

October 28, 2009

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

The invocation was given by Rev. Piatt.

The Attendance Roll Call disclosed three Legislators absent - Mr. Murphy, Ms. Vickman and Mrs. Witte.

MR. SNYDER moved, seconded by Mr. Giardini that the minutes of the October 14, 2009 session be approved. Carried.

* * * * *

COMMUNICATIONS:

Saratoga County Board of Supervisors: A copy of its Resolution No. 198-09, Urging New York State and all New York State Counties and Cities to Adopt a Policy that Favors the Purchase of Personal Computers that are powered by AMD Chips.

* * * * *

APPOINTMENTS:

Arson Task Force:

Terms to expire December 31, 2011

Timothy Whitcomb, Acting Sheriff
Sheriff's Office
301 Court Street
Little Valley, New York 14755
(replacing Dennis John)

William Nichols, Captain
Sheriff's Office
301 Court Street
Little Valley, New York 14755

Ronald Lott, Detective Sergeant
Sheriff's Office
301 Court Street
Little Valley, New York 14755

Brandon Walters, Detective
Sheriff's Office
301 Court Street
Little Valley, New York 14755

Criminal Justice Advisory Council:

Terms to expire December 31, 2011

Timothy Whitcomb, Acting Sheriff
Sheriff's Office
301 Court Street
Little Valley, New York 14755
(replacing Dennis John)

Linda Schnell
Administrator of Assigned Counsel
637 Grandview Avenue
Olean, New York 14760
(replacing James McAuley)

Emergency Medical Service Advisory Committee:

Terms to expire December 31, 2010

Timothy Whitcomb, Acting Sheriff
Sheriff's Office
301 Court Street
Little Valley, New York 14755
(replacing Dennis John)

Dr. Kevin Watkins
Public Health Director
1 Leo Moss Drive, Suite 4010
Olean, New York 14760
(replacing Barbara Hastings)

Fleet Management Committee:
Indefinite Term

Robert Buchhardt, Captain
Sheriff's Office
301 Court Street
Little Valley, New York 14755
(replacing Dennis John)

HIPAA Compliance Committee:
Indefinite Term

Daniel French, Sergeant
Sheriff's Office
301 Court Street
Little Valley, New York 14755
(replacing Dennis John)

Dr. Kevin Watkins
Public Health Director
1 Leo Moss Drive, Suite 4010
Olean, New York 14760
(replacing Barbara Hastings)

Maureen Mooney-Myers
Nursing Home Director
2245 West State Street
Olean, New York 14760
(replacing John Ognibene)

HIPAA Health Plan Privacy Officer:
Indefinite Term

Dr. Kevin Watkins
Public Health Director
1 Leo Moss Drive, Suite 4010
Olean, New York 14760
(replacing Barbara Hastings)

Long Term Care Advisory Council:
Term to expire December 31, 2010

Dr. Kevin Watkins
Public Health Director
1 Leo Moss Drive, Suite 4010
Olean, New York 14760
(replacing Barbara Hastings)

Traffic Safety Board:
Term to expire December 31, 2009

Robert Buchhardt, Captain
Sheriff's Office
301 Court Street
Little Valley, New York 14755
(replacing Timothy Whitcomb)

Term to expire December 31, 2011

Timothy Whitcomb, Acting Sheriff
Sheriff's Office
301 Court Street
Little Valley, New York 14755
(replacing Dennis John)

Youth Bureau Board of Directors:
Indefinite Term

Anna Jaremko
Youth Member
793 Lippert Hollow
Allegany, New York 14706

Faith L. Benson
Youth Member
4677 Birch Run Road
Allegany, New York 14706

* * * * *

CHAIRMAN ABERS granted privilege of the floor to Anthony Evans, Youth Bureau Director, who presented an annual report based on the year ending December 31, 2008. Mr. Evans also introduced 15 Americorps members who were then sworn in by Judge Himelein.

* * * * *

CHAIRMAN ABERS announced this is the time and place called for public hearings on the following Local Laws and that anyone wishing to speak for or against these local laws, may now do so:

Local Law Number 7 - 2009, Act No. 540-2009:
--A Local Law Establishing Salary for County Administrator
for the Year 2009

Local Law Number 8 - 2009, Act No. 542-2009:
--A Local Law Establishing Salary for County Attorney
for the Year 2009

Local Law Number 9 - 2009, Act No. 544-2009:
--A Local Law Establishing Salary for Human Resources Director
for the Year 2009

Local Law Number 10 - 2009, Act No. 546-2009:
--A Local Law Establishing Salary for County Treasurer
for the Year 2009

Local Law Number 11 - 2009, Act No. 548-2009:
--A Local Law Establishing Salary for Commissioner of Social Services
for the Year 2009

Local Law Number 12 - 2009, Act No. 550-2009:
--A Local Law Establishing Salary for Commissioner of Public Works
for the Year 2009

Local Law Number 13 - 2009, Act No. 552-2009:
--A Local Law Establishing Salary for Commissioner of Social Services
for the Year 2009

Local Law Number 14 - 2009, Act No. 554-2009:

--A Local Law Establishing Salary for County Clerk
for the Year 2009

Local Law Number 15 - 2009, Act No. 556-2009:

--A Local Law Establishing Salary for Election Commissioners (2)
for the Year 2009

Local Law Number 16 - 2009, Act No. 558-2009:

--A Local Law Establishing Salary for Public Defender
for the Year 2009

Local Law Number 17 - 2009, Act No. 560-2009:

--A Local Law Establishing Salary for Director of Community Services
for the Year 2009

Local Law Number 18 - 2009, Act No. 562-2009:

--A Local Law Establishing Salary for Real Property Tax Service Director
for the Year 2009

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

CHAIRMAN ABERS granted privilege of the floor to MR. McCLUNE who made the following statement: *"My remarks are directed at all the Local Laws granting salary increases. Unemployment in our County is the highest it has been in the last 25 years. Our federal and state governments are facing tremendous deficits and we have no idea how this will affect our budget for the coming year. We recently gave 3% raises to our employees. Therefore, I will not vote for any raises over 3%, which I consider an unnecessary gratuity."*

CHAIRMAN ABERS called up **Act No. 540-2009**, Local Law Number 7-2009, A Local Law Establishing Salary for County Administrator for the Year 2009 and asked that it be read.

CHAIRMAN ABERS requested a Roll Call Vote on Act No. 540-2009, which disclosed as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Ellis 1.0875, Giardini 1.0094, Hebdon 1.0915, Marsh 1.0843, McLarney 1.0632, Neal 1.0843, O'Brien 1.0632, Padlo 0.8772, Snyder 0.8772, Sprague 1.0530, Teachman 0.8772, Vecchiarella 0.8834, Ward 1.0043, Abers 1.0265 - 17.0603.

Nays: McClune 0.8834 - 0.8834.

Act No. 540-2009, having received the majority vote of the Legislature, was declared Adopted.

CHAIRMAN ABERS called up **Act No. 542-2009**, Local Law Number 8-2009, A Local Law Establishing Salary for County Attorney for the Year 2009 and asked that it be read.

CHAIRMAN ABERS requested a Roll Call Vote on Act No. 542-2009, which disclosed as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Ellis 1.0875, Giardini 1.0094, Hebdon 1.0915, Marsh 1.0843, McClune 0.8834, McLarney 1.0632, Neal 1.0843, O'Brien 1.0632, Padlo 0.8772, Snyder 0.8772, Sprague 1.0530, Teachman 0.8772, Vecchiarella 0.8834, Ward 1.0043, Abers 1.0265 - 17.9437.

Nays: none.

Act No. 542-2009, having received the majority vote of the Legislature, was declared Adopted.

CHAIRMAN ABERS called up **Act No. 544-2009**, Local Law Number 9-2009, A Local Law Establishing Salary for Human Resources Director for the Year 2009 and asked that it be read.

CHAIRMAN ABERS requested a Roll Call Vote on Act No. 544-2009, which disclosed as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Ellis 1.0875, Giardini 1.0094, Hebdon 1.0915, Marsh 1.0843, McLarney 1.0632, Neal 1.0843, O'Brien 1.0632, Padlo 0.8772, Snyder 0.8772, Sprague 1.0530, Teachman 0.8772, Vecchiarella 0.8834, Ward 1.0043, Abers 1.0265 - 17.0603.

Nays: McClune 0.8834 - 0.8834.

Act No. 544-2009, having received the majority vote of the Legislature, was declared Adopted.

CHAIRMAN ABERS called up **Act No. 546-2009**, Local Law Number 10-2009, A Local Law Establishing Salary for County Treasurer for the Year 2009 and asked that it be read.

CHAIRMAN ABERS requested a Roll Call Vote on Act No. 546-2009, which disclosed as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Ellis 1.0875, Giardini 1.0094, Hebdon 1.0915, Marsh 1.0843, McClune 0.8834, McLarney 1.0632, Neal 1.0843, O'Brien 1.0632, Padlo 0.8772, Snyder 0.8772, Sprague 1.0530, Teachman 0.8772, Vecchiarella 0.8834, Ward 1.0043, Abers 1.0265 - 17.9437.

Nays: none.

Act No. 546-2009, having received the majority vote of the Legislature, was declared Adopted.

CHAIRMAN ABERS called up **Act No. 548-2009**, Local Law Number 11-2009, A Local Law Establishing Salary for Commissioner of Social Services for the Year 2009 and asked that it be read.

CHAIRMAN ABERS requested a Roll Call Vote on Act No. 548-2009, which disclosed as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Ellis 1.0875, Giardini 1.0094, Hebdon 1.0915, Marsh 1.0843, McClune 0.8834, McLarney 1.0632, Neal 1.0843, O'Brien 1.0632, Padlo 0.8772, Snyder 0.8772, Sprague 1.0530, Teachman 0.8772, Vecchiarella 0.8834, Ward 1.0043, Abers 1.0265 - 17.9437.

Nays: none.

Act No. 548-2009, having received the majority vote of the Legislature, was declared Adopted.

CHAIRMAN ABERS called up **Act No. 550-2009**, Local Law Number 12-2009, A Local Law Establishing Salary for Commissioner of Public Works for the Year 2009 and asked that it be read.

CHAIRMAN ABERS requested a Roll Call Vote on Act No. 550-2009, which disclosed as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Ellis 1.0875, Giardini 1.0094, Hebdon 1.0915, Marsh 1.0843, McClune 0.8834, McLarney 1.0632, Neal 1.0843, O'Brien 1.0632, Padlo 0.8772, Snyder 0.8772, Sprague 1.0530, Teachman 0.8772, Vecchiarella 0.8834, Ward 1.0043, Abers 1.0265 - 17.9437.

Nays: none.

Act No. 550-2009, having received the majority vote of the Legislature, was declared Adopted.

CHAIRMAN ABERS called up **Act No. 552-2009**, Local Law Number 13-2009, A Local Law Establishing Salary for Director of Information Services for the Year 2009 and asked that it be read.

CHAIRMAN ABERS requested a Roll Call Vote on Act No. 552-2009, which disclosed as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Ellis 1.0875, Giardini 1.0094, Hebdon 1.0915, Marsh 1.0843, McClune 0.8834, McLarney 1.0632, Neal 1.0843, O'Brien 1.0632, Padlo 0.8772, Snyder 0.8772, Sprague 1.0530, Teachman 0.8772, Vecchiarella 0.8834, Ward 1.0043, Abers 1.0265 - 17.9437.

Nays: none.

Act No. 552-2009, having received the majority vote of the Legislature, was declared Adopted.

CHAIRMAN ABERS called up **Act No. 554-2009**, Local Law Number 14-2009, A Local Law Establishing Salary for County Clerk for the Year 2009 and asked that it be read.

CHAIRMAN ABERS requested a Roll Call Vote on Act No. 554-2009, which disclosed as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Ellis 1.0875, Giardini 1.0094, Marsh 1.0843, McClune 0.8834, McLarney 1.0632, Neal 1.0843, O'Brien 1.0632, Padlo 0.8772, Snyder 0.8772, Sprague 1.0530, Teachman 0.8772, Vecchiarella 0.8834, Ward 1.0043, Abers 1.0265 - 16.8522.

Nays: Hebdon 1.0915 - 1.0915.

Act No. 554-2009, having received the majority vote of the Legislature, was declared Adopted.

CHAIRMAN ABERS called up **Act No. 556-2009**, Local Law Number 15-2009, A Local Law Establishing Salary for Election Commissioners (2) for the Year 2009 and asked that it be read.

CHAIRMAN ABERS requested a Roll Call Vote on Act No. 556-2009, which disclosed as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Ellis 1.0875, Giardini 1.0094, Hebdon 1.0915, Marsh 1.0843, McClune 0.8834, McLarney 1.0632, Neal 1.0843, O'Brien 1.0632, Padlo 0.8772, Snyder 0.8772, Sprague 1.0530, Teachman 0.8772, Vecchiarella 0.8834, Ward 1.0043, Abers 1.0265 - 17.9437.

Nays: none.

Act No. 556-2009, having received the majority vote of the Legislature, was declared Adopted.

CHAIRMAN ABERS called up **Act No. 558-2009**, Local Law Number 16-2009, A Local Law Establishing Salary for Public Defender for the Year 2009 and asked that it be read.

CHAIRMAN ABERS requested a Roll Call Vote on Act No. 558-2009, which disclosed as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Ellis 1.0875, Giardini 1.0094, Marsh 1.0843, McClune 0.8834, McLarney 1.0632, Neal 1.0843, O'Brien 1.0632, Snyder 0.8772, Teachman 0.8772, Vecchiarella 0.8834, Ward 1.0043, Abers 1.0265 - 14.922.

Nays: Hebdon 1.0915, Padlo 0.8772, Sprague 1.0530 - 3.0217.

Act No. 558-2009, having received the majority vote of the Legislature, was declared Adopted.

CHAIRMAN ABERS called up **Act No. 560-2009**, Local Law Number 17-2009, A Local Law Establishing Salary for Director of Community Services for the Year 2009 and asked that it be read.

CHAIRMAN ABERS requested a Roll Call Vote on Act No. 560-2009, which disclosed as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Ellis 1.0875, Giardini 1.0094, Hebdon 1.0915 Marsh 1.0843, McLarney 1.0632, Neal 1.0843, O'Brien 1.0632, Padlo 0.8772, Snyder 0.8772, Sprague 1.0530, Teachman 0.8772, Vecchiarella 0.8834, Ward 1.0043, Abers 1.0265 - 17.0603.

Nays: McClune 0.8834 - 0.8834.

Act No. 560-2009, having received the majority vote of the Legislature, was declared Adopted.

CHAIRMAN ABERS called up **Act No. 562-2009**, Local Law Number 18-2009, A Local Law Establishing Salary for Real Property Tax Director for the Year 2009 and asked that it be read.

CHAIRMAN ABERS requested a Roll Call Vote on Act No. 562-2009, which disclosed as follows:

Ayes: Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Ellis 1.0875, Giardini 1.0094, Marsh 1.0843, McLarney 1.0632, Neal 1.0843, O'Brien 1.0632, Padlo 0.8772, Snyder 0.8772, Teachman 0.8772, Vecchiarella 0.8834, Ward 1.0043, Abers 1.0265 - 14.9158.

Nays: Hebdon 1.0915, McClune 0.8834, Sprague 1.0530 - 3.0279.

Act No. 562-2009, having received the majority vote of the Legislature, was declared Adopted.

* * * * *

ACT NO. 568-2009 by Mr. Giardini
and Mr. Ellis and Mr. Murphy

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH ERDMAN ANTHONY AND ASSOCIATES, INC.
FOR ENGINEERING DESIGN SERVICES FOR
LEON BRIDGE NO. 18 FEDERAL AID REPLACEMENT PROJECT AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works)**

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

WHEREAS, the County Department of Public Works is desirous of replacing Leon Bridge No. 18 located on County Road No. 5 over Conewango Creek, PIN 5758.46 and BIN 3-32217-0, in the Town of Leon, and

WHEREAS, Erdman Anthony and Associates, Inc., 2165 Brighton Henrietta Town Line Road, Rochester, New York 14623-2755, has agreed to provide the engineering design services necessary for the replacement of Leon Bridge No. 18, for an amount not to exceed \$224,440, as follows:

and

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Erdman Anthony and Associates, Inc., for the provision of the above-described services, for a term commencing October 20, 2009 and terminating December 31, 2010, according to the above-described terms, and be it further

Decrease Appropriation Account:

Increase Appropriation Account:

Approved by 7 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted October 28, 2009 by voice vote.

ACT NO. 569-2009 by Mr. Giardini
and Mr. Ellis and Mr. Ward

AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH BERGMANN ASSOCIATES, P.C.
FOR ENGINEERING DESIGN SERVICES FOR
GREAT VALLEY BRIDGE NO. 9 FEDERAL AID REPLACEMENT PROJECT AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works)

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

WHEREAS, the County Department of Public Works is desirous of replacing Great Valley Bridge No. 9 located on Martin Road over Forks Creek, PIN 5758.47 and BIN 3-32173-0, in the Town of Great Valley, and

WHEREAS, Bergmann Associates, P.C., 200 First Federal Plaza, 28 East Main Street, Rochester, New York 14614, has agreed to provide the

engineering design services necessary for the replacement of Great Valley Bridge No. 9, for an amount not to exceed \$205,837, as follows:

<u>Task</u>	<u>Description</u>	<u>Total</u>
1.0000	Scoping	\$ 7,220.00
2.2000	Design Survey & Mapping	\$ 5,975.00
2.3000	ROW Survey & Mapping	\$ 2,960.00
2.5000	Environmental Studies	\$14,250.00
2.5064	Wetlands Delineation	\$ 6,618.00
3.4000	Preliminary Bridge Design	\$38,775.00
4.0000	Final Highway Design	\$ 550.00
5.7100	Advanced Detailed Design	\$80,725.00
5.7200	Plans, Specifications and Estimate	\$18,075.00
5.7400	Bid & Award	\$ 3,645.00
7.9100	Reporting	\$ 7,815.00
	Total Lump Sum Fee	\$186,608.00
	Direct Non-Salary Cost	\$ 3,929.00
	Direct Non-Salary Cost (Sub-Contractor)	<u>\$15,300.00</u>
	Total Not To Exceed	\$205,837.00

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 a contract, on behalf of Cattaraugus County, with Bergmann Associates, P.C., for the provision of the above-described services, for a term commencing October 20, 2009 and terminating December 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:

Decrease Appropriation Account:

H.5198.105	Ashford Bridge No. 33	\$4,899.00
------------	-----------------------	------------

Increase Appropriation Account:

H.5198.136	Great Valley Bridge No. 9	\$4,899.00.
------------	---------------------------	-------------

Approved by 7 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted October 28, 2009 by voice vote.

ACT NO. 570-2009 by Mr. Ellis, Mr. Murphy, Mr. Boser,
Mr. McClune and Mrs. Witte

LOCAL LAW NUMBER 19-2009
COUNTY OF CATTARAUGUS, NEW YORK

Pursuant to Section 10 of the Municipal Home Rule Law.

A LOCAL LAW ESTABLISHING FEES FOR DEPARTMENT OF NURSING HOMES
RESIDENT PRIVATE PAY RATES AND REPEALING ACT 488-2008

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

SECTION 1. Legislative Intent. It is the intent of this Local Law to increase the resident private pay rate for the Department of Nursing Homes.

SECTION 2. Resident Private Pay Rate. Effective January 1, 2010, the resident private pay rate for the County Department of Nursing Homes shall be \$220 per day for the Olean Facility and \$255 per day for the Machias Facility.

SECTION 3. Severability. If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication, shall not 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 4. Statutory Repeal. Effective January 1, 2010, Act No. 488-2008, Local Law Number 8-2008 (Intro Number 9-2008), entitled "A Local Law Establishing Fees for Department of Nursing Homes Resident Private Pay Rates", is hereby repealed.

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

Approved by 7 members of the Finance Committee and 5 members of the Senior Services Committee.

MR. ELLIS moved, seconded by Mr. McClune to postpone action on Act No. 570-2009 until November 10, 2009. Carried.

ACT NO. 571-2009 by Mr. Ellis, Mr. Murphy, Mr. Boser,
Mr. McClune and Mrs. Witte
and Mr. Burrell¹

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 19-2009

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 October 28, 2009, a proposed Local Law entitled "A Local Law Establishing Fees for Department of Nursing Homes Resident Private Pay Rates and Repealing Act 488-2008", and

WHEREAS, no local law shall be adopted until a public hearing thereon has been had by the Cattaraugus County Legislature upon at least five days notice, now, therefore, be it

RESOLVED, that a public hearing shall be held on the proposed local law by this County Legislature on the 10th day of November, at 3:01 p.m. at the Legislature's Chambers, County Office Building, 303 Court Street, Little Valley, New York, and that at least five days notice of such hearing shall be given by the Clerk by the due posting thereof upon the bulletin board of each County Court House within the County and by publishing such notice at least once in the official newspapers of the County.

Approved by 7 members of the Finance Committee and 5 members of the Senior Services Committee.

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

Adopted October 28, 2009 by voice vote.

ACT NO. 572-2009 by Mr. O'Brien
and Mr. Burrell, Mr. Ellis, Mr. McLarney, Mr. Boser and Mr. Sprague¹

LOCAL LAW NUMBER 20-2009
COUNTY OF CATTARAUGUS, NEW YORK

Pursuant to Section 10 of the Municipal Home Rule Law,
Section 1202-u of the Tax Law and
Chapter 563 of the Laws of 2003.

A LOCAL LAW CONTINUING THE CATTARAUGUS COUNTY HOTEL AND MOTEL TAX

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

SECTION 1. Legislative Intent. Local Law Number 3-2006 (Intro Number 3-2006) imposed a tax on facilities providing lodging on an overnight basis and providing for the collection thereof in order to make funds available for tourism and economic development. That Local Law expires on November 21, 2009, and should be continued for the purposes described therein.

SECTION 2. Continuation of Hotel and Motel Tax. The Cattaraugus County Hotel and Motel Tax established by Local Law 20-2003 (Intro Number 21-2003), as continued by Local Law Number 3-2006 (Intro Number 3-2006), shall remain in full force and effect until three years from the date of enactment hereof.

SECTION 3. Effective Date. This Local Law shall take effect immediately.

Approved by 7 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

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

MR. VECCHIARELLA moved, seconded by Mr. Ellis to postpone action on Act No. 572-2009 until November 10, 2009. Carried.

ACT NO. 573-2009 by Mr. O'Brien
and Mr. Burrell, Mr. Ellis and Mr. Boser¹

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 20 - 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 October 28, 2009, a proposed Local Law entitled "A Local Law Continuing the Cattaraugus County Hotel and Motel Tax", 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 November, 2009, at

3:02 p.m. at the Legislature's Chambers, Cattaraugus County Center, 303 Court Street, Little Valley, New York, and that at least five days notice of such hearing shall be given by the Clerk by the due posting thereof upon the bulletin board of each County Court House within the County and by publishing such notice at least once in the official newspapers of the County.

Approved by 7 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

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

Adopted October 28, 2009 by voice vote.

ACT NO. 574-2009 by Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. O'Brien, Mr. Teachman, Mr. Boser, Mr. Giardini and Mr. McClune

**LOCAL LAW NUMBER 21-2009
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 226-b of the County Law and
Section 10 of the Municipal Home Rule Law.

**AMENDING LOCAL LAW NUMBER 18-1991 (INTRO NUMBER 24-1991),
AS AMENDED, TO MODIFY DISPOSAL FEES FOR BULKY MATERIALS**

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

SECTION 1. Legislative Intent. It is the intent of this Local Law to amend Local Law Number 18-1991 (Intro Number 24-1991), as amended, to partially offset disposal costs by increasing the fee for disposal of bulky materials which have been given to the County for disposal.

SECTION 2. Amendment of Local Law Number 18-1991. Local Law Number 18-1991 (Intro Number 24-1991), as amended, is hereby amended as follows: Repeal Section 2 and replace with the following:

"SECTION 2. Fee Schedule.

A. Effective January 1, 2010, the following user fees are established for non-permitted users of County transfer stations:

\$ 1.00 per 15 gallon garbage bag, or equivalent
\$ 2.00 per 30 gallon garbage bag, or equivalent
\$ 5.00 per item of miscellaneous solid waste
\$20.00 per uncompacted cubic yard of solid waste
\$75.00 per ton of solid waste
\$15.00 per unit for appliances containing refrigerant or
appliances which have not been properly certified as
refrigerant-free.

B. Effective January 1, 2010, the following user fees are established for Cattaraugus County Department of Public Works permitted waste collectors:

\$ 1.00 per 15 gallon garbage bag, or equivalent
\$ 2.00 per 30 gallon garbage bag, or equivalent

\$ 5.00 per item of miscellaneous solid waste
\$20.00 per uncompacted cubic yard of solid waste
\$25.00 per compacted cubic yard of solid waste
\$70.00 per ton of solid waste
\$15.75 per ton of recyclable materials
\$15.00 per unit for appliances containing refrigerant or
appliances which have not been properly certified as
refrigerant-free."

SECTION 3. Local Law No. 18-1991. All other provisions of Local Law Number 18-1991 (Intro Number 24-1991), as amended, not otherwise repealed herein shall remain in full force and effect.

SECTION 4. Effective Date. This Local Law shall take effect immediately.

Approved by 7 members of the Finance Committee and 9 members of the Public Works Committee.

MR. VECCHIARELLA moved, seconded by Mr. Giardini to postpone action on Act No. 574-2009 until November 10, 2009. Carried.

ACT NO. 575-2009 by Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. O'Brien, Mr. Teachman, Mr. Boser, Mr. Giardini and Mr. McClune

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 21 - 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 October 28, 2009, a proposed Local Law entitled "Amending Local Law Number 18-1991 (Intro Number 24-1991), as Amended, to Modify Disposal Fees for Bulky Materials", 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 November, 2009, at 3:03 p.m. at the Legislature's Chambers, Cattaraugus County Center, 303 Court Street, Little Valley, New York, and that at least five days notice of such hearing shall be given by the Clerk by the due posting thereof upon the bulletin board of each County Court House within the County and by publishing such notice at least once in the official newspapers of the County.

Approved by 7 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted October 28, 2009 by voice vote.

ACT NO. 576-2009 by Mr. Marsh
and Mr. Neal, Mr. Vecchiarella and Mr. Padlo¹

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
BIEL'S INFORMATION TECHNOLOGY SYSTEMS CORPORATION FOR
SCANNING OF COUNTY CLERK MORTGAGES**

Pursuant to Section 450 and 525 of the County Law and the
American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

WHEREAS, Act 410-2009 authorized a contract with Biel's Information Technology Systems Corporation, 1201 Indian Church Road, Buffalo, New York 14224, for the scanning and tagging of mortgages in the County Clerk's Office, at a rate of \$.07 per image, and

WHEREAS, Biel's Information Technology Systems Corporation has requested an increase from \$.07 to \$.09 per page for the older mortgages, which are white printing on a black background, and are more difficult to scan, 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 an amended contract, on behalf of Cattaraugus County, with Biel's Information Technology Systems Corporation for the provision of the above-described services, and according to the above-described terms for a term commencing August 1, 2009 and terminating December 31, 2010.

Approved by 7 members of the Finance Committee and 4 members of the County Operations Committee.

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

Adopted October 28, 2009 by voice vote.

ACT NO. 577-2009 by Human Services Committee:
Mr. Snyder, Mr. Aiello, Mr. Marsh,
Ms. Vickman, Mr. Giardini, Mr. Ward and Mrs. Witte

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
BCS INSURANCE COMPANY FOR AMERICORPS START PROGRAM
HEALTH INSURANCE**

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

WHEREAS, Act 586-2008 authorized a contract with the BCS Insurance Company, 505 South Lenola Road, Suite 231, Moorestown, New York 08057, for the provision of health insurance for twelve (12) AmeriCorps START Program members, the term of which expires December 31, 2009, and

WHEREAS, the Youth Bureau is required to provide health insurance for nine (9) full-time AmeriCorps members, and

WHEREAS, BCS Insurance Company, 505 South Lenola Road, Suite 231, Moorestown, New York 08057, can provide the required health insurance for an

amount of \$150 per month per member for a total of \$20,250 for nine (9) members, and

WHEREAS, the cost of the health insurance is 76% paid through the Corporation for National and Community Service and 24% paid by the County, and

WHEREAS, sufficient funds are included in the budget to cover the County's share of the aforementioned health insurance, 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 BCS Insurance Company, for the AmeriCorps START Program, for a term commencing October 13, 2009 and terminating December 31, 2010, 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 7 members of the Finance Committee.

Adopted October 28, 2009 by voice vote.

ACT NO. 578-2009 by Human Services Committee:

Mr. Snyder, Mr. Aiello, Mr. Marsh,
Ms. Vickman, Mr. Giardini, Mr. Ward and Mrs. Witte

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ACCORD CORPORATION FOR AMERICORPS START PROGRAM**

Pursuant to American Recovery and Reinvestment Act of 2009
(Public Law 111-5), 42 USCS Section 12501 and
Section 450 of the County Law.

WHEREAS, Act 103-2009 authorized a contract with the Accord Corporation, P.O. Box 573, 84 Schuyler Street, Belmont, New York 14813, for the provision of services for the AmeriCorps START Program, the term of which expires December 31, 2009, and

WHEREAS, the Youth Bureau is desirous of contracting with various entities for the continuation of the AmeriCorps START Program, and

WHEREAS, the Accord Corporation, P.O. Box 573, 84 Schuyler Street, Belmont, New York 14813, has agreed to provide services for the AmeriCorps START Program by contributing an amount of \$1,600 for two (2) full-time members, and

WHEREAS, this program is 100% funded through the American Recovery & Reinvestment Act of 2009, 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 Accord Corporation, for the implementation of the AmeriCorps START Program, for a term commencing January 1, 2010 and terminating December 31, 2010, 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 7 members of the Finance Committee.

Adopted October 28, 2009 by voice vote.

ACT NO. 579-2009 by Mr. Snyder and Mr. Ward

**OPPOSING OIL AND GAS WELL DRILLING IN ALLEGANY STATE PARK AND
REQUESTING NEW YORK STATE PURCHASE MINERAL RIGHTS IN ALLEGANY STATE PARK**

Pursuant to Section 153 of the County Law.

WHEREAS, New York State owns the land where the Allegany State Park is located; however, it does not own the mineral rights on some of the Park property, and

WHEREAS, an oil and gas well company is currently drilling a well on the Pennsylvania side of the Allegany State Park's southern border that is less than 50 yards away from the Allegany State Park, and

WHEREAS, the company that owns the aforementioned well has proposed drilling in the adjacent Allegany State Park, and

WHEREAS, a coalition of groups, called Friends of Allegany, have asked New York State to purchase the mineral rights to the lands comprising the Allegany State Park in an effort to preserve the Park lands, and

WHEREAS, oil and gas well drilling can damage the unique ecosystems found on lands comprising the Allegany State Park, and

WHEREAS, oil and gas well drilling can add toxic pollutants to the environment and threaten public health and animal life, and

WHEREAS, New York State has an abundance of unique and inspiring natural assets and should protect and preserve those assets, and

WHEREAS, New York State should prohibit the drilling of oil and gas wells on Allegany State Park land, including the prohibition of directional drilling, and

WHEREAS, New York State should protect lands used by the public for recreational uses, and

WHEREAS, New York State should purchase the mineral rights for lands comprising the Allegany State Park to prevent environmental damage caused from the drilling of oil and gas wells, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby opposes oil and gas well drilling in the Allegany State Park, including the prohibition of directional drilling, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby requests New York State to purchase the mineral rights on lands comprising the Allegany State Park, 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, Assembly Speaker Silver, Senate Majority Leader Espada, Senator Young, Assembly Member Giglio, Carol Ash, the Commissioner of the New York State Office of Parks, Recreation and Historic Preservation, and the Western New York Inter-County Association.

Referred to the Finance Committee and the Development and Agriculture Committee.

ACT NO. 580-2009 by Human Services Committee:

Mr. Snyder, Mr. Aiello, Mr. Marsh,
Ms. Vickman, Mr. Giardini, Mr. Ward and Mrs. Witte

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR AMERICORPS START PROGRAM**

Pursuant to American Recovery and Reinvestment Act of 2009
(Public Law 111-5), 42 USCS Section 12501 and
Section 450 of the County Law.

WHEREAS, the Youth Bureau is desirous of contracting with various entities for the continuation of the AmeriCorps START Program, and

WHEREAS, the following entities have agreed to provide services for the AmeriCorps START Program by contributing amounts as follows:

Entity	Amount	Members	Term
Olean City School District 410 West Sullivan Street Olean, New York 14760	\$5,100.00	2 Full-Time 1 Part-Time	October 11, 2009 to October 10, 2010
New Life Christian School 102 West Forrest Avenue P.O. Box 102 Olean, New York 14760	\$5,400.00	2 Full-Time 1 Part-Time	October 11, 2009 to October 10, 2010
Ellicottville Central School District 5873 Route 219 Ellicottville, New York 14731	\$3,500.00	1 Full-Time	October 11, 2009 to October 10, 2010
Friendship Central School District 46 West Main Street Friendship, New York 14739	\$0	1 Full-Time	October 11, 2009 to October 10, 2010
Pfeiffer Nature Center & Foundation, Inc. P.O. Box 802 Portville, New York 14770	\$0	1 Part-Time	October 11, 2009 to October 10, 2010
Literacy West NY, Inc. 5455 State Route 19 North Belmont, New York 14813	\$0	1 Full-Time	October 11, 2009 to October 10, 2010
Village of Allegany, on behalf of Allegany Public Library 90 West Main Street Allegany, New York 14706	\$0	1 Full-Time	November 8, 2009 to November 7, 2010
The Olean Theatre Workshop, Inc. 702 Washington Street Olean, New York 14760	\$0	1 Part-Time	November 22, 2009 to November 21, 2010
Salamanca Cares P.O. Box 482 Salamanca, New York 14779,	\$0	1 Part-Time	January 1, 2010 to December 31, 2010

and

WHEREAS, this program is 100% funded through the American Recovery & Reinvestment Act of 2009, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with various entities, for the continuation of the AmeriCorps START Program, for the corresponding contracts terms listed above, 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 7 members of the Finance Committee.

Adopted October 28, 2009 by voice vote.

ACT NO. 581-2009 by Public Works Committee:

Mr. Giardini, Mr. Ellis, Mr. Burrell, Mr. Marsh, Mr. O'Brien,
Mr. Teachman, Mr. Boser, Mr. Hebdon and Mr. McClune
and Mr. Murphy
who ask immediate consideration

**AUTHORIZING PURCHASE OF USED TEMPORARY BRIDGE DECKING
FOR OTTO BRIDGE NO. 14**

Pursuant to Section 103 of the General Municipal Law and
Section 450 of the County Law.

WHEREAS, Otto Bridge No. 14 was severely damaged during the August 9, 2009 flood and remains closed to traffic, and

WHEREAS, the County Department of Public Works is desirous of installing an on-site detour bridge structure for Otto Bridge No. 14 in an effort to reopen the road for local traffic, and

WHEREAS, Mabey Bridge and Shore, Inc., 6770 Dorsey Road, Elkridge, Maryland 12075, can provide used bridge decking for the temporary bridge installation at the Otto Bridge No. 14 site for an amount of \$186,057.66, which includes estimated freight in the amount of \$1,900, and

WHEREAS, Mabey Bridge and Shore, Inc., is a sole source supplier for parts, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to purchase used temporary bridge decking for Otto Bridge No. 14, according to the above-described terms.

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

Adopted October 28, 2009 by voice vote.

ACT NO. 582-2009 by Public Works Committee:

Mr. Giardini, Mr. Ellis, Mr. Burrell, Mr. Marsh, Mr. O'Brien,
Mr. Teachman, Mr. Boser, Mr. Hebdon and Mr. McClune
and Mrs. Abers, Mr. Aiello, Mr. McLarney, Mr. Neal, Mr. Snyder,
Mr. Vecchiarella, Mr. Padlo, Mr. Sprague and Mr. Ward¹
who ask immediate consideration

REQUESTING EQUITABLE DISTRIBUTION OF ROAD AND BRIDGE FUNDING

Pursuant to Section 153 of the County Law.

WHEREAS, Cattaraugus County, along with Erie, Chautauqua and Niagara, comprise the New York State Department of Transportation (DOT) Region 5, and

WHEREAS, historically, Region 5 has been allocated over 9% of the total DOT funding for road and bridge projects, and

WHEREAS, this allocation is representative of the number of lane miles in Region 5 as a percentage of the entire state highway system, and

WHEREAS, this percentage was cut to 4.4% in the 2008-2009 New York State Budget, and

WHEREAS, the 2009-2010 New York State Budget will reflect an allocation of 6.1% of the road repair budget, and

WHEREAS, it does not appear that the overall condition of roads and bridges in Region 5 has vastly improved in comparison to roads and bridges in other transportation regions in New York State, so as to warrant such a significant reduction in funding level, and

WHEREAS, the number of lane numbers does not appear to have changed drastically as compared to other transportation regions in New York State to warrant such a significant reduction in funding level, and

WHEREAS, the cut in funding levels do not reflect the infrastructure realities faced in Region 5, and

WHEREAS, New York State will receive federal stimulus funding specifically earmarked for road and bridge repairs, and

WHEREAS, in addition to roads and bridges owned and controlled by New York State, the federal stimulus money can be used to fund projects on roads and bridges owned and controlled by counties and other municipalities, and

WHEREAS, the road and bridge projects funded by federal stimulus dollars are in part intended to stimulate economic growth for areas hit by the recession, and

WHEREAS, the counties of Region 5 have been hit hard by the recession and are in desperate need of economic growth, and

WHEREAS, Region 5 has been allocated by New York State to receive 6.7% of the federal stimulus funds for road and bridge construction, and

WHEREAS, this allocation represents about \$30 million less than Region 5 would receive if the allocation formula took into consideration historical funding levels or levels based on lane miles within the region, and

WHEREAS, the allocation of funding to Region 5, both in the New York State budget and in the allocation of federal stimulus funds, does not reflect the need for adequate road and bridge funding or the magnitude of the effects of the recession in Western New York, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby requests New York State more equitably redistribute road and bridge funding to Western New York according to historic funding levels, 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, Assembly

Speaker Silver, Senate Majority Leader Espada, Senator Young, Assembly Member Giglio, New York State Association of Counties and the Western New York Inter-County Association.

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

¹ The following Legislators requested their names be listed as additional sponsors: "Mrs. Abers, Mr. Aiello, Mr. McLarney, Mr. Neal, Mr. Snyder, Mr. Vecchiarella, Mr. Padlo, Mr. Sprague and Mr. Ward".

Adopted October 28, 2009 by voice vote.

ACT NO. 583-2009 by Mr. Neal
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH MORRISON MANAGEMENT SPECIALISTS, INC.
FOR DIETICIAN AND NUTRITION CONSULTANT SERVICES**

Pursuant to 10 NYCRR Section 415.14 and Section 450 of the County Law.

WHEREAS, the County Department of Nursing Homes is required to provide dietician services for its residents, and

WHEREAS, the current dietician for the Department of Nursing Homes can no longer provide the aforementioned services, and

WHEREAS, Morrison Management Specialists, Inc., 5801 Peachtree Dunwoody Road, Atlanta, Georgia 30342, can provide dietician and nutrition consultant services for the Department of Nursing Homes for an amount of \$42 per hour for a total of 18 hours per week, 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 Morrison Management Specialists, Inc., for the provision of the above-described services, for a term commencing November 1, 2009 and terminating January 31, 2010, according to the above-described terms.

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

Adopted October 28, 2009 by voice vote.

ACT NO. 584-2009 by Mr. Aiello and Mr. Snyder
who ask immediate consideration

**AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
LABORATORY CORPORATION OF AMERICA HOLDINGS (LABCORP) FOR
DEPARTMENT OF SOCIAL SERVICES GENETIC PARENTAGE TESTING SERVICES**

Pursuant to 18 NYCRR 347.6(b) and Section 450 of the County Law.

WHEREAS, Act 467-2002 authorized a contract with Laboratory Corporation of America Holdings (LabCorp), 1440 York Court Extension, Burlington, North Carolina 27215, for the provision of genetic parentage testing services for the County Department of Social Services Child Support Enforcement Unit, at a rate of \$59 per individual tested, and

WHEREAS, the Laboratory Corporation of America Holdings (LabCorp) has advised that they can provide the aforementioned services for a reduced amount of \$50 per individual tested, and

WHEREAS, the County Department of Social Services is desirous of entering into a contract with Laboratory Corporation of America Holdings (LabCorp), for the provision of the aforementioned services at the reduced rate of \$50 per individual tested, 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 Laboratory Corporation of America Holdings (LabCorp), for the provision of the above-described testing services, for a term commencing November 1, 2009 and terminating December 31, 2014, according to the above-described terms.

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

Adopted October 28, 2009 by voice vote.

ACT NO. 585-2009 by Mr. Aiello and Mr. Snyder
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH UNITED WAY OF CATTARAUGUS COUNTY
FOR EARNED INCOME TAX CREDIT PROGRAM COORDINATOR**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 376-2008 authorized a contract with the United Way of Cattaraugus County, 817 West State Street, Olean, New York 14760, for the provision of a volunteer coordinator for the Earned Income Tax Credit program, the term of which expired July 31, 2009, and

WHEREAS, the County Department of Social Services is desirous of providing services of a volunteer coordinator for the Earned Income Tax Credit program, and

WHEREAS, the United Way of Cattaraugus County, 817 West State Street, Olean, New York 14760, can provide a volunteer coordinator for the earned income tax credit program for an amount not to exceed \$15,000, 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 contract, on behalf of Cattaraugus County, with the United Way of Cattaraugus County, for the provision of the above-described services, for a term commencing November 1, 2009 and terminating October 31, 2010, according to the above-described terms.

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

Adopted October 28, 2009 by voice vote.

ACT NO. 586-2009 by Mr. Vecchiarella
and Mr. Aiello, Mr. Neal and Mr. Hebdon¹
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES FOR
ALTERNATIVE TO INCARCERATION PROGRAMS FOR JAIL DIVERSION AND/OR
RE-ENTRY IN NEW YORK STATE**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Probation has been awarded a grant in the amount of \$139,895 through the New York State Division of Probation and Correctional Alternatives for Alternative To Incarceration (ATI) Programs for jail/prison diversion and/or re-entry in New York State, and

WHEREAS, the purpose of the above-described program is to provide programs serving the felony jail or prison-bound population and/or programs which increase the effectiveness of existing ATI programs as an alternative to jail or prison for felony charged and/or convicted offenders, and

WHEREAS, a contract is necessary in order to accept the aforementioned funding, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the New York State Division of Probation and Correctional Alternatives, in order to accept the aforementioned grant funding, for a term commencing March 1, 2010 and terminating February 28, 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.

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

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

Adopted October 28, 2009 by voice vote.

ACT NO. 587-2009 by Mr. Marsh, Mr. Neal and Mr. Sprague
who ask immediate consideration

**SALE OF TAX TITLE PROPERTY TO FORMER OWNERS
(Towns of Napoli and Yorkshire)**

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 property situate in the Towns of Napoli and Yorkshire, as described below, and

WHEREAS, the former owners of the property 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 NAPOLI

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
167	62.003-1-35.1	Mark Kline Pamela Kline c/o Lester Homan	4566 Allegany Rd. Little Valley, NY 14755	\$6,876.01

TOWN OF YORKSHIRE

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
331	12.044-1-28	James Kuhn Jacqueline Kuhn David Wright Catherine Wright	PO Box 16 Delevan, NY 14042	\$12,646.98

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

Adopted October 28, 2009 by voice vote.

ACT NO. 588-2009 by Development & Agriculture Committee:

Mr. Burrell, Mr. Boser, Mr. Ellis, Mr. McLarney,
Mr. Snyder, Mr. Padlo and Mr. McClune
and Mrs. Abers, Mr. Aiello, Mr. Marsh, Mr. Neal, Mr. O'Brien,
Mr. Teachman, Mr. Vecchiarella, Mr. Giardini,
Mr. Sprague and Mr. Ward¹
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH NES BEARING COMPANY, INC. FOR CAPITAL EXPANSION PROJECT**

Pursuant to Section 99-h of the State Finance Law and
Section 450 of the County Law.

WHEREAS, NES Bearing Company, Inc. (the "Company"), currently occupies facilities at three locations in the City of Olean, New York, and

WHEREAS, the Company has substantially increased its sales and employment and made substantial capital investments over the past three years, and

WHEREAS, the Company has outgrown its current facilities and requires a single modern facility to sustain its continued growth, and

WHEREAS, the Company has negotiated with Markjon Properties, LLC for the lease of an approximately 20,000 square foot manufacturing and office facility (the "Facility") to be constructed in a new industrial park to be located at 1608 Johnson Street in the City of Olean at the site of the former VanderHorst Plant #2, and

WHEREAS, the Company has represented that the consolidation of its operations in the Facility will result in its retention of twenty-eight

(28) full-time employment positions and the expected creation of eight (8) new full-time employment positions within three (3) years after its move to the Facility, and

WHEREAS, in order to induce it to undertake the project, the Company requires financial assistance in the amount of \$175,000 to partially offset the costs associated with its move to the Facility which include the rigging and moving of existing machinery and equipment, the purchase of new machinery and equipment, leasehold improvements including specialized electrical installations, professional fees and other soft costs, and working capital associated with employee training, increased inventory, occupancy costs, and productivity losses associated with the move, and

WHEREAS, the Company's expansion and the development of an industrial park in the City of Olean represent substantial economic development benefits for the residents of Cattaraugus County, New York, and

WHEREAS, it is proposed that the County lend to NES Bearing Company, Inc. the sum of \$175,000, with fifty percent (50%) of the loan to be forgiven one year following the Company's occupancy of the Facility and its documentation that it has retained twenty-eight (28) full-time employment positions; twenty-five percent (25%) of the original loan amount to be forgiven two years following the Company's occupancy of the Facility and its documentation that it has created a minimum of four (4) new permanent full-time employment positions and that it employs a minimum of thirty-two (32) persons on a full-time basis at that time, and twenty-five percent (25%) of the original loan amount to be forgiven three years following the Company's occupancy of the Facility and its documentation that it has created a minimum of four (4) additional permanent full-time employment positions and that it employs a minimum of thirty-six (36) persons on a full-time basis at that time, and

WHEREAS, the County has \$175,000 available in its Casino Proceeds Fund to be used for economic development projects in the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute, on behalf of Cattaraugus County, a contract with NES Bearing Company, Inc. according to the above-described terms for a term commencing on the date of the initial disbursement of loan funds, but no later than June 30, 2010, and terminating three (3) years thereafter, and subject to such additional terms and conditions as the County Attorney determines to be appropriate.

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

¹ The following Legislators requested their names be listed as additional sponsors: "Mrs. Abers, Mr. Aiello, Mr. Marsh, Mr. Neal, Mr. O'Brien, Mr. Teachman, Mr. Vecchiarella, Mr. Giardini, Mr. Sprague and Mr. Ward".

Adopted October 28, 2009 by voice vote.

MR. SNYDER moved, seconded by Mr. Vecchiarella to adjourn until November 10, 2009 at 3:00 p.m. Carried.

Meeting adjourned at 4:10 p.m.

Ann M. Giglio
Journal Clerk