale of such enhanced diesel  
motor fuel used exclusively for residential purposes which is delivered  
into a storage tank which is not equipped with a hose or other  
apparatus by which such fuel can be dispensed into the fuel tank of a  
motor vehicle and such storage tank is attached to the heating unit  
burning such fuel, provided that each delivery of such fuel of over  
four thousand five hundred gallons shall be evidenced by a certificate  
signed by the purchaser stating that the product will be used  
exclusively for residential purposes.

(b) Notwithstanding the rate of tax set forth in Section 4 of this  
resolution for the purposes of clause (A) thereof, on and after March  
1, 1986, and through November 30, 2011, the compensating use tax  
imposed by such section on the use of fuel oil and coal used for  
residential purposes and wood used for residential heating purposes  
shall be at the rate of 3 percent of the consideration given or  
contracted to be given for such property or for use of such property,  
plus the cost of transportation except where such cost is separately



stated in the written contract, if any, and on the bill rendered to the purchaser. The provisions of this subdivision shall not apply to a use of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a use of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel.

(c) The rate set forth in this section shall apply to receipts from all retail sales and uses described in this section made, rendered or arising therefrom on or after March 1, 1986, and through November 30, 2011, although made or rendered under a prior contract, if a delivery or transfer of possession of such property or services is made after said date. Where such property or service is sold on a monthly, quarterly or other term basis and the bills for such property or service are based on meter readings, the amount received on each bill for such property or service for a month or quarter or other term shall be a receipt subject to the rate of tax set forth in this section, but such rate shall be applicable to all bills based on meters read on or after March 1, 1986, and through November 30, 2011, only where more than one-half of the number of days included in the month or other periods billed are days subsequent to February 28, 1986.

SECTION 3. Subdivision (g) of Section 3 of Act 570-1985 which was adopted December 30, 1985, as amended, is amended to read as follows:

"(g) The taxes imposed under subdivisions (a), (c) and of (d) of Section 2 shall be paid at the rate of 3 percent upon all sales made and services rendered on or after December 1, 2011. With respect to the tax rate of 3 percent effective December 1, 2011, the provisions of subdivisions (b), (c), (d) and (e) of this section apply, except that for purposes of this subdivision, all references in said subdivisions (b), (c) and (d) to an effective date shall be read as referring to December 1, 2011, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to November 30, 2011. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December 1, 2011, any transaction which may not be subject to the lowered tax in effect on that date.".

SECTION 4. Section 4 of Act 570-1985 which was adopted December 30, 1985, as amended, is amended to read as follows:

"SECTION 4. Imposition of Compensating Use Tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after March 1, 1991, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any personal property (other than computer software used by the author or other creator) manufactured, processed or assemble by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a

structure, building or real property by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if user offers software of a similar kind for sale as the such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and

installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.".

SECTION 5. This resolution shall take effect on December 1, 2009.

Resolution Referred to:			
Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**LOCAL LAW NUMBER 6-2009  
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Chapter 98 of the Laws of 2009 and Section 253-x of the  
Tax Law.

**A LOCAL LAW IMPOSING AN ADDITIONAL MORTGAGE RECORDING TAX WITHIN  
THE COUNTY OF CATTARAUGUS**

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 impose an additional mortgage recording tax.

SECTION 2. Imposition of Tax. Effective November 1, 2009, and terminating December 1, 2012, there is hereby imposed, in the County of Cattaraugus, a tax of 25 cents for each \$100 and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within Cattaraugus County and recorded on or after November 1, 2009, and a tax of 25 cents on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than \$100.

SECTION 3. Applicability. The taxes imposed under the authority of this section shall be administered and collected in the same manner as the taxes imposed under section 253(1) and section 255(1)(b) of the Tax Law. Except as otherwise provided in this section, all the provisions of the Tax Law relating to or applicable to the administration and collection of the taxes imposed by such subdivisions shall apply to the taxes imposed under the authority of this section with such modifications as may be necessary to adapt such language to the tax so authorized. Such provisions shall apply with the same force and effect as if those provisions had been set forth in full in this section except to the extent that any provision is either inconsistent with a provision of this section or not relevant to the tax authorized by this section. For purposes of this section, any reference in the Tax Law to the tax or taxes imposed by the Tax Law shall be deemed to refer to a tax imposed pursuant to this section, and any reference to the phrase "within this state" shall be read as "within Cattaraugus County", unless a different meaning is clearly required.

SECTION 4. Real Property Located in More than One County. Where the real property covered by the mortgage subject to the tax imposed pursuant to the authority of this section is situated in this state but within and without the county imposing such tax, the amount of such tax due and payable to such

county shall be determined in a manner similar to that prescribed in the first undesignated paragraph of section 260 of the Tax Law which concerns real property situated in two or more counties. Where such property is situated both within such county and without the state, the amount due and payable to such county shall be determined in the manner prescribed in the second undesignated paragraph of such section 260 which concerns property situated within and without the state. Where real property is situated within and without the county imposing such tax, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed pursuant to this section.

SECTION 5. Additional Taxes. A tax imposed pursuant to the authority of this section shall be in addition to the taxes imposed by section 253 of the Tax Law.

SECTION 6. Disposition of Taxes. Notwithstanding any provision of the Tax Law to the contrary, the balance of all moneys paid to the recording officer of the County of Cattaraugus during each month upon account of the tax imposed pursuant to the authority of this section, after deducting the necessary expenses of his or her office as provided in section 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of this section or section 260 of the Tax Law are first to be apportioned by the commissioner, shall be paid over by such officer on or before the 10<sup>th</sup> day of each succeeding month to the treasurer of Cattaraugus County and, after the deduction by such treasurer of the necessary expenses of his or her office provided in section 262 of the Tax Law shall be deposited in the general fund of the County of Cattaraugus. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of this section or section 260 of the Tax Law are first to be apportioned by the commissioner, shall be paid over by the recording officer receiving the same as provided by the determination of the commissioner.

SECTION 7. Payment of Taxes. The tax imposed pursuant to this Local Law will be payable on the recording of each mortgage or real property subject to taxes thereunder. The tax will be paid to the recording officer of the county in which the real property or any part thereof is situated, except where real property is situated within and without the county, the recording officer of the county in which the mortgage is first recorded will collect the tax imposed by this Local Law. It will be the duty of the recording officer to endorse upon each mortgage a receipt for the amount paid. Any mortgage so endorsed may thereupon or thereafter be recorded by any recording officer and the receipt of the tax endorsed upon each mortgage will be

recorded therewith. The record of the receipt will be conclusive proof that the amount of the tax stated therein has been paid upon the mortgage.

SECTION 8. Effective Date. This local law shall take effect immediately.

Resolution Referred to:			
Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>

**AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 6 - 2009**

Pursuant to Chapter 98 of the Laws of 2009 and Section 253-x of the Tax Law.

I. WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on August 26, 2009, a proposed Local Law entitled "A Local Law Imposing an Additional Mortgage Recording Tax within the County of Cattaraugus", and

II. 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

I. RESOLVED, that a public hearing shall be held on the proposed Local Law by this County Legislature on the 9<sup>th</sup> day of September, 2009, at 3:01 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.

Resolution Referred to:			
Finance	<input type="checkbox"/>	Human Services	<input type="checkbox"/>
Co. Operations	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Public Safety	<input type="checkbox"/>
Senior Services	<input type="checkbox"/>	Labor Relations	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	_____	<input type="checkbox"/>