

May 27, 2009

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

The invocation was given by Tony Evans.

The Attendance Roll Call disclosed one Legislator absent - Mr. Aiello.

MR. SNYDER moved, seconded by Mr. Giardini that the minutes of the May 13, 2009 session be approved. Carried.

* * * * *

COMMUNICATIONS:

Putnam County Legislature: Copy of Resolution No. 334 entitled: Approval/Memorialization/Support of Continuation/Empire Zone Program and copy of Resolution No. 340 entitled: Approval/Request to State/Modify section 303/ Agriculture & Markets Law.

* * * * *

CHAIRMAN ABERS announced this is the time and place called for a public hearing on **Act No. 250-2009**, Authorizing Public Hearing on Requests for Inclusion into a Certified Agricultural District of Agricultural Parcels Submitted During the 2009 Thirty-Day Inclusion Period, asked that it be read and anyone wishing to speak for or against the requests for inclusion, may now do so.

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

* * * * *

ACT NO. 260-2009 by Mr. Giardini
and Mr. Ellis

**BID ACCEPTANCE FOR CLEANING & WASHING OF VARIOUS COUNTY BRIDGES
(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 cleaning and washing 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 was the bid of Acme Power Washing, Inc., 15590 Powerline Road, Holley, New York 14470, for an amount of \$114,746, 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 bid of Acme Power Washing, Inc., be, and the same hereby is, accepted, for a term commencing upon award of contract and notice to proceed and terminating September 30, 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.
Fourteen sets of specifications were sent out.
Nine bids were received.

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

Adopted May 27, 2009 by voice vote.

ACT NO. 261-2009 by Mr. Giardini
and Mr. Ellis, Mr. Marsh and Mr. Neal

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH FISHER ASSOCIATES, P.E., L.S., P.C. FOR ENGINEERING
SERVICES FOR LITTLE VALLEY BRIDGE NO. 15
FEDERAL AID REPLACEMENT PROJECT**

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

WHEREAS, engineering services are needed for the Little Valley Bridge No. 15, Ninth Street over Little Valley Creek, federal aid replacement project, and

WHEREAS, Fisher Associates, P.E., L.S., P.C., 135 Calkins Road, Rochester, New York 14623, has agreed to provide engineering services for the replacement of Little Valley Bridge No. 15, for an amount not to exceed \$97,997, as follows:

<u>Section</u>	<u>Description</u>	<u>Total</u>
1	General	\$ 9,915.00
2	Data Collection	\$ 9,280.00
3	Preliminary Design	\$14,455.00
4	Environmental Studies	\$ 5,490.00
5	Right-of-Way	\$ 1,565.00
6	Detailed Design	\$50,990.00
7	Advertisement, Bid Opening and Award	\$ 1,245.00
	Reimbursables not to exceed	<u>\$ 5,057.00</u>

\$97,997.00,
and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Fisher Associates, P.E., L.S., P.C., for the provision of the above-described services, for a term commencing May 28, 2009 and terminating December 31, 2010, according to the above-described terms.

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

Adopted May 27, 2009 by voice vote.

ACT NO. 262-2009 by Mr. Giardini
and Mr. Ellis and Mr. Boser

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NYSDOT AND AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE
IN THE FEDERAL-AID PROJECT ADMINISTERED BY THE NYSDOT AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works)**

Pursuant to Title 23 U.S. Code and
Sections 363, 366 and 450 of the County Law.

WHEREAS, the Economic Recovery Project for the pavement resurfacing, mill and overlay of County Road No. 19, Five Mile Road from Morgan Hollow Road to County Road No. 51, Chapel Hill Road, in the Town of Allegany, Cattaraugus County, PIN 5759.37 (the "Project"), is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% Non-Federal funds, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby approves the above-described project, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to advance the Project by making a commitment of 100% of the Non-Federal share (if any) of the cost of the Construction phase of the Project, or portions thereof with the Federal share of such costs to be applied by the New York State Department of Transportation pursuant to the State/Local Project Agreement, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Construction phase of the project or portions thereof, and be it further

RESOLVED, that the sum of \$124,000 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project, and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Construction phase exceeds the amount appropriated above, the \$124,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Construction phase exceeds \$620,000, the project's current Total Costs, the County of Cattaraugus shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute all necessary documents, on behalf of Cattaraugus County, with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and be it further

RESOLVED, that this Resolution shall take effect immediately, and be it further

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

Increase Estimated Revenue Account:

H.4598 American Recovery & Reinvestment Act of 2009 \$620,000.00

Increase Appropriation Account:

H.5196.703 County Road No. 19 (Five Mile Road) \$620,000.00.

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

Adopted May 27, 2009 by voice vote.

ACT NO. 263-2009 by Mr. Giardini
and Mr. Ellis and Mr. Murphy

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NYSDOT AND AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE
IN THE FEDERAL-AID PROJECT ADMINISTERED BY THE NYSDOT AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works)**

Pursuant to Title 23 U.S. Code and
Sections 363, 366 and 450 of the County Law.

WHEREAS, the Economic Recovery Project for the pavement resurfacing, mill and overlay of County Road No. 4, Broadway Road from 1000 feet south of Point Peter Road in the Town of Persia to Palmer Street, in the Village of Gowanda, Cattaraugus County, PIN 5759.34 (the "Project"), is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% Non-Federal funds, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby approves the above-described project, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to advance the Project by making a commitment of 100% of the Non-Federal share (if any) of the cost of the Construction phase of the Project, or portions thereof with the Federal share of such costs to be applied by the New York State Department of Transportation pursuant to the State/Local Project Agreement, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Construction phase of the project or portions thereof, and be it further

RESOLVED, that the sum of \$300,000 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project, and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the full Federal and Non-Federal shares of the cost of the project's Construction phase exceeds \$300,000, the project's current total cost, the County of Cattaraugus shall convene its Legislature as soon

as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute all necessary documents, on behalf of Cattaraugus County, with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and be it further

RESOLVED, that this Resolution shall take effect immediately, and be it further

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

Increase Estimated Revenue Account:

H.4598	American Recovery & Reinvestment Act of 2009	\$300,000.00
--------	--	--------------

Increase Appropriation Account:

H.5196.702	County Road No. 4 (Broadway Road)	\$300,000.00.
------------	-----------------------------------	---------------

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

Adopted May 27, 2009 by voice vote.

ACT NO. 264-2009 by Mr. Giardini
and Mr. Aiello, Mr. Ellis, Mr. Snyder, Mr. Teachman,
Mr. Boser, Mr. Padlo and Mrs. Witte

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NYSDOT AND AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE
IN THE FEDERAL-AID PROJECT ADMINISTERED BY THE NYSDOT AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works)**

Pursuant to Title 23 U.S. Code and
Sections 363, 366 and 450 of the County Law.

WHEREAS, the Economic Recovery Project for the pavement resurfacing, mill and overlay of County Road No. 83, Buffalo Road from the Olean West City line to County Road No. 19 (Five Mile Road) in the Town of Allegany, Cattaraugus County, PIN 5759.39 (the "Project"), is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% Non-Federal funds, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby approves the above-described project, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to advance the Project by making a commitment of 100% of the Non-Federal share (if any) of the cost of the Construction phase of the Project, or portions thereof with the Federal share of such costs to be applied by the New York State Department of

Transportation pursuant to the State/Local Project Agreement, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Construction phase of the project or portions thereof, and be it further

RESOLVED, that the sum of \$114,000 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project, and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Construction phase exceeds the amount appropriated above, \$114,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Construction phase exceeds \$570,000, the project's current total cost, the County of Cattaraugus shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute all necessary documents, on behalf of Cattaraugus County, with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and be it further

RESOLVED, that this Resolution shall take effect immediately, and be it further

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

Increase Estimated Revenue Account:

H.4598 American Recovery & Reinvestment Act of 2009 \$570,000.00

Increase Appropriation Account:

H.5196.701 County Road No. 83 (Buffalo Road) \$570,000.00.

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

Adopted May 27, 2009 by voice vote.

ACT NO. 265-2009 by Mr. Burrell, Mr. Ellis, Mr. O'Brien, Mr. Teachman, Mr. Boser, Mr. Hebdon and Mr. McClune

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT
WITH ABATE ASSOCIATES ENGINEERS & SURVEYORS, P.C. FOR
SUPPLEMENTAL CONSTRUCTION INSPECTION SERVICES FOR
COUNTY ROAD NO. 27 PHASE II REHABILITATION PROJECT**

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

WHEREAS, Act 211-2008 authorized a contract with Abate Associates Engineers & Surveyors, P.C., 4455 Genesee Street, P.O. Box 218, Buffalo, New York 14225-0218, for the provision of on-site construction inspection services for the County Road No. 27 Phase II rehabilitation project, the term of which expires December 31, 2009, and

WHEREAS, supplemental construction inspection services are needed to complete the aforementioned project, and

WHEREAS, Abate Associates Engineers & Surveyors, P.C., can provide the supplemental on-site construction inspection services for the County Road No. 27 Phase II rehabilitation project, for an amount not to exceed \$11,553, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with Abate Associates Engineers & Surveyors, P.C., for the provision of the above-described supplemental services, for a term commencing May 28, 2009 and terminating December 31, 2009, according to the above-described terms.

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

Adopted May 27, 2009 by voice vote.

ACT NO. 266-2009 by Mr. Giardini
and Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. Neal,
Mr. O'Brien, Mr. Teachman, Mr. Boser,
Mr. Hebdon and Mr. McClune

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH ABATE ASSOCIATES ENGINEERS & SURVEYORS, P.C. FOR
CONSTRUCTION INSPECTION SERVICES FOR NAPOLI BRIDGE NO. 8
REHABILITATION PROJECT**

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

WHEREAS, the County Department of Public Works is desirous of obtaining on-site construction inspection services for the Napoli Bridge No. 8 rehabilitation project, and

WHEREAS, Abate Associates Engineers & Surveyors, P.C., 4455 Genesee Street, P.O. Box 218, Buffalo, New York 14225-0218, can provide for a certified inspector for the provision of on-site construction inspection services for the Napoli Bridge No. 8 rehabilitation project, for an amount not to exceed \$51,710, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Abate Associates Engineers & Surveyors, P.C., for the provision of the above-described services, for a term commencing May 28, 2009 and terminating December 31, 2009, according to the above-described terms.

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

Adopted May 27, 2009 by voice vote.

ACT NO. 267-2009 by Mr. Neal
and Mr. Padlo¹

**BID ACCEPTANCE FOR PURCHASE OF GAS BOILER CONVECTION STEAMER
(Department of Nursing Homes)**

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 one (1) new and unused current production gas boiler convection steamer, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the only bid received meeting specifications for the purchase of one (1) new and unused current production Vulcan Hart Model No. VSX24G5 gas boiler convection steamer was the bid of Buffalo Hotel Supply Co., Inc., 375 Commerce Drive, Amherst, New York 14228-2304, for an amount of \$17,098, now, therefore, be it

RESOLVED, that the bid of Buffalo Hotel Supply Co., Inc. be, and the same hereby is, accepted, and be it further

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

No State Bid.

Eleven sets of specifications were sent out.

Only one bid was received meeting specifications.

Approved by 9 members of the Finance Committee, 9 members of the Public Works Committee and 6 members of the Senior Services Committee.

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

Adopted May 27, 2009 by voice vote.

ACT NO. 268-2009 by Mr. Vecchiarella
and Mr. McClune¹

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT
WITH MICHAEL ANDERSON FOR CRITICAL INCIDENT
STRESS MANAGEMENT TEAM SERVICES**

Pursuant to Section 3052 of the Public Health Law and
Act 432-2002 of the Cattaraugus County Legislature.

WHEREAS, Act 314-2008 authorized a contract with Michael Anderson, 68 Summit Street, Salamanca, New York 14779, for the provision of mental health services for the Cattaraugus County Critical Incident Stress Management Team, the term of which expires May 31, 2009, and

WHEREAS, the County Office of Emergency Services is desirous of continuing the aforementioned services, and

WHEREAS, Michael Anderson, 68 Summit Street, Salamanca, New York 14779, can provide the following services for an amount of \$1,500:

- a) clinical oversight to all Critical Incident Stress Management Team activities,
- b) on-going educational opportunities at each scheduled Team meeting,
- c) act in the role of the Mental Health Professional (MHP) for debriefings, when no other MHP is available,
- d) provide "Debrief the Debriefers" services to Team members, as requested, and
- e) provide updates on relevant trainings,

and

WHEREAS, these services are 100% County-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 Michael Anderson, for the provision of the above-described training, for a term commencing June 1, 2009 and terminating May 31, 2010, according to the above-described terms.

Approved by 9 members of the Finance Committee and 5 members of the Public Safety Committee.

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

Adopted May 27, 2009 by voice vote.

ACT NO. 269-2009 by Mr. Vecchiarella
and Mr. Neal and Mr. McClune¹

**AUTHORIZING THE CHAIR TO EXECUTE MEMORANDUM OF AGREEMENT
WITH CHAUTAUQUA COUNTY, ALLEGANY COUNTY AND SENECA NATION OF INDIANS
FOR 2008 NYS HAZARDOUS MATERIAL GRANT PROGRAM**

Pursuant to Public Law 105-277 and Section 450 of the County Law.

WHEREAS, Cattaraugus County, Chautauqua County, Allegany County, and the Seneca Nation of Indians are desirous of entering into a Memorandum of Agreement for the 2008 NYS Hazardous Material Grant Program, and

WHEREAS, the purpose of this Memorandum of Agreement is to build regional weapons of mass destruction (WMD) hazardous material response and decontamination capabilities by:

- Setting forth responsibilities of the Hazardous Material Grant Program recipients,
- Ensuring that Hazardous Material Grant Program recipients work together to implement the projects, goals and objectives identified in their jointly-submitted Hazardous Material Grant Program application under the NYS Office of Homeland Security 2008 Hazardous Material Grant Program Request for Proposals,

and

WHEREAS, funds received through the 2008 NYS Hazardous Material Grant will be used to purchase a Smith Gas Identification System for the detection of unknown gases, and

WHEREAS, Chautauqua County shall serve as the lead agency for this Memorandum of Agreement, and

WHEREAS, it is necessary to execute the aforementioned Memorandum of Agreement in order to participate in the Hazardous Material Grant Program, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a Memorandum of Agreement, on behalf of Cattaraugus County, with Chautauqua County, Allegany County and the Seneca Nation of Indians, in order to build regional WMD Hazardous Material Response and Decontamination Capabilities, for a term commencing April 27, 2009 and terminating August 30, 2011, according to the above-described terms.

Approved by 9 members of the Finance Committee and 5 members of the Public Safety Committee.

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Neal and Mr. McClune".

Adopted May 27, 2009 by voice vote.

ACT NO. 270-2009 by Mr. Vecchiarella
and Mr. Neal and Mr. McClune¹

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES
FOR TANF PROJECT FOR COMMUNITY CORRECTIONS PROGRAM**

Pursuant to 29 USCS Section 1604 and Section 450 of the County Law.

WHEREAS, Act 438-2008 authorized the Chair to execute a grant application and contract with the New York State Division of Probation and Correctional Alternatives for TANF Project for Community Corrections Programs, the term of which expires September 30, 2009, and

WHEREAS, the County Probation Department is eligible to apply for a renewal grant in the amount of \$111,264 for the period October 1, 2009 to September 30, 2010, and

WHEREAS, a contract is necessary with the New York State Division of Probation and Correctional Alternatives in order to accept the aforementioned funding, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the New York State Division of Probation and Correctional Alternatives, in order to apply for, and accept, the aforementioned grant funds, for a term commencing October 1, 2009 and terminating September 30, 2010, according to the above-described terms.

Approved by 9 members of the Finance Committee and 5 members of the Public Safety Committee.

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Neal and Mr. McClune".

Adopted May 27, 2009 by voice vote.

ACT NO. 271-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH ST. BONAVENTURE UNIVERSITY FOR
DATA COLLECTION ANALYSIS FOR NY CONNECTS PROGRAM**

Pursuant to 42 CFR Section 431.53, Section 365(a)(2)(j) of the Social Security Law, 18 NYCRR Section 505.10, and Section 450 of the County Law.

WHEREAS, the County Department of Social Services is desirous of having the data collected through the NY Connects program analyzed, and

WHEREAS, St. Bonaventure University, through its Bogoni Center, Route 417, St. Bonaventure, New York 14778, shall compile data from the NY Connects database in order to obtain measurable outcomes regarding types of services the Department of Social Services provides, accessibility of services, financial aspect and gaps that exist within the system for an amount of \$1,750, 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 Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with St. Bonaventure University, for the provision of the above-described services, for a term commencing June 1, 2009 and terminating October 1, 2009, according to the above-described terms.

Approved by 9 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted May 27, 2009 by voice vote.

ACT NO. 272-2009 by Mr. Aiello and Mr. Snyder
and Mr. Padlo¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN GENERAL HOSPITAL FOR FAMILY PLANNING CLINIC
LABORATORY SERVICES**

Pursuant to Section 2406 of the Public Health Law and
Section 450 of the County Law.

WHEREAS, Act 556-2007 authorized a contract with Olean General Hospital, 515 Main Street, Olean, New York 14760, for the provision of laboratory services for the family planning clinic, which includes the provision of services such as collection, testing, and analyzing of specimens and reporting the results to various providers, the term of which expires June 30, 2009, and

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

WHEREAS, the Olean General Hospital, 515 Main Street, Olean, New York 14760, can provide laboratory services for the County Health

Department's family planning clinic, in accordance with the following rate schedule:

88142 Thin Layer Pap Smear	\$18.00
87621 HPV DNA, High Risk	\$35.00
88305 Biopsy	\$45.00
88175 Thin Layer Pap Smear with Imaging	\$25.00,

and

WHEREAS, this program is fee based and funded through private insurances, Medicaid and State Family Planning Grant funds, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Olean General Hospital, for the provision of the above-described services, for a term commencing July 1, 2009 and terminating June 30, 2011, 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 6 members of the Human Services Committee.

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

Adopted May 27, 2009 by voice vote.

ACT NO. 273-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
VARIOUS EARLY INTERVENTION PROVIDERS AND EVALUATORS**

Pursuant to Section 450 of the County Law and
Section 2540 et. seq. of the Public Health Law.

WHEREAS, Act 322-2007 authorized contracts with various early intervention providers and evaluators for the general administration and provision of early intervention services and evaluations, the terms of which expire June 30, 2009, and

WHEREAS, early intervention is a family-centered, holistic approach to evaluating and serving eligible infants and toddlers, strength-based, not deficit-oriented, collaborative in nature, and guarantees, where possible, infants and toddlers access to typical peers, and

WHEREAS, the County Health Department is responsible for the general administration and provision of early intervention services to infants and toddlers 0-2 years with developmental delays and disabilities and their families, and

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

WHEREAS, payments to the various early intervention providers and evaluators will be in accordance with the rates established by the New York State Department of Health, and

WHEREAS, funding for the services and evaluations of this entitlement program is provided through Medicaid reimbursement, third party payors and special programs, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with various early intervention providers and evaluators, for the provision of the above-described services and evaluations, for a term commencing July 1, 2009 and terminating June 30, 2011, 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 6 members of the Human Services Committee.

Adopted May 27, 2009 by voice vote.

ACT NO. 274-2009 by Mr. Aiello, Mr. Neal and Mr. Snyder
and Mr. McClune¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH VENTURE FORTHE, INC. FOR HOME HEALTH CARE SERVICES**

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

WHEREAS, the County Departments of Health, Social Services and Aging are in need of home care services, and

WHEREAS, Venture Forthe, Inc., 3900 Packard Road, Niagara Falls, New York 14303, can provide home health care services to Cattaraugus County in accordance with the following rate limits and terms:

Level of Care:	rate limits**
Home Attendant/Housekeeper (Personal Care 1)	\$18.37/hr.
Personal Care Aide (Personal Care 2)	\$18.84/hr.
Shared Aide - ¼ hour (Personal Care 1)	\$ 4.59/¼ hr.
Shared Aide - ¼ hour (Personal Care 2)	\$ 4.71/¼ hr.
Certified Home Health Aide	\$19.40/hr.
Licensed Practical Nurse (LPN) (DSS)	\$21.00/hr.
Licensed Practical Nurse (LPN) (Health Dept)	\$26.25/hr.
Registered Nurse (RN) (Health Dept)	\$37.30/hr.
Registered Nurse (RN) (Social Services Dept)	\$26.00/hr.
Nursing Supervision Visit	\$62.87/hr.

**Actual base Medicaid rates as initially established by the State Department of Health to be billed, if lower than caps to all Departments. In addition to the base rate, any recruitment and retention add-on established by the State Department of Health shall be billed to the Department of Social Services only. Cattaraugus County Department of Health has applied for recruitment and retention add-on funds for 2009.

Assumptions:

- In the event the initial Medicaid rates for 2009 as established by the State Department of Health exceed the County rate limits set forth above, the Contractor agrees to submit rate revision requests to the NYSDOH and request the rate(s) be lowered to comply with the Cattaraugus County rate limits set forth above.

- Rates billed to the Medicaid Management Information System (MMIS) for the DSS personal care program are subject to any limitations of the MMIS and will reflect the requirements of 18 NYCRR 505.14.

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 Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Venture Forthe, Inc., for the provision of the above-described services for a term commencing June 1, 2009 and terminating December 31, 2009, 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, 6 members of the Human Services Committee and 6 members of the Senior Services Committee.

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

Adopted May 27, 2009 by voice vote.

ACT NO. 275-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH WYOMING COUNTY DEPARTMENT OF HEALTH
FOR ENVIRONMENTAL LABORATORY TESTING SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, the Wyoming County Department of Health, 5362 Mungers Hill Road, Building A, Silver Springs, New York 14550, is in need of environmental laboratory water testing services, and

WHEREAS, the Cattaraugus County Department of Health Laboratory can provide the aforementioned environmental laboratory water testing services in accordance with the following fee schedule:

Bacteriological (Presence/Absence)	\$20.00
Bacteriological (Membrane Filter)	\$23.00
Bacteriological (High Dilution)	\$25.00
Fecal Coliform	\$10.00
Nitrate	\$28.00,

now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Wyoming County Department of Health, for the provision of the above-described environmental laboratory water testing services, for a term commencing April 20, 2009 and terminating December 31, 2009, according to the above-described terms.

Approved by 9 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted May 27, 2009 by voice vote.

ACT NO. 276-2009 by Human Services Committee:
Mr. Snyder, Mr. Aiello, Mr. Marsh,
Ms. Vickman, Mr. Giardini, Mr. Ward and Mrs. Witte
and Mr. Padlo and Mrs. Witte¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH ARAMARK HIGHER EDUCATION
FOR YOUTH BUREAU YOUTH CITIZENSHIP AWARDS DINNER**

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

WHEREAS, Act 227-2008 authorized a contract with Aramark Higher Education, 1101 Market Street, Philadelphia, Pennsylvania 19107, with a local office at St. Bonaventure University, 3261 West State Street, St. Bonaventure, New York 14778, for the provision of a Youth Citizenship Awards dinner held at St. Bonaventure University on May 15, 2008, and

WHEREAS, the County Youth Bureau is desirous of hosting the Youth Citizenship Awards dinner again this year to be held on June 1, 2009, and

WHEREAS, Aramark Higher Education has agreed to cater the aforementioned awards dinner for approximately 200 people for an amount not to exceed a total of \$3,500, and

WHEREAS, sufficient funds are included in the 2009 budget of the Youth Bureau to cover the cost of the aforementioned awards dinner, 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 Aramark Higher Education, for the provision of the above-described catering services, for a term commencing June 1, 2009 and terminating June 1, 2009, according to the above-described terms.

Approved by 9 members of the Finance Committee and 6 members of the Human Services Committee.

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Padlo and Mrs. Witte".

Adopted May 27, 2009 by voice vote.

ACT NO. 277-2009 by Human Services Committee:
Mr. Snyder, Mr. Aiello, Mr. Marsh,
Ms. Vickman, Mr. Giardini, Mr. Ward and Mrs. Witte
and Mr. Padlo¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH ST. BONAVENTURE UNIVERSITY
FOR YOUTH BUREAU YOUTH CITIZENSHIP AWARDS DINNER**

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

WHEREAS, Act 228-2008 authorized a contract with St. Bonaventure University, P.O. Box A, St. Bonaventure, New York 14778, for the provision of a Youth Citizenship Awards dinner held at St. Bonaventure University on May 15, 2008, and

WHEREAS, the County Youth Bureau is desirous of hosting the Youth Citizenship Awards dinner again this year to be held on June 1, 2009, and

WHEREAS, St. Bonaventure University has agreed to provide the facility for the aforementioned awards dinner for an amount of \$50, and

WHEREAS, sufficient funds are included in the 2009 budget of the Youth Bureau to cover the cost of the aforementioned awards dinner, 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 St. Bonaventure University, for the use of the above-described facility, for a term commencing June 1, 2009 and terminating June 1, 2009, according to the above-described terms.

Approved by 9 members of the Finance Committee and 6 members of the Human Services Committee.

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

Adopted May 27, 2009 by voice vote.

ACT NO. 278-2009 by Mr. Snyder

**AUTHORIZING DIRECTOR OF COMMUNITY SERVICES TO EXECUTE
MEMORANDA OF UNDERSTANDING WITH VARIOUS ENTITIES
FOR DISPROPORTIONATE SHARE TO HOSPITALS INITIATIVE**

Pursuant to Chapter 119 of the Laws of 1997 and
Section 41.13(6) of the Mental Hygiene Law.

WHEREAS, Act 713-2008 authorized a Memorandum of Understanding with the New York State Office of Mental Health and the Olean General Hospital for the payment of disproportionate share income, the terms of which expired December 31, 2008, and

WHEREAS, Chapter 119 of the Laws of 1997 authorizes a disproportionate share to hospitals initiative (DSH), which affects identified Article 28 voluntary hospitals with mental health services which received funding pursuant to Article 41 of the Mental Hygiene Law, and

WHEREAS, in addition to payments currently made for existing hospital debt incurred in providing Medicaid-eligible services, DSH payments will also replace Office of Mental Health (OMH) approved net deficit funding provided pursuant to Article 41 of the Mental Hygiene Law in these hospitals, and

WHEREAS, Chapter 119 of the Laws of 1997 requires the Commissioner of OMH, in consultation with the County Director of Community Services, to annually certify those hospitals which will receive these additional DSH payments, and

WHEREAS, it is necessary to enter into a memorandum of understanding with the New York State Office of Mental Health and the Olean General Hospital in order to comply with the aforementioned disproportionate share to hospitals initiative, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute memoranda of understanding, on behalf of Cattaraugus County, with the New York State Office of Mental Health and the Olean General Hospital, 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 6 members of the Human Services Committee.

Adopted May 27, 2009 by voice vote.

ACT NO. 279-2009 by Mr. Snyder
and Mr. McClune¹

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING
THROUGH UNITED STATES PROBATION OFFICE FOR THE
WESTERN DISTRICT OF NEW YORK
FOR MENTAL HEALTH COUNSELING SERVICES**

Pursuant to Section 41.07 of the Mental Hygiene Law and
Section 450 of the County Law.

WHEREAS, funding is available through the United States Probation Office for the Western District of New York for the provision of mental health counseling services to federal probationers residing in Cattaraugus County, and

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

WHEREAS, if funding is awarded to the County Department of Community Services, the funding will be used to pay for mental health counseling services provided to federal probationers when such federal probationers are not covered under any type of medical or mental health insurance, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a grant application, on behalf of Cattaraugus County, with the United States Probation Office for the Western District of New York, for the provision of the above-described services, according to the above-described terms.

Approved by 9 members of the Finance Committee, 6 members of the Human Services Committee and 5 members of the Public Safety Committee.

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

Adopted May 27, 2009 by voice vote.

ACT NO. 280-2009 by Mr. Sprague

**LOCAL LAW NUMBER 2-2009
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW PROHIBITING SMOKING IN
AUTOMOBILES WITH CHILDREN PRESENT**

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

SECTION 1. Legislative Intent and Purpose.

a. This Legislature finds that it is essential to ensure the welfare of our children by acknowledging the fact that second hand smoke is detrimental to people's health, specifically children who may be unable to avoid second hand smoke inhalation.

b. This Legislature determines that the best way to avoid the harmful affects of second hand smoke, without restricting the individual rights and freedoms granted under the Constitution of the United States of America, to ban smoking in automobiles, a place where second hand smoke inhalation can be avoided, and where ventilation is insufficient.

SECTION 2. Definitions.

a. The term "Second hand smoke" shall mean the mixture of the smoke given off by the burning end of a cigarette, pipe, or cigar, and the smoke exhaled from the lungs of smokers.

b. The term "Children" shall be defined as any person under the age of 16 years.

c. The term "Automobile" shall mean any engine-bearing machine used for any purpose on public roads.

SECTION 3. Restrictions.

a. No person shall be allowed to smoke while operating or residing as a passenger in an automobile with children present. The operator will be held responsible for any misconduct by a passenger.

SECTION 4. Penalties.

a. A first violation shall be punishable by a minimum fine of \$200 and a maximum fine of up to \$500, with the second and subsequent violations resulting in a minimum fine of \$500 with a maximum fine of up to \$1,000.

SECTION 5. 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 effect, 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 6. Effective Date. This Local Law shall take effect immediately.

Referred to the Finance Committee and the Public Safety Committee.

ACT NO. 281-2009 by Mr. Sprague

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 2-2009

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 May 27, 2009, a proposed Local Law entitled, "A Local Law Prohibiting Smoking in Automobiles with Children Present", 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 10th day of June, 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.

Referred to the Finance Committee and the Public Safety Committee.

ACT NO. 282-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH WALKER BUSINESS & STAFFING SERVICES, INC.
FOR CATTARAUGUS ONE-STOP CLERICAL SERVICES AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Social Services)**

Pursuant to Workforce Investment Act of 1998, and
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 33-2009 authorized a contract with Walker Business & Staffing Services, Inc., 23 West State Street, Wellsville, New York 14895, for the provision of clerical services for the Cattaraugus One-Stop offices, the term of which expires June 30, 2009, and

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

WHEREAS, Walker Business & Staffing Services, Inc., can provide the necessary clerical services for the Cattaraugus One-Stop for an amount of \$12.78 per hour, not to exceed \$101,644, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Walker Business & Staffing Services, Inc., for the provision of the above-described services, for a term commencing June 1, 2009 and terminating May 31, 2010, according to the above-described terms, and be it further

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

Increase Estimated Revenue Accounts:

A.4792	WIA Adult	\$30,000.00
A.4794	WIA Dislocated	\$30,000.00

Increase Appropriation Accounts:

A.6325.455	WIA Adult Stimulus-Prof. Services	\$30,000.00
A.6345.455	WIA Dislocated Stimulus-Prof. Services	\$30,000.00.

Approved by 9 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted May 27, 2009 by voice vote.

ACT NO. 283-2009 Mrs. Abers, Mr. Aiello, Mr. Burrell, Mr. Ellis,
Mr. Marsh, Mr. McLarney, Mr. Murphy, Mr. Neal,
Mr. O'Brien, Mr. Snyder, Mr. Teachman, Ms. Vickman, Mr. Boser,
Mr. Giardini, Mr. Hebdon, Mr. Padlo and Mrs. Witte
who ask immediate consideration

**SALE OF TAX TITLE PROPERTY TO FORMER OWNERS
(Towns of Allegany, Dayton, East Otto, Ellicottville, Hinsdale, Napoli,
New Albion and Perrysburg and the City of Olean)**

Pursuant to Section 215 of the County Law and
Rule 40 of the Rules of Order of the
Cattaraugus County Legislature.

WHEREAS, Cattaraugus County has tax title to certain properties
situate in the Towns of Allegany, Dayton, East Otto, Ellicottville, Hinsdale,
Napoli, New Albion and Perrysburg and the City of Olean as described below,
and

WHEREAS, the former owners of the properties have offered to
purchase the same at a cost which will cover the County's financial
involvement in these premises, and

WHEREAS, the costs involved for these premises have been tendered
to the County Treasurer's Office, now, therefore, be it

RESOLVED, that the County Treasurer be, and hereby is, authorized
and directed, on behalf of Cattaraugus County, to execute County Treasurer's
Deeds conveying these properties to the following individuals:

TOWN OF ALLEGANY

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
5	84.003-2-18.5	Edward Giardini Patricia Giardini	4156 Rte. 417 Allegany, NY 14706	\$7,623.98

TOWN OF DAYTON

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
64	25.003-1-14	Robert F. Cole Antonia Cole	8514 Rte. 62 South Dayton, NY 14138	\$4,570.56

TOWN OF EAST OTTO

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
78	28.001-3-13.6	David Gradler Viola Gradler	9336 Bowen Rd. East Otto, NY 14729	\$3,134.47

TOWN OF ELLICOTTVILLE

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
80	55.052-3-1.10/119	Joseph S. Bakty	164 Albion Falls Blvd. Hamilton, Ontario Canada L8W 1R6	\$16,228.75

TOWN OF HINSDALE

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
122	85.002-2-17.1	John Carter Marian Carter	124 E. Riverside Drive Olean, NY 14760	\$15,269.02

TOWN OF NAPOLI

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
172	71.001-2-18	Albert Spinler Darleen Spinler	4291 Briggs Rd. Little Valley, NY 14755	\$6,078.97

TOWN OF NEW ALBION

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
179	35.082-1-23.1	David Constantino	83 Jefferson St. Cattaraugus, NY 14719	\$22,790.30
190	36.003-1-37	Paul Visniesky	59 Tuxedo Place Buffalo, NY 14207	\$2,145.02

TOWN OF PERRYSBURG

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
277	16.022-2-27	Charles Gleason Louise Gleason %Deborah Bouquin	11799 Main St. Perrysburg, NY 14129	\$14,685.94

CITY OF OLEAN

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
218	94.049-1-68	Jeffrey G. Good	888 N. 4 th St. Olean NY 14760	\$10,432.48
221	94.065-8-7	C. Christian Henzel Catherine M. Maley	206 Fifth St. N Olean, NY 14760	\$21,553.51
223	94.055-2-20	C. Christian Henzel	206 Fifth St. N Olean, NY 14760	\$19,071.79

227	94.064-9-13	C. Christian Henzel	206 Fifth St N Olean ,NY 14760	\$35,507.85
238	94.065-8-11	Catherine M. Maley	206 Fifth St. N %C. Christian Henzel Olean, NY 14760	\$10,788.94

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

Adopted May 27, 2009 by voice vote.

ACT NO. 284-2009 by Mrs. Abers
who asks immediate consideration

APPOINTMENTS TO CATTARAUGUS COUNTY FIRE ADVISORY BOARD

Pursuant to Section 225-a of the County Law.

RESOLVED, that the following individuals are appointed to the Cattaraugus County Fire Advisory Board for terms to expire on December 31, 2011:

Amy Beresford
PO Box 612
Delevan, New York 14042
(replacing Robert Hyman)

Matthew Guard
233 Wildwood Avenue
Salamanca, New York 14779
(replacing Vernon Braymiller).

MR. SNYDER moved, seconded by Mrs. Witte to waive Rule 12. Carried.

Adopted May 27, 2009 by voice vote.

ACT NO. 285-2009 by Mrs. Abers, Mr. Neal and Mr. Snyder
and Mr. Burrell, Mr. Ellis, Mr. Marsh and Mr. Vecchiarella¹
who ask immediate consideration

**AMENDING ACT 372-98 AND RESCINDING ACT 329-2002 REGARDING
CORONER REIMBURSEMENT POLICY AND TRANSFER OF FUNDS
(Contingent Fund - Coroners)**

Pursuant to Sections 203, 363 and 365 of the County Law.

WHEREAS, Act 372-98 established a Coroner reimbursement policy,
and

WHEREAS, Act 329-2002 modified the policy by deleting paragraph 10 of Act 372-98 and replacing it with the following: "10. The County will reimburse up to a maximum of \$1,200 per year for the cost of the four coroners recertification training.", and

WHEREAS, the policy needs to be clarified so that there is a maximum of \$300 per coroner for the recertification training, plus mileage

and expense reimbursement in accordance with the County's travel policy, now, therefore, be it

RESOLVED, that effective January 1, 2009, Act 372-98 is hereby amended as follows: delete paragraph 10 and replace with the following: "10. The County will reimburse up to a maximum of \$300 per year per coroner for the cost of the coroner recertification training, plus mileage and expenses in accordance with the County travel policy.", and be it further

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

Decrease Appropriation Account:

A.1990.445	Contingent Fund	\$546.00
------------	-----------------	----------

Increase Appropriation Accounts:

A.1185.426	Employee Meals	\$ 76.00
A.1185.442	Employee Mileage	\$210.00
A.1185.470	Other Travel Expenses	\$260.00,

and be it further

RESOLVED, that Act 329-2002 is hereby rescinded.

MR. O'BRIEN moved, seconded by Mr. Ward to waive Rule 12. Carried.

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Burrell, Mr. Ellis, Mr. Marsh and Mr. Vecchiarella".

Adopted May 27, 2009 by voice vote.

ACT NO. 286-2009 by Mr. Marsh and Mr. Padlo
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
TOWN OF ALLEGANY FOR ASSESSMENT SERVICES**

Pursuant to Section 1537(4) of the Real Property Tax Law and
Section 450 of the County Law.

WHEREAS, Act 353-2008 authorized a contract with the Town of Allegany for assessment services, the term of which expires July 1, 2009, and

WHEREAS, Real Property Tax Law Section 1537(4) authorizes municipalities which have adopted a resolution subject to permissive referendum providing for a single appointed assessor to enter into an agreement with a county for assessment services, and

WHEREAS, the Town of Allegany, 52 West Main Street, Allegany, New York 14706, has adopted a resolution authorizing such agreement, and

WHEREAS, the Cattaraugus County Real Property Tax Service Office employs staff qualified to serve as the sole appointed assessor for the town, and

WHEREAS, the Town of Allegany has requested that the County enter into a municipal cooperation agreement with the Town, whereby the County will provide assessment services to the Town, and

WHEREAS, the County shall provide the aforementioned services through an employee of the Cattaraugus County Real Property Tax Service Office designated to act as the town's sole assessor for the 2010 assessment year at a rate of \$46.65 per hour, for a total amount of \$39,186.00 for

services up to July 1, 2010, to be paid as follows: \$19,593 due July 1, 2009 and \$19,593 due January 1, 2010, now, therefore, be it

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

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

Adopted May 27, 2009 by voice vote.

ACT NO. 287-2009 by Mr. Marsh and Mr. Padlo
who ask immediate consideration

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
JAMES MACK D/B/A JIMMY MACK'S AUCTION CO. FOR
AUCTIONEER SERVICES**

Pursuant to Act 432-2002 of the Cattaraugus County Legislature and
Rule 40.3 of the Rules of Order.

WHEREAS, Cattaraugus County obtained title to several parcels of real property through foreclosure proceedings, and

WHEREAS, the County is desirous of selling the aforementioned parcels at public auction, and

WHEREAS, the County is in need of the services of an auctioneer to conduct the public auction, and

WHEREAS, James Mack, d/b/a Jimmy Mack's Auction Co., 4530 Windmill Rd, Randolph, NY 14772, has agreed to provide the aforementioned auctioneer services for an amount of \$1,000.00, 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 County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County with James Mack, d/b/a Jimmy Mack's Auction Co., for auctioneer services, for a one-day term commencing May 30, 2009 and terminating upon completion of the auction, according to the above-described terms.

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

Adopted May 27, 2009 by voice vote.

ACT NO. 288-2009 by Mr. Aiello and Mr. Snyder
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD, INC. FOR
SUMMER YOUTH EMPLOYMENT PROGRAMS AND ADJUSTING
VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Social Services)**

Pursuant to American Reinvestment and Recovery Act and
Sections 363, 366 and 450 of the County Law.

WHEREAS, the Cattaraugus-Allegany Workforce Investment Board, Inc. (WIB), has received American Reinvestment and Recovery Act funds to increase the capacity of WIA youth services in the Summer Youth Employment Program, and

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

WHEREAS, the WIB will pay the County an amount of \$260,000 for the provision of the above-described summer youth employment services, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Cattaraugus-Allegany Workforce Investment Board, Inc., for the provision of the above-described services, for a term commencing May 1, 2009 and terminating October 31, 2009, according to the above-described terms, and be it further

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

Increase Estimated Revenue Account:

A.4786	WIA ARRA Summer Youth	\$260,000.00
--------	-----------------------	--------------

Increase Appropriation Accounts:

A.6338.101	WIA Full-Time Wages	\$ 20,111.00
A.6338.109	Part-Time Wages	\$ 9,275.00
A.6338.111	Participant Wages	\$183,461.00
A.6338.401	Advertising	\$ 9,971.00
A.6338.448	Transportation	\$ 19,110.00
A.6338.828	Retirement	\$ 1,790.00
A.6338.833	FICA	\$ 16,282.00.

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

Adopted May 27, 2009 by voice vote.

MR. TEACHMAN moved, seconded by Mr. Murphy to adjourn until June 10, 2009 at 3:00 p.m. Carried.

Meeting adjourned at 3:34 p.m.

Ann M. Giglio
Journal Clerk