

June 22, 2011

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

The invocation was given by Rev. Lefeber.

The Attendance Roll Call disclosed all Legislators present.

MR. TEACHMAN moved, seconded by Mr. Aiello that the minutes of the June 8, 2011 session be approved. Carried.

* * * * *

COMMUNICATIONS:

Congressman Reed: Letter regarding the need for a federal investigation and regulation of gasoline, diesel fuel, home heating fuel and other commodity pricing.

Senator Young: Letter acknowledging receipt of Act No. 219-2011.

Assembly Member Giglio: Letter acknowledging receipt of Act Nos. 243-2011, 249-2011 and 270-2011.

New York State Association of Counties: Letter acknowledging receipt of Act Nos. 243-2011 and 249-2011.

Seneca County Legislature: Copy of its Resolution No. 118-11 entitled, Urging New York State to Significantly Cut the Unfunded Mandates that Cause Local Property Tax Increases Before Imposing a Cap on Local Property Taxes.

Family of Gerald A. Taylor, Sr.: Thank you note for the memorializing resolution honoring their father and an invitation to a memorial service for him on June 26, 2011.

APPOINTMENTS:

Cattaraugus County Route 219 Corridor Committee

Term to expire December 31, 2011

Joseph T. Pillittere, DPW Commissioner
9468 West Bucktooth Run Road
Little Valley, New York 14755
(replacing David J. Rivet)

Thatcher Brook Watershed Task Force

Term to expire December 31, 2011

Joseph T. Pillittere, DPW Commissioner
9468 West Bucktooth Run Road
Little Valley, New York 14755
(replacing David J. Rivet)

Traffic Safety Board
Term to expire December 31, 2011

Joseph T. Pillittere, DPW Commissioner
9468 West Bucktooth Run Road
Little Valley, New York 14755
(replacing David J. Rivet)

Cattaraugus County Planning Board
Coterminous with position as DPW Commissioner

Joseph T. Pillittere, DPW Commissioner
9468 West Bucktooth Run Road
Little Valley, New York 14755
(replacing David J. Rivet)

Cattaraugus County HIPAA Compliance Committee
Indefinite Term

Patricia A. Davison, Information Services Director
9354 Potter Hill Road
Cattaraugus, New York 14719
(replacing Peter Wallen)

Cattaraugus County Emergency Medical Services Advisory Committee
Unexpired Term to expire December 31, 2013

Scott Hultquist
TLC Health Network
845 Routes 5 & 20
Irving, New York 14081
(replacing Maureen Hudack)

* * * * *

CHAIRMAN O'BRIEN announced this is the time and place called for a public hearing on the **Act No. 259-2011**, Local Law Number 2, 2011, A Local Law Implementing a Silver Alert System in Cattaraugus County, and that anyone wishing to speak for or against these local laws, may now do so.

Cherianne Wold spoke in favor of the Local Law.

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

CHAIRMAN O'BRIEN called up **Act No. 259-2011**, Local Law Number 2-2011, A Local Law Implementing a Silver Alert System in Cattaraugus County, and asked that it be read.

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

CHAIRMAN O'BRIEN requested a Roll Call Vote on Act No. 259-2011, which disclosed as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Edstrom 0.8772, Ellis 1.0875, Giardini 1.0094, Hebdon 1.0915, Marsh 1.0843, McClune 0.8834,

McLarney 1.0632, Murphy 1.0875, Neal 1.0843, Padlo 0.8772, 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 - 20.9999.

Nays: none.

Act No. 259-2011, having received the majority vote of the Legislature, was declared Adopted.

CHAIRMAN O'BRIEN announced this is the time and place called for a public hearing on the **Act No. 261-2011**, Local Law Number 3 - 2011, A Local Law Establishing Fees for Cattaraugus County Health Department Services and Repealing Local Law Number 6-1999 (Intro Number 5-1999), As Amended, 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 public hearing closed.

CHAIRMAN O'BRIEN called up **Act No. 261-2011**, Local Law Number 3-2011, A Local Law Establishing Fees for Cattaraugus County Health Department Services and Repealing Local Law Number 6-1999 (Intro Number 5-1999), As Amended, and asked that it be read.

Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

CHAIRMAN O'BRIEN requested a Roll Call Vote on Act No. 261-2011, which disclosed as follows:

Ayes: Aiello 0.8772, Boser 1.0094, Burrell 1.0915, Edstrom 0.8772, Ellis 1.0875, Giardini 1.0094, Hebdon 1.0915, Marsh 1.0843, McClune 0.8834, McLarney 1.0632, Murphy 1.0875, Neal 1.0843, Padlo 0.8772, 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 - 20.9999.

Nays: none.

Act No. 261-2011, having received the majority vote of the Legislature, was declared Adopted.

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CHAIRMAN O'BRIEN granted privilege of the floor to Mike McCarthy who presented the Cattaraugus County Nursing Home audit.

CHAIRMAN O'BRIEN granted privilege of the floor to Leah Leising and Ruth Riehle of the Equine Advisory Committee who presented a video on their organization and equine events they hold. The committee is promoting equine businesses as well as promoting Cattaraugus County tourism.

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ACT NO. 280-2011 by Mr. Giardini
and Mr. Burrell, Mr. Ellis, Mr. McLarney,
Mr. O'Brien, Ms. Vickman and Mr. Hebdon

**BID ACCEPTANCE FOR COUNTY ROAD NO. 86-1 MILLING AND OVERLAY 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 County Road No. 86-1 milling and overlay project,
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 total amount of \$811,685.72 to be paid by the County periodically on a
percent of completion basis as determined by the Department of Public Works,
and

WHEREAS, various appropriation accounts must be adjusted in order
to cover the costs of the aforementioned project, now, therefore, be it

RESOLVED, that the bid of D & H Excavating, Inc., be, and the
same hereby is, accepted, for a term commencing upon notice to proceed, with
substantial completion by September 1, 2011, with a contract termination date
of December 31, 2011, 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:

| | | |
|-----------------------------|--------------------|--------------|
| H.504.5197.5198.27037.41603 | County Road No. 51 | \$138,060.40 |
|-----------------------------|--------------------|--------------|

Increase Appropriation Account:

| | | |
|-----------------------------|----------------------|---------------|
| H.504.5197.5198.27035.41603 | County Road No. 86-1 | \$138,060.40. |
|-----------------------------|----------------------|---------------|

No State Bid.

Ten sets of specifications were sent out.

Five bids were received.

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

Adopted June 22, 2011 by voice vote.

ACT NO. 281-2011 by Mr. Giardini
and Mr. Ellis and Mr. Ward
and Mr. Burrell¹

**BID ACCEPTANCE FOR PRECAST CONCRETE BOX CULVERT FOR
GREAT VALLEY CULVERT NO. 22**

Pursuant to Section 103 of the General Municipal Law and
Section 215 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for a precast concrete box culvert for Great Valley Culvert No. 22, located on County Road No. 67 in the Town of Great Valley, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications for the aforementioned precast concrete box culvert, was the bid of Binghamton Precast and Supply Corp., 18 Phelps Street, Binghamton, New York 13901, for an amount of \$71,548.28, to be paid by the County periodically on a percent of completion basis as determined by the Department of Public Works, and

WHEREAS, sufficient funds are included in the 2011 budget to cover the costs of the aforementioned culvert, now, therefore, be it

RESOLVED, that the bid of Binghamton Precast and Supply Corp., be, and the same hereby is, accepted, for a term commencing upon the signing of the contract documents with substantial completion 30 days after shop drawing approval, with a contract termination date of December 31, 2011, and be it further

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

No State Bid.

Four sets of specifications were sent out.

Three bids were received that meet specifications.

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

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

Adopted June 22, 2011 by voice vote.

ACT NO. 282-2011 by Mr. Giardini
and Mr. Ellis, Mr. McLarney and Mr. O'Brien
and Mr. Aiello, Ms. Edstrom and Mr. Padlo¹

**BID ACCEPTANCE FOR COUNTY ROAD NO. 51 MILLING AND OVERLAY
(Department of Public Works)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the County Road No. 51 milling and overlay project, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was the bid of Northeast Diversification, Inc., d/b/a Northeast Paving, 2 Cadby Industrial Park, Lancaster, New York 14086, in the total amount of \$1,138,125.40 to be paid by the County periodically on a percent of completion basis as determined by the Department of Public Works, and

WHEREAS, sufficient funds are included in the 2011 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the bid of Northeast Diversification, Inc., d/b/a Northeast Paving, be, and the same hereby is, accepted, for a term commencing

upon notice to proceed, with substantial completion by September 2, 2011, with a contract termination date of December 31, 2011, 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.

Eleven sets of specifications were sent out.

Eight bids were received.

Approved by 9 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, Ms. Edstrom and Mr. Padlo".

Adopted June 22, 2011 by voice vote.

ACT NO. 283-2011 by Mr. Burrell and Mr. Giardini

**LOCAL LAW NUMBER 4 - 2011
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW AMENDING LOCAL LAW NUMBER 3-1982 (INTRO NUMBER 6-1982)
REGARDING COUNTY LIABILITY FOR HIGHWAYS AND BRIDGES IN CATTARAUGUS COUNTY**

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 3-1982 (Intro Number 6-1982) by deleting the constructive notice provision contained in Section 2 thereof.

SECTION 2. Prior Notice. Local Law 3-1982 (Intro Number 6-1982) is hereby amended by deleting Section 2 thereof in its entirety and by adding in place thereof, the following:

"Section 2. Prior Notice. No civil action shall be maintained against the County of Cattaraugus for damages or injuries to person or property sustained by reason of any highway, bridge or culvert being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition was actually given to the Clerk of the Cattaraugus County Legislature or the Cattaraugus County Commissioner of Public Works; and that there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction regarding which the complaint is made. Constructive notice shall not be deemed an acceptable alternative to such prior written notice."

SECTION 3. Local Law No. 3-1982. Except as amended herein, Local Law No. 3-1982 (Intro Number 6-1982) shall be and remain in full force and effect.

SECTION 4. 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 5. Effective Date. This Local Law shall take effect immediately.

Referred to the Finance Committee and the Public Works Committee.

ACT NO. 284-2011 by Mr. Burrell and Mr. Giardini

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 4-2011

Pursuant to Section 10 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on June 22, 2011, a proposed Local Law entitled "A Local Law Amending Local Law Number 3-1982 (Intro Number 6-1982) Regarding County Liability for Highways and Bridges in Cattaraugus County", 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 27th day of July, 2011, 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 9 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted June 22, 2011 by voice vote.

ACT NO. 285-2011 by Mr. Burrell and Mr. Giardini

**LOCAL LAW NUMBER 5 - 2011
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW IN RELATION TO COUNTY LIABILITY FOR
SIDEWALKS, PARKING LOTS AND OTHER EASEMENT OR RIGHT-OF-WAY AREAS**

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 enact prior notice provisions as a condition precedent to the commencement of any claim against the County for injuries because of defective or dangerous

conditions of County-owned sidewalks, parking lots and other easement or right-of-way areas unrelated to highways, bridges and culverts.

SECTION 2. Prior Notice.

A. No civil action shall be maintained against the County of Cattaraugus for damages or injuries to person or property sustained by reason of any County-owned sidewalk, parking lot, easement or right-of-way area, being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition, relating to the particular place, was actually given to the Clerk of the Cattaraugus County Legislature or the County Commissioner of Public Works, and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction regarding which the complaint is made. Constructive notice shall not be deemed an acceptable alternative to such prior written notice.

B. Within five days after receiving written notice pursuant to Section A, the Clerk of the Cattaraugus County Legislature shall deliver a copy of the notice to both the County Attorney and the County Commissioner of Public Works.

SECTION 3. Notice Transmittal. The Cattaraugus County Commissioner of Public Works shall transmit in writing to the Clerk of the Cattaraugus County Legislature within ten (10) days after the receipt thereof all written notices received by him pursuant to this local law.

SECTION 4. Record of Notices. The Clerk of the Cattaraugus County Legislature shall keep an indexed record, in a separate book, of all written notices, which he shall receive pursuant to this local law of the existence of an defective, unsafe, dangerous or obstructive condition in or upon, or of an accumulation of ice or snow upon any County sidewalk, parking lot or other easement or right-of-way area, which record shall state the date of receipt of the notice, the nature and location of the condition stated to exist, and the name and address of the person from whom the notice is received. The record of each notice shall be preserved for a period of five (5) years after the date it is received.

SECTION 5. 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 6. Effective Date. This Local Law shall take effect immediately.

Referred to the Finance Committee and the Public Works Committee.

ACT NO. 286-2011 by Mr. Burrell and Mr. Giardini

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 5-2011

Pursuant to Section 10 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on June 22, 2011, a proposed Local Law

entitled "A Local Law in Relation to County Liability for Sidewalks, Parking Lots and Other Easement or Right-of-Way Areas", 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 27th day of July, 2011, at 3:02 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 9 members of the Finance Committee and 9 members of the Public Works Committee.

Adopted June 22, 2011 by voice vote.

ACT NO. 287-2011 by Mr. Giardini
and Mr. Ellis and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE SUPPLEMENTAL CONTRACT NO. 1 WITH
ABATE ASSOCIATES ENGINEERS & SURVEYORS, P.C. FOR
ENGINEERING SERVICES FOR RECONSTRUCTION OF
COUNTY ROAD NO. 57 INTERSECTION WITH BENTLEY ROAD**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 315-2010, as amended, authorized a contract with Abate Associates Engineers, & Surveyors, P.C., 4455 Genesee Street, P.O. Box 218, Buffalo, New York 14225-0218, for the provision of engineering services for the reconstruction of County Road No. 57 intersection with Bentley Road in the Town of Dayton, the term of which expires December 31, 2012, and

WHEREAS, New York State Department of Transportation is requiring a Cultural Response Study to be completed which is outside of the original scope of services for the aforementioned project, and

WHEREAS, Abate Associates Engineers, & Surveyors, P.C., can provide the necessary Cultural Response Study for an amount not to exceed \$6,080.00, as follows:

| | | | |
|------------------------------------|--------------------------|----------|--------------|
| Section 2.5130 | Cultural Resources | Lump Sum | \$ 1,320.00 |
| Reimbursable Costs (subcontractor) | Not to Exceed | | \$ 4,760.00 |
| | Supplemental No. 1 Total | | \$ 6,080.00 |
| | Original Contract Amount | | \$153,273.00 |
| | New Contract Amount | | \$159,353.00 |

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 Supplemental Contract No. 1, on behalf of Cattaraugus County, with Abate Associates Engineers & Surveyors, P.C., for the provision of the above-described services, for a term commencing March 1, 2010 and terminating December 31, 2012, according to the above-described terms.

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

Adopted June 22, 2011 by voice vote.

ACT NO. 288-2011 by Mr. Snyder and Mrs. Stockman
and Ms. Vickman¹

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
JAMESTOWN PSYCHIATRIC, P.C., FOR DEPARTMENT OF
COMMUNITY SERVICES MENTAL HEALTH CLINIC SERVICES FOR ADULTS**

Pursuant to 14 NYCRR Section 587.8(d)(3) and (i),
Section 41.07 of the Mental Hygiene Law and
Section 450 of the County Law.

WHEREAS, Act 726-2010 authorized a contract with Jamestown Psychiatric, P.C., 560 West Third Street, Jamestown, New York 14701, for the provision of mental health clinic services for adults for the Department of Community Services, through an Allied Health Professional, the term of which expires December 31, 2011, and

WHEREAS, Hardish K. Singh d/b/a Quality Psychiatric Services, provides psychiatric services for children and has requested a reduction in the number of hours that she is able to provide services for the County, and

WHEREAS, the Department of Community Services is desirous of amending the contract with Jamestown Psychiatric, P.C., to include the aforementioned psychiatric services for children that were previously provided by Hardish K. Singh d/b/a Quality Psychiatric Services, and

WHEREAS, effective June 15, 2011, Jamestown Psychiatric, P.C., shall provide, in addition to the services it provides pursuant to the aforementioned contract, psychiatric medical services for the Department of Community Services mental health clinic, for a total contract amount, which includes the prior contract amount, not to exceed \$264,985.00, through a psychiatrist at a rate of \$165 per direct care hour, or a child psychiatrist at a rate of \$175 per direct care hour, or an Allied Health Professional at a rate of \$110 per direct care hour, for a total number of additional hours not to exceed 181 hours between the psychiatrist, the child psychiatrist and the Allied Health professional, plus \$50/hr for travel not to exceed 56 hours, and

WHEREAS, payment shall be made to Jamestown Psychiatric, P.C. on a monthly basis in accordance with invoices, as submitted, and

WHEREAS, this program is funded through federal, state and local funds, 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 Jamestown Psychiatric, P.C., for the provision of the above-described services, for a term commencing January 1, 2011 and terminating December 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 9 members of the Finance Committee and 6 members of the Human Services Committee.

¹ The following Legislator requested her name be listed as an additional sponsor: "Ms. Vickman".

Adopted June 22, 2011 by voice vote.

ACT NO. 289-2011 by Mr. O'Brien

**ESTABLISHING STANDARD WORK DAY FOR CERTAIN ELECTED AND
APPOINTED OFFICIALS FOR REPORTING PURPOSES TO
NEW YORK STATE RETIREMENT SYSTEM**

Pursuant to 2 NYCRR Section 315.4.

WHEREAS, 2 NYCRR Section 315.4, effective August 12, 2009, requires that all newly elected or appointed officials participating in the New York State Retirement System maintain a record of activities for a period of three months within 150 days of appointment or the start of a term of office, for purposes of establishing a standard work day, and

WHEREAS, 2 NYCRR Section 315.4 requires that the governing board shall establish, by resolution, a standard work day for each elected or appointed position, and

WHEREAS, certain newly appointed and elected officials have submitted their three-month record of activities, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees Retirement System, based on the record of activities maintained and submitted by these officials to the Clerk of the Legislature:

| <u>Title</u> | <u>Name</u> | <u>Authority</u> | <u>Term</u> | <u>Standard Work Hrs/Day</u> | <u>Days/Month</u> |
|-----------------|--------------|------------------|-------------------------|----------------------------------|-------------------|
| County Attorney | Thomas Brady | Appointed | 1/1/2011- 12/31/2011 | 8 | 20 |

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to post conspicuously, on the bulletin board in the front lobby of the Little Valley County Center, for a period on thirty days, a copy of this adopted resolution and thereafter forward a certified copy of this resolution, along with a certification of such public posting, to the New York State and Local Employees Retirement System in accordance with 2 NYCRR Section 315.4.

Approved by 9 members of the Finance Committee, 7 members of the County Operations Committee and 4 members of the Labor Relations Committee.

Adopted June 22, 2011 by voice vote.

ACT NO. 290-2011 by Mr. Burrell

**AMENDING ACT 636-2009, AS AMENDED, REGARDING
CATTARAUGUS COUNTY PURCHASING POLICY**

Pursuant to Chapter 56 of the Laws of 2010 of the State of New York.

WHEREAS, Act 636-2009, as amended by Act 472-2010, revised the Cattaraugus County Purchasing Policy, and

WHEREAS, in order to streamline the County's purchasing process into a more efficient manner, it is necessary to change the purchasing limits contained in the "Services (Other than Professional)" section, now, therefore, be it

RESOLVED, that Act 636-2009, as amended by Act 472-2010, is hereby amended as follows: Delete the purchasing grid contained in Act 636-2009, as amended by 472-2010, and replace with the following purchasing grid:

| CATTARAUGUS COUNTY PURCHASING GUIDELINES | | | | | | | | | |
|--|------------------|-----|--------------------|--|-----------------------------|-----------------------------|----------------------------------|----------------------|-------------------------|
| Required Action | | | | | Level of Approval Required | | | | |
| 3 Documented Verbal Quotes | 3 Written Quotes | Bid | Contract Execution | | Approval by County Attorney | Approval by Department Head | Approval by County Administrator | Approval by Chairman | Approval by Legislature |
| | | | | Commodities or Equipment | | | | | |
| | | | | \$1 - \$500 | | X | | | |
| X | | | | \$501 - \$2,500 | | X | | | |
| | X | | CoAdmin | \$2,501 - \$5,000 | X | X | | | |
| | X | | CoAdmin | \$5,001 - \$20,000 | X | X | X | | |
| | | X | Chairman | Greater than \$20,000 | X | X | | | X |
| | | | | Contracts for Public Work | | | | | |
| | | | | \$1 - \$500 | | X | | | |
| X | | | CoAdmin | \$501 - \$2,500 | X | X | | | |
| | X | | CoAdmin | \$2,501 - \$10,000 | X | X | | | |
| | X | | CoAdmin | \$10,001 - \$35,000 | X | X | X | | |
| | | X | Chairman | Greater than \$35,000 | X | X | | | X |
| | | | | Emergencies: Commodities or Equipment | | | | | |
| | | | CoAdmin | \$1 - \$10,000 | X | X | | | |
| | | | CoAdmin | \$5,001 - \$35,000 | X | X | X | | |
| | | | Chairman | Greater than \$35,000 | X | X | | X | |
| | | | | Emergencies: Contracts for Public Work | | | | | |
| | | | CoAdmin | \$1 - \$10,000 | X | X | | | |
| | | | CoAdmin | \$10,001 - \$35,000 | X | X | X | | |
| | | | Chairman | Greater than \$35,000 | X | X | | X | |
| | | | | Services (other than Professional) | | | | | |
| | | | | \$1 - \$500 | | X | | | |
| X | | | | \$501 - \$2,500 | | X | | | |
| | X | | CoAdmin | \$2,501 - \$5,000 | X | X | | | |
| | X | | CoAdmin | \$5,001 - \$10,000 | X | X | X | | |
| | | X | Chairman | Greater than \$10,000 | X | X | | | X |
| | | | | Professional Services | | | | | |
| | | | CoAdmin | ALL | X | X | | | X |
| RFP Optional | | | | | | | | | |

Approved by 9 members of the Finance Committee.

Adopted June 22, 2011 by voice vote.

Act 636-2009, as amended by Act 472-2010, as amended by Act 290-2011

ACT NO. 291-2011 by Mr. Snyder and Mrs. Stockman
and Mr. Aiello, Mr. Burrell, Ms. Edstrom, Mr. Neal and Ms. Vickman¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
GUSTAVUS ADOLPHUS CHILD AND FAMILY SERVICES, INC. FOR
SKILL BUILDING AND RESPITE SERVICES FOR
DEPARTMENT OF COMMUNITY SERVICES CHILD/ADOLESCENT CLIENTS**

Pursuant to Section 41.07 of the Mental Hygiene Law and
Section 450 of the County Law.

WHEREAS, the Department of Community Services is in need of skill-building services and respite services for its child/adolescent clients, and

WHEREAS, Gustavus Adolphus Child and Family Services, Inc., 1293 Union Road, West Seneca, New York 14224, can provide the aforementioned skill-building and respite services for children and adolescent clients for a total contract amount not to exceed \$35,000.00, to be paid on a monthly basis in accordance with the following breakdown:

| | |
|--------------------------------|---|
| <u>Skill Building Services</u> | \$9.75 per 15 minute increment |
| (not to exceed \$15,000.00) | |
| <u>Respite Services</u> | <6 hours - \$9.75 per 15 minute increment |
| (not to exceed \$20,000.00) | 6-24 hours - \$235 per occasion, |

and

WHEREAS, sufficient funds are included in the 2011 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 the Gustavus Adolphus Child and Family Services, Inc., for the provision of the above-described services, for a term commencing June 1, 2011 and terminating December 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 9 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, Mr. Burrell, Ms. Edstrom, Mr. Neal and Ms. Vickman".

Adopted June 22, 2011 by voice vote.

ACT NO. 292-2011 by Public Safety Committee:
Mr. Vecchiarella, Mr. Murphy, Mr. Aiello,
Mr. Neal, Mr. Giardini and Mr. Hebdon

**ABOLISHING TWO POSITIONS OF FULL-TIME CORRECTIONAL
ALTERNATIVES SPECIALIST AND CREATING ONE POSITION OF
PROBATION ASSISTANT TO BE FILLED ON A FULL-TIME BASIS AND
ONE POSITION OF CORRECTIONAL ALTERNATIVES SPECIALIST TO
BE FILLED ON A PART-TIME BASIS IN THE DEPARTMENT OF PROBATION AND
CORRECTIONAL ALTERNATIVES, ESTABLISHING COMPENSATION FOR THE SAME AND
TRANSFER OF FUNDS
(Contingent Fund - Probation Department)**

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

WHEREAS, the Department of Probation and Correctional Alternatives is desirous of re-structuring their methodology of providing services to clients by use of a "PROBATION TEAM" concept which allows the Department to allocate resources in a more cost-effective manner, while still being sensitive to the needs of the community, and

WHEREAS, the Department of Probation and Correctional Alternatives recommends that the current filled position of Correctional Alternatives Specialist which exists in the Cattaraugus County Pretrial Program be changed from full-time status to part-time status as a part of this restructuring plan, and

WHEREAS, the second position of Correctional Alternatives Specialist is currently vacant, and

WHEREAS, the savings from this change will be used to finance and support the Probation Assistant position, and

WHEREAS, the New Position Duties Statements have been submitted to the Cattaraugus County Civil Service Commission, which has approved and certified the titles as Probation Assistant and Correctional Alternatives Specialist, respectively, in accordance with Section 22 of the Civil Service Law, and

WHEREAS, a transfer of funds is needed in order to cover the cost of the aforementioned positions, now, therefore, be it

RESOLVED, that effective July 3, 2011, there is hereby abolished one position of Correctional Alternatives Specialist, and effective July 30, 2011, there is hereby abolished one position of Correctional Alternatives Specialist, currently filled on a full-time basis (one currently vacant) in the Department of Probation and Correctional Alternatives, and be it further

RESOLVED, that effective July 4, 2011 there is hereby created one position of Probation Assistant to be filled on a full-time basis, Grade 20, General Bargaining Unit, \$19.11 - \$21.28 per hour, and be it further

RESOLVED, that effective August 1, 2011 there is hereby created one position of Correctional Alternatives Specialist to be filled on a part-time basis, Grade 17, Part-Time Non-Bargaining Unit, \$13.58 per hour, and be it further

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

Decrease Appropriation Accounts:

| | | |
|-----------------------|-----------------|-------------|
| A.314.3145.0000.11000 | Full-Time Wages | \$15,823.00 |
| A.314.3145.0000.81000 | FICA | \$ 616.00 |
| A.314.3145.0000.82000 | Retirement | \$ 1,273.00 |

| | | |
|-----------------------|------------------|-------------|
| A.314.3145.0000.83000 | Health Insurance | \$ 6,083.00 |
| A.314.3145.0000.84000 | Dental Insurance | \$ 46.00 |

Increase Appropriation Accounts:

| | | |
|-----------------------|-----------------|--------------|
| A.314.3144.0000.11000 | Full-Time Wages | \$ 1,684.00 |
| A.314.3144.0000.81000 | FICA | \$ 129.00 |
| A.314.3144.0000.82000 | Retirement | \$ 214.00 |
| A.314.3145.0000.12000 | Part-Time Wages | \$ 7,768.00 |
| A.901.1990.0000.40601 | Contingent Fund | \$14,046.00. |

Approved by 8 members of the Finance Committee, 6 members of the Public Safety Committee and 5 members of the Labor Relations Committee.

Adopted June 22, 2011 by voice vote. Ms. Edstrom absent for vote.

ACT NO. 293-2011 by Mr. Snyder and Mrs. Stockman

**AUTHORIZING CERTAIN CHARGE-OFFS OF CERTAIN ACCOUNTS
RECEIVABLE IN THE DEPARTMENT OF COMMUNITY SERVICES**

Pursuant to Section 153 of the County Law.

WHEREAS, the Department of Community Services has accounts receivable which have been deemed uncollectible after numerous attempts to collect, and

WHEREAS, the New York State Department of Audit and Control has recommended that the County remove these bad debts from the records of the Department of Community Services, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the removal of the debts from the accounts receivable records of the Department of Community Services in an amount of \$126,953.20.

Approved by 9 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted June 22, 2011 by voice vote. Ms. Edstrom absent for vote.

ACT NO. 294-2011 by Mr. Snyder and Mrs. Stockman

**AUTHORIZING THE DEPARTMENT OF COMMUNITY SERVICES TO JOIN
NEW YORK ASSOCIATION OF PSYCHIATRIC REHABILITATION SERVICES, INC. FOR
DEPARTMENT OF COMMUNITY SERVICES RECOVERY ORIENTED
COMMUNITY-BASED MENTAL SERVICES AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

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

WHEREAS, the Department of Community Services is desirous of joining The New York Association of Psychiatric Rehabilitation Services, Inc. (NYAPRS), which is a statewide coalition of people who use and/or provide recovery oriented community-based mental services, and

WHEREAS, the NYAPRS is leading a Health Home Learning Collaborative to prepare for the evolution of mental health services into

behavioral health organizations and health homes, and this Collaborative is only available to NYAPRS members, and

WHEREAS, the NYAPRS will provide mentoring and guidance services through the Learning Collaborative that will be critical to the successful development of mental health services for the residents of Cattaraugus County, and

WHEREAS, the annual membership dues are \$3,375.00, and

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

RESOLVED, that the Director of the Department of Community Services be, and hereby is, authorized and directed to join The New York Association of Psychiatric Rehabilitation Services, Inc. (NYAPRS), for the provision of the above-described services, for a term commencing June 22, 2011 and terminating June 21, 2012, 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 Accounts:

| | | |
|-----------------------|--|-------------|
| A.431.4330.2100.46102 | Adult MH Clinic-Employee Mileage Reimb | \$ 1,145.00 |
| A.431.4331.2100.46102 | Child Clinic-Employee Mileage Reimb | \$ 2,130.00 |
| A.431.4340.6340.46102 | PROS: Employee Mileage Reimb | \$ 100.00 |

Increase Appropriation Account:

| | | |
|-----------------------|--------------------------|--------------|
| A.431.4310.0890.48002 | LGU Administration: Dues | \$ 3,375.00. |
|-----------------------|--------------------------|--------------|

Approved by 9 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted June 22, 2011 by voice vote. Ms. Edstrom absent for vote.

ACT NO. 295-2011 by ¹ Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COMMUNITY ACTION, INC. FOR
DEPARTMENT OF COMMUNITY SERVICES QUALITY ASSURANCE SERVICES AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Community Services)**

Pursuant to Section 41.07 of the Mental Hygiene Law and
Sections 363, 366 and 450 of the County Law.

WHEREAS, the County Department of Community Services is desirous of providing quality assurance services for its Mental Health Clinic, and

WHEREAS, a County quality assurance staff member is retiring, and

WHEREAS, Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, can provide part-time staff for the provision of quality assurance services for the Mental Health Clinic for an amount of \$14,312.00, representing significant savings to the County, and

WHEREAS, various appropriation accounts must be adjusted in order to cover the cost 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 Cattaraugus Community Action, Inc., for the provision of the

above-described services, for a term commencing June 27, 2011 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:

Decrease Appropriation Accounts:

| | | |
|-----------------------|--------------------------------------|-------------|
| A.431.4330.2100.12000 | Adult MH Clinic-Part-Time Wages | \$ 7,156.00 |
| A.431.4331.2100.12000 | Children's MH Clinic-Part-Time Wages | \$ 7,156.00 |

Increase Appropriation Accounts:

| | | |
|-----------------------|---|--------------|
| A.431.4330.2100.41414 | Adult MH Clinic-Contracted Services | \$ 7,156.00 |
| A.431.4331.2100.41414 | Children's MH Clinic- Contracted Services | \$ 7,156.00. |

Approved by 8 members of the Finance Committee and 5 members of the Human Services Committee.

¹ MR. SNYDER requested that his name be removed as a sponsor on Act No. 295-2011.

Adopted June 22, 2011 by voice vote. Mr. Snyder voting no.

ACT NO. 296-2011 by ¹ Mrs. Stockman
and Mr. Sprague²

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COMMUNITY ACTION, INC. FOR
DEPARTMENT OF COMMUNITY SERVICES REGISTERED NURSE SERVICES AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Community Services)**

Pursuant to Section 41.07 of the Mental Hygiene Law and
Sections 363, 366 and 450 of the County Law.

WHEREAS, the County Department of Community Services is desirous of providing registered nursing services for its Mental Health Clinic, and

WHEREAS, a County registered nurse will retire effective July 29, 2011, and

WHEREAS, Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, can provide a registered nurse for the provision of nursing services for the Mental Health Clinic for an amount of \$24,054.00, representing significant savings to the County, and

WHEREAS, various appropriation accounts must be adjusted in order to cover the cost 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 Cattaraugus Community Action, Inc., for the provision of the above-described services, for a term commencing August 1, 2011 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:

Decrease Appropriation Accounts:

| | | |
|-----------------------|----------------------|-------------|
| A.431.4340.6340.11000 | PROS-Full Time Wages | \$12,590.00 |
| A.431.4340.6340.81000 | PROS-FICA | \$ 2,670.00 |

| | | |
|-----------------------|-----------------------|-------------|
| A.431.4340.6340.82000 | PROS-Retirement | \$ 3,975.00 |
| A.431.4340.6340.83000 | PROS-Health Insurance | \$ 4,769.00 |
| A.431.4340.6340.84000 | PROS-Dental Insurance | \$ 50.00 |

Increase Appropriation Account:

| | | |
|-----------------------|----------------------------------|--------------|
| A.431.4340.6340.41220 | PROS-Nursing Services Contracted | \$24,054.00. |
|-----------------------|----------------------------------|--------------|

Approved by 8 members of the Finance Committee and 5 members of the Human Services Committee.

¹ MR. SNYDER requested that his name be removed as a sponsor on Act No. 296-2011.

² The following Legislator requested his name be listed as an additional sponsor: "Mr. Sprague".

Adopted June 22, 2011 by voice vote. Ms. Edstrom, Mr. Snyder and Mr. Padlo voting no.

ACT NO. 297-2011 by Mr. Aiello, Mr. Burrell, Mr. Marsh, Mr. Murphy, Mr. O'Brien, Mrs. Stockman and Ms. Vickman

**LOCAL LAW NUMBER 6 - 2011
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Sections 10(1)(ii)(a)(13) and 23 of
the Municipal Home Rule Law.

**A LOCAL LAW IN RELATION TO THE REAPPORTIONMENT OF THE
COUNTY LEGISLATIVE DISTRICTS OF THE COUNTY OF CATTARAUGUS,
REDUCING THE NUMBER OF COUNTY LEGISLATORS FROM 21 TO 17,
AMENDING LOCAL LAW NUMBER 6-1968 (INTRO NUMBER 11-1968) ENTITLED
"A LOCAL LAW ESTABLISHING A COUNTY LEGISLATURE FOR CATTARAUGUS
COUNTY AS REQUIRED BY ORDER OF THE NEW YORK STATE SUPREME COURT"
AND REPEALING LOCAL LAW NUMBER 7-1992 (INTRO NUMBER 6-1992)**

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 6-1968 (Intro Number 11-1968), entitled "A Local Law Establishing a County Legislature for Cattaraugus County as required by Order of the New York State Supreme Court", adopted August 14, 1968 by the Cattaraugus County Board of Supervisors and to repeal Local Law Number 7-1992 (Intro Number 6-1992).

SECTION 2. Amendment of Local Law Number 6-1968. Effective for the general election in November 2015, for terms to commence January 1, 2016 and thereafter, Local Law Number 6-1968 (Intro Number 11-1968), is hereby amended by deleting Section 2 thereof and replacing such section with the following:

"SECTION 2. Legislative Districts. For the purpose of electing County Legislators, Cattaraugus County shall be divided into eight (8) districts, described as follows and further described on the map annexed hereto, each of which shall be represented by the number of legislators set forth herein:

| <u>Dist.</u> | <u>Description</u> | <u>Population</u> | <u>Number of Legislators</u> | <u>Population Per Legislator</u> | <u>Deviation % Per District</u> |
|--------------|--|-------------------|----------------------------------|--|---|
| 1 | Towns of Perrysburg, Dayton, Persia, Otto and New Albion | 9,010 | 2 | 4,505 | -4.65% |
| 2 | Towns of East Otto, Ashford, Yorkshire and Freedom | 9,512 | 2 | 4,756 | 0.67% |
| 3 | Towns of Mansfield, Ellicottville, Franklinville, Lyndon, Machias and Farmersville | 9,568 | 2 | 4,784 | 1.26% |
| 4 | Towns of Leon, Conewango, Napoli, Little Valley, Randolph and South Valley | 9,082 | 2 | 4,541 | -3.88% |
| 5 | Salamanca (City and Town), Towns of Coldspring, Red House and Great Valley | 9,842 | 2 | 4,921 | 4.16% |
| 6 | Towns of Carrollton and Allegany | 9,444 | 2 | 4,722 | -0.05% |
| 7 | Towns of Olean, Portville, Hinsdale, Ischua and Humphrey | 9,407 | 2 | 4,703.5 | -0.45%" |
| 8 | City of Olean | 14,452 | 3 | 4,817.33 | 1.96%" |

SECTION 3. Legislative Districts Continued. The ten (10) legislative districts as previously bounded and described by Local Law Number 7-1992 (Intro Number 6-1992) shall continue in existence for the limited purpose of continuing in office the legislators presently elected from such districts, those legislators who will be elected at the November 2011 general election, as well as any legislators appointed to fill vacancies as defined in Section 30 of the Public Officers' Law in such districts and/or elected to fill the unexpired terms of legislators in such districts, and shall cease to exist as such at the time all of the terms and provisions of this local law become effective.

SECTION 4. Construction. This local law shall be liberally construed to achieve its objectives and purposes. If the districts described herein do not carry out the purposes hereof because of unintentional omissions, duplications, overlapping areas, erroneous nomenclature, lack of adequate maps or descriptions or descriptions of political subdivisions, wards, or other divisions thereof, or changes of public places, alteration of the boundary or courses of waters or waterways, accretion or other changes in shorelines, the County Clerk, at the request of any person or candidate aggrieved thereby, shall, by order, correct such omissions, overlaps, erroneous nomenclature or other defects in the description of districts so as to accomplish the purposes and objectives of this local law.

SECTION 5. Repeal of Local Law Number 7-1992 (Intro Number 6-1992). Local Law Number 7-1992 (Intro Number 6-1992) is hereby repealed, effective at the time set forth in Section 3, supra.

SECTION 6. Local Law No. 6-1968. All other provisions of Local Law Number 6-1968 (Intro Number 11-1968) not otherwise amended herein shall remain in full force and effect.

SECTION 7. Severability. If any provision of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, 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 8. Effective Date. This local law shall take effect only after it has been approved by the affirmative vote of the majority of the qualified electors of Cattaraugus County voting on a proposition for its approval submitted at a general election to be held November 8, 2011 in the County of Cattaraugus.

Referred to the Finance Committee and the County Operations Committee.

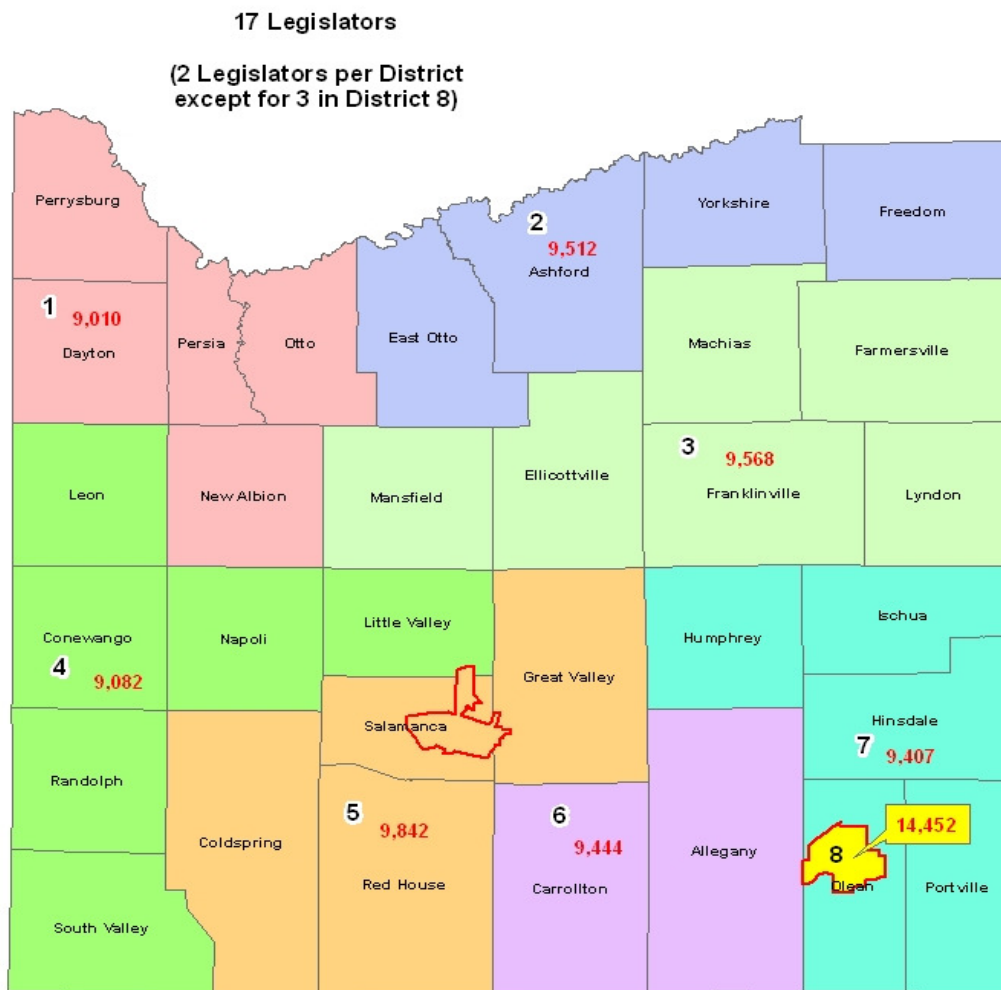
MR. McCLUNE moved, seconded by Mr. Neal to amend Act No. 297-2011 to add District 9 for the City of Salamanca.

CHAIRMAN O'BRIEN requested a Roll Call Vote to amend Act No. 297-2011, which disclosed as follows:

Ayes: Boser 1.0094, Giardini 1.0094, Hebdon 1.0915, McClune 0.8834, Neal 1.0843, Padlo 0.8772, Sprague 1.0530, Ward 1.0043 - 8.0125.

Nays: Aiello 0.8772, Burrell 1.0915, Edstrom 0.8772, Ellis 1.0875, Marsh 1.0843, McLarney 1.0632, Murphy 1.0875, Snyder 0.8772, Stockman 1.0265, Teachman 0.8772 Vecchiarella 0.8834, Vickman 1.0915, O'Brien 1.0632 - 12.9874.

The Motion having not received the majority vote was declared Lost.

**Map 2**

ACT NO. 298-2011 by Mr. Aiello, Mr. Burrell, Mr. Marsh, Mr. Murphy, Mr. O'Brien, Mrs. Stockman and Ms. Vickman

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 6-2011

Pursuant to Section 10 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on June 22, 2011, a proposed Local Law entitled "A Local Law in Relation to the Reapportionment of the County Legislative Districts of the County of Cattaraugus, Reducing the Number of County Legislators from 21 to 17, Amending Local Law Number 6-1968 (Intro Number 11-1968) Entitled "A Local Law Establishing a County Legislature for Cattaraugus County as Required by Order of the New York State Supreme Court" and Repealing Local Law Number 7-1992 (Intro Number 6-1992)", 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 27th day of July, 2011, at 3:03 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 6 members of the Finance Committee and 4 members of the County Operations Committee.

CHAIRMAN O'BRIEN requested a Roll Call Vote on Act No. 261-2011, which disclosed as follows:

Ayes: Aiello 0.8772, Burrell 1.0915, Edstrom 0.8772, Ellis 1.0875, Marsh 1.0843, McLarney 1.0632, Murphy 1.0875, Neal 1.0843, Snyder 0.8772, Stockman 1.0265, Teachman 0.8772 Vecchiarella 0.8834, Vickman 1.0915, O'Brien 1.0632 - 14.0717.

Nays: Boser 1.0094, Giardini 1.0094, Hebdon 1.0915, McClune 0.8834, Padlo 0.8772, Sprague 1.0530, Ward 1.0043 - 6.9282.

Act No. 298-2011, having received the majority vote of the Legislature, was declared Adopted.

ACT NO. 299-2011 by Mr. Boser, Mr. Giardini, Mr. Hebdon,
Mr. Padlo, Mr. Sprague and Mr. Ward

**LOCAL LAW NUMBER 7 - 2011
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Sections 10(1)(ii)(a)(13) and 23 of
the Municipal Home Rule Law.

**A LOCAL LAW IN RELATION TO THE REAPPORTIONMENT OF THE
COUNTY LEGISLATIVE DISTRICTS OF THE COUNTY OF CATTARAUGUS,
REDUCING THE NUMBER OF COUNTY LEGISLATORS FROM 21 TO 15,
AMENDING LOCAL LAW NUMBER 6-1968 (INTRO NUMBER 11-1968) ENTITLED
"A LOCAL LAW ESTABLISHING A COUNTY LEGISLATURE FOR CATTARAUGUS
COUNTY AS REQUIRED BY ORDER OF THE NEW YORK STATE SUPREME COURT"
AND REPEALING LOCAL LAW NUMBER 7-1992 (INTRO NUMBER 6-1992)**

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 6-1968 (Intro Number 11-1968), entitled "A Local Law Establishing a County Legislature for Cattaraugus County as required by Order of the New York State Supreme Court", adopted August 14, 1968 by the Cattaraugus County Board of Supervisors and to repeal Local Law Number 7-1992 (Intro Number 6-1992).

SECTION 2. Amendment of Local Law Number 6-1968. Effective for the general election in November 2015, for terms to commence January 1, 2016 and thereafter, Local Law Number 6-1968 (Intro Number 11-1968), is hereby amended by deleting Section 2 thereof and replacing such section with the following:

"SECTION 2. Legislative Districts. For the purpose of electing County Legislators, Cattaraugus County shall be divided into six (6) districts, described as follows and further described on the map annexed hereto, each of which shall be represented by the number of legislators set forth herein:

| <u>Dist.</u> | <u>Description</u> | <u>Population</u> | <u>Number of Legislators</u> | <u>Population Per Legislator</u> | <u>Deviation % Per District</u> |
|--------------|---|-------------------|----------------------------------|--|---|
| 1 | City and Town of Olean | 16,415 | 3 | 5,471.67 | 2.20% |
| 2 | Towns of Franklinville, Humphrey, Ischua, Hinsdale and Portville | 10,434 | 2 | 5,217 | -2.56% |
| 3 | Towns of Yorkshire, Freedom, Machias, Farmersville and Lyndon | 10,490 | 2 | 5,245 | -2.04% |
| 4 | Towns of Allegany, Carrollton, Red House, Coldspring and South Valley | 10,664 | 2 | 5,332 | -0.41% |

| | | | | | |
|---|---|--------|---|----------|--------|
| 5 | Towns of Perrysburg, Dayton, Persia, Otto, East Otto, Ashford, Leon, New Albion, Mansfield and Ellicottville | 15,975 | 3 | 5,325 | -0.54% |
| 6 | Towns of Conewango, Napoli, Little Valley, Randolph, Great Valley and Salamanca (City and Town), | 16,339 | 3 | 5,446.33 | 1.72%" |

SECTION 3. Legislative Districts Continued. The ten (10) legislative districts as previously bounded and described by Local Law Number 7-1992 (Intro Number 6-1992) shall continue in existence for the limited purpose of continuing in office the legislators presently elected from such districts, those legislators who will be elected at the November 2011 general election, as well as any legislators appointed to fill vacancies as defined in Section 30 of the Public Officers' Law in such districts and/or elected to fill the unexpired terms of legislators in such districts, and shall cease to exist as such at the time all of the terms and provisions of this local law become effective.

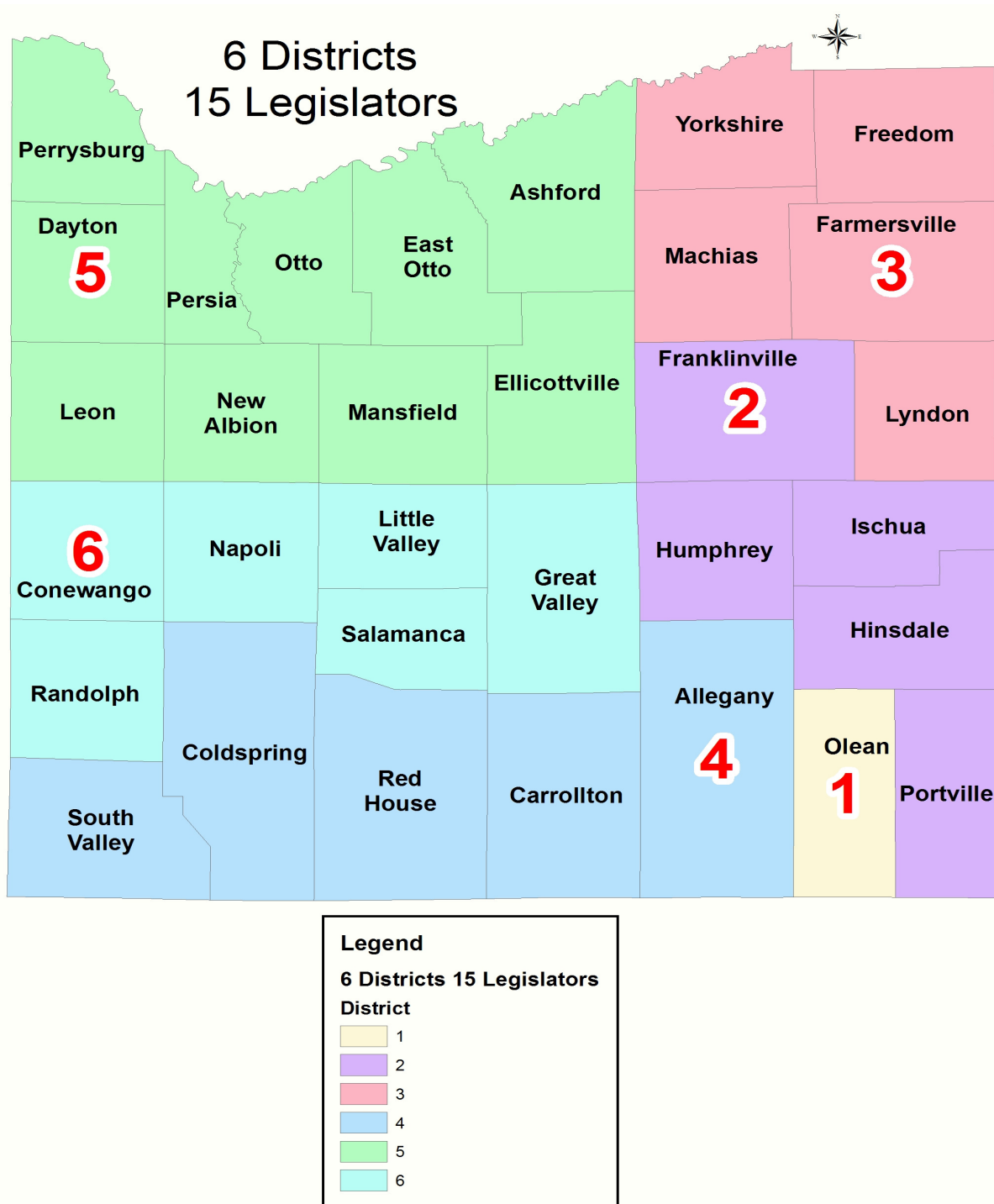
SECTION 4. Construction. This local law shall be liberally construed to achieve its objectives and purposes. If the districts described herein do not carry out the purposes hereof because of unintentional omissions, duplications, overlapping areas, erroneous nomenclature, lack of adequate maps or descriptions or descriptions of political subdivisions, wards, or other divisions thereof, or changes of public places, alteration of the boundary or courses of waters or waterways, accretion or other changes in shorelines, the County Clerk, at the request of any person or candidate aggrieved thereby, shall, by order, correct such omissions, overlaps, erroneous nomenclature or other defects in the description of districts so as to accomplish the purposes and objectives of this local law.

SECTION 5. Repeal of Local Law Number 7-1992 (Intro Number 6-1992). Local Law Number 7-1992 (Intro Number 6-1992) is hereby repealed, effective at the time set forth in Section 3, supra.

SECTION 6. Local Law No. 6-1968. All other provisions of Local Law Number 6-1968 (Intro Number 11-1968) not otherwise amended herein shall remain in full force and effect.

SECTION 7. Severability. If any provision of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, 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 8. Effective Date. This local law shall take effect only after it has been approved by the affirmative vote of the majority of the qualified electors of Cattaraugus County voting on a proposition for its approval submitted at a general election to be held November 8, 2011, in the County of Cattaraugus.



Referred to the Finance Committee and the County Operations Committee.

ACT NO. 300-2011 by Mr. Boser, Mr. Giardini, Mr. Hebdon,
Mr. Padlo, Mr. Sprague and Mr. Ward

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 7-2011

Pursuant to Section 10 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on June 22, 2011, a proposed Local Law entitled " A Local Law in Relation to the Reapportionment of the County Legislative Districts of the County of Cattaraugus, Reducing the Number of County Legislators from 21 to 15, Amending Local Law Number 6-1968 (Intro Number 11-1968) Entitled "A Local Law Establishing A County Legislature for Cattaraugus County as Required by Order of the New York State Supreme Court" and Repealing Local Law Number 7-1992 (Intro Number 6-1992), 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 27th day of July, 2011, at 3:04 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.

Referred to the Finance Committee and the County Operations Committee.

ACT NO. 301-2011 by Mr. McClune

**LOCAL LAW NUMBER 8 - 2011
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Sections 10(1)(ii)(a)(13) and 23 of
the Municipal Home Rule Law.

**A LOCAL LAW IN RELATION TO THE REAPPORTIONMENT OF THE
COUNTY LEGISLATIVE DISTRICTS OF THE COUNTY OF CATTARAUGUS,
REDUCING THE NUMBER OF COUNTY LEGISLATORS FROM 21 TO 17,
AMENDING LOCAL LAW NUMBER 6-1968 (INTRO NUMBER 11-1968) ENTITLED
"A LOCAL LAW ESTABLISHING A COUNTY LEGISLATURE FOR CATTARAUGUS
COUNTY AS REQUIRED BY ORDER OF THE NEW YORK STATE SUPREME COURT"
AND REPEALING LOCAL LAW NUMBER 7-1992 (INTRO NUMBER 6-1992)**

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 6-1968 (Intro Number 11-1968), entitled "A Local Law Establishing a County Legislature for Cattaraugus County as required by Order of the New York State Supreme Court", adopted August 14, 1968 by the Cattaraugus County Board of Supervisors and to repeal Local Law Number 7-1992 (Intro Number 6-1992).

SECTION 2. Amendment of Local Law Number 6-1968. Effective for the general election in November 2015, for terms to commence January 1, 2016 and thereafter, Local Law Number 6-1968 (Intro Number 11-1968), is hereby amended by deleting Section 2 thereof and replacing such section with the following:

"SECTION 2. Legislative Districts. For the purpose of electing County Legislators, Cattaraugus County shall be divided into eight (8) districts, described as follows and further described on the map annexed hereto, each of which shall be represented by the number of legislators set forth herein:

| <u>Dist.</u> | <u>Description</u> | <u>Population</u> | <u>Number of Legislators</u> | <u>Population Per Legislator</u> | <u>Deviation % Per District</u> |
|--------------|---|-------------------|----------------------------------|--|---|
| 1 | Towns of Perrysburg, Dayton, Persia, Otto and New Albion | 9,010 | 2 | 4,505 | -4.65% |
| 2 | Towns of East Otto, Ashford, Yorkshire and Freedom | 9,512 | 2 | 4,756 | 0.67% |
| 3 | Towns of Mansfield, Ellicottville, Franklinville, Lyndon, Machias and Farmersville | 9,568 | 2 | 4,784 | 1.26% |
| 4 | Towns of Leon, Conewango, Napoli, Little Valley, Randolph and South Valley | 9,082 | 2 | 4,541 | -3.88% |
| 5 | Ward 5 of the City of Salamanca as presently constituted and the Towns of Coldspring, Red House, Salamanca and Great Valley | 4,960 | 1 | 4,960 | 4.98% |
| 6 | Towns of Carrollton and Allegany | 9,444 | 2 | 4,722 | -0.05% |
| 7 | Towns of Olean, Portville, Hinsdale, Ischua and Humphrey | 9,407 | 2 | 4,703.5 | -0.45% |
| 8 | City of Olean | 14,452 | 3 | 4,817.33 | 1.96% |
| 9 | Salamanca City Wards 1,2,3 and 4 as presently constituted | 4,882 | 1 | 4,882 | 3.33%" |

SECTION 3. Legislative Districts Continued. The ten (10) legislative districts as previously bounded and described by Local Law Number 7-1992 (Intro Number 6-1992) shall continue in existence for the limited purpose of continuing in office the legislators presently elected from such districts, those legislators who will be elected at the November 2011 general election, as well as any legislators appointed to fill vacancies as defined in Section 30 of the Public Officers' Law in such districts and/or elected to fill the unexpired terms of legislators in such districts, and shall cease to exist as

such at the time all of the terms and provisions of this local law become effective.

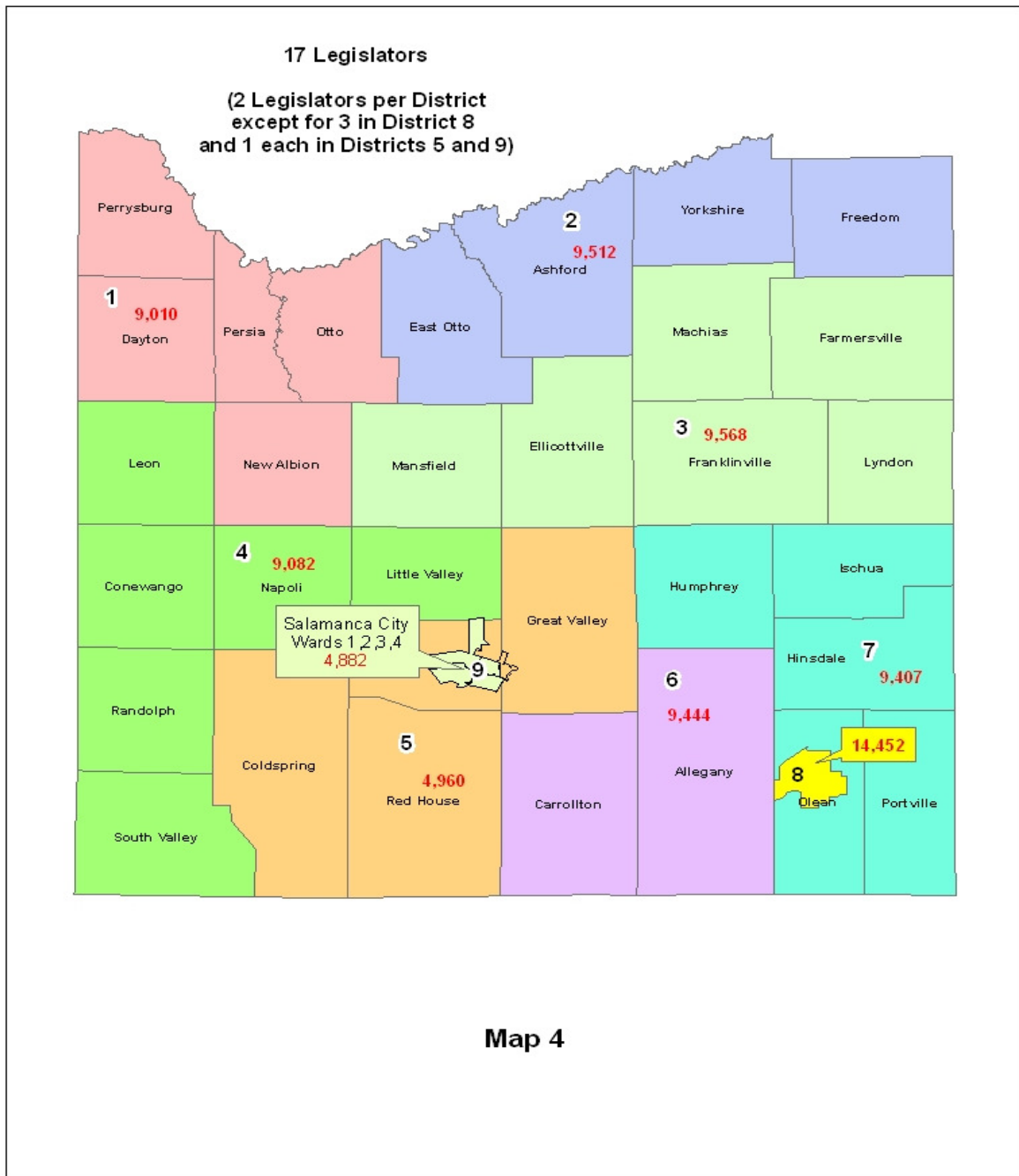
SECTION 4. Construction. This local law shall be liberally construed to achieve its objectives and purposes. If the districts described herein do not carry out the purposes hereof because of unintentional omissions, duplications, overlapping areas, erroneous nomenclature, lack of adequate maps or descriptions or descriptions of political subdivisions, wards, or other divisions thereof, or changes of public places, alteration of the boundary or courses of waters or waterways, accretion or other changes in shorelines, the County Clerk, at the request of any person or candidate aggrieved thereby, shall, by order, correct such omissions, overlaps, erroneous nomenclature or other defects in the description of districts so as to accomplish the purposes and objectives of this local law.

SECTION 5. Repeal of Local Law Number 7-1992 (Intro Number 6-1992). Local Law Number 7-1992 (Intro Number 6-1992) is hereby repealed, effective at the time set forth in Section 3, supra.

SECTION 6. Local Law No. 6-1968. All other provisions of Local Law Number 6-1968 (Intro Number 11-1968) not otherwise amended herein shall remain in full force and effect.

SECTION 7. Severability. If any provision of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, 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 8. Effective Date. This local law shall take effect only after it has been approved by the affirmative vote of the majority of the qualified electors of Cattaraugus County voting on a proposition for its approval submitted at a general election to be held November 8, 2011 in the County of Cattaraugus.



Referred to the Finance Committee and the County Operations Committee.

ACT NO. 302-2011 by Mr. McClune

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 8-2011

Pursuant to Section 10 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on June 22, 2011, a proposed Local Law entitled "A Local Law in Relation to the Reapportionment of the County Legislative Districts of the County of Cattaraugus, Reducing the Number of County Legislators from 21 to 17, Amending Local Law Number 6-1968 (Intro Number 11-1968) Entitled "A Local Law Establishing a County Legislature for Cattaraugus County as Required by Order of the New York State Supreme Court" and Repealing Local Law Number 7-1992 (Intro Number 6-1992), 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 27th day of July, 2011, at 3:05 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.

Referred to the Finance Committee and the County Operations Committee.

ACT NO. 303-2011 by Mr. Ellis

**LOCAL LAW NUMBER 9 - 2011
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Sections 10(1)(ii)(a)(13) and 23 of
the Municipal Home Rule Law.

**A LOCAL LAW IN RELATION TO THE REAPPORTIONMENT OF THE
COUNTY LEGISLATIVE DISTRICTS OF THE COUNTY OF CATTARAUGUS,
REDUCING THE NUMBER OF COUNTY LEGISLATORS FROM 21 TO 15,
AMENDING LOCAL LAW NUMBER 6-1968 (INTRO NUMBER 11-1968) ENTITLED
"A LOCAL LAW ESTABLISHING A COUNTY LEGISLATURE FOR CATTARAUGUS
COUNTY AS REQUIRED BY ORDER OF THE NEW YORK STATE SUPREME COURT"
AND REPEALING LOCAL LAW NUMBER 7-1992 (INTRO NUMBER 6-1992)**

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 6-1968 (Intro Number 11-1968), entitled "A Local Law Establishing a County Legislature for Cattaraugus County as required by Order of the New York State Supreme Court", adopted August 14, 1968 by the Cattaraugus County Board of Supervisors and to repeal Local Law Number 7-1992 (Intro Number 6-1992).

SECTION 2. Amendment of Local Law Number 6-1968. Effective for the general election in November 2015, for terms to commence January 1, 2016 and

thereafter, Local Law Number 6-1968 (Intro Number 11-1968), is hereby amended by deleting Section 2 thereof and replacing such section with the following:

"SECTION 2. Legislative Districts. For the purpose of electing County Legislators, Cattaraugus County shall be divided into seven (7) districts, described as follows and further described on the map annexed hereto, each of which shall be represented by the number of legislators set forth herein:

| <u>Dist.</u> | <u>Description</u> | <u>Population</u> | <u>Number of Legislators</u> | <u>Population Per Legislator</u> | <u>Deviation % Per District</u> |
|--------------|--|-------------------|----------------------------------|--|---|
| 1 | Towns of Perrysburg, Dayton, Leon, Persia, New Albion and Mansfield | 10,375 | 2 | 5,187.5 | -3.12% |
| 2 | Towns of Otto, East Otto, Ashford and Ellicottville | 5,600 | 1 | 5,600 | 4.59% |
| 3 | Towns of Yorkshire, Freedom, Machias, Farmersville and Lyndon | 10,490 | 2 | 5,245 | -2.04% |
| 4 | Towns of Franklinville, Humphrey, Ischua, Hinsdale and Portville | 10,434 | 2 | 5,217 | -2.57% |
| 5 | Towns of Conewango, Randolph, South Valley, Coldspring, Napoli, Little Valley and Great Valley | 10,915 | 2 | 5,457.5 | 1.92% |
| 6 | City and Town of Salamanca and Towns of Red House, Carrollton and Allegany | 16,088 | 3 | 5,362.67 | 0.15% |
| 7 | City and Town of Olean | 16,415 | 3 | 5,471.67 | 2.19%" |

SECTION 3. Legislative Districts Continued. The ten (10) legislative districts as previously bounded and described by Local Law Number 7-1992 (Intro Number 6-1992) shall continue in existence for the limited purpose of continuing in office the legislators presently elected from such districts, those legislators who will be elected at the November 2011 general election, as well as any legislators appointed to fill vacancies as defined in Section 30 of the Public Officers' Law in such districts and/or elected to fill the unexpired terms of legislators in such districts, and shall cease to exist as such at the time all of the terms and provisions of this local law become effective.

SECTION 4. Construction. This local law shall be liberally construed to achieve its objectives and purposes. If the districts described herein do not carry out the purposes hereof because of unintentional omissions, duplications, overlapping areas, erroneous nomenclature, lack of adequate maps or descriptions or descriptions of political subdivisions, wards, or

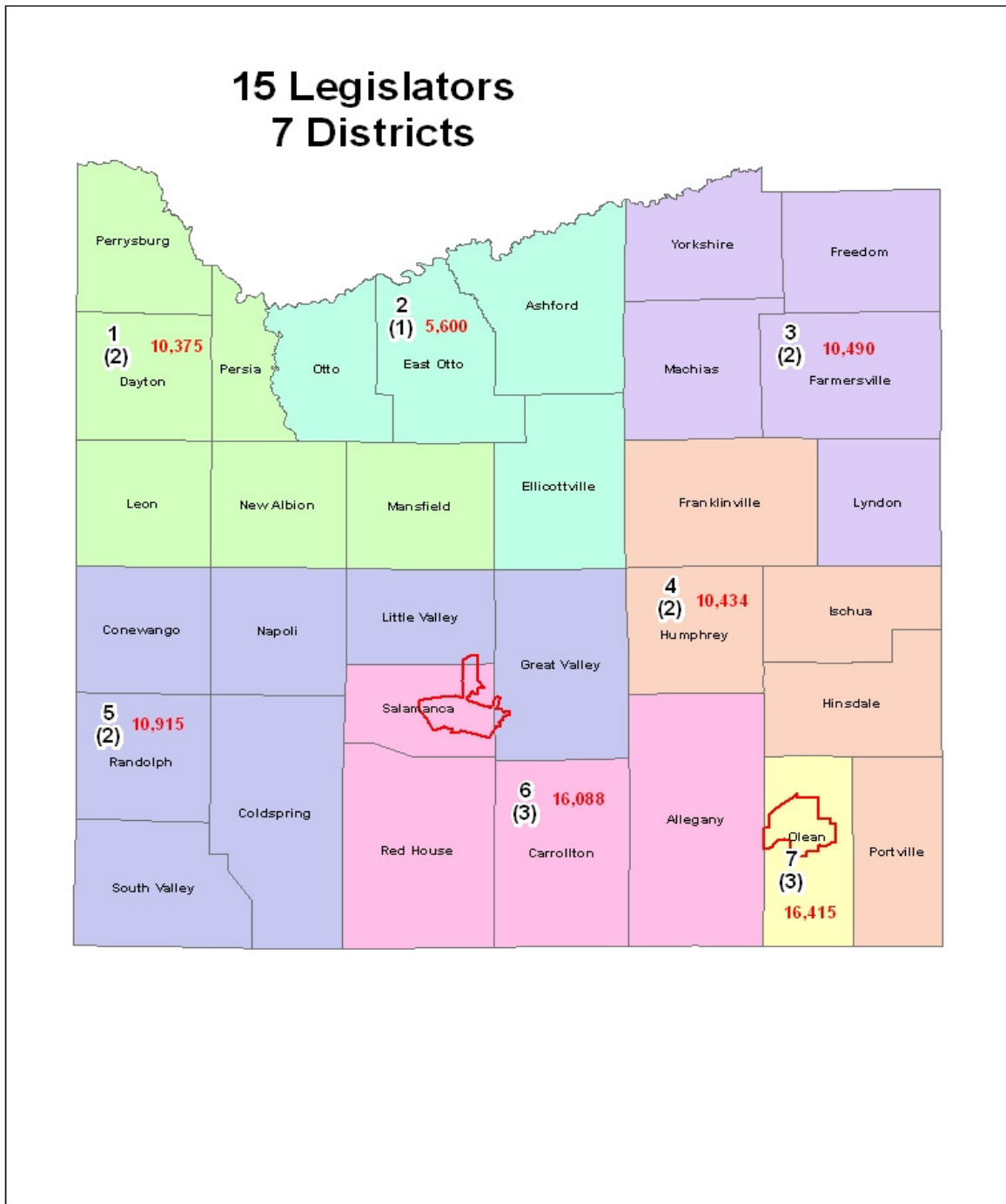
other divisions thereof, or changes of public places, alteration of the boundary or courses of waters or waterways, accretion or other changes in shorelines, the County Clerk, at the request of any person or candidate aggrieved thereby, shall, by order, correct such omissions, overlaps, erroneous nomenclature or other defects in the description of districts so as to accomplish the purposes and objectives of this local law.

SECTION 5. Repeal of Local Law Number 7-1992 (Intro Number 6-1992). Local Law Number 7-1992 (Intro Number 6-1992) is hereby repealed, effective at the time set forth in Section 3, supra.

SECTION 6. Local Law No. 6-1968. All other provisions of Local Law Number 6-1968 (Intro Number 11-1968) not otherwise amended herein shall remain in full force and effect.

SECTION 7. Severability. If any provision of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, 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 8. Effective Date. This local law shall take effect only after it has been approved by the affirmative vote of the majority of the qualified electors of Cattaraugus County voting on a proposition for its approval submitted at a general election to be held November 8, 2011, in the County of Cattaraugus.



Referred to the Finance Committee and the County Operations Committee.

MR. ELLIS requested that Act No. 303-2011 be withdrawn.

ACT NO. 304-2011 by Mr. Ellis

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 9-2011

Pursuant to Section 10 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on June 22, 2011, a proposed Local Law entitled "A Local Law in Relation to the Reapportionment of the County Legislative Districts of the County of Cattaraugus, Reducing the Number of County Legislators from 21 to 15, Amending Local Law Number 6-1968 (Intro Number 11-1968) Entitled "A Local Law Establishing A County Legislature for Cattaraugus County as Required by Order of the New York State Supreme Court" and Repealing Local Law Number 7-1992 (Intro Number 6-1992), 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 27th day of July, 2011, at 3:06 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.

Referred to the Finance Committee and the County Operations Committee.

MR. ELLIS requested that Act No. 303-2011 be withdrawn.

ACT NO. 305-2011 by Mr. Vecchiarella
who asks immediate consideration

APPOINTMENT OF CORONER'S PHYSICIAN

Pursuant to Section 400 (4-b) of the County Law and Act 138-81.

RESOLVED, that the following individual is appointed as a Coroner's Physician for Cattaraugus County with an unexpired term to expire on December 31, 2012, at the salary which has heretofore, or may hereafter be established:

Steven F. Dunton
Erie County Medical Examiner's Office
462 Grider Street
Buffalo, New York 14215
(replacing Mark LeVaughn).

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

Adopted June 22, 2011 by voice vote.

ACT NO. 306-2011 by Mr. Burrell, Mr. McLarney, Mr. O'Brien,
Ms. Vickman and Mr. Hebdon
who ask immediate consideration

**SALE OF TAX TITLE PROPERTY TO FORMER OWNERS
(Towns of Farmersville, Franklinville and Hinsdale)**

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 Farmersville, Franklinville and Hinsdale, 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 FARMERSVILLE

| # | TAX MAP NO. | FORMER OWNER(S) | ADDRESS | COUNTY INVOLVEMENT |
|-----|-------------|----------------------------------|--|--------------------|
| 109 | 40.002-2-6 | Jeffrey Schultz Cathy Schultz | 8450 Kingsbury Hill Rd. Franklinville, NY 14737 | \$10,567.45 |

TOWN OF FRANKLINVILLE

| # | TAX MAP NO. | FORMER OWNER(S) | ADDRESS | COUNTY INVOLVEMENT |
|-----|-------------|--|--|--------------------|
| 127 | 39.003-1-29 | Lyle J. Lawrence & Anna W. Lawrence | PO Box 641 Ellicottville, NY 14731 | \$5,702.21 |

TOWN OF HINSDALE

| # | TAX MAP NO. | FORMER OWNER(S) | ADDRESS | COUNTY INVOLVEMENT |
|-----|---------------|-----------------|---------------------|--------------------|
| 155 | 76.004-1-17.1 | Kevin Evans | 3680 Fay Hollow Rd. | \$22,010.79 |
| 156 | 76.004-1-17.5 | Lisa Jocius | Hinsdale, NY 14743 | |

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

Adopted June 22, 2011 by voice vote.

ACT NO. 307-2011 by Mr. Marsh
who asks immediate consideration

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 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, the highest bid received for the property is the bid listed below, and

WHEREAS, the name of the buyer is being corrected as 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 a County Treasurer's Deed conveying the property to the following individual at the bid price listed:

TOWN OF NAPOLI

| PARCEL NO. | TAX MAP NO. | HIGH BIDDER | ADDRESS | COUNTY INVOLVEMENT | BID AMOUNT |
|-----------------------|------------------------|--------------------|--|-------------------------------|-----------------------|
| 223 | 62.054-1-16 | Linda Pelham | PO Box 65, 28 Kings Hwy. Randolph, NY 14772 | \$1,352.52 | \$3,300 |

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

Adopted June 22, 2011 by voice vote.

ACT NO. 308-2011 by Mr. McLarney and Mr. Ward
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
PUBLIC SECTOR HR CONSULTANTS LLC FOR
WORKPLACE VIOLENCE PREVENTION PROGRAM**

Pursuant to Section 27-b of the Labor Law and
Section 450 of the County Law.

WHEREAS, Act 399-2010, as amended by Acts 471-2010 and 702-2010, authorized a contract with Public Sector HR Consultants LLC, 14 Knollwood Drive, Glenville, New York 12302, for assistance with the implementation of a Workplace Violence Prevention Program, the term of which expires June 30, 2011, and

WHEREAS, the County Department of Human Resources is desirous of extending the term of the aforementioned contract to July 31, 2011 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 Public Sector HR Consultants LLC, for the provision of the above-described services, for a term commencing August 1, 2010 and terminating July 31, 2011, according to the above-described terms.

MR. PADLO moved, seconded by Mr. Vecchiarella to waive Rule 12. Carried.

Adopted June 22, 2011 by voice vote.

ACT NO. 309-2011 by Mr. Boser, Mr. Giardini, Mr. Hebdon,
Mr. Padlo, Mr. Sprague and Mr. Ward
who ask immediate consideration

**LOCAL LAW NUMBER 10 - 2011
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Sections 10(1)(ii)(a)(13) and 23 of
the Municipal Home Rule Law.

**A LOCAL LAW IN RELATION TO THE REAPPORTIONMENT OF THE
COUNTY LEGISLATIVE DISTRICTS OF THE COUNTY OF CATTARAUGUS,
REDUCING THE NUMBER OF COUNTY LEGISLATORS FROM 21 TO 15,
AMENDING LOCAL LAW NUMBER 6-1968 (INTRO NUMBER 11-1968) ENTITLED
"A LOCAL LAW ESTABLISHING A COUNTY LEGISLATURE FOR CATTARAUGUS
COUNTY AS REQUIRED BY ORDER OF THE NEW YORK STATE SUPREME COURT"
AND REPEALING LOCAL LAW NUMBER 7-1992 (INTRO NUMBER 6-1992)**

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 6-1968 (Intro Number 11-1968), entitled "A Local Law Establishing a County Legislature for Cattaraugus County as required by Order of the New York State Supreme Court", adopted August 14, 1968 by the Cattaraugus County Board of Supervisors and to repeal Local Law Number 7-1992 (Intro Number 6-1992).

SECTION 2. Amendment of Local Law Number 6-1968. Effective for the general election in November 2015, for terms to commence January 1, 2016 and thereafter, Local Law Number 6-1968 (Intro Number 11-1968), is hereby amended by deleting Section 2 thereof and replacing such section with the following:

"SECTION 2. Legislative Districts. For the purpose of electing County Legislators, Cattaraugus County shall be divided into seven (7) districts, described as follows and further described on the map annexed hereto, each of which shall be represented by the number of legislators set forth herein:

| <u>Dist.</u> | <u>Description</u> | <u>Population</u> | <u>Number of Legislators</u> | <u>Population Per Legislator</u> | <u>Deviation % Per District</u> |
|--------------|--|-------------------|----------------------------------|--|---|
| 1 | Town and City of Olean | 16,415 | 3 | 5,471.67 | 2.20% |
| 2 | Towns of Franklinville, Humphrey, Ischua, Hinsdale and | 10,434 | 2 | 5,217 | -2.56% |

| | | | | | |
|-----------|--|--------|---|-------|--------|
| Portville | | | | | |
| 3 | Towns of Yorkshire, Freedom, Machias, Farmersville and Lyndon | 10,490 | 2 | 5,245 | -2.04% |
| 4 | Towns of Allegany, Carrollton, Red House, Coldspring and South Valley | 10,664 | 2 | 5,332 | -0.41% |
| 5 | Towns of Perrysburg, Dayton, Leon, Persia, Otto, East Otto, Ashford, Mansfield, Ellicottville, and New Albion | 15,975 | 3 | 5,325 | -0.54% |
| 6 | City of Salamanca and Towns of Little Valley, Great Valley and Salamanca | 10,632 | 2 | 5,316 | -0.47% |
| 7 | Towns of Conewango, Napoli and Randolph | 5,707 | 1 | 5,707 | 6.59% |

SECTION 3. Legislative Districts Continued. The ten (10) legislative districts as previously bounded and described by Local Law Number 7-1992 (Intro Number 6-1992) shall continue in existence for the limited purpose of continuing in office the legislators presently elected from such districts, those legislators who will be elected at the November 2011 general election, as well as any legislators appointed to fill vacancies as defined in Section 30 of the Public Officers' Law in such districts and/or elected to fill the unexpired terms of legislators in such districts, and shall cease to exist as such at the time all of the terms and provisions of this local law become effective.

SECTION 4. Construction. This local law shall be liberally construed to achieve its objectives and purposes. If the districts described herein do not carry out the purposes hereof because of unintentional omissions, duplications, overlapping areas, erroneous nomenclature, lack of adequate maps or descriptions or descriptions of political subdivisions, wards, or other divisions thereof, or changes of public places, alteration of the boundary or courses of waters or waterways, accretion or other changes in shorelines, the County Clerk, at the request of any person or candidate aggrieved thereby, shall, by order, correct such omissions, overlaps, erroneous nomenclature or other defects in the description of districts so as to accomplish the purposes and objectives of this local law.

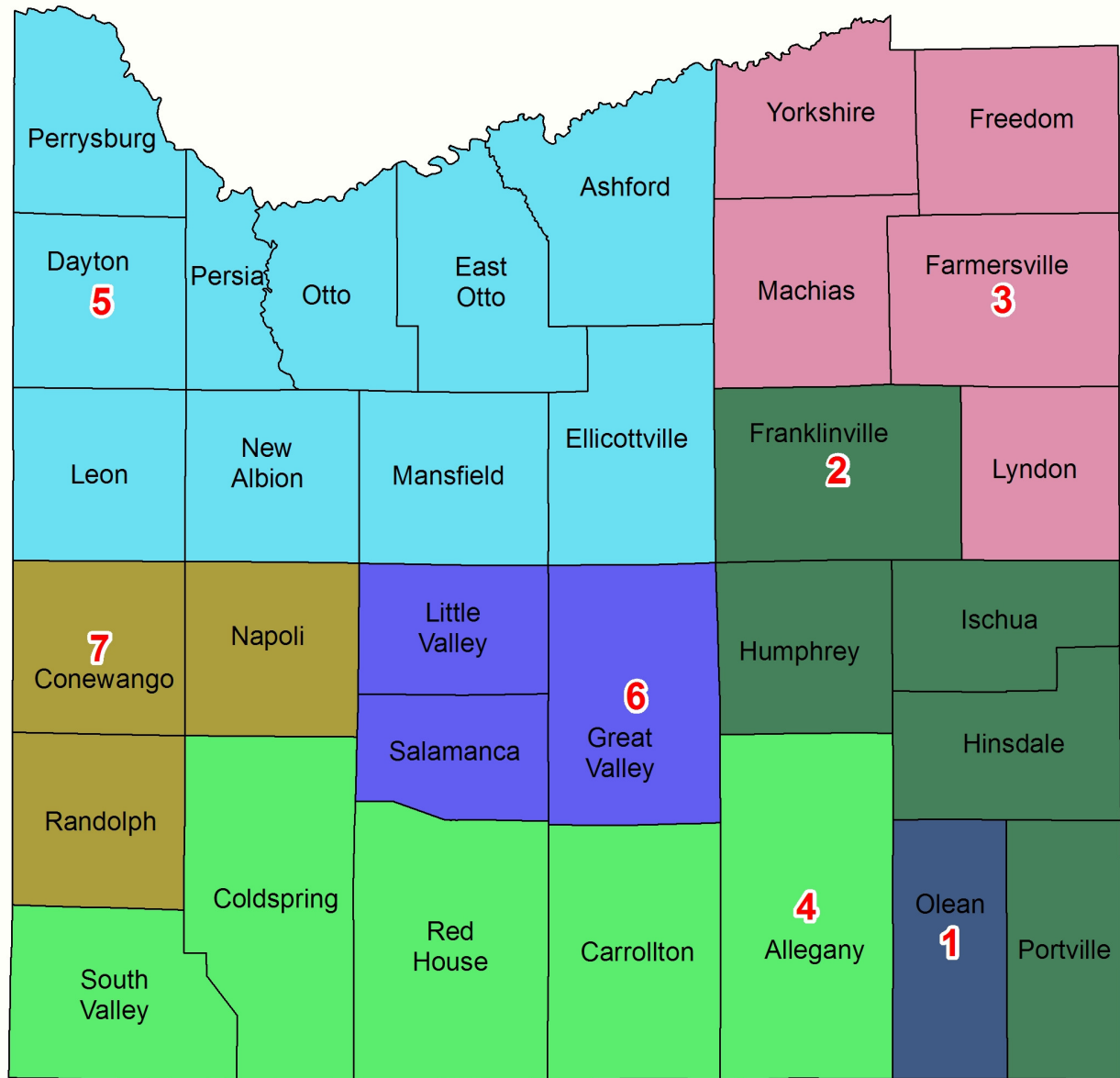
SECTION 5. Repeal of Local Law Number 7-1992 (Intro Number 6-1992). Local Law Number 7-1992 (Intro Number 6-1992) is hereby repealed, effective at the time set forth in Section 3, supra.

SECTION 6. Local Law No. 6-1968. All other provisions of Local Law Number 6-1968 (Intro Number 11-1968) not otherwise amended herein shall remain in full force and effect.

SECTION 7. Severability. If any provision of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, 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 8. Effective Date. This local law shall take effect only after it has been approved by the affirmative vote of the majority of the qualified electors of Cattaraugus County voting on a proposition for its approval submitted at a general election to be held November 8, 2011 in the County of Cattaraugus.



7 Districts 15 Legislators

District

- 1
- 2
- 3
- 4
- 5
- 6
- 7

15 Legislator Plan 7 Districts

| District | # of legislator | Total Populati | +/- Deviatio | % of Deviatio |
|---------------|-----------------|----------------|--------------|---------------|
| 1 | 3 | 16415 | 353 | 2.20% |
| 2 | 2 | 10434 | -274 | -2.56% |
| 3 | 2 | 10490 | -218 | -2.04% |
| 4 | 2 | 10664 | -44 | -0.41% |
| 5 | 3 | 15975 | -87 | -0.54% |
| 6 | 2 | 10632 | -76 | -0.47% |
| 7 | 1 | 5707 | 353 | 6.59% |
| Totals | 15 | 80317 | | |

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

CHAIRMAN O'BRIEN requested a Roll Call Vote on the Motion to waive Rule 12 and bring Act No. 309-2011 to the floor which disclosed as follows:

Ayes: Boser 1.0094, Giardini 1.0094, Hebdon 1.0915, McClune 0.8834, Padlo 0.8772, Sprague 1.0530, Ward 1.0043 - 6.9282.

Nays: Aiello 0.8772, Burrell 1.0915, Edstrom 0.8772, Ellis 1.0875, Marsh 1.0843, McLarney 1.0632, Murphy 1.0875, Neal 1.0843, Snyder 0.8772, Stockman 1.0265, Teachman 0.8772 Vecchiarella 0.8834, Vickman 1.0915, O'Brien 1.0632 - 14.0717.

The Motion having not received the majority vote was declared Lost.

ACT NO. 310-2011 by Mr. Boser, Mr. Giardini, Mr. Hebdon,
Mr. Padlo, Mr. Sprague and Mr. Ward
who ask immediate consideration

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 10-2011

Pursuant to Section 10 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on June 22, 2011, a proposed Local Law entitled "A Local Law in Relation to the Reapportionment of the County Legislative Districts Of The County Of Cattaraugus, Reducing The Number Of County Legislators from 21 To 15, Amending Local Law Number 6-1968 (Intro Number 11-1968) Entitled "A Local Law Establishing a County Legislature for Cattaraugus County as Required by Order of the New York State Supreme Court" and Repealing Local Law Number 7-1992 (Intro Number 6-1992), 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 27th day of July, 2011, at 3:07 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.

CHAIRMAN O'BRIEN declared that Act No. 310-2011 was out of order and could not be considered, since Act No. 309-2011 failed to receive the majority vote of the Legislature to bring Act No. 309-2011 to the floor.

ACT NO. 311-2011 by Ms. Edstrom, Mr. Snyder, Mrs. Stockman,
Ms. Vickman, Mr. McClune and Mr. Ward
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
MENTAL HEALTH ASSOCIATION IN CATTARAUGUS COUNTY, INC. FOR
CAMP NEW HORIZONS RESIDENTIAL SUMMER CAMP**

Pursuant to Social Security Act, Title IV, Part A, as amended,
Public Law 104-193, Public Law 105-33 and
Section 450 of the County Law.

WHEREAS, Act 431-2010 authorized a contract with the Mental Health Association in Cattaraugus County, Inc., 502 North Union Street, Olean, New York 14760, for the provision of Camp New Horizons residential summer camp for TANF-eligible and 200% TANF-eligible youths in an effort to reduce at-risk factors, the term of which expired September 30, 2010, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned camp, and

WHEREAS, Mental Health Association in Cattaraugus County, Inc., has agreed to operate three (3) 8-day residential summer camp sessions, at Camp Allegany in the Allegany State Park, for children and adolescents ages 8-15 whose emotional and/or behavioral problems make it difficult for them to succeed in traditional camp settings, and

WHEREAS, the County Department of Social Services shall provide funding for up to 17 participants at an amount of \$900 per participant, not to exceed \$15,300, 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 Mental Health Association in Cattaraugus County, Inc., for the provision of the above-described residential summer camp, for a term commencing July 1, 2011 and terminating September 30, 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. SPRAGUE moved, seconded by Mr. Murphy to waive Rule 12. Carried.

Adopted June 22, 2011 by voice vote.

ACT NO. 312-2011 by Mr. Vecchiarella
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES FOR
ADDITIONAL FUNDING AND ADJUSTING VARIOUS
APPROPRIATION AND REVENUE ACCOUNTS
(Public Defender)**

Pursuant to Article 30 of the Executive Law and
Section 450 of the County Law.

WHEREAS, the New York State Office of Indigent Legal Services has announced that additional funds are available for distribution to counties over and above the statutory distribution that was made on March 11, 2011, and

WHEREAS, such additional funding is conditioned on identifying certain uses, and

WHEREAS, Cattaraugus County has been notified that it shall receive an additional \$35,490.00, and

WHEREAS, the Cattaraugus County Public Defender's Office, with the consent of the Cattaraugus County Administrator, has proposed that the funds be used in the following three (3) ways:

- a) to ensure that necessary staff training is accomplished;

- b) purchase updated equipment to replace some of the original equipment that was purchased when the Public Defender's Office was created in 2003; and
- c) explore the option of contracting with legal aid societies to expand the capability for conflict matters to be handled effectively and efficiently,

and

WHEREAS, it is in the best interests of Cattaraugus County to accept the aforementioned additional funding at no cost to the County, and

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

RESOLVED, that the Public Defender's Office, subject to the advice and consent of the Cattaraugus County Administrator, be, and hereby is, authorized and directed to submit to the NYS Office of Indigent Legal Services a budget and spending plan for its proposed use of the aforementioned funds within the parameters set forth herein, and be it further

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 Office of Indigent Legal Services, in order to accept and receive the aforementioned additional funds, and commit Cattaraugus County to their use as prescribed by such office, for a term commencing July 1, 2011 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 Account:

| | | |
|----------------------|--------------------------------------|-------------|
| A.117.1170.1170.3025 | State Aid, Indigent Legal Svcs. Fund | \$35,490.00 |
|----------------------|--------------------------------------|-------------|

Increase Appropriation Accounts:

| | | |
|-----------------------|---------------------------------|--------------|
| A.117.1170.1170.20006 | Computer Equipment/Software | \$22,000.00 |
| A.117.1170.1170.45401 | Small Equipment/Tools | \$ 3,490.00 |
| A.117.1170.1170.46101 | Employee Meal Reimbursements | \$ 1,000.00 |
| A.117.1170.1170.46102 | Employee Mileage Reimbursements | \$ 1,000.00 |
| A.117.1170.1170.46103 | Employee Other Travel Expenses | \$ 1,000.00 |
| A.117.1170.1170.46106 | Training | \$ 5,000.00 |
| A.117.1170.1170.48401 | Study | \$ 2,000.00. |

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

Adopted June 22, 2011 by voice vote.

ACT NO. 313-2011 by Mr. Aiello, Mr. Burrell, Ms. Edstrom, Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Murphy, Mr. Neal, Mr. O'Brien, Mr. Snyder, Mrs. Stockman, Mr. Teachman, Mr. Vecchiarella, Ms. Vickman, Mr. Boser, Mr. Giardini, Mr. Hebdon, Mr. McClune, Mr. Padlo, Mr. Sprague and Mr. Ward who ask immediate consideration

CONGRATULATING CLASS OF 2011 HIGH SCHOOL VALEDICTORIANS

Pursuant to Section 153 of the County Law.

WHEREAS, every year, area schools recognize graduating students who have earned the highest grade point average, and

WHEREAS, these students should be recognized and congratulated for their academic achievements, and

WHEREAS, the hard work and dedication of class valedictorians should be commended by the Cattaraugus County Legislature, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby congratulates the following students as Class of 2011 high school valedictorians:

| | |
|--|---------------------|
| Allegany-Limestone Central School | Rahul S. Thandla |
| Archbishop Walsh High School | Logan Clark |
| Cattaraugus-Little Valley Central School | Sierra Barrett |
| Central Baptist Christian School | Kelly Sikorski |
| Cuba-Rushford Central School | Reyal Storm Hoxie |
| Ellicottville Central School | Amy L. Westfall |
| Forestville Central School | Chelsea Small |
| Franklinville Central School | Lara K. Larsson |
| Frewsburg Central School | Jacob Adelgren |
| Gowanda Central School | Hailey Lipinski |
| Hinsdale Central School | Taylor Kent |
| New Life Christian School | Emily Cronin |
| Olean City School | Samantha Huselstein |
| Pine Valley Central School | Alida Pollock |
| Pioneer Central School | Alyxis Mitrowski |
| Portville Central School | Adrian Ziaggi |
| Randolph Central School | Chloe A. Greeley |
| Salamanca City Central School | Brendan John |
| Springville-Griffith Institute | Stacie Zwolski |
| Central School | |
| West Valley Central School | Tiffany Williams, |

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward copies of this resolution to the Class of 2011 valedictorians.

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

Adopted June 22, 2011 by voice vote.

MOTION TO ADJOURN IN MEMORY OF MARY E. BERNSTEIN

WHEREAS, Mary E. Bernstein, 79, of Olean, passed away on June 19, 2011 at The Pines Healthcare and Rehabilitation Center-Olean Campus, and

WHEREAS, Mrs. Bernstein served as a Cattaraugus County Legislator from 1988 - 1995, and

WHEREAS, Mrs. Bernstein moved to Olean in 1948 and was a St. Bonaventure University graduate, majoring in English and Latin, and

WHEREAS, Mrs. Bernstein was an English, Spanish and Latin teacher at Bolivar Central School for thirty-five years, retiring in 1987, and

WHEREAS, she was a member and past president of the Temple B'Nai Israel in Olean; an active member of the Olean Theater Workshop; former member of the board of directors for the Genesis House; member of the New

York State Retired Teachers Association, and a longtime St. Bonaventure Basketball fan, and

WHEREAS, Mrs. Bernstein is survived by two sons, Phillip C. and Alan, both of Olean; five grandchildren; five great-grandchildren; one sister, Sydney Shriver-Stolz of Hudson, Florida; one brother, Louis Shriver of Hampton; and several nieces and nephews, and

WHEREAS, the loss of her presence will be sadly felt by her many friends and colleagues in Cattaraugus County, now, therefore, Chairman O'Brien hereby

MOVES, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of Mary E. Bernstein, and this Motion be seconded by Mr. McClune and Mr. Padlo, 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 Mary E. Bernstein, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this Motion to her sons.

MR. TEACHMAN moved, seconded by Mr. Snyder to adjourn until July 27, 2011 at 3:00 p.m. Carried.

Meeting adjourned at 4:47 p.m.

Ann M. Giglio
Journal Clerk