

November 24, 2009

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

The invocation was given by Rev. Piatt.

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

MR. SNYDER moved, seconded by Mr. Aiello that the minutes of the November 10, 2009 session be approved. Carried.

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COMMUNICATIONS:

Governor Paterson: Letter acknowledging receipt of Act No. 582-2009.

Senator Young: Letter acknowledging receipt of Act No. 466-2009.

Assembly Member Giglio: Letter acknowledging receipt of Act No. 582-2009.

New York State Association of Counties: Letter acknowledging receipt of Act No. 582-2009.

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ACT NO. 612-2009 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. Neal¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HUNT ENGINEERS ARCHITECTS & LAND SURVEYORS, P.C. FOR
PHASE III ENGINEERING SERVICES FOR COUNTY ROAD NO. 27
RECONSTRUCTION/REHABILITATION PROJECT AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works)**

Pursuant to Section 117 of the Highway Law and
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 642-2001, as amended by Acts 162-2003, 506-2004, 655-2004 and 492-2006, authorized a contract with TVGA Engineering, Surveying, P.C., 1000 Maple Road, P.O. Box H, Elma, New York 14059, for the provision of engineering services for the reconstruction and rehabilitation of County Road No. 27 (Haskell Road) in the Towns of Hinsdale and Portville, the term of which expired December 31, 2008, and

WHEREAS, the County Department of Public Works is desirous of completing Phase III of the County Road No. 27 (Haskell Road) Reconstruction/Rehabilitation Project, which includes segments 5 through 11 and a portion of segment 12, and

WHEREAS, Hunt Engineers Architects & Land Surveyors, P.C., Airport Corporate Park, 100 Hunt Center, Horseheads, New York 14845, shall provide the Phase III engineering services for an amount not to exceed \$128,420, as follows:

<u>PHASE III</u>		
<u>Task</u>	<u>Description</u>	<u>Cost</u>
Part 1	Scoping	\$ 5,700.00
Part II	Subsurface Investigation	\$ 1,300.00
Part III	Mapping	\$ 11,500.00
Part IV	Project Initiation Report	\$ 18,300.00
Part V	Design Development	\$ 52,800.00
Part VI	Contract Documents	\$ 28,400.00
	Disbursements	\$ 4,000.00
	Mobilization	\$ 500.00
	Roadway Borings - 28 @ 10 feet = 280 lf @ \$14/lf	\$ 3,920.00
	Box Culvert Borings - 2 @ 25 feet = 50 lf @ \$14/lf	\$ 500.00
	Geotechnical Report	\$ 1,500.00
TOTAL ENGINEERING FEES		\$128,420.00

and

WHEREAS, various appropriation and estimated 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 Hunt Engineers Architects & Land Surveyors, P.C., for the provision of the above-described services, for a term commencing November 25, 2009 and terminating December 31, 2011, according to the above-described terms, and be it further

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

Increase Estimated Revenue Accounts:

A.4489	ARRA Medicaid Stimulus Aid	\$128,420.00
H.2810	Transfer from General Fund	\$128,420.00

Increase Appropriation Accounts:

A.9522.954	Transfer to Capital Projects Fund	\$128,420.00
H.5198.726	County Road No. 27	\$128,420.00.

Approved by 7 members of the Finance Committee.

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

Adopted November 24, 2009 by voice vote.

ACT NO. 613-2009 by Mr. Giardini
and Mr. Ellis
and Mr. Aiello and Mr. Neal¹

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT
WITH WENDEL DUCHSCHERER ARCHITECTS & ENGINEERS, P.C.
FOR JAIL ELEVATOR REPAIR PROJECT ENGINEERING SERVICES**

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

WHEREAS, Act 298-2009 authorized a contract with Wendel Duchscherer Architects & Engineers, P.C., 140 John James Audubon Parkway, Suite 201, Amherst, New York 14228, for the provision of professional engineering services for the Little Valley Jail Elevator project, and

WHEREAS, the County Department of Public Works is desirous of modifying the aforementioned contract to include the necessary bid specification preparation and bid review services and final inspection services for the repairs being done to the elevator to follow the recommendation from the inspection report dated August 18, 2009, and

WHEREAS, Wendel Duchscherer Architects & Engineers, P.C., can provide the aforementioned services for an amount of \$8,600, 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 Wendel Duchscherer Architects & Engineers, P.C., for the provision of the above-described services, for a term commencing November 25, 2009 and terminating December 31, 2010, according to the above-described terms.

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

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

Adopted November 24, 2009 by voice vote.

ACT NO. 614-2009 by Mr. Marsh
and Mr. Burrell¹

SALE OF TAX TITLE PROPERTIES

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 Cattaraugus County, as described below, and

WHEREAS, the properties were exposed to bid at public auction as required by Rule 40 of the Rules of Order of the Cattaraugus County Legislature, and

WHEREAS, the highest bids received for the properties were the bids listed below, now, therefore, be it

RESOLVED, that if the tender by the high bidder of the total purchase price is not made within 30 days after the adoption hereof, then the acceptance of that individual's bid shall thereafter be void and of no further effect, as of course, and the bid deposit shall be forfeited pursuant to Rule 40.8 of the Rules of Order, and be it further

RESOLVED, that the County Treasurer be, and hereby is, authorized and directed to execute County Treasurer's Deeds conveying the properties to the following individuals at the bid prices listed:

TOWN OF DAYTON

PARCEL NO.	TAX MAP NO.	HIGH BIDDER	ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
76	33.033-3-18	Lawrence Hardy	PO Box 191 South Dayton, NY 14138	\$5,610.38	\$500

TOWN OF GREAT VALLEY

PARCEL NO.	TAX MAP NO.	HIGH BIDDER	ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
118	73.074-1-24	Catherine Ambuski	4541 Rte. 219	\$9,163.49	
					\$17,000
		Mary St. John	Great Valley, NY 14741		

TOWN OF NEW ALBION

PARCEL NO.	TAX MAP NO.	HIGH BIDDER	ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
176	53.002-2-2.6	Max L. Gross	6505 Sweeney Hill	\$5,482.64	
			Cattaraugus, NY 14719		\$4,600

CITY OF OLEAN

PARCEL NO.	TAX MAP NO.	HIGH BIDDER	ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
217	94.063-5-46	Richard Middaugh	6148 Co. Rd. 18	\$6,212.09	
			Alma, NY 14708		\$2,000
240	94.064-3-48	Richard Middaugh	6148 Co. Rd. 18	\$5,820.09	\$100
			Alma, NY 14708		
<i>Totals</i>				\$432,288.69	\$24,200 ² .

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

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

² MR. MARSH moved, seconded by Mr. Ellis to amend Act No. 614-2009 as follows: In the second Resolved, remove the following: "TOWN OF PERRYSBURG

PARCEL NO.	TAX MAP NO.	HIGH BIDDER	ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
279	16.021-4-14	Richard J. Roth	2276 Orchard Park Road Collins, NY 14034";	\$7,410.67	\$1,800

delete: "Totals \$39,699.36 \$26,000", and replace with: "Totals \$432,288.69 \$24,200". Carried.

Adopted, as amended, November 24, 2009 by voice vote.

ACT NO. 615-2009 by Mr. Giardini
and Mr. Ellis

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
WENDEL DUCHSCHERER ARCHITECTS & ENGINEERS, P.C. FOR
COUNTY OFFICE BUILDINGS IMPROVEMENTS AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works)**

Pursuant to American Recovery and Reinvestment Act of 2009
(Public Law 111-5), and Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 412-2009 authorized a contract with Wendel Duchscherer Architects & Engineers, P.C., 140 John James Audubon Parkway, Suite 201, Amherst, New York 14228, for the provision of design and construction services for improvements to the Little Valley County Center and the Olean Office Center, and

WHEREAS, the County Department of Public Works is desirous of modifying the aforementioned contract to include services for construction procurement, construction engineering services, and additional work, including the doorways and sidewalks at the Little Valley County Center, and

WHEREAS, Wendel Duchscherer Architects & Engineers, P.C., can provide the aforementioned additional services for an amount of \$29,750, as follows:

Services for Construction Procurement	\$ 5,000.00
Services During Construction	\$17,500.00
Main Entry Redesign and door replacement	\$ 7,250.00,

and

WHEREAS, American Recovery and Reinvestment Act funding is available for the aforementioned services, and

WHEREAS, various appropriation and estimated 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 Wendel Duchscherer Architects & Engineers, P.C., for the provision of the above-described services, for a term commencing November 25, 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:

Increase Estimated Revenue Accounts:

H.4489	ARRA Medicaid Stimulus Aid	\$29,750.00
H.2810	Transfer from General Fund	\$29,750.00

Increase Appropriation Accounts:

A.9522.954	Transfer to Capital Projects Fund	\$29,750.00
H.1620.262	LV Energy Improvements	\$10,850.00
H.1623.262	Olean Energy Improvements	\$18,900.00.

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

Adopted November 24, 2009 by voice vote.

ACT NO. 616-2009 by Mr. Vecchiarella
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR
SHERIFF'S OFFICE VIOLENCE AGAINST WOMEN GRANT PROGRAM**

Pursuant to 28 CFR Part 66 and Section 450 of the County Law.

WHEREAS, Act 59-2009 authorized the Chair to apply for funding through the Violence Against Women Grant Program for the 2009 program year, and

WHEREAS, \$23,915 in federal funding is available for the 2010 fiscal year through the New York State Division of Criminal Justice Services for the continuation of the Violence Against Women Grant Program, and

WHEREAS, the purpose of the aforementioned grant funding is to assist the Criminal Bureau with domestic violence investigation issues, and

WHEREAS, a contract is necessary in order to obtain 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 Criminal Justice Services, in order to receive the above-described funding, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

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

Adopted November 24, 2009 by voice vote.

ACT NO. 617-2009 by Mrs. Abers, Mr. Aiello, Mr. Burrell,
Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Murphy, Mr. Neal,
Mr. O'Brien, Mr. Snyder, Mr. Teachman, Mr. Vecchiarella,
Ms. Vickman, Mr. Boser, Mr. Giardini, Mr. Hebdon,
Mr. McClune, Mr. Padlo, Mr. Sprague, Mr. Ward and Mrs. Witte
who ask immediate consideration

**CONGRATULATING GOWANDA PANTHERS BOYS CROSS-COUNTRY TEAM AND
CLIFF NIELSON ON WINNING 2009 SECTION 6 CLASS C CHAMPIONSHIP**

Pursuant to Section 153 of the County Law.

WHEREAS, the Gowanda Central School's Panthers boys cross-country team won the Section 6 Class C 2009 sectional meet on Friday, November 6, 2009, at Elma Meadows, New York, and

WHEREAS, the Gowanda Panthers boys cross-country team finished with a score of 38 points followed by runner-up Fredonia with a score of 49 points, and

WHEREAS, Gowanda's Cliff Nielson won the race with a time of 17:21.7 seconds, and

WHEREAS, this is Gowanda Central School's second straight sectional title, and

WHEREAS, the Gowanda Panthers boys cross-country team also defeated all schools at the CCAA Meet held at Long Point State Park on October 30, 2009, and

WHEREAS, this is the second consecutive year the Gowanda Panthers boys cross-country team won the Bi-County Meet, and

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

RESOLVED, that the Cattaraugus County Legislature hereby congratulates Coach Tim O'Donnell, the Gowanda Panthers boys cross-country team, and Cliff Nielson, for their 2009 Section 6 Class C championship, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Charles Rinaldi, Superintendent of Schools and Coach Tim O'Donnell.

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

Adopted November 24, 2009 by voice vote.

ACT NO. 618-2009 by Mrs. Abers, Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Murphy, Mr. Neal, Mr. O'Brien, Mr. Snyder, Mr. Teachman, Mr. Vecchiarella, Ms. Vickman, Mr. Boser, Mr. Giardini, Mr. Hebdon, Mr. McClune, Mr. Padlo, Mr. Sprague, Mr. Ward and Mrs. Witte who ask immediate consideration

**CONGRATULATING CATTARAUGUS-LITTLE VALLEY LADY TIMBERWOLVES
VOLLEYBALL TEAM ON BEING 2009 CLASS D STATE FINALIST**

Pursuant to Section 153 of the County Law.

WHEREAS, the Cattaraugus-Little Valley Central School Lady Timberwolves volleyball team won the Section 6 Class D volleyball championship on Thursday, November 5, 2009 by defeating Panama at the Jamestown Community College, and

WHEREAS, the Lady Timberwolves won the title by defeating No. 2-seeded Panama by scores of 15-25, 23-25, 25-21, 26-24 and 25-14, and

WHEREAS, the Cattaraugus-Little Valley Central School Lady Timberwolves volleyball team won the Class D Far West Regional Championship on Saturday, November 14, 2009 at Lockport High School, and

WHEREAS, the Lady Timberwolves volleyball team beat the Batavia-Notre Dame Lady Irish by scores of 25-21, 25-16 and 25-19, and

WHEREAS, the Lady Timberwolves swept the Shelter Island Lady Indians from Section 11 and split games with T. A. Edison and Chateaugay in state pool play, and

WHEREAS, the Lady Timberwolves closed the season with a final record of 21-3, and

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

RESOLVED, that the Cattaraugus County Legislature hereby congratulates Coach Joe Crandall and the Cattaraugus-Little Valley Central

School District Lady Timberwolves Volleyball Team on being the 2009 Class D state finalist, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Superintendent of Schools Jon W. Peterson and Coach Joe Crandall.

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

Adopted November 24, 2009 by voice vote.

ACT NO. 619-2009 by Mrs. Abers, Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Murphy, Mr. Neal, Mr. O'Brien, Mr. Snyder, Mr. Teachman, Mr. Vecchiarella, Ms. Vickman, Mr. Boser, Mr. Giardini, Mr. Hebdon, Mr. McClune, Mr. Padlo, Mr. Sprague, Mr. Ward and Mrs. Witte who ask immediate consideration

**CONGRATULATING OLEAN LADY HUSKIES SWIM TEAM FOR
WINNING 2009 STATE 200-YARD MEDLEY RELAY TITLE**

Pursuant to Section 153 of the County Law.

WHEREAS, the Olean City School District Lady Huskies swim team 200-yard medley relay took first place in the New York State championships on Saturday, November 21, 2009 at Webster Schroeder High School, and

WHEREAS, the medley relay team of Rachel Bantelman, Summer Sawaya, Emily Simon and Grace Williamson swam a time of 1:49:34, the first time the Olean City School District Lady Huskies swim team has won a state championship, and

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

RESOLVED, that the Cattaraugus County Legislature hereby congratulates Coach Dan Brown and the Olean City School District Lady Huskies Swim Team on the 2009 200-yard medley relay state championship, and be it further

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

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

Adopted November 24, 2009 by voice vote.

ACT NO. 620-2009 by Mr. Giardini
and Mr. Ellis and Mr. Murphy
who ask immediate consideration

**BID ACCEPTANCE FOR ON-SITE DETOUR FOR OTTO BRIDGE NO. 14 AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works)**

Pursuant to Sections 363 and 366 of the County Law and
Section 103 of the General Municipal Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the construction of an on-site detour for Otto Bridge No. 14, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was the bid of L. C. Whitford Co., Inc., 164 North Main Street, Wellsville, New York 14895, in the amount of \$156,862, and

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

RESOLVED, that the bid of L. C. Whitford Co., Inc., be, and the same hereby is, accepted for a term commencing November 24, 2009 and terminating March 31, 2010, and be it further

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

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

Increase Estimated Revenue Accounts:

H.3960	SEMO Aid	\$ 48,839.00
H.4960	FEMA Aid	\$293,036.00

Increase Appropriation Account:

H.5198.691	Otto Bridge No. 14	\$341,875.00.
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No State Bid.

Ten sets of specifications were sent out

Eight bids were received.

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

Adopted November 24, 2009 by voice vote.

ACT NO. 621-2009 by Mrs. Abers
who asks immediate consideration

**CREATING ONE POSITION OF DEPUTY REAL PROPERTY TAX DIRECTOR
IN THE OFFICE OF REAL PROPERTY TAX SERVICES
TO BE FILLED ON A TEMPORARY BASIS AND
ESTABLISHING COMPENSATION FOR SAME**

Pursuant to Sections 204 and 205 of the County Law and
Sections 22 and 64 of the Civil Service Law.

WHEREAS, due to the pending retirement of the Real Property Tax Director, there is a need to appoint a Deputy Real Property Tax Director on a temporary basis to ensure timely and accurate processing of County tax bills as well as to maintain sufficient daily oversight of the Department, and

WHEREAS, this temporary position will be filled with a current County employee with certain expertise in processing County tax bills, 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 such 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 Deputy Real Property Tax Director in accordance with Section 22 of the Civil Service Law, now, therefore, be it

RESOLVED, that effective immediately, there is hereby created one temporary position of Deputy Real Property Tax Director in the Office of Real Property Tax Services to be compensated with an hourly stipend of \$1.63 per hour, in addition to any current hourly salary, and be it further

RESOLVED, that effective January 31, 2010, or upon appointment of a successor Director of Real Property Tax Services, whichever occurs first, then this position shall automatically be abolished.

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

Adopted November 24, 2009 by voice vote.

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MR. SNYDER moved, seconded by Mrs. Witte to adjourn for the public hearing on the 2010 tentative budget. Carried.

CHAIRMAN ABERS announced that anyone wishing to speak on the 2010 tentative budget may now do so.

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

MRS. WITTE moved, seconded by Mr. Boser to accept the Finance Committee Report on the 2010 tentative budget. Carried.

MR. WARD moved, seconded by Mr. Ellis to accept the 2010 budget. Carried.

REPORT OF COMMITTEE ACTIONS
ACCEPTED BY FINANCE COMMITTEE ON NOVEMBER 19, 2009

	Recommended Co. Admin.	Motion	Recommended Committees	Contingent Fund	Impact on Tax Levy
Tentative Budget			\$ 300,767		\$ 47,975,000

Public Safety

# 1 To recognize reduction in State aid -					
116	District Attorney				
	DA Salary Reimbursement	A .3365	52,304	(8,437)	43,867
	Contingent Fund	A .1990.445	300,767	(8,437)	292,330
					(8,437)

# 2 To remove appropriation for vehicle purchase in 2010 from the E 911 budget -					
166	E 911 System				
	Automobile	A .3020.201	36,500	(36,500)	0
	Appropriated Reserves	A .511.0000	90,000	(36,500)	53,500

# 3 To fund repair/renovations of the Olean and Salamanca fire training towers and provide Fire Advisory Board training-					
341	Fire Advisory Board				
	Training	A .3410.469	0	42,000	42,000
	Contingent Fund	A .1990.445	292,330	(42,000)	250,330
					(42,000)

# 4 To recognize receipt of Federal aid in 2009, anticipated in the 2010 budget-					
364	Emergency Services				
	H.M.T.U.S.A. Grant	A .4306	6,530	(3,600)	2,930
	Contingent Fund	A .1990.445	250,330	(3,600)	246,730
					(3,600)

Senior Services					
# 5 To provide funding for disposable wipes -					
200	The Pines - Olean Disposable Linen	EF 6020.381	68,000	9,000	77,000
	Appropriated Fund Balance	EF.599.0000	1,641,092	9,000	1,650,092
# 6 To provide funding for disposable wipes -					
300	The Pines - Machias Disposable Linen	EI.6020.383	66,000	7,000	73,000
	Appropriated Fund Balance	EI.599.0000	1,837,375	7,000	1,844,375
Recommended Committees				246,730	47,975,000

ADDITIONAL FINANCE COMMITTEE ACTIONS

# 1 To reduce equipment purchases in the 2010 Budget, replacement occurring in 2009 through FMAP funding -					
816	Refuse Tractor	A .8160.250	100,000	(100,000)	0
	Recycle Boxes	A .8160.256	110,000	(110,000)	0
503	Road Machinery				
	1 Ton Dump Trucks	DM.5130.252	124,000	(124,000)	0
	Backhoes	DM.5130.253	105,000	(105,000)	0
	Utility Truck w Crane	DM.5130.277	69,500	(69,500)	0
950	Interfund Transfers				
	Transfer from General Fund	DM.2810	798,642	(298,500)	500,142
	Transfer to Road Machinery Fund	A .9522.952	798,642	(298,500)	500,142
# 2 To remove appropriation for lease of security/camera system, purchase occurring in 2010 through FMAP funding -					
311	Sheriff/Jail Equipment Lease	A .3150.421	51,000	(51,000)	0
					(51,000)

# 3 To acknowledge staff restructuring in the Probation Department -					
	Recommended Co. Admin.	Motion	Recommended Committees	Contingent Fund	Impact on Tax Levy
314 Probation					
Full-time Wages	A .3140.101	850,238	(32,104)	818,134	
Part-time Wages	A .3140.109	0	23,488	23,488	
Retirement	A .3140.828	88,548	(887)	87,661	
FICA	A .3140.833	70,358	(659)	69,699	
Probation Services	A .3310	182,655	(1,654)	181,001	(8,508)

# 4 To restore Southern Tier West funding level to their request -					
	Recommended Co. Admin.	Motion	Recommended Committees	Contingent Fund	Impact on Tax Levy
643 Economic Development Council					
Southern Tier West	A .8025.445	23,800	1,170	24,970	
County General Accounts					
Contingent Fund	A .1990.445	246,730	(1,170)	245,560	(1,170)

# 5 To appropriate an additional amount of Fund Balance for budgeted 2010 Road Capital Projects -					
	Recommended Co. Admin.	Motion	Recommended Committees	Contingent Fund	Impact on Tax Levy
Appropriated Fund Balance	A .599.0000	1,500,000	1,400,000	2,900,000	(1,400,000)

# 6 To increase Contingent Fund provision -					
	Recommended Co. Admin.	Motion	Recommended Committees	Contingent Fund	Impact on Tax Levy
901 County General Accounts					
Contingent Fund	A .1990.445	245,560	93,008	338,568	93,008

Recommended Finance

2009 Tax Levy

% Increase

338,568	46,100,000
228,655	44,788,000
	2.93%

ACT NO. 622-2009 by Mr. O'Brien
who asks immediate consideration

ADOPTION OF 2010 BUDGET

Pursuant to Section 360 of the County Law.

RESOLVED, that the tentative County Budget for the year 2010, as amended and filed with the Clerk of the Legislature and as hereafter attached, is hereby adopted as the County Budget for 2010 and the budget requires the raising by tax of the amount of \$46,100,000.00.

Adopted November 24, 2009 by voice vote.

ACT NO. 623-2009 by Mr. O'Brien
who asks immediate consideration

APPORTIONMENT OF COUNTY BUDGET

Pursuant to Section 804 of the Real Property Tax Law.

RESOLVED, that the following report of the assessed value of all property assessed in each of the several towns and cities of the County for 2010 shows the equalized value of real estate and the amount of the County budget apportioned to each district:

PROPERTY TAX REPORT

November 24, 2009

PROPERTY TAX AMOUNT.....

\$46,100,000

TOWN	Taxable Value	Taxable Value With Fixed Exemptions	Equalization Rate	Full Value	Apportioned Tax	Tax Rate
ALLEGANY	320,794,732	320,817,782	100.00	320,817,782	3,896,966.76	12.1479
ASHFORD	76,095,619	76,106,919	64.00	118,917,061	1,444,483.01	18.9825
CARROLLTON	77,594,563	77,602,013	100.00	77,602,013	942,630.00	12.1481
COLDSRING	47,180,627	47,182,577	78.00	60,490,483	734,776.61	15.5737
CONEWANGO	33,345,394	33,348,394	69.00	48,331,006	587,075.70	17.6059
DAYTON	48,246,950	48,254,950	80.00	60,318,688	732,689.82	15.1862
EAST OTTO	46,203,189	46,205,679	76.00	60,796,946	738,499.21	15.9837
ELLCOTTVILLE	552,314,523	552,317,523	100.00	552,317,523	6,708,989.18	12.1470
FARMERSVILLE	52,683,713	52,687,013	100.00	52,687,013	639,988.02	12.1477
FRANKLINVILLE	86,316,374	86,398,690	77.00	112,206,091	1,362,965.00	15.7903
FREEDOM	5,144,252	5,171,312	5.31	97,388,173	1,182,972.06	229.9600
GREAT VALLEY	3,219,579	3,263,929	2.32	140,686,595	1,708,917.07	530.7890
HINSDALE	70,341,298	70,348,276	100.00	70,348,276	854,519.01	12.1482
HUMPHREY	22,691,616	22,691,616	47.00	48,280,034	586,456.54	25.8446
ISCHUA	3,528,225	3,548,639	9.00	39,429,322	478,947.13	135.7473
LEON	26,756,039	26,757,939	64.00	41,809,280	507,856.43	18.9810
LITTLE VALLEY	47,302,598	47,318,498	74.00	63,943,916	776,725.39	16.4204
LYNDON	27,707,649	27,707,649	77.00	35,983,960	437,096.40	15.7753
MACHIAS	86,083,140	86,093,365	65.50	131,440,252	1,596,601.94	18.5472
MANSFIELD	104,931,552	104,944,019	100.00	104,944,019	1,274,752.76	12.1484
NAPOLI	32,618,648	32,620,148	64.00	50,968,981	619,119.13	18.9805
NEW ALBION	57,025,660	57,034,910	80.00	71,293,638	866,002.30	15.1862
OLEAN/CITY	494,483,269	494,835,789	100.00	494,835,789	6,010,759.79	12.1556
OLEAN/TOWN	83,387,083	83,409,973	80.00	104,262,466	1,266,473.95	15.1879
OTTO	30,434,176	30,441,976	73.40	41,474,082	503,784.79	16.5533
PERRYSBURG	56,163,057	56,171,807	75.00	74,895,743	909,756.99	16.1985
PERSIA	58,611,335	58,624,335	76.00	77,137,283	936,984.93	15.9864
PORTVILLE	137,351,499	137,649,399	98.00	140,458,570	1,706,147.26	12.4218
RANDOLPH	81,317,252	81,319,402	93.00	87,440,217	1,062,134.45	13.0616
RED HOUSE	94,411,241	94,411,241	100.00	94,411,241	1,146,811.33	12.1470
SALAMANCA/CITY	18,767,634	18,909,434	19.50	96,971,456	1,177,910.21	62.7629
SALAMANCA/TOWN	27,842,511	27,843,661	100.00	27,843,661	338,216.36	12.1475
SOUTH VALLEY	29,493,981	29,495,481	88.00	33,517,592	407,137.48	13.8041
YORKSHIRE	30,563,221	30,577,321	19.00	160,933,268	1,954,852.98	63.9610
	2,970,952,199	2,972,111,659		3,795,182,420	46,099,999.99	
TAX RATE % FULL VALUE		0.0121469787				
TAX RATE % TAXABLE VALUE		0.0155169107				

*** Assessment Values as of November 23, 2009.

Adopted November 24, 2009 by voice vote.

ACT NO. 624-2009 by Mr. O'Brien
who asks immediate consideration

APPROPRIATIONS FOR THE FISCAL YEAR 2010

Pursuant to Sections 356 and 360 of the County Law.

WHEREAS, the Cattaraugus County Legislature has, by resolution, adopted a budget for the fiscal year 2010, now, therefore, be it

RESOLVED, that the several subtotals specified in such budget, in the column headed "Adopted" opposite the several items of expenditures, be approved for such items, effective January 1, 2010.

Adopted November 24, 2009 by voice vote.

ACT NO. 625-2009 by Mr. O'Brien
who asks immediate consideration

AUTHORIZING THE CHAIR AND CLERK TO SIGN AND ATTACH WARRANTS

Pursuant to Section 904 of the Real Property Tax Law.

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

RESOLVED, that the Chair and the Clerk of the Legislature be, and they hereby are, authorized and directed to sign and attach warrants thereto under the date of December 10, 2009.

Adopted November 24, 2009 by voice vote.

ACT NO. 626-2009 by Mr. O'Brien
who asks immediate consideration

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

Pursuant to Section 940 of the Real Property Tax Law.

WHEREAS, at the meeting of the Legislature on November 24, 2009, a report was filed by the County Treasurer in the Office of the County Treasurer showing the debits and credits of all the towns and cities in the County, now, therefore, be it

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

<u>TOWN</u>	<u>DEBIT</u>	<u>CREDIT</u>
Allegany	\$ 106.54	
Ashford	\$ 624.80	
Carrollton	\$ 178.05	
Cold Spring	\$ 3.15	
Conewango	\$ 0.05	
Dayton	\$ 673.63	
East Otto	\$2,575.98	

Ellicottville	\$ 805.70	
Farmersville	\$ 11.61	
Franklinville	\$ 0.09	
Freedom		\$ 0.07
Great Valley	\$1,077.38	
Hinsdale	\$ 0.34	
Humphrey		\$ 0.15
Ischua	\$ 0.02	
Leon		\$ 0.74
Little Valley	\$ 44.82	
Lyndon	\$ 39.82	
Machias	\$1,624.87	
Mansfield		\$ 0.54
Napoli	\$ 166.06	
New Albion	\$1,762.41	
Olean, Town	\$ 842.81	
Otto	\$ 463.57	
Perrysburg	\$ 541.70	
Persia	\$ 0.31	
Portville	\$ 7.66	
Randolph		\$ 0.54
Red House		\$ 0.04
Salamanca, Town		\$ 3.67
South Valley	\$ 0.05	
Yorkshire	\$ 701.33	
<u>CITY</u>		
Olean, City	\$1,123.97	
Salamanca, City		\$ 0.11

Adopted November 24, 2009 by voice vote.

ACT NO. 627-2009 by Mr. O'Brien
who asks immediate consideration

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

Pursuant to Section 1330 of the Real Property Tax Law.

RESOLVED, that effective November 16, 2009, the Clerk of the Legislature be, and hereby is, authorized and directed to relevy all returned school taxes and returned city taxes of the City of Olean.

Adopted November 24, 2009 by voice vote.

ACT NO. 628-2009 by Mr. O'Brien
who asks immediate consideration

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

Pursuant to Section 1442 of the Real Property Tax Law.

RESOLVED, that effective November 16, 2009, the Clerk of the Legislature be, and hereby is, authorized and directed to releve all returned village taxes of the County of Cattaraugus.

Adopted November 24, 2009 by voice vote.

ACT NO. 629-2009 by Mr. O'Brien
who asks immediate consideration

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

Pursuant to Article 29 of the Tax Law.

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

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

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

RESOLVED, that \$370,000 of the 2010 sales tax revenue due the Town of Portville be applied to the reduction of the County Tax levied against the real property in the Town of Portville (outside).

Adopted November 24, 2009 by voice vote.

ACT NO. 630-2009 by Mr. O'Brien
who asks immediate consideration

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

Pursuant to Article 29 of the Tax Law.

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

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

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

RESOLVED, that \$525,000 of the 2010 sales tax revenue due the Town of Great Valley be applied to the reduction of the County Tax levied against the real property in the Town of Great Valley.

Adopted November 24, 2009 by voice vote.

ACT NO. 631-2009 by Mr. O'Brien
who asks immediate consideration

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

Pursuant to Article 29 of the Tax Law.

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

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

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

RESOLVED, that \$180,000 of the 2010 sales tax revenue due the Town of Farmersville be applied to the reduction of the County Tax levied against the real property in the Town of Farmersville.

Adopted November 24, 2009 by voice vote.

ACT NO. 632-2009 by Mr. O'Brien
who asks immediate consideration

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

Pursuant to Article 29 of the Tax Law.

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

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

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

RESOLVED, that \$450,000 of the 2010 sales tax revenue due the Town of Ellicottville be applied to the reduction of the County Tax levied against the real property in the Town of Ellicottville (outside).

Adopted November 24, 2009 by voice vote.

ACT NO. 633-2009 by Mr. O'Brien
who asks immediate consideration

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

Pursuant to Article 29 of the Tax Law.

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

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

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

RESOLVED, that \$350,000 of the 2010 sales tax revenue due the Town of Red House be applied to the reduction of the County Tax levied against the real property in the Town of Red House.

Adopted November 24, 2009 by voice vote.

ACT NO. 634-2009 by Mr. O'Brien
who asks immediate consideration

ADOPTION OF EQUALIZATION RATES

Pursuant to Section 804 of the Real Property Tax Law.

RESOLVED, that the Cattaraugus County Legislature does hereby adopt the equalization rate fixed by the State Board of Real Property Tax Services for the year 2010 as follows:

<u>TOWNS</u>	<u>EQUALIZATION RATES</u>
Allegany	100.00
Ashford	64.00
Carrollton	100.00
Cold Spring	78.00
Conewango	69.00
Dayton	80.00
East Otto	76.00
Ellicottville	100.00
Farmersville	100.00
Franklinville	77.00
Freedom	5.31
Great Valley	2.32
Hinsdale	100.00
Humphrey	47.00
Ischua	9.00
Leon	64.00
Little Valley	74.00
Lyndon	77.00
Machias	65.50
Mansfield	100.00
Napoli	64.00
New Albion	80.00
Olean, City	100.00
Olean, Town	80.00
Otto	73.40
Perrysburg	75.00
Persia	76.00
Portville	98.00
Randolph	93.00
Red House	100.00
Salamanca, Town	100.00
Salamanca, City	19.50
South Valley	88.00
Yorkshire	19.00

Adopted November 24, 2009 by voice vote.

ACT NO. 635-2009 by Mr. O'Brien
who asks immediate consideration

WORKERS' COMPENSATION INSURANCE PREMIUMS CHARGED TO TOWNS

Pursuant to Local Law Number 3-1989.

RESOLVED, that the following items covering workers' compensation self-insurance premiums under the Cattaraugus County Self-Insurance Program for the period January 1, 2008 to January 1, 2009 be charged back to the town set opposite each item and the same be included in taxes levied in the year 2010:

<u>TOWNS</u>	<u>TOTAL TO BE LEVIED</u>
Ashford	\$57,189.23
Carrollton	\$25,257.79
Cold Spring	\$22,590.05
Conewango	\$26,348.80
Dayton	\$11,368.15
East Otto	\$16,803.67
Farmersville	\$13,571.85
Franklinville	\$41,808.54
Great Valley	\$43,425.72
Hinsdale	\$23,749.84
Humphrey	\$21,447.53
Ischua	\$24,053.11
Leon	\$14,319.10
Little Valley	\$37,376.13
Lyndon	\$ 8,519.73
Machias	\$37,831.03
Mansfield	\$31,927.17
Napoli	\$16,091.27
New Albion	\$11,404.13
Olean	\$44,982.93
Otto	\$20,665.51
Perrysburg	\$30,685.50
Persia	\$ 6,940.87
Portville	\$35,646.38
Randolph	\$10,188.25
Yorkshire	\$31,888.27

VILLAGES

Cattaraugus	\$29,691.36
Delevan	\$ 8,969.62
Franklinville	\$36,173.47
Gowanda	\$47,805.90
Limestone	\$ 2,766.34
Little Valley	\$23,783.17
Perrysburg	\$ 2,600.12
Randolph	\$10,877.93
South Dayton	\$ 3,777.64

CITY

Salamanca

\$95,694.86

Adopted November 24, 2009 by voice vote.

**MOTION TO ADJOURN IN MEMORY OF
JOSEPH F. WARD**

WHEREAS, Joseph F. Ward, 87, of Great Valley, passed away on November 15, 2009, and

WHEREAS, Mr. Ward served many years as a member of the Cattaraugus County Fire Advisory Board, with his term ending December 31, 1989, and

WHEREAS, Mr. Ward was educated at Great Valley School and graduated from Ellicottville High School in 1940, graduated from Cornell University with a degree in agriculture in 1942, and from St. Bonaventure University in 1949 with a Bachelor of Science degree, and

WHEREAS, Mr. Ward served his country during World War II, serving with the United States Army Air Corps stationed at Randolph Air Force Base in Texas, where he trained as a bombardier on B-20 bombers, and

WHEREAS, Mr. Ward was employed by Norton's Mill, had been a salesman and staff manager for Prudential Insurance Company, was a science teacher at Pioneer Central School, a kiln operator for Fitzpatrick & Weller, and was a 20-year season ticket taker at Holiday Valley, and

WHEREAS, Mr. Ward actively served his community in town government, having been a town supervisor and councilman for over 24 years, a member of the Great Valley Planning Board, and a former Democratic Committee member in Great Valley District No. 2, and

WHEREAS, Mr. Ward was also an active member of the Great Valley Volunteer Fire Company, which he helped organize in 1949; he was a member of Holy Name of Mary Catholic Church in Ellicottville, where he served as trustee and usher; he was a life member of the Cattaraugus County Firemen's Association and the Southwestern Firemen's Association; he was also a member of the NYS Chaplains Association; he was a member of the Ellicottville Central School Board from 1959 to 1973, and he was also a certified baseball umpire, and

WHEREAS, Mr. Ward enjoyed telling stories, keeping up on the news and watching baseball, and

WHEREAS, Mr. Ward is survived by his wife, Virginia; two sons: Mark and Stephen, both of Great Valley; three grandchildren; a brother, James "Zack" Ward of Great Valley; and several nieces and nephews, and

WHEREAS, the loss of his presence will be sadly felt by his many friends and colleagues in Cattaraugus County, now, therefore, Legislator Ward hereby

MOVES, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of Joseph F. Ward, and this Motion be seconded by the rest of the Legislature, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, until its next meeting, unless specially convened, in memory of Joseph F. Ward, and be it further

RESOLVED, that the Clerk of the Legislature be, and hereby is, directed to forward a certified copy of this Motion to his wife.

MR. SNYDER moved, seconded by Mr. Giardini to adjourn until December 9, 2009 at 3:00 p.m. Carried.

Meeting adjourned at 4:00 p.m.

Ann M. Giglio
Journal Clerk