

September 9, 2009

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

The invocation was given by Rev. Piatt.

The Attendance Roll Call disclosed two Legislators absent - Mr. Boser and Mr. Burrell.

MR. SNYDER moved, seconded by Mr. Giardini that the minutes of the August 26, 2009 session be approved. Carried.

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COMMUNICATIONS:

Senator Young: Letters acknowledging receipt of Act Nos. 258-2009 and 374-2009.

Schoharie County Board of Supervisors: A copy of its Resolution No. 78, Encouraging Immediate Relief for Dairy Farmers and Supporting Changes at the Federal Level Establishing the Price of Fluid Milk at the Farm Gate.

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CHAIRMAN ABERS announced this is the time and place called for a public hearing on Act No. 463-2009 Local Law Number 6-2009 entitled A Local Law Imposing an Additional Mortgage Recording Tax Within the County of Cattaraugus, and that anyone wishing to speak may now do so.

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

CHAIRMAN ABERS requested a Roll Call Vote to adopt Act No. 463-2009 which disclosed as follows:

Ayes: Aiello 0.8772, Ellis 1.0875, Giardini 1.0094, Marsh 1.0843, McClune 0.8834, McLarney 1.0632, Murphy 1.0875, Neal 1.0843, O'Brien 1.0632, Padlo 0.8772, Snyder 0.8772, Teachman 0.8772, Vecchiarella 0.8834, Vickman 1.0915, Ward 1.0043, Witte 0.8772, Abers 1.0265 - 16.7545.

Nays: Hebdon 1.0915, Sprague 1.0530 - 2.1445.

Act No. 463-2009, having received the majority vote of the Legislature, was declared Adopted.

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CHAIRMAN ABERS granted privilege of the floor to Chris Baker, Director of Emergency Services, who gave an update on the disaster relief effort from the August 9, 2009 flood. He announced that FEMA is now on-site in the Emergency Services Office.

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ACT NO. 467-2009 by Mr. Giardini
and Mr. Ellis

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH MICHAEL JIMERSON, D/B/A TRIBAL PETROLEUM SUPPLIERS
FOR PROPANE GAS**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 455-2008 authorized a contract with Michael A. Jimerson, d/b/a Tribal Petroleum Suppliers, for the provision of propane gas for heating at the Department of Public Works-Highway Division at Markhams, the term of which expires September 30, 2009, and

WHEREAS, the County Department of Public Works has solicited proposals from two (2) companies for the provision of propane gas, and

WHEREAS, the lowest proposal was received from Michael A. Jimerson, d/b/a Tribal Petroleum Suppliers, P.O. Box 287, 1828 Route 20, Silver Creek, New York 14136, as follows: Method #2 - fixed price of \$1.239 per gallon, 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 Michael A. Jimerson, d/b/a Tribal Petroleum Suppliers, for the provision of propane gas, for a term commencing October 1, 2009 and terminating September 30, 2010, according to the above-described terms.

State bid for propane gas at this time is for pricing that varies according to the market. At this time the State price is \$1.215 per gallon, which is up \$0.025 in July alone.

Two sets of specifications were sent out.

One other proposal received meeting specifications is on file at the Office of the Department of Public Works.

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

Adopted September 9, 2009 by voice vote.

ACT NO. 468-2009 by Mr. Giardini
and Mr. Ellis

**BID ACCEPTANCE FOR SALT AND SAND PREMIX
(Department of Public Works)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for salt and sand premix for the 2009-2010 season requirements, according to specifications provided by the Public Works Committee, and

WHEREAS, the County shall accept all bids received in order that the purchaser can buy from the vendor where most advantageous, and

WHEREAS, the only bid received meeting specifications for salt and sand premix was the bid of Gernatt Asphalt Products, Inc., P.O. Box 400,

Taylor Hollow Road, Collins, New York 14034, (Benz Drive, Springville, New York, Plant) are as follows:

Ratio of Sand to Salt Per Ton	2008 Price Per Ton Premixed Material <u>F.O.B. Plant</u>	2009 Price Per Ton Premixed Material <u>F.O.B. Plant</u>
4-1	\$19.60	\$19.60
5-1	\$18.10	\$18.10
6-1	\$17.10	\$17.10
7-1	\$16.30	\$16.30
8-1	\$15.70	\$15.70
9-1	\$15.30	\$15.30
10-1	\$14.90	\$14.90

now, therefore, be it

RESOLVED, that the bid of Gernatt Asphalt Products, Inc., be, and the same hereby is, accepted, for a term commencing September 1, 2009 and terminating April 30, 2010, and be it further

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

No State Bid.

Three sets of specifications were sent out.

Only one bid was received.

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

Adopted September 9, 2009 by voice vote.

ACT NO. 469-2009 by Mr. Giardini
and Mr. Ellis

**BID ACCEPTANCE FOR CUTTING EDGES AND SHOES
FOR GRADERS, PLOWS AND WINGS
(Department of Public Works)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for cutting edges and shoes for graders, plows and wings for the Department of Public Works, according to specifications provided by the Public Works Committee, and

WHEREAS, the bids meeting specifications for the aforementioned items are as follows:

CHEMUNG SUPPLY CORP.

Box 527

Elmira, New York 14902

Carbon Grader Blades- Sheared, mitered, and punched

<u>Index #</u>	<u>Size</u>	<u>Quantity</u>	<u>2008 Rate</u>	<u>2009 Rate</u>
B-6L	5/8" x 6"	Less Than 10 Sets	\$ 9.86/foot	\$ 7.39/foot
B-6G	5/8" x 6"	10 Sets or Greater	\$ 9.07/foot	\$ 7.09/foot
B-8L	5/8" x 8"	Less Than 10 Sets	\$13.80/foot	\$10.83/foot
B-8G	5/8" x 8"	10 Sets or Greater	\$12.70/foot	\$10.39/foot

Carbon Plow & Wing Blades- Hole type, drilled for 5/8" cap screw, 12" centers

<u>Index #</u>	<u>Size</u>	<u>Quantity</u>	<u>2008 Rate</u>	<u>2009 Rate</u>
C-B6L	5/8" x 6"	Less than 50 Blades	\$11.84/foot	\$10.04/foot
C-B6G	5/8" x 6"	50 Blades or Greater	\$10.89/foot	\$ 9.64/foot
C-C6L	3/4" x 6"	Less than 50 Blades	\$14.26/foot	\$ 9.95/foot
C-C6G	3/4" x 6"	50 Blades or Greater	\$13.12/foot	\$ 9.18/foot
C-D6L	1" x 6"	Less than 50 Blades	\$27.08/foot	NB
C-D6G	1" x 6"	50 Blades or Greater	\$24.91/foot	NB
C-B8L	5/8" x 8"	Less than 50 Blades	\$15.84/foot	\$12.99/foot
C-B8G	5/8" x 8"	50 Blades or Greater	\$14.57/foot	\$12.00/foot
C-C8L	3/4" x 8"	Less than 50 Blades	\$19.00/foot	\$13.26/foot
C-C8G	3/4" x 8"	50 Blades or Greater	\$17.48/foot	\$12.24/foot

Tungsten Carbide Blades for Plow & Graders

<u>Index #</u>	<u>Description</u>	<u>2008 Rate</u>	<u>2009 Rate</u>
E-2	Item II - 3 piece set, No. DB48-36-48 Carbide Plow Blade - Price Per Set	\$548.00	\$396.00

JAMESTOWN IRON WORKS, INC.
2022 Allen Street Ext.
Falconer, New York 14733

Plow & Wing Shoes Frink one-way models 609, 625, 630, 640, 650

Plow shoe 1 3/4" x 8" x 14" - min. weight 33 lbs.

Hole size 13/16" recessed for square head bolt

<u>Index #</u>	<u>Description</u>	<u>Quantity</u>	<u>2008 Rate</u>	<u>2009 Rate</u>
F-CL	Plattaloy (or equal)	Less Than 50 Shoes	\$52.00/shoe	\$62.00/shoe
F-CG	Plattaloy (or equal)	50 Shoes or Greater	\$52.00/shoe	\$60.00/shoe

Plow & Wing Shoes Frink one-way models 609, 625, 630, 640, 650

Plow shoe 2 1/4" x 8" x 14" - min. weight 36 lbs.

Hole size 13/16" recessed for square head bolt

<u>Index #</u>	<u>Description</u>	<u>Quantity</u>	<u>2008 Rate</u>	<u>2009 Rate</u>
G-AL	Cast Alloy Abrasive	Less Than 50 Shoes	\$57.00/shoe	\$62.00/shoe
G-AG	Cast Alloy Abrasive	50 Shoes or Greater	\$57.00/shoe	\$60.00/shoe

Plow & Wing Shoes Frink one-way models 609, 625, 630, 640, 650

Tennco Plow Shoe PN-666-122-335

<u>Index #</u>	<u>Description</u>	<u>Quantity</u>	<u>2008 Rate</u>	<u>2009 Rate</u>
H-AL	Cast Alloy Abrasive	Less Than 50 Shoes	\$90.00/shoe	\$90.00/shoe
H-AG	Cast Alloy Abrasive	50 Shoes or Greater	\$86.00/shoe	\$86.00/shoe

Plow & Wing Shoes Frink one-way models 609, 625, 630, 640, 650**Tennco Plow Shoe PN-666-122-335**

<u>Index #</u>	<u>Description</u>	<u>Quantity</u>	<u>2008 Rate</u>	<u>2009 Rate</u>
H-BL	Cast Iron	Less than 50 Shoes	\$88.00/shoe	\$90.00/shoe
H-BG	Cast Iron	50 Shoes or Greater		\$86.00/shoe

Wing Shoe Type - 8-9: min. weight 34 lbs. hole size 3/4"

<u>Index #</u>	<u>Description</u>	<u>Quantity</u>	<u>2008 Rate</u>	<u>2009 Rate</u>
I-BL	Cast Iron	Less Than 50 Shoes	\$62.00/shoe	\$62.00/shoe
I-BG	Cast Iron	50 Shoes or Greater	\$60.00/shoe	\$60.00/shoe

Wing Shoe Type 12" - min. weight 37 lbs.- size 3/4"

<u>Index #</u>	<u>Description</u>	<u>Quantity</u>	<u>2008 Rate</u>	<u>2009 Rate</u>
K-AL	Cast Alloy Abrasive	Less Than 50 Shoes	\$56.00/shoe	\$65.00/shoe
K-AG	Cast Alloy Abrasive	50 Shoes or Greater	\$56.00/shoe	\$63.00/shoe

Mold Board Shoes, 12" hold size 3/4" (6-1/2" for top line punch)

<u>Index #</u>	<u>Description</u>	<u>Quantity</u>	<u>2008 Rate</u>	<u>2009 Rate</u>
L-AL	Cast Alloy Abrasive	Less Than 50 Shoes	\$90.00/shoe	\$90.00/shoe
L-AG	Cast Alloy Abrasive	50 Shoes or Greater	\$88.00/shoe	\$88.00/shoe

12" Wing Shoes, 3/4" bolt holes on 12" centers - min. weight 46 lbs.

No breakaway ears

<u>Index #</u>	<u>Description</u>	<u>Quantity</u>	<u>2008 Rate</u>	<u>2009 Rate</u>
M-AL	Cast Alloy Abrasive	Less Than 50 Shoes	\$72.00/shoe	\$72.00/shoe
M-AG	Cast Alloy Abrasive	50 Shoes or Greater	\$70.00/shoe	\$70.00/shoe

12" Wing Shoes, 3/4" bolt holes on 12" centers - min. weight 62 lbs.

No breakaway ears

<u>Index #</u>	<u>Description</u>	<u>Quantity</u>	<u>2008 Rate</u>	<u>2009 Rate</u>
N-AL	Cast Alloy Abrasive	Less Than 50 Shoes	\$75.00/shoe	\$75.00/shoe
N-AG	Cast Alloy Abrasive	50 Shoes or Greater	\$72.00/shoe	\$72.00/shoe

RUSERT EQUIPMENT CO.**P.O. Box 1131****Orchard Park, New York 14127****Carbon Plow & Wing Blades- Hole type, drilled for 5/8" cap screw, 12" centers**

<u>Index #</u>	<u>Size</u>	<u>Quantity</u>	<u>2008 Rate</u>	<u>2009 Rate</u>
C-D6L	1" x 6"	Less than 50 Blades		\$32.00/foot
C-D6G	1" x 6"	50 Blades or Greater		\$32.00/foot

Cast Mushroom Shoe - weight 50 lbs.

<u>Index #</u>	<u>Description</u>	<u>Quantity</u>	<u>2008 Rate</u>	<u>2009 Rate</u>
NI-HARD	Cast Mushroom Shoe	50 Shoes or Greater	\$99.50/shoe	\$98.00/shoe

MORRISON SUPPLY CO., INC.**121 Mill Street****Springville, New York 14141**

Steel Wing Shoes (Model MSCO MS060) Flame Cut & Flame Hardened Shoe**Minimum 50,000 lb. yield strength**

<u>Index #</u>	<u>Description</u>	<u>2008 Rate</u>	<u>2009 Rate</u>
O-AL	Less Than 50 Shoes		\$37.79/shoe
O-AG	50 Shoes or Greater		\$32.39/shoe

Alternates:**Steel flat frame shoe with carbine insert - 24 pounds minimum**

<u>Description</u>	<u>2008 Rate</u>	<u>2009 Rate</u>
Less Than 50 Units		\$157.00/each
50 Units or Greater		\$127.00/each

DOT #19 Wing Shoes - 30 pound minimum

<u>Description</u>	<u>2008 Rate</u>	<u>2009 Rate</u>
Less Than 50 Units		\$ 74.00/each
50 Units or Greater		\$ 73.00/each

DOT #21 Frame Shoes - 52 pound minimum

<u>Description</u>	<u>2008 Rate</u>	<u>2009 Rate</u>
Less Than 50 Units		\$124.00/each
50 Units or Greater		\$123.00/each

now, therefore, be it

RESOLVED, that the aforementioned bids be, and hereby are, accepted, for a term commencing October 1, 2009 and terminating September 30, 2010, and be it further

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

The cutting edges and shoes that the County uses are not offered on State Bid; however there are shoes on the State Contract that the County may purchase.

Eleven sets of specifications were sent out.

Five bids were received.

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

Adopted September 9, 2009 by voice vote.

ACT NO. 470-2009 by Mr. Giardini
and Mr. Ellis

BID ACCEPTANCE FOR HOT DIP GALVANIZATION OF STEEL
(Department of Public Works)

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the hot dip galvanization of steel, according to specifications and general information provided by the Public Works Committee, and

WHEREAS, the only bid received meeting specifications for the hot dip galvanization of steel is the bid of Frontier Hot Dip Galvanizing, Inc.,

1740 Elmwood Avenue, P.O. Box 199, Buffalo, New York 14207-0199, in an amount as follows, which is the same as 2008:

<u>Job Size</u>	<u>Amount</u>
Less than 1,000 lbs	\$ 0.55/lb
1,000 - 2,000 lbs	\$ 0.50/lb
2,000 - 5,000 lbs	\$ 0.45/lb
5,000 - 10,000 lbs	\$ 0.40/lb
10,000 lbs & greater	\$ 0.30/lb

Additional Charges:

1. If material to be galvanized is longer than tank length and material must be dipped - first one end and then the other, "double dip", additional charge
2. Handrails
3. Tanks

50% surcharge of pound rate listed

\$ 0.75/lb

\$ 1.00/lb, and

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

RESOLVED, that the aforementioned bid be, and the same hereby is, accepted, and be it further

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

No State Bid.

Four sets of specifications were sent out.

Only one bid was received.

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

Adopted September 9, 2009 by voice vote.

ACT NO. 471-2009 by Mr. Giardini
and Mr. Ellis

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
VQUIP, INC. FOR PREVENTIVE MAINTENANCE SERVICES
FOR TRANSFER UNITS**

Pursuant to Sections 226-b and 450 of the County Law.

WHEREAS, Act 307-2004 authorized a contract with VQuip, Inc., 4430 Mainway Drive, Burlington, Ontario Canada, L7L 5Y5, for the provision of preventive maintenance services for the eight (8) Transtor units at the Portville, Salamanca and Conewango transfer stations, and

WHEREAS, the County Department of Public Works is desirous of obtaining preventive maintenance services on the above-described Transtor units, and

WHEREAS, VQuip, Inc., shall provide preventive maintenance services for the eight (8) Transtor units at the Conewango, Portville and Salamanca transfer stations for an amount of \$4,501.53, 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 VQuip, Inc., for the provision of the above-described services, for a term commencing September 10, 2009 and terminating December 31, 2009, according to the above-described terms.

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

Adopted September 9, 2009 by voice vote.

ACT NO. 472-2009 by Mr. Giardini
and Mr. Ellis

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
SIMPLEXGRINNELL LP FOR LIFE SAFETY SERVICES
FOR PINES HEALTHCARE AND REHABILITATION CENTER - MACHIAS CAMPUS**

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

WHEREAS, the County Department of Public Works is desirous of obtaining life safety services for the Pines Healthcare and Rehabilitation Center - Machias Campus, and

WHEREAS, SimplexGrinnell LP, has agreed to provide inspection and testing of the fire and smoke alarm system at the Pines Healthcare and Rehabilitation Center - Machias Campus, for an amount of \$3,286, and

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

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with SimplexGrinnell LP, for the provision of life safety services for the Pines Healthcare and Rehabilitation Center - Machias Campus, for a term commencing September 1, 2009 and terminating June 30, 2010, according to the above-described terms.

Approved by 8 members of the Finance Committee, 9 members of the Public Works Committee and 7 members of the Senior Services Committee.

Adopted September 9, 2009 by voice vote.

ACT NO. 473-2009 by Public Works Committee:

Mr. Giardini, Mr. Ellis, Mr. Burrell,
Mr. Marsh, Mr. O'Brien, Mr. Teachman, Mr. Boser,
Mr. Hebdon and Mr. McClune

**ABOLISHING ONE (1) POSITION OF SENIOR AUTOMOTIVE MECHANIC
IN THE DEPARTMENT OF PUBLIC WORKS**

Pursuant to Section 205 of the County Law.

WHEREAS, the Department of Public Works has recently consolidated its two-shift vehicle maintenance operation into a one-shift vehicle maintenance operation, and

WHEREAS, this consolidation has resulted in increased productivity and gained efficiencies in operation, resulting in less down time for disabled vehicles and equipment which, in turn, results in lower maintenance and repair costs, and

WHEREAS, the Department of Public Works is desirous of maintaining these increased efficiencies and reduced operating costs by continuing the one shift vehicle maintenance operation, and

WHEREAS, by continuing the one-shift vehicle maintenance operation, there would be no need for more than one supervisor to oversee the vehicle maintenance operations, thereby resulting in the reduction of one supervisory position of Senior Automotive Mechanic, and

WHEREAS, this reduction of force would further reduce the costs associated with the vehicle maintenance program, now, therefore, be it

RESOLVED, that effective November 8, 2009, there is hereby abolished one (1) position of Senior Automotive Mechanic (Grade 22 - \$17.79 - \$21.49 - Supervisory Bargaining Unit, 2009 rate) in the Department of Public Works.

Approved by 7 members of the Finance Committee and 4 members of the Labor Relations Committee.

Adopted September 9, 2009 by voice vote.

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CHAIRMAN ABERS granted privilege of the floor to Mr. Giardini who introduced Brian Blinn, Department of Public Works employee, who requested that the abolished senior automotive mechanic position be replaced with a lower grade position (non-supervisory) to maintain the workforce in the Department of Public Works.

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ACT NO. 474-2009 by Mr. McLarney and Ms. Vickman
and Mr. Aiello, Mr. Murphy, Mr. Neal, Mr. Teachman, Mr. Giardini,
Mr. McClune, Mr. Padlo and Mrs. Witte¹

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING
THROUGH NEW YORK STATE DEPARTMENT OF STATE FOR
LOCAL GOVERNMENT EFFICIENCY IMPLEMENTATION GRANT**

Pursuant to Section 450 of the County Law.

WHEREAS, funding is available through the New York State Department of State for the Local Government Efficiency Grant Program, and

WHEREAS, the purpose of the grant is to provide technical assistance and competitive grants to two or more units of local government for the development of projects that will achieve savings and improve municipal efficiency through shared services, and

WHEREAS, the grant, if awarded, would allow for the hiring of a contractual appraiser to provide revaluation/update work in the Office of Real Property Services for up to six (6)² towns, and

WHEREAS, there is a ten percent (10%) local cash match of the County's share, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to apply for funding, on behalf of Cattaraugus County, with the New York State Department of State, according to the above-described terms.

Approved by 8 members of the Finance Committee and 6 members of the County Operations Committee.

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Mr. Murphy, Mr. Neal, Mr. Teachman, Mr. Giardini, Mr. McClune, Mr. Padlo and Mrs. Witte".

MR. McLARNEY moved, seconded by Mr. Ward to amend Act No. 474-2009 as follows: In the third Whereas, delete: "five (5)" and replace with: "six (6)". Carried.

Adopted, as amended, September 9, 2009 by voice vote.

ACT NO. 475-2009 by Mr. Aiello and Mr. Snyder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
PARENT EDUCATION PROGRAM, INC. FOR HEALTH DEPARTMENT
WIC PEER COUNSELING PROGRAM**

Pursuant to 42 USCS Section 1786 and
Section 450 of the County Law.

WHEREAS, Act 516-2008 authorized a contract with Parent Education Program, Inc., 234 North Union Street, Olean, New York 14760, for the provision of a Breastfeeding Peer Counselor, the term of which expires September 30, 2009, and

WHEREAS, the County Health Department has been awarded funding for the Enhanced Peer Counselor Program through the New York State WIC Program for the continuation of the aforementioned services, and

WHEREAS, Parent Education Program, Inc. has agreed to provide the aforementioned breastfeeding peer counselor services for the County Health Department, for an amount not to exceed \$14,000, as follows:

Peer Counselor Wages	not to exceed \$11,477.00
(\$10.51/hr for no more than 21 hrs/week)	
Work Related Expenses-actual cost reimbursement	not to exceed \$ 900.00
Administrative/Fringe Benefits	not to exceed \$ 1,623.00,

and

WHEREAS, this program is 100% funded through the USDA Loving Support Through Peer Counseling Grant Program, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Parent Education Program, Inc., 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, and be it further

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

Referred to the Finance Committee and the Human Services Committee.

ACT NO. 476-2009 by Mrs. Abers

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
TOSKI, SCHAEFER & CO., P.C. FOR
DEFERRED COMPENSATION AUDITING SERVICES**

Pursuant to 9 NYCRR Section 9005.1 and
Section 210 of the County Law.

WHEREAS, Act 113-2008 authorized a contract with Toski, Schaefer & Co., P.C. for purposes of auditing the Cattaraugus County Deferred Compensation Plan, and

WHEREAS, it is necessary that the County have its Deferred Compensation Plan audited by an independent auditor in order to be in compliance with New York State Finance Law, and

WHEREAS, the firm of Toski, Schaefer & Co., P.C., 555 International Drive, Williamsville, New York has been recommended to audit the County's Deferred Compensation Plan for an amount as follows:

Plan Year December 31, 2008 Not to exceed \$4,000,

and

WHEREAS, the Hartford, Inc., will reimburse the County for the cost of the audit for an amount not to exceed \$4,000 for each of the Plan years, 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 firm of Toski, Schaefer & Co., P.C. for the provision of conducting the 2008 audit of the Deferred Compensation Plan for a term commencing August 27, 2009 and terminating December 31, 2009.

Approved by 8 members of the Finance Committee and 4 members of the Labor Relations Committee.

Adopted September 9, 2009 by voice vote.

ACT NO. 477-2009 by Mr. Giardini
and Mr. Ellis
who ask immediate consideration

**BID ACCEPTANCE FOR ROOF REPAIRS
FOR BOARD OF ELECTIONS BUILDING
(Department of Public Works)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for roof repairs on the Board of Elections Building, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications for the repairs was the bid of Jamestown Roofing, Inc., 119 Clifton Avenue, Jamestown, New York 14701, in the amount of \$21,820, 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 aforementioned bid be, and the same hereby is, accepted, for a term commencing on the date of the contract signing and

terminating twenty days after the issuance of the Notice to Proceed, and be it further

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

No State Bid.

Nine sets of specifications were sent out.

Two bids were received.

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

Adopted September 9, 2009 by voice vote.

ACT NO. 478-2009 by Mr. Giardini
and Mr. Ellis
who ask immediate consideration

**REJECTING CERTAIN DEPARTMENT OF PUBLIC WORKS BIDS
FOR PURCHASE OF TWO ARTICULATED WHEEL LOADERS**

Pursuant to Section 103 of the General Municipal Law.

WHEREAS, the Department of Public Works advertised for sealed bids for the purchase of two (2) 4.25 cubic yard, 4 wheel drive, articulated wheel loaders, and

WHEREAS, the bids received for the purchase of two (2) 4.25 cubic yard, 4 wheel drive, articulated wheel loaders, should be rejected, the specifications revised and the loaders rebid, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby rejects the bids received on the purchase of two (2) 4.25 cubic yard, 4 wheel drive, articulated wheel loaders, which were opened on August 14, 2009, and authorizes the Department of Public Works to rebid the purchase of the loaders.

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

Adopted September 9, 2009 by voice vote.

ACT NO. 479-2009 by Mrs. Abers
who asks immediate consideration

**AUTHORIZING THE CHAIR TO APPLY FOR REDUCED INTEREST LOAN
THROUGH NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION
CLEAN WATER STATE REVOLVING FUND
FOR FIVE POINTS LANDFILL LEACHATE TREATMENT SYSTEM**

Pursuant to the American Recovery and Reinvestment Act of 2009
(Public Law 111-5) and Section 450 of the County Law.

WHEREAS, loans are available through the New York State Environmental Facilities Corporation Clean Water State Revolving Fund at a reduced interest rate, and

WHEREAS, the County Department of Public Works is desirous of constructing a leachate treatment system at the Five Points Landfill, and

WHEREAS, the County Department of Public Works is desirous of applying for a reduced interest loan in order to cover the costs of constructing a leachate treatment system at the Five Points Landfill, and

WHEREAS, American Recovery and Reinvestment Act funding is available for the construction of the aforementioned leachate treatment system, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to apply for a reduced interest loan, on behalf of Cattaraugus County, with the New York State Environmental Facilities Corporation Clean Water State Revolving Fund, in order to construct a leachate treatment system at the Five Points Landfill, according to the above-described terms.

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

Adopted September 9, 2009 by voice vote.

ACT NO. 480-2009 by Mrs. Abers
who asks immediate consideration

**CREATING ONE POSITION OF ACCOUNTANT AND ONE POSITION OF
JUNIOR ACCOUNTANT IN COUNTY ADMINISTRATOR'S OFFICE
TO BE FILLED ON A TEMPORARY BASIS AND
ESTABLISHING COMPENSATION FOR SAME AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Contingent Fund - County Administrator)**

Pursuant to Sections 204, 205, 363, 365 and 366 of the County Law and
Sections 22 and 64 of the Civil Service Law.

WHEREAS, due to the recently declared state of emergency in the County, there is a need to account for, and track, costs and expenditures associated with recovery efforts, and

WHEREAS, these tracking efforts are vital to any and all federal reimbursement dollars provided for by the Federal Emergency Management Agency (FEMA), and

WHEREAS, federal and state reimbursement funding under FEMA and the State Emergency Management Office (SEMO) is available to cover costs associated with these two temporary positions, and

WHEREAS, there are no current County employees who are able to dedicate the time and effort needed to accomplish these rigorous account keeping tasks, and

WHEREAS, Civil Service Law Section 64(3) provides for the creation of temporary positions for a period not to exceed eighteen months, wherein such positions are not expected to last longer than an eighteen-month period, and providing that such positions render professional services, and

WHEREAS, the New Position Duties Statement has been submitted to the Cattaraugus County Civil Service Commission, which has approved and certified the titles as Accountant and Junior Accountant in accordance with Section 22 of the Civil Service Law, and

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

RESOLVED, that effective immediately, there is hereby created one temporary position of Accountant in the Office of the County Administrator to

be compensated at Grade 24 (\$16.99 per hour), temporary salary schedule, and be it further

RESOLVED, that effective immediately, there is hereby created one temporary position of Junior Accountant in the Office of the County Administrator to be compensated at Grade 21 (\$14.97 per hour), temporary salary schedule, and be it further

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

Increase Estimated Revenue Accounts:

A.3960	Emergency Disaster Assistance	\$ 2,439.00
A.4960	Emergency Disaster Assistance	\$14,632.00

Increase Appropriation Accounts:

A.8764.109	Part-time Wages	\$18,122.00
A.8764.833	FICA	\$ 1,387.00

Decrease Appropriation Account:

A.1990.445	Contingent Fund	\$ 2,438.00,
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and be it further

RESOLVED, that effective February 28, 2011, these positions shall automatically be abolished, unless such action is taken to abolish them sooner if such positions cease to be needed.

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

Adopted September 9, 2009 by voice vote.

ACT NO. 481-2009 by Mrs. Abers
who asks immediate consideration

**CREATING TWO POSITIONS OF ASSISTANT TO THE DIRECTOR OF EMERGENCY SERVICES IN
DEPARTMENT OF EMERGENCY SERVICES
TO BE FILLED ON A TEMPORARY BASIS AND
ESTABLISHING COMPENSATION FOR SAME AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Contingent Fund - Emergency Services)**

Pursuant to Sections 204, 205, 363, 365 and 366 of the County Law and
Sections 22 and 64 of the Civil Service Law.

WHEREAS, due to the recently declared state of emergency in the County, there is a need to continue operating the Emergency Operation Center and perform critical duties related to disaster recovery efforts, and

WHEREAS, the functions of the Emergency Operation Center are increasing due to the response of the Federal Emergency Management Agency (FEMA), and

WHEREAS, the Director of Emergency Services is in need of assistance with all aspects of the recovery effort, and

WHEREAS, federal and state reimbursement funding under FEMA and the State Emergency Management Office (SEMO) is available to cover costs associated with these two temporary positions, and

WHEREAS, there are no current County employees who are able to dedicate the time and effort needed to carry out these tasks, and

WHEREAS, Civil Service Law Section 64(3) provides for the creation of temporary positions for a period not to exceed eighteen months, wherein such positions are not expected to last longer than an eighteen-month period, and providing that such positions render professional services, and

WHEREAS, the New Position Duties Statement has been submitted to the Cattaraugus County Civil Service Commission, which has approved and certified the title as Assistant to the Director of Emergency Services in accordance with Section 22 of the Civil Service Law, and

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

RESOLVED, that effective immediately, there are hereby created two temporary positions of Assistant to the Director of Emergency Services in the Department of Emergency Services to be compensated at Grade 19 (\$13.86 per hour), temporary salary schedule, and be it further

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

Increase Estimated Revenue Accounts:

A.3960	Emergency Disaster Assistance	\$ 2,115.00
A.4960	Emergency Disaster Assistance	\$12,691.00

Increase Appropriation Accounts:

A.8782.109	Part-time Wages	\$15,718.00
A.8782.833	FICA	\$ 1,203.00

Decrease Appropriation Account:

A.1990.445	Contingent Fund	\$ 2,115.00,
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and be it further

RESOLVED, that effective February 28, 2011, these positions shall automatically be abolished, unless such action is taken to abolish them sooner if such positions cease to be needed.

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

Adopted September 9, 2009 by voice vote.

ACT NO. 482-2009 by Mr. Snyder
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE DIVISION OF HOUSING AND OFFICE OF COMMUNITY
RENEWAL FOR COUNTY-WIDE WELL AND SEPTIC SYSTEM REPLACEMENT
COMMUNITY DEVELOPMENT BLOCK GRANT AND ADJUSTING
VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Health)**

Pursuant to 24 CFR Section 570.482(e) and
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 150-2009 authorized the Chair to apply for funding through the New York State Division of Housing and Community Renewal's Office of Community Renewal for a county-wide well and septic system replacement, and

WHEREAS, the County Department of Health has been awarded a Community Development Block grant in the amount of \$351,000 for the development of a county-wide well and septic system replacement program, and

WHEREAS, the Small Cities Community Development Block Grant Program (CDBG) is a federally-funded program that is administered by the NYS Division of Housing and Community Renewal's Office of Community Renewal (OCR), and

WHEREAS, the County Health Department is desirous of working with NeighborWorks Home Resources, Inc., to develop a housing rehabilitation program to replace unsafe and unsanitary wells and septic systems on a county-wide basis, and

WHEREAS, a contract is necessary with the New York State Division of Housing and Community Renewal's Office of Community Renewal in order to receive the aforementioned grant, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned 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 New York State Division of Housing and Community Renewal's Office of Community Renewal, in order to accept the Community Development Block Grant, 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.4487	Well/Septic Assistance Grant	\$351,000.00
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Increase Appropriation Account:

A.4016.443	Well/Septic Assistance	\$351,000.00.
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MR. ELLIS moved, seconded by Mr. Ward to waive Rule 12. Carried.

Adopted September 9, 2009 by voice vote.

ACT NO. 483-2009 by Mr. Aiello and Mr. Snyder
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR
FAMILY PLANNING PROGRAMS AND ADJUSTING
VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Health Department)**

Pursuant to 10 NYCRR Part 40-1 and
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 67-2009 authorized a contract with the New York State Department of Health, Division of Family & Local Health, Corning Tower, Empire State Plaza, Room 878, Albany, New York 12237-0675, for the provision of a Family Planning Program in the County's Health Department, the term of which expires December 31, 2009, and

WHEREAS, the New York State Health Department has awarded the County Health Department an additional amount of \$39,691, bringing the total grant amount to \$361,270, for the period January 1, 2009 through December 31, 2009, and

WHEREAS, an amended contract is necessary with the New York State Department of Health to receive the aforementioned additional grant, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with the New York State Department of Health for the provision of a Family Planning program in Cattaraugus County, for a term commencing January 1, 2009 and terminating December 31, 2009, according to the above-described terms, and be it further

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

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

Increase Estimated Revenue Account:

A.3435	Family Planning Services	\$39,691.00
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Increase Appropriation Account:

A.4078.477	Consumables	\$39,691.00.
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MR. McLARNEY moved, seconded by Mr. Aiello to waive Rule 12. Carried.

Adopted September 9, 2009 by voice vote.

ACT NO. 484-2009 by Mr. Marsh, Mr. McLarney, Mr. Neal,
Mr. Teachman, Mr. Vecchiarella and Mr. Padlo
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
EDMUND J. RENAUD D/B/A SOUTHERN TIER MOVING & STORAGE
FOR TRANSPORT OF VOTING MACHINES**

Pursuant to Section 3-226 of the Election Law and
Section 450 of the County Law.

WHEREAS, Act 551-2007 authorized a contract with Edmund J. Renaud d/b/a Southern Tier Moving & Storage, 1214 West State Street, Olean, New York 14760, for storage and transport of voting machines, the term of which expired December 31, 2008, and

WHEREAS, the County is in need of only transporting the City of Olean voting machines to and from various election polling sites, and

WHEREAS, Edmund J. Renaud d/b/a Southern Tier Moving & Storage, 1214 West State Street, Olean, New York 14760, can transport the aforementioned voting machines for an amount in accordance with the following rate schedule, which is the same as the previous rate schedule:

Transport to and from polling sites	1-10 machines	\$252.00
	11-15 machines	\$378.00
	16-20 machines	\$504.00;

*for example: if 18 machines are delivered and picked up throughout the City of Olean for a specific election, then the total cost would be \$504,

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 Edmund J. Renaud d/b/a Southern Tier Moving & Storage, for the provision of the above-described services, for a term commencing September 1, 2009 and terminating December 31, 2011, according to the above-described terms.

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

Adopted September 9, 2009 by voice vote.

ACT NO. 485-2009 by Mr. McLarney and Ms. Vickman
who ask immediate consideration

**AUTHORIZING AMENDED CONTRACT WITH JEROME BUKIEWICZ,
D/B/A THE BUKIEWICZ ORGANIZATION, FOR
REAL PROPERTY ASSESSMENT ADMINISTRATION SEMINARS**

Pursuant to Section 1532 of the Real Property Tax Law.

WHEREAS, Act 526-2008 authorized the Chair to execute contract with Jerome Bukiewicz d/b/a The Bukiewicz Organization, 1611 Zack Hinton Parkway South, McDonough, Georgia 30253, for a needs assessment study to examine the efficiency of the existing assessment administration and make recommendations for more equitable assessment practices county-wide, and

WHEREAS, Act 134-2009 authorized the acceptance of the aforementioned needs assessment study, and

WHEREAS, the County Real Property Tax Service Agency desires to continue the aforementioned needs assessment study, and to provide assistance for municipalities applying for shared services and consolidation of grant funding, and

WHEREAS, Jerome Bukiewicz d/b/a The Bukiewicz Organization, 1611 Zack Hinton Parkway South, McDonough, Georgia 30253, has agreed to continue the recommendations of his study by holding two additional seminars on October 28, 2009 and February 4, 2010, for \$2,200 per session for a total of \$4,400, and

WHEREAS, sufficient funds are available from casino funds to cover the cost of these 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 Jerome Bukiewicz, d/b/a The Bukiewicz Organization, for the provision of the above-described services, for a term commencing February 21, 2009 and terminating February 28, 2010, according to the above-described terms.

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

Adopted September 9, 2009 by voice vote.

ACT NO. 486-2009 by Mr. Burrell
who asks immediate consideration

SUPPORTING WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

Pursuant to Section 153 of the County Law.

WHEREAS, New York State and its municipalities, including the County of Cattaraugus, are facing substantial financial and budgetary challenges brought on by the current recession, and

WHEREAS, state-wide for over the past 30 years, 43 participating counties and municipalities have received more than \$3 billion in revenues as their return on their collective investment as the "stockholders" in respective New York off-track betting corporations, and

WHEREAS, the Western Regional Off-Track Betting Corporation ("Western") has, in its 34 years of existence, distributed funds to its statutory beneficiaries in pursuit of its charge by the state legislature to support New York racing and provide reasonable revenues for state and local government:

- ❖ \$321 million in commissions to race tracks in New York;
- ❖ \$203 million to its participating municipalities;
- ❖ \$93 million to the State of New York;
- ❖ \$34 million to the Breeders' Fund;
- ❖ \$57 million to the New York State Lottery since May, 2005;

and

WHEREAS, Western provides over 600 full and part-time jobs for the community at its branches and the Batavia Downs complex, while pumping additional millions in indirect revenue to agribusinesses in Western New York, and

WHEREAS, Cattaraugus County is a participating owner of Western, having invested \$19,182 in 1974 and, not only having seen that original amount returned, with interest of \$1,265 on May 30, 1975, but realized shareholder dividends since investing in Western of \$4,204,809 in the form of operating and surcharge profits through 2008, and

WHEREAS, Cattaraugus County employs its funding from Western to help offset the rising rate of property taxes; for special education, address the rising costs of Medicaid, retirement and health insurance; and to assist other important County-funded programs, and

WHEREAS, Western is a public benefit corporation created by statute in 1974 that is unique in off-track betting corporations, in that it not only operates a retail branch business with over 30 branch facilities spread over its 15 county area, but owns and operates Batavia Downs racetrack with live racing, inter-track wagering, and since 2005, video lottery gaming, and

WHEREAS, a recent audit of Western by the New York State Comptroller's Office found that Western's Board of Directors and the corporation's experienced management have taken the necessary steps to reduce expenses and implement other economies to react appropriately to the nationwide trend of the decline of betting handle; the recent downturn in the country's economy and by state legislation's steady drain of Western's gross revenues to other segments of the New York racing industry and the state's bureaucratic oversight of racing and wagering, and

WHEREAS, the state's governor has appointed a commission, "The Task Force on the Future of Off-Track Betting in New York State", to investigate and make recommendations as to the efficiency of these regional corporations and consider their consolidation under one authority, and

WHEREAS, the state law that created this Task Force obligates it to consult with, among others, local governments regarding this matter and indeed the Task Force in communications with Cattaraugus County officials has stated that:

"The emphasis of the Task Force is focused on the off-track betting system's ability to raise revenues for state and local governments as well as strengthen the racing and breeding industries in New York. Your input in this matter is therefore requested.",

and

WHEREAS, any negative impact on the financial and operational relationship that Cattaraugus County has with Western Regional Off-Track Betting Corporation would negatively effect Cattaraugus County, now, therefore, be it

RESOLVED, that Cattaraugus County supports Western Regional Off-Track Betting Corporation and its continued efforts to increase revenue for its participating members, and be it further

RESOLVED, that Cattaraugus County, a member of Western Regional Off-Track Betting Corporation, could not and will not support any recommendation by the Task Force on the Future of Off-Track Betting or the State of New York that would change the current structure of Off-Track Betting in New York State and put in jeopardy the financial and operational relationship between Cattaraugus County and Western Regional Off-Track Betting Corporation, and be it further

RESOLVED, that Cattaraugus County supports and will continue to support the legislative efforts of Western to see enacted the proposed 2009 OTB Omnibus Bill Legislation to preserve and protect the financial integrity of Western by changing the current statutes that govern the operation and distribution of revenues of Western, and be it further

RESOLVED, that those changes would permit Western to return greater revenues to Cattaraugus County allowing Western to continue to provide a reasonable support for the government of Cattaraugus County while continuing to operate in a manner compatible with the well being of horse racing and breeding in New York State, and be it further

RESOLVED, that Cattaraugus County's stake in the future of horseracing and Off-Track Betting Corporations in New York State be protected, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Governor Paterson, Senate Majority Leader Estrada, Speaker Silver, Senator Young, Assembly Member Giglio, the New York State Association of Counties and the Western New York Inter-County Association.

MR. MARSH moved, seconded by Mr. O'Brien to waive Rule 12. Carried.

Adopted September 9, 2009 by voice vote.

ACT NO. 487-2009 by Mr. Neal
who asks immediate consideration

**AUTHORIZING PURCHASE OF MOTORS, SLING BARS AND BATTERY CHARGERS
FOR LIKO LIFTS FROM SOLE SOURCE VENDOR AND
WAIVING COMPETITIVE BIDDING PROCEDURES
(Department of Nursing Homes)**

Pursuant to Section 3.7 of Act 432-2002 and
Section 450 of the County Law.

WHEREAS, the County Department of Nursing Homes is in need of five (5) motors, sling bars and battery chargers for the existing overhead lift system at the Pines Healthcare and Rehabilitation Center - Machias Campus, and

WHEREAS, the aforementioned motors, sling bars and battery chargers are available through Gremlin Medical Supply Corporation, which is the sole source vendor for these items, at a cost greater than \$10,000, and

WHEREAS, pursuant to paragraph 3.7 of the County Procurement Policy, the competitive bidding procedures may be waived by the County Legislature in the event that there is only one vendor capable of providing a particular product, and

WHEREAS, Gremlin Medical Supply Corporation, Six Simmons Lane, Albany, New York 12204, can provide the five (5) motors, sling bars and battery chargers for the existing overhead lift system at the Pines Healthcare and Rehabilitation Center - Machias Campus, for an amount of \$12,330, 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 Cattaraugus County Legislature hereby waives the competitive bidding procedures and authorizes the purchase of the aforementioned items through the sole source vendor Gremlin Medical.

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

Adopted September 9, 2009 by voice vote.

MR. SNYDER moved, seconded by Mr. McLarney to adjourn until September 23, 2009 at 3:00 p.m. Carried.

Meeting adjourned at 3:52 p.m.

Ann M. Giglio
Journal Clerk