

April 28, 2010

The meeting was called to order by Chairman Michael T. O'Brien.

The invocation was given by Rev. Piatt.

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

MR. MARSH moved, seconded by Mr. Ellis that the minutes of the April 14, 2010 session be approved. Carried.

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COMMUNICATIONS:

Senator Young: Letter acknowledging receipt of Act Nos. 141-2010, 142-2010, 150-2010, 151-2010 and 193-2010.

New York State Association of Counties: Letter acknowledging receipt of Act No. 193-2010.

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PROCLAMATION:

CHAIRMAN O'BRIEN proclaimed the week of May 9 - 15, 2010 as **National Nursing Home Week** in Cattaraugus County.

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CHAIRMAN O'BRIEN granted privilege of the floor to Crystal Abers, Director of Economic Development, Planning and Tourism, who presented a plaque representing the Cultural Heritage Award from New York State to the Cattaraugus County Arts Council for tourism excellence in sponsoring the Routes to Arts Program. Anne Conroy Baiter and Kim Driscoll from the Arts Council accepted the award and gave a brief overview of the upcoming event in May.

CHAIRMAN O'BRIEN granted privilege of the floor to David Rivet, Commissioner of Public Works, who presented the Legislature with his department's annual report.

CHAIRMAN O'BRIEN granted privilege of the floor to Mr. Snyder who introduced John Stengel of the Cattaraugus County Tea Party who requested passage of Act No. 257-2010.

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CHAIRMAN O'BRIEN announced this is the time and place called for a public hearing on Local Law Number 2-2010, A Local Law to Provide a Partial Tax Exemption for Certain Capital Improvements to One and Two Family Residential Buildings, and that anyone wishing to speak for or against these local laws, may now do so.

There being no one wishing to speak, CHAIRMAN O'BRIEN declared the hearing closed.

CHAIRMAN O'BRIEN called up **Act No. 237-2010**, Local Law Number 2-2010, A Local Law to Provide a Partial Tax Exemption for Certain Capital Improvements to One and Two Family Residential Buildings, and asked that it be read.

CHAIRMAN O'BRIEN requested a Roll Call Vote on Act No. 237-2010, which disclosed as follows:

Ayes: Boser 1.0094, Hebdon 1.0915, McClune 0.8834, Nenno 0.8772, Padlo 0.8772- 4.7387.

Nays:- Aiello 0.8772, Ellis 1.0875, Marsh 1.0843, McLarney 1.0632, Murphy, 1.0843, Neal 1.0843, Snyder 0.8772, Sprague 1.0530, Stockman 1.0265 Teachman 0.8772, Vecchiarella 0.8834, Vickman 1.0915, Ward 1.0043, O'Brien 1.0632 - 14.1603.

Act No. 237-2010, having failed to receive the majority vote of the Legislature, was declared Lost.

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ACT NO. 243-2010 by Mr. Giardini
and Mr. Ellis
and Mr. Padlo¹

**BID ACCEPTANCE FOR ROOF TOP UNITS REPLACEMENT AND WATER CONSERVATION
AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(HVAC/Plumbing-Department of Public Works)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the HVAC/Plumbing Contractor portion of the Roof Top Units Replacement and Water Conservation project at the Pines Healthcare and Rehabilitation Center - Olean Campus, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest bid received, with two alternates, for the HVAC/Plumbing Contractor portion of the Roof Top Units Replacement and Water Conservation project was submitted by Mazza Mechanical Services, Inc., 430 North 7th Street, Olean, New York 14760, for a total amount of \$462,000, as follows:

Base Bid	\$276,000.00
Alternate #1 - B Wing Air Handling Unit	\$ 93,000.00
Alternate #2 - C Wing Air Handling Unit	\$ 93,000.00,

and

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

RESOLVED, that the bid of Mazza Mechanical Services, Inc., for the HVAC/Plumbing Contractor portion of the Roof Top Units Replacement and Water Conservation project be, and the same hereby is, accepted, and be it further

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

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

Decrease Appropriation Account:	
EF.8220.761 Building Water and Sewage	\$30,000.00

Increase Appropriation Account:	
EF.1210.001 2010 Capital Improvements	\$30,000.00.

No State bid.
Eight sets of specifications were sent out.
Three bids were received.

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

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

Adopted April 28, 2010 by voice vote.

ACT NO. 244-2010 by Mr. Burrell, Mr. Ellis, Ms. Vickman,
Mr. Giardini and Mr. Hebdon

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
MCMAHON & MANN CONSULTING ENGINEERS, P.C. FOR
GEOTECHNICAL EVALUATION SERVICES FOR
COUNTY ROAD NO. 21 SLOPE FAILURE AREA**

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

WHEREAS, the Department of Public Works is desirous of obtaining services for the geotechnical exploration and landslide evaluation for the County Road No. 21 slope failure located in the Town of Freedom, and

WHEREAS, McMahon & Mann Consulting Engineers, P.C., 2495 Main Street, Suite 432, Buffalo, New York 14214, can provide the aforementioned geotechnical engineering services for an amount not to exceed \$20,435, as follows:

<u>Task</u>	<u>Unit</u>	<u>Estimated Quantity</u>	<u>Unit Price</u>	<u>Total</u>
1. Subsurface Explorations				
Mobilization	Lump sum	1	\$ 750.00	\$ 750.00
2 ft. soil sampling	Per foot	100	\$ 27.00	\$ 2,700.00
Auger no sampling	Per foot	40	\$ 18.00	\$ 720.00
Standpipe Piezometer	Per foot	40	\$ 26.00	\$ 1,040.00
Vib.wire piezo. provide	Each	1	\$ 450.00	\$ 450.00
Vib.wire piezo. install	Per foot	40	\$ 20.00	\$ 800.00
Inclinometer	Per foot	60	\$ 38.00	\$ 2,280.00
Protective covers	Each	3	\$ 225.00	\$ 675.00
Shelby Tubes	Each	2	\$ 75.00	\$ 150.00
Artesian Conditions Contingency	Hour	2	\$ 190.00	\$ 380.00
Exploration Monitoring	Lump sum	1	\$1,500.00	\$ 1,500.00
Subtotal				\$11,445.00
2. Laboratory Tests				
Moisture Content	Each	20	\$ 8.00	\$ 160.00
Gradation (sieve)	Each	2	\$ 55.00	\$ 110.00
Atterberg Limits	Each	4	\$ 60.00	\$ 240.00
Unit Weight	Each	2	\$ 40.00	\$ 80.00
Direct Shear	Each	1	\$ 400.00	\$ 400.00
Undrained Strength	Each	0	\$ 90.00	\$ 0.00
Subtotal				\$ 990.00

<u>3. Monitoring</u>				
Measure Inclinometers and Piezometer	Per trip	3	\$ 500.00	<u>\$ 1,500.00</u>
	Subtotal			\$ 1,500.00
<u>4. Evaluation of Alternatives and Report</u>				
	Lump sum	1	\$6,000.00	<u>\$ 6,000.00</u>
	Subtotal			\$ 6,000.00
<u>5. Miscellaneous Expenses</u>				\$ 500.00
TOTAL				\$20,435.00

and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with McMahon & Mann Consulting Engineers, P.C., for the provision of the above-described services, for a term commencing April 29, 2010 and terminating December 31, 2011, according to the above-described terms.

Approved by 7 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted April 28, 2010 by voice vote.

ACT NO. 245-2010 by Mr. Giardini
and Mr. Ellis

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
WENDEL DUCHSCHERER ARCHITECTS & ENGINEERS FOR
JAIL BRICK VENEER REPAIR PROJECT**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 565-2008 authorized a contract with Wendel Duchscherer Architects & Engineers, 140 John James Audubon Parkway, Suite 201, Amherst, New York 14228, for the brick veneer masonry repair project at the County Jail facility, the term of which expired December 31, 2009, and

WHEREAS, an extension of the aforementioned contract is necessary in order to complete the aforementioned project, at no additional cost to the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with Wendel Duchscherer Architects & Engineers, for the provision of the above-described services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 7 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted April 28, 2010 by voice vote.

ACT NO. 246-2010 by Mr. Giardini
and Mr. Ellis

**REJECTING CERTAIN DEPARTMENT OF PUBLIC WORKS BIDS
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law.

WHEREAS, the Department of Public Works advertised for sealed bids for the purchase of two (2) new and unused, tri-axle ejector trailers, and

WHEREAS, the Department of Public Works is desirous of rewriting the specifications in an attempt to obtain a more competitive bid result, and

WHEREAS, the bids received for the aforementioned purchase, which were opened on March 24, 2010, should be rejected and rebid, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby rejects the bids received on the purchase of two (2) new and unused, tri-axle ejector trailers, which were opened on March 24, 2010, and hereby authorizes the trailers to be rebid.

Approved by 7 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted April 28, 2010 by voice vote.

ACT NO. 247-2010 by Mr. Giardini
and Mr. Ellis

**AUTHORIZING THE CHAIR TO EXECUTE LICENSE AGREEMENT WITH
ADMINISTRATIVE OFFICE OF THE UNITED STATES BANKRUPTCY COURT FOR
FEDERAL USE OF COUNTY PROPERTY**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 300-2009 authorized a license agreement with the Administrative Office of the United States Bankruptcy Court for the use of the County's court facility located in the Olean Office Building one day each month, the term of which expires September 30, 2010, and

WHEREAS, the United States Bankruptcy Court is desirous of continuing the aforementioned license agreement under the same terms, and

WHEREAS, the County has agreed to allow the United States Bankruptcy Court to utilize the County's court facility located in the Olean Office Building once per month for an amount of \$600 per month, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a license agreement, on behalf of Cattaraugus County, with the Administrative Office of the United States Courts to use the above-described space for a term commencing October 1, 2010, and terminating September 30, 2011, according to the above-described terms.

Approved by 7 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted April 28, 2010 by voice vote.

ACT NO. 248-2010 by Mr. Murphy and Mr. Teachman
and Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McLarney,
Mr. Neal, Mrs. Stockman, Ms. Vickman, Mr. Boser,
Mr. Hebdon and Mr. Sprague¹

ESTABLISHING SALARY AND BENEFITS FOR POSITION OF UNDERSHERIFF

Pursuant to Sections 204 and 205 of the County Law.

WHEREAS, an annual salary has not heretofore been established for the year 2010 for the position of Undersheriff, and

WHEREAS, William M. Nichols, a long-term prior employee, has been appointed to the position of Undersheriff by the Sheriff, and

WHEREAS, it is only fair that William M. Nichols receive credit for prior service with the County in terms of benefit administration, now, therefore, be it

RESOLVED, that an annualized salary for the position of Undersheriff be established at \$75,000 for the years 2010 and 2011, and be it further

RESOLVED, that William M. Nichols be credited prior service as a County employee for purposes of qualifying for all benefits in such compensation and benefit package as established for Managerial and Confidential Officers and Employees.

Approved by 7 members of the Finance Committee, 7 members of the Public Safety Committee and 3 members of the Labor Relations Committee.

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Neal, Mrs. Stockman, Ms. Vickman, Mr. Boser, Mr. Hebdon and Mr. Sprague".

Adopted April 28, 2010 by voice vote.

ACT NO. 249-2010 by Mr. Aiello, Mr. McLarney, Mr. Vecchiarella,
Mr. Boser and Mr. Ward
and Mr. Ellis¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
GILROY, KERNAN & GILROY, INC. FOR BENEFITS PLAN MANAGEMENT SERVICES**

Pursuant to Section 92-a of the General Municipal
Law and Section 450 of the County Law.

WHEREAS, Act 185-2009 authorized a contract with Gilroy, Kernan & Gilroy, 210 Clinton Road, New Hartford, New York 13413, for the provision of benefits plan management services, the term of which expires April 30, 2010, and

WHEREAS, the County is desirous of obtaining ongoing benefits plan management services to analyze the County's current benefits plans, and to recommend cost-saving changes to the County's benefits plans, and

WHEREAS, the firm of Gilroy, Kernan & Gilroy, Inc. can provide the following ongoing advisory services to assist the County in managing benefit plan contracts and costs, and monitoring plan performance and claims

experience, for an amount of \$40,000, to be paid in quarterly installments of \$10,000:

- Analyzing continuing plan experience and utilization data, provide customized reports, and make recommendations to the County regarding the most effective plan management;
- Provide customized monthly plan financial summary reports designed to assist the County in concisely monitoring plan costs and claims activity;
- Unlimited attendance at all plan management meetings;
- Development, communication coordination, and installation of new plan options or plan design changes;
- Assist with and provide advisory services with collective bargaining issues related to the health benefits plan;
- Monitoring performance of insurance carriers and service providers to ensure smooth delivery of benefits and services and assist County staff with benefits administration issues;
- Ongoing evaluation of plan designs, plan alternatives, perform "what if" scenarios and cost management options;
- Act on behalf of the County in analyzing and negotiating renewal rates to obtain the most competitive pricing;
- Provide actuarial services, including, but not limited to:
 - calculating "conventional" premium rates
 - plan financing
 - reserve setting
 - trend forecasting
 - preparation of Budget and supporting documentation;
- Examining the appropriateness of alternative health care strategies and programs such as Preferred Provider Organizations, Point-of-Service plans, etc.;
- Provide reports on benefit utilization, inflation trends, evaluate and interpret this data to suggest benefit design and cost control initiatives;
- Development, communication coordination, and installation of new plan options or plan design changes, conduct group meetings with participants to explain specific benefit provisions, introduce and communicate coverage changes;
- Update Plan Documents and Summary Plan Description booklets (SPD's) in accordance with new or changing regulations or benefit provisions;
- Serving as a resource to Cattaraugus County by providing objective information and advising the County on legislative and regulatory developments such as COBRA, HIPAA, etc. and recommending courses of action;
- Strategizing long-term employee benefit objectives;
- Providing plan updates, experience, analysis and other timely information as requested;
- Act as a resource for any employee benefits/human resource issues the County may have.,

and

WHEREAS, sufficient funds are included in the 2010 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Gilroy, Kernan & Gilroy, Inc. for the provision of the above-

described services, for a term commencing May 1, 2010 and terminating April 30, 2011, according to the above-described terms.

Approved by 7 members of the Finance Committee and 3 members of the Labor Relations Committee.

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

Adopted April 28, 2010 by voice vote.

ACT NO. 250-2010 by Senior Services Committee:
Ms. Vickman, Mr. McClune, Mr. Ellis, Mr. Murphy,
Mr. Neal, Mr. Boser and Mr. Nenno

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
TOTAL SENIOR CARE, INC. FOR
SKILLED NURSING FACILITY SERVICES**

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

WHEREAS, Act 538-2008 authorized a contract with Total Senior Care, Inc., 519 North Union Street, Olean, New York 14760, for the provision of skilled nursing facility services, the term of which expired December 31, 2009, and

WHEREAS, Total Senior Care, Inc., is desirous of obtaining skilled nursing facility services from the County Department of Nursing Homes for PACE Program participants, and

WHEREAS, the Department of Nursing Homes has agreed to provide skilled nursing facility services to PACE Program participants in accordance with NYS Medicaid approved rates, 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 Total Senior Care, Inc., for the provision of the above-described skilled nursing facility services, for a term commencing January 1, 2010 and terminating December 31, 2010, according to the above-described terms.

Approved by 7 members of the Finance Committee.

Adopted April 28, 2010 by voice vote.

ACT NO. 251-2010 by Mr. Neal and Mr. Snyder
and Mr. Aiello and Ms. Vickman¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK STATE
DEPARTMENT OF HEALTH FOR IMMUNIZATION CONSORTIUM REIMBURSEMENT**

Pursuant to 10 NYCRR Section 40-1.52 and
Section 450 of the County Law.

WHEREAS, Act 186-2009 authorized a contract with the New York State Department of Health for the administration of the Western Region Immunization Consortium, the term of which expired March 31, 2010, and

WHEREAS, the Western Region Immunization Consortium will receive \$41,007 from the New York State Department of Health in order to enhance immunization rates and increase the distribution of vaccines to families who might otherwise not obtain vaccination, and

WHEREAS, the New York State Department of Health has been designated as Lead Agency for the Western Region Immunization Consortium for the administration of the above-referenced program, and

WHEREAS, the Cattaraugus County Health Department is desirous of participating in the above-referenced program in order to expand the vaccine distribution in Cattaraugus County and ensure that children who are uninsured, underinsured and Medicaid-eligible have access to immunization clinics, and

WHEREAS, the County must enter into a contract with the New York State Department of Health in order to obtain reimbursement through the above-referenced program, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the New York State Department of Health in order to obtain reimbursement through the above-referenced program, for a term commencing April 1, 2010 and terminating March 31, 2011, according to the above-described terms, and be it further

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

Approved by 7 members of the Finance Committee and 6 members of the Human Services Committee.

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

Adopted April 28, 2010 by voice vote.

ACT NO. 252-2010 by Mr. Neal and Mr. Snyder
and Mrs. Stockman and Ms. Vickman¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HOUGHTON COLLEGE FOR COUNTY HEALTH DEPARTMENT
PARTICIPATION IN CHALLENGE ROPES COURSE**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 718-2009 authorized a contract with Houghton College, 1 Willard Avenue, Houghton, New York 14744, for participation in the Challenge Ropes Course, for the purpose of learning team building skills, such as cooperation, problem solving, communication and leadership, the term of which expired October 3, 2009, and

WHEREAS, the County Health Department is again desirous of providing the opportunity for eligible individuals in the Family Planning Reproductive Health Program to participate in the overnight ropes course at Houghton College, and

WHEREAS, Houghton College can allow the County Health Department to utilize its Challenge Ropes Course on October 8-9 and October 23, 2010, for a total of 20 participants each trip, for an amount of \$40/overnight participant, \$35/day trip participant and \$200 travel fee for each trip, for a total amount of \$1,900, and

WHEREAS, sufficient funds are included in the 2010 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Houghton College for the provision of the above-described services, for a term commencing October 8, 2010 and terminating October 23, 2010, according to the above-described terms.

Approved by 7 members of the Finance Committee and 6 members of the Human Services Committee.

¹ The following Legislators requested their names be listed as additional sponsors: "Mrs. Stockman and Ms. Vickman".

Adopted April 28, 2010 by voice vote.

ACT NO. 253-2010 by Mr. O'Brien
and Mr. Burrell and Mr. Neal¹

DESIGNATING MAY 1, 2010 AS "LAW DAY" IN CATTARAUGUS COUNTY

WHEREAS, it is felt that all citizens of Cattaraugus County should be rededicated to the principles of the democratic form of government to emphasize that ours is a government of law, and not of men and women, and

WHEREAS, it is felt that it is in the interests of all to further the philosophy that the welfare of the people shall be the supreme law, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature does hereby designate and dedicate the 1st day of May, 2010 as "Law Day" in Cattaraugus County and urges all citizens to join in its observance, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Wendy Peterson, 304 Community Bank Building, Olean, New York 14760, President of the Cattaraugus County Bar Association.

Approved by 6 members of the Finance Committee.

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

Adopted April 28, 2010 by voice vote.

ACT NO. 254-2010 by Mr. Giardini
and Mr. Ellis

**BID ACCEPTANCE FOR ENERGY CONSERVATION IMPROVEMENTS
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the general contractor and electrical portions of the Energy Conservation Improvements at the Little Valley County Center and the

Olean Office Building, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest bid received, with selected alternates, for the general contractor portion of the Energy Conservation Improvements at the Little Valley County Center and the Olean Office Building, was submitted by Duggan & Duggan General Contractors, Inc., 85 West Main Street, Allegany, New York 14706, for a total amount of \$592,430, as follows:

Base Bid	\$398,655.00
Alternate #2 - Elevator jack	\$115,000.00
Alternate #3 - Entrances	\$ 78,775.00,

and

WHEREAS, the lowest bid received for the electrical portion of the Energy Conservation Improvements at the Little Valley County Center and the Olean Office Building, was submitted by Kel-Kur Electric, Inc., 5364 Little Road, P.O. Box 101, Cuba, New York 14727, for a total amount of \$16,105, as follows:

Base Bid	\$15,000.00
Alternate #3 - Entrances	\$ 1,105.00,

now, therefore, be it

RESOLVED, that the bid of Duggan & Duggan General Contractors, Inc., for the general contractor portion of the Energy Conservation Improvements at the Little Valley County Center and the Olean Office Building, be, and the same hereby is, accepted, and be it further

RESOLVED, that the bid of Kel-Kur Electric, Inc., for the electrical contractor portion of the Energy Conservation Improvements at the Little Valley County Center and the Olean Office Building, be, and the same hereby is, accepted, and be it further

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

No State bid.

Eight sets of specifications were sent out.

Four bids were received.

Approved by 6 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted April 28, 2010 by voice vote.

ACT NO. 255-2010 by Mr. Aiello, Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Murphy, Mr. Neal, Mr. O'Brien, Mr. Snyder, Mr. Teachman, Mr. Nenno and Mr. Padlo who ask immediate consideration

**SALE OF TAX TITLE PROPERTY TO FORMER OWNERS
(Towns of East Otto, Olean, Portville and Randolph and City of Olean)**

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

WHEREAS, Cattaraugus County has tax title to certain property situate in the Towns of East Otto, Olean, Portville and Randolph, and the City of Olean, as described below, and

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

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

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

TOWN OF EAST OTTO

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
65	28.001-1-13.2	David Gradler Viola Gradler	9336 Bowen Rd. East Otto, NY 14729	\$4,948.72

TOWN OF OLEAN

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
284	103.002-1-2	Edwin McPeak	c/o Stephen McPeak 1488 Indiana Ave. Olean, NY 14760	\$4,369.13

TOWN OF PORTVILLE

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
323	104.004-1-20	Cammie Torrey	449 Portville-Ceres Rd. Portville, NY 14770	\$7,263.43

TOWN OF RANDOLPH

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
332	70.057-2-13.2	Natalie Colburn	206 Court St. Little Valley, NY 14755	\$7,546.32

CITY OF OLEAN

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
263	94.065-5-18	Conrad Randon Gretchen Randon	206 East Ave. Olean, NY 14760	\$7,399.44

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

Adopted April 28, 2010 by voice vote.

ACT NO. 256-2010 by Mrs. Stockman
who asks immediate consideration

**SALE OF TAX TITLE PROPERTY
(Town of Perrysburg)**

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

WHEREAS, Act No. 767-2009 authorized the sale of the following
described property to the highest bidder, and

WHEREAS, the highest bidder did not complete the purchase within
thirty (30) days, and

WHEREAS, the property has been offered to the second highest
bidder at the highest bid price, and

WHEREAS, the highest bid received for the property was the bid
listed below, now, therefore, be it

RESOLVED, that if the tender by the 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 a County Treasurer's Deed conveying the property to
the following individual at the bid prices listed:

TOWN OF PERRYSBURG

<u>Parcel#</u>	<u>Tax Map#</u>	<u>Name/Address</u>	<u>Co Involvement</u>	<u>Bid Amount</u>
279	16.021-4-14	Kyle Fisher PO Box 896 Ellicottville, NY 14731	\$7,410.67	\$1,800

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

Adopted April 28, 2010 by voice vote.

ACT NO. 257-2010 by Mr. Snyder
who asks immediate consideration

**URGING GOVERNOR PATERSON TO CALL SPECIAL ELECTION TO
FILL VACANCY IN THE 29TH CONGRESSIONAL DISTRICT**

Pursuant to Section 153 of the County Law.

WHEREAS, Cattaraugus County is part of the 29th Congressional
District, and

WHEREAS, our Congressional Representative resigned his position on March 8, 2010 leaving over 83,882 residents of Cattaraugus County without representation in Washington at the Congressional level, and

WHEREAS, Article 1, Section 2 of the United States Constitution allows for a state governor to call for a special election to fill a vacant position in the House of Representatives, and

WHEREAS, all U.S. citizens need to be properly represented in Washington, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby urges Governor Paterson to immediately call a special election for the 29th Congressional District as outlined in the United States Constitution, 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, Senator Young, Assembly Member Giglio and Assembly Speaker Silver.

MRS. STOCKMAN moved, seconded by Mr. Nenno to waive Rule 12. Carried.

MR. MCCLUNE added the following comments concerning Act No. 257-2010: Voting for this resolution would not be fiscally responsible. The law requires 30 days notice for a special election. It would be in June and Congress recesses in July. Petitions come out in June for November election. The winner of the special election would spend 90% of his time campaigning. Estimated cost of special election is \$90,000 for our County and one million dollars district wide. Bottom line - not getting our moneys worth.

CHAIRMAN O'BRIEN requested a Roll Call Vote on Act No. 257-2010, which disclosed as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Ellis 1.0875, Hebdon 1.0915, Marsh 1.0843, McLarney 1.0632, Murphy 1.0875, Neal 1.0843, Nenno 0.8772, Padlo 0.8772, Snyder 0.8772, Stockman 1.0265, Teachman 0.8772, Vecchiarella 0.8834, Vickman 1.0915, Ward 1.0043, O'Brien 1.0632 - 16.9626.

Nays: McClune 0.8834, Sprague 1.0530 - 1.9364.

Act 257-2010, having received the majority vote of the Legislature, was declared Adopted.

ACT NO. 258-2010 by Mr. Snyder
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS EMPIRE ZONE, INC. AND
TRANSFER OF FUNDS
(Contingent Fund - Cattaraugus Empire Zone)**

Pursuant to Sections 224(14), 363, 365 and 450 of the County Law.

WHEREAS, Act 13-2010 authorized a contract with the Cattaraugus Empire Zone, Inc., to administer the Cattaraugus Economic Development Zone, the term of which expires June 30, 2010, and

WHEREAS, it does not appear that the Economic Development Zone program will be terminated by the State on July 1, 2010, and

WHEREAS, funding to operate the Economic Development Zone program is needed for the second half of 2010, and

WHEREAS, the County has agreed to provide \$33,750 in funding to be used for the provision of staff, office space, and related expenses for the promotion and administration of the Economic Development Zone, and

WHEREAS, a transfer of funds is necessary for the promotion and administration of the Economic Development Zone, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2010 with the Cattaraugus Empire Zone, Inc., for a term commencing July 1, 2010 and terminating December 31, 2010, according to the above-described terms, and be it further

RESOLVED, that payment of the aforementioned amount be made to the Cattaraugus Empire Zone, Inc., in quarterly installments, upon submission of vouchers for payment certified by the Chair of the Legislature, audited by the County Administrator, and paid by the County Treasurer, and be it further

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

Decrease Appropriation Account:

A.1990.445	Contingent Fund	\$33,750.00
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Increase Appropriation Account:

A.6422.445	Empire Zone	\$33,750.00.
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MR. TEACHMAN moved, seconded by Mr. Neal to waive Rule 12. Carried.

MR. SNYDER moved, seconded by Mr. McLarney to refer Act No. 258-2010 to the Development and Agriculture Committee and the Finance Committee. Carried.

ACT NO. 259-2010 by Public Safety Committee:

Mr. Murphy, Mr. Teachman, Mr. Aiello,
Mr. Neal, Mr. Vecchiarella, Mr. Hebdon and Mr. Padlo
and Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. O'Brien, Mr. Snyder,
Mrs. Stockman, Ms. Vickman, Mr. Boser, Mr. McClune, Mr. Nenno,
Mr. Sprague and Mr. Ward¹
who ask immediate consideration

**REQUESTING DELAY IN IMPLEMENTATION OF
IGNITION INTERLOCK PROVISIONS OF LEANDRA'S LAW**

Pursuant to Chapter 496 of the Laws of 2009.

WHEREAS, on November 18, 2009, the Child Passenger Protection Act (also known as Leandra's Law) was signed into law, and

WHEREAS, Leandra's Law requires all drunk driving offenders to have an ignition interlock system installed, their license suspended, and be charged with either a misdemeanor or a felony, and

WHEREAS, under Leandra's Law, the implementation of the requirement for the ignition interlock device will be effective August 15, 2010, and

WHEREAS, the aforementioned legislation provides no direction or resources to implement the ignition interlock section of this legislation, and

WHEREAS, the New York State Division of Probation and Correctional Alternatives has prepared a proposed rule to direct the implementation of this law, and

WHEREAS, the proposed rule does not demonstrate how the counties are to organize and/or support the implementation of this program, and requires each county to demonstrate how the county will implement and fund this program, and

WHEREAS, the Cattaraugus County Department of Probation has discussed this program with the Cattaraugus County Criminal Justice Advisory Committee and no adequate solutions have been put forth, and

WHEREAS, Cattaraugus County, in this time of severe fiscal crisis, does not have the resources to assume responsibility for an unfunded mandate of this magnitude, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature join with NYSAC and other statewide organizations to recommend and request that the State of New York delay the implementation of the ignition interlock program for two or more years until appropriate resources can be identified and made available to the counties for the implementation of this program, and be it further

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

MR. WARD moved, seconded by Mr. Nenno to waive Rule 12. Carried.

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. O'Brien, Mr. Snyder, Mrs. Stockman, Ms. Vickman, Mr. Boser, Mr. McClune, Mr. Nenno, Mr. Sprague and Mr. Ward".

Adopted April 28, 2010 by voice vote.

**MOTION TO ADJOURN IN MEMORY OF
JOHN A. KALAMANKA**

WHEREAS, John A. Kalamanka, 81, formerly of Salamanca, passed away on April 22, 2010, at Tuscany House Hospice of Marion County, Ocala, Florida, and

WHEREAS, Mr. Kalamanka served in many positions with the Sheriff's Office, including Undersheriff from January, 1980, then becoming Sheriff in January, 1983 until December, 1985, and

WHEREAS, Mr. Kalamanka was a bereavement counselor of Hospice of Marion County, Ocala, Florida, a photographer, a ham radio operator, a paralegal, and a Notary Public, and

WHEREAS, Mr. Kalamanka is survived by his wife, Tanya; two daughters: Elizabeth Ann Kalamanka of Ocala and Margaret Mary Sharp of Antioch, Tennessee; 2 grandchildren; 2 great-grandchildren and three sisters, Thelma Zaprowski of Salamanca; Peggy Bosseler of Lockport, New York; and Louise Bachar of Butler, Pennsylvania, and

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

MOVES, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of John A. Kalamanka, 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 John A. Kalamanka, 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 and his children.

MR. GIARDINI moved, seconded by Mr. Teachman to adjourn until May 12, 2010 at 3:00 p.m. Carried.

Meeting adjourned at 4:29 p.m.

Ann M. Giglio
Journal Clerk