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AUGUST 11, 2010

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## OF THE BOARD OF LEGISLATORS

### SPECIAL SESSION-

August 11, 2010

The meeting was called to order at 4:00 p.m. by Chairman Michael T. O'Brien.

The invocation was given by Jack Searles.

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

\* \* \* \* \*

**ACT NO. 400-2010** by Mr. Giardini  
and Mr. Burrell, Mr. Ellis, Ms. Vickman and Mr. Hebdon

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
ABATE ASSOCIATES ENGINEERS & SURVEYORS, P.C. FOR  
CONSTRUCTION INSPECTION SERVICES FOR  
ASHFORD CULVERT NO. 69 REPLACEMENT PROJECT**

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

WHEREAS, construction inspection services are needed for the Ashford Culvert No. 69 replacement project, and

WHEREAS, Abate Associates Engineers & Surveyors, P.C., 4455 Genesee Street, P.O. Box 218, Buffalo, New York 14225-0218, can provide a certified inspector for the provision of on-site construction inspection services for the Ashford Culvert No. 69 replacement project, for an amount not to exceed \$50,012, 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 Abate Associates Engineers & Surveyors, P.C., for the provision of the above-described services, for a term commencing July 29, 2010 and terminating *July 31, 2011*<sup>1</sup>, according to the above-described terms.

Approved by 5 members of the Finance Committee and 6 members of the Public Works Committee.

On July 28, 2010, MR. WARD moved, seconded by Mr. Neal to refer Act No. 400-2010 to the Finance Committee and the Public Works Committee. Carried.

On August 11, 2010, Act No. 400-2010 was approved by 8 members of the Finance Committee and 9 members of the Public Works Committee.

<sup>1</sup> MR. MARSH moved, seconded by Mr. Vecchiarella to amend Act No. 400-2010 as follows: In the Resolved, delete: "December 31, 2010" and replace with July 31, 2011. Carried.

Adopted, as amended, August 11, 2010 by voice vote.

Mr. Burrell, Mr. Ellis, Mr. Marsh,  
Boser, Mr. Hebdon and Mr. McClune  
immediate consideration

**BID ACCEPTANCE FOR REPLACEMENT OF ASHFORD CULVERT NO. 69 AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and  
Sections 363, 366, 408 and 408-a of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise  
for sealed bids for the replacement of Ashford Culvert No. 69, according to  
specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was the  
bid of D & H Excavating, Inc., 11939 Route 98 South, Arcade, New York 14009,  
in the amount of \$1,339,376.50, for a term commencing on the date of the  
contract signing and terminating October 31, 2010, and

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

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

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

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

Decrease Appropriation Accounts:

|            |                           |               |
|------------|---------------------------|---------------|
| H.5197.201 | Milling & Paving Program  | \$ 117,250.00 |
| H.5197.204 | Mansfield Culvert No. 1   | \$ 45,000.00  |
| H.5197.214 | South Valley No. 26       | \$ 120,000.00 |
| H.5197.215 | County Road No. 46        | \$ 868,750.00 |
| H.5198.387 | New Albion Culvert No. 33 | \$ 43,000.00  |

Increase Estimated Revenue Account:

|        |                          |               |
|--------|--------------------------|---------------|
| H.3501 | Consolidated Highway Aid | \$ 236,000.00 |
|--------|--------------------------|---------------|

Increase Appropriation Account:

|            |                        |                |
|------------|------------------------|----------------|
| H.5198.307 | Ashford Culvert No. 69 | \$1,430,000.00 |
|------------|------------------------|----------------|

No State Bid.

Fifteen sets of specifications were sent out.

Four bids were received.

On July 28, 2010, MR. MARSH moved, seconded by Mr. Vecchiarella to  
refer Act No. 409-2010 to the Finance Committee and the Public Works  
Committee. Carried.

On August 11, 2010, Act No. 409-2010 was approved by 8 members of the  
Finance Committee and 9 members of the Public Works Committee. Carried.

Adopted August 11, 2010 by voice vote.



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ended by Mr. Giardini to adjourn until August

Meeting adjourned at 4:04 p.m.

Ann M. Giglio  
Journal Clerk