

June 13, 2012

The meeting was called to order by the Chairman Norman L. Marsh.

The invocation was given by Rev. Kay.

The Attendance Roll Call disclosed one Legislator absent – Mr. Klancer.

MS. EDSTROM moved, seconded by Mr. Aiello that the minutes of the May 23, 2012 session be approved. Carried.

* * * * *

COMMUNICATIONS:

NYS Department of State: Letter acknowledging receipt of Local Law No. 2-2012 and the filing of the same.

Assembly Member Giglio: Letter acknowledging receipt of Act Nos. 263-2012, 272-2012 and 273-2012.

APPOINTMENTS:

AGRICULTURE & FARMLAND PROTECTION BOARD

Unexpired term to expire December 31, 2012

James Finch
Eco-Valley Farm
3944 Wing Hollow Road
Allegany, New York 14706
(replacing Donald Hill)

* * * * *

ACT NO. 276-2012 by Mr. Snyder, Sr.

SALE OF TAX TITLE PROPERTY TO FORMER OWNERS

(Towns of Carrollton, Conewango, Dayton, East Otto, Little Valley, Mansfield, Napoli, New Albion, Olean, Perrysburg, Portville, Randolph, South Valley and Yorkshire and City of Olean)

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

WHEREAS, Cattaraugus County has tax title to certain property situate in the Towns of Carrollton, Conewango, Dayton, East Otto, Little Valley, Mansfield, Napoli, New Albion, Olean Town, Perrysburg, Portville, Randolph, South Valley and Yorkshire, and the City of Olean, 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 CARROLLTON

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
47	92.004-1-6.1	Wendy Schwab	83 Rutherford Rd. Bradford, PA 16701	\$8,969.13

TOWN OF CONEWANGO

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
70	51.004-1-15	Tracy Chau	12995 Rte. 62 Conewango Valley, NY 14726	\$1,393.87

TOWN OF DAYTON

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
87	25.001-2-27.3	Eric Reid c/o Paul Feger	177 Tremont Ave. Kenmore, NY 14217	\$3,649.86

TOWN OF EAST OTTO

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
95	19.003-1-11.3	Thomas Vanderbosch	9624 Monk Hill Rd. East Otto, NY 14729	\$3,649.86

TOWN OF LITTLE VALLEY

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
197	55.003-1-22	Jeffery Bognar	2239 Staley Rd. Grand Island, NY 14072	\$8,858.66

TOWN OF MANSFIELD

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
236	45.018-1-57	Karol Siatkowski	808 Amherst St. Buffalo, NY 14216	\$6,652.20

TOWN OF NAPOLI

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
240	53.004-1-16.2	Stanley Green Angel Green	9525 Pigeon Valley Little Valley, NY 14755	\$6,473.10

TOWN OF NEW ALBION

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
256	54.001-1-4	David Eldredge, in Trust c/o Jeremy Boser	6525 Hillside Dr. Orchard Park, NY 14127	\$8,281.87

TOWN OF OLEAN

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
342	94.076-1-47.2	Joseph Scicchitano	2234 Haskell Rd. Olean, NY 14760	\$9,870.95

TOWN OF PERRYSBURG

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
354	16.022-2-17	Ann Marie Taber Trust c/o Thomas Palmer, Trustee	288 Linwood Ave. Buffalo, NY 14209	\$14,104.46

TOWN OF PORTVILLE

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
366	113.008-1-7	Richard Hosmer Tina Hosmer	323 Prosser Rd. Portville, NY 14770	\$11,691.23

TOWN OF RANDOLPH

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
383	70.073-1-1	Carl Radotavich	72 Weeden Rd. Randolph, NY 14772	\$18,134.96

TOWN OF SOUTH VALLEY

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
391	96.004-1-5	Elizabeth White Bernard White	Chapel Ridge Apt. 211 Bradford, PA 16701	\$7,735.64

TOWN OF YORKSHIRE

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
395	4.002-1-30.3	Mark Jaquish Joyce Jaquish	3441 W. Yorkshire Rd. Chaffee, NY 14030	\$1,373.38

396	4.002-1-30.6	Mark Jaquish Joyce Jaquish	3441 W. Yorkshire Rd. Chaffee, NY 14030	\$3,806.99
400	11.004-1-7	Carl Radotavich	72 Weeden Rd. Randolph, NY 14772	\$16,822.81

CITY OF OLEAN

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
329	94.050-2-52	Patricia Wilson Estate c/o Kyle Wilson	408 Second Ave. Olean, NY 14760	\$7,383.43

Approved by 7 members of the Finance Committee and 5 members of the County Operations Committee.

Adopted June 13, 2012 by voice vote. Mr. Padlo was absent from vote.

ACT NO. 277-2012 by Mr. Snyder, Sr.

DESIGNATION OF OFFICIAL DEPOSITORIES AND TRADING PARTNERS

Pursuant to Section 212 of the County Law.

WHEREAS, Act 7-2012 designated the official depositories and trading partners for County funds for the 2012 year, and

WHEREAS, the County Treasurer is desirous of increasing the amount that he is authorized to deposit from \$20,000,000.00 to \$25,000,000.00, now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized to deposit in each or any of such banking institutions in an amount not to exceed twenty-five million dollars (\$25,000,000.00):

- Cattaraugus County Bank, Little Valley, New York
- Cattaraugus County Bank, South Dayton, New York
- Citizens Bank, Williamsville, New York
- Community Bank, Olean, New York
- Edward Jones Investments, Lakewood, New York
- JP Morgan Chase, Buffalo, New York
- Bank of America, Buffalo, New York
- Five Star Bank, Allegany, New York
- Five Star Bank, Ellicottville, New York
- Five Star Bank, Olean, New York
- Five Star Bank, Salamanca, New York
- First Niagara Commercial Bank, Albion, New York
- HSBC, Gowanda, New York
- MBIA Municipal Investors Service Corp., Armonk, New York
- Bank of Cattaraugus, Cattaraugus, New York
- Key Bank of Western New York, Olean, New York
- M & T Bank, Ellicottville, New York
- M & T Bank, Delevan, New York
- M & T Bank, Olean, New York

Morgan Stanley/Dean Witter, Buffalo, New York
Pershing (BNY Securities Group), New Jersey
Smith Barney, Olean, New York.

Approved by 8 members of the Finance Committee.

Adopted June 13, 2012 by voice vote.

ACT NO. 278-2012 by Public Works Committee:
Mr. Aiello, Mr. Weller, Ms. Edstrom, Mr. Klancer, Mr. Snyder, Jr.,
Mr. Teachman, Mr. Koch, Mr. Lamberson and Mr. Sprague

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
T. Y. LIN INTERNATIONAL FOR
ENGINEERING ASSESSMENT REPORTS FOR
CATTARAUGUS COUNTY DAMS**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the Department of Public Works is desirous of contracting for the provision of engineering assessment services for eight (8) dams in Cattaraugus County, and

WHEREAS, T.Y. Lin International, 220 Red Tail, Suite 10, Orchard Park, New York 14127, can provide the necessary engineering assessment services for eight (8) dams in Cattaraugus County for an amount of \$11,500.00 per dam, for a total amount of \$92,000.00, to be paid on a percent of completion basis as invoiced, and approved by the Department of Public Works, and

WHEREAS, sufficient funds are included in the 2012 budget to cover the cost of the aforementioned costs, 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 T.Y. Lin International, for the provision of the above-described services, for a term commencing June 13, 2012 and terminating December 31, 2012, according to the above-described terms.

Approved by 8 members of the Finance Committee.

Adopted June 13, 2012 by voice vote.

ACT NO. 279-2012 by Mr. Aiello and Mr. Weller

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

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 252-2011 authorized a license agreement with the Administrative Office of the United States Bankruptcy Court for the use of the County's court facility located in the Olean Office Building one day each month, the term of which expires September 30, 2012, and

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

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a license agreement, on behalf of Cattaraugus County, with the Administrative Office of the United States Courts to use the above-described space for a term commencing October 1, 2012, and terminating September 30, 2013, according to the above-described terms.

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

Adopted June 13, 2012 by voice vote.

ACT NO. 280-2012 by Mr. Aiello and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ACME POWERWASHING, INC. FOR
2011-2012 CLEANING AND WASHING OF COUNTY BRIDGES PROGRAM**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the 2011-2012 Cleaning and Washing of County Bridges Program, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications for the 2011-2012 Cleaning and Washing of County Bridges Program is the bid of Acme Powerwashing, Inc., 15590 Powerline Road, Holley, New York 14470, for an amount of \$115,500.00, to be paid periodically on a percent of completion basis as determined by the Department of Public Works, and

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

RESOLVED, that the bid of Acme Powerwashing, Inc., be, and the same hereby is, accepted for a term commencing upon Notice to Proceed and terminating September 14, 2012, and be it further

RESOLVED, that vouchers submitted in accordance with the provisions of the General Municipal Law §106-b and 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.

Three bids were received.

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

Adopted June 13, 2012 by voice vote.

ACT NO. 281-2012 by Mr. Aiello and Mr. Weller
and Mr. Klancer, Mr. Marsh, Mr. Teachman, Mr. Boser, Mr. Lamberson and Mr. Padlo¹

**AUTHORIZING THE CHAIR TO SUBMIT GRANT APPLICATION FOR
FINANCIAL ASSISTANCE FOR ONOVILLE MARINA SAWMILL RUN CAMPGROUND**

Pursuant to Title 9 of the Environmental Protection Act of 1993,
Articles 54 and 56 of the Environmental Conservation Law and
Section 450 of the County Law.

WHEREAS, the County Department of Public Works is desirous of developing a new campground on Sawmill Run at the Onoville Marina, and

WHEREAS, funding up to \$400,000.00 is available through the New York State Office of Parks, Recreation and Historic Preservation for the aforementioned project, and

WHEREAS, the County Department of Public Works should apply for the aforementioned funding, now, therefore, be it

RESOLVED, that Norman L. Marsh, as Chairman of the Cattaraugus County Legislature, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$400,000.00, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the County of Cattaraugus for the development of a new campground on Sawmill Run at the Onoville Marina and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

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

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Klancer, Mr. Marsh, Mr. Teachman, Mr. Boser, Mr. Lamberson and Mr. Padlo".

Adopted June 13, 2012 by voice vote.

ACT NO. 282-2012 by Mr. Aiello and Mr. Weller

**REAFFIRMATION OF ARMY CORPS OF ENGINEERS'
MASTER PLAN REPORT FOR ONOVILLE MARINA**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the County entered into a contract dated May 26, 1976, with the United States of America, acting by and through its Corps of Engineers ("the Corps"), for the recreational development of the Onoville Marina Park and Allegheny Reservoir Project Area, and

WHEREAS, a Master Plan Report was developed in conjunction with the aforementioned contract, and

WHEREAS, the Corps requires that the Master Plan Report should be reaffirmed, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby reaffirms that the Master Plan Report for the Onoville Recreation Area/Cattaraugus County Planning Board and the Master

Plan/Allegheny Reservoir/New York/Design Memorandum #15 US Army Corps of Engineers, Pittsburgh District, are still the principal planning documents guiding the future developments of the Onoville facility.

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

Adopted June 13, 2012 by voice vote.

ACT NO. 283-2012 by Mr. Aiello and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED LEASE WITH
SENECA NATION OF INDIANS FOR
SALAMANCA REFUSE TRANSFER STATION SITE**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 223-1991, as amended by Act 390-2009, authorized a lease agreement with the Seneca Nation of Indians for the site on which the Salamanca Refuse Transfer Station is located, 289 Center Street, Salamanca, New York 14779, and

WHEREAS, the lease the Seneca Nation of Indians entered into with the County for the aforementioned site contains an initial term of 40 years with an option to renew for an additional 40 years, and

WHEREAS, the Seneca Nation has offered to convert the term of the aforementioned lease from a 40 year term with 40 year renewal option, to a single 80 year term, to facilitate the productive use and preservation of the leasehold, and

WHEREAS, it is in the best interests of the County to convert the term of the lease to a single 80 year term commencing February 20, 1991 and ending February 19, 2071, and

WHEREAS, a modified lease should be executed between the County and the Seneca Nation of Indians, with all other terms and conditions remaining unchanged from Lease No. CS-01787 dated April 26, 1991, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amendment to Lease No. CS-01787, on behalf of Cattaraugus County, with the Seneca Nation of Indians, for a single 80 year term commencing February 20, 1991 and ending February 19, 2071.

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

Adopted June 13, 2012 by voice vote.

ACT NO. 284-2012 by Mr. Aiello

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
HODGSON RUSS LLP FOR CONTRACT NEGOTIATION SERVICES**

Pursuant to Section 5 of the Rules of Order Appendix and
Section 450 of the County Law.

WHEREAS, Act 184-2007, as amended by Acts 52-2008, 444-2008, 324-2009, 383-2010 and 239-2011 established fees for negotiating services of Hodgson Russ LLP, for purposes of negotiating the County's various collective bargaining agreements, the term of which expires June 30, 2012, and

WHEREAS, Hodgson Russ LLP has agreed to extend the term of the aforementioned contract until June 30, 2013, at the current rates:

Partners	\$252	per hour
Senior Associates	245	per hour
Associate	245	per hour
Law Clerk	168	per hour
Paralegals	116	per hour,

and

WHEREAS, sufficient funds are included in the 2012 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 authorize a contract extension, on behalf of Cattaraugus County, with Hodgson Russ LLP, for a term commencing July 1, 2012 and terminating June 30, 2013, according to the above-described terms.

Approved by 8 members of the Finance Committee and 5 members of the Labor Relations Committee.

Adopted June 13, 2012 by voice vote.

ACT NO. 285-2012 by Mr. Snyder, Sr.

and Mr. Aiello, Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Marsh, Mr. Murphy, Mr. Snyder, Jr., Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Ms. Vickman, Mr. Weller, Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson, Mr. Padlo and Mr. Sprague¹

CONGRATULATING JAMESTOWN COMMUNITY COLLEGE ON BEING NAMED TOP PERFORMING PUBLIC TWO-YEAR COLLEGE IN NEW YORK STATE

Pursuant to Section 153 of the County Law.

WHEREAS, Jamestown Community College has been named the "Top Performing Public Two-Year College" in New York State according to a report published by *The Chronicle of Higher Education*, which is the nation's leading publication of news and information about colleges and universities, and

WHEREAS, factors taken into consideration in compiling the report included graduation rate, completions per every 100 students, cost per completion, spending per completion, student aid per recipient, and percentage of students receiving federal Pell grants, and

WHEREAS, the Cattaraugus County Legislature hereby expresses its pride in Jamestown Community College and reaffirms that the College is a valuable asset and resource to the people of this County and beyond, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby recognizes and congratulates Jamestown Community College on its achievement in being named the "Top Performing Public Two-Year College" in New York State, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to JCC President Gregory T. DeCinque.

Approved by 7 members of the Finance Committee.

¹ The following Legislators requested their names be listed as additional sponsors: “Mr. Aiello, Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Marsh, Mr. Murphy, Mr. Snyder, Jr., Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Ms. Vickman, Mr. Weller, Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson, Mr. Padlo and Mr. Sprague”.

Adopted June 13, 2012 by voice vote.

ACT NO. 286-2012 by Mr. VanRensselaer and Mr. Boser

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR EMPIRE STATE DEVELOPMENT
CORPORATION COMMUNITY DEVELOPMENT BLOCK GRANT**

Pursuant to 42 USCS 5301, 24 CFR Part 570 and
Section 450 of the County Law.

WHEREAS, Act 693-2010 authorized contracts with various entities for the administration of the Microenterprise Development Revolving Loan Fund, the terms of which expired December 31, 2011, and

WHEREAS, the County is the recipient of Empire State Development Corporation Community Development Block Grant Program funds and has an existing Microenterprise Revolving Loan Fund portfolio to maintain, and

WHEREAS, the NYS Small Cities Community Development Block Grant was obtained for the purpose of establishing and continuing a Microenterprise Development Revolving Loan Fund, Microenterprise Outreach Program and Microenterprise Business Education Program, and

WHEREAS, the County shall administer the Microenterprise Development Revolving Loan Fund portfolio with the assistance of the following contractors:

Cattaraugus County Business Development Corp.
214 Main Street
Little Valley, New York 14755

Nicholas DiCerbo, Jr.
410 Community Bank Building
Olean, New York 14760

H. Sicherman & Company, Inc.
5852 Forest Creek Drive
East Amherst, New York 14051,

and

WHEREAS, the County Department of Economic Development, Planning and Tourism, in conjunction with the County Treasurer, shall administer the aforementioned grant program, on behalf of the County, as follows:

1. An amount not to exceed \$10,000.00 to the Cattaraugus County Business Development Corporation to provide specialized technical assistance, education, computer training and development of business plans.

2. An amount not to exceed \$2,000.00 to Nicholas DiCerbo, Jr. for legal fees and other legal incidentals.
3. An amount not to exceed \$3,000.00 to H. Sicherman and Company to provide technical assistance on program administration, loan reviews and credit analyses for the loan committee.
4. Unused balances of previous Community Development Block Grant funds, as well as program income from loan repayments, will be used for the Microenterprise Loan Fund for the microenterprises in the County, less administrative expenses identified above,

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 contracts, on behalf of Cattaraugus County, with the above-listed various entities, for the administration and management of the above-referenced grant application, for a term commencing January 1, 2012 and terminating December 31, 2012, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

Approved by 8 members of the Finance Committee and 4 members of the Development and Agriculture Committee.

Adopted June 13, 2012 by voice vote.

ACT NO. 287-2012 by Mr. VanRensselaer and Mr. Boser

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR HUD SMALL CITIES COMMUNITY
DEVELOPMENT BLOCK GRANT**

Pursuant to 42 USCS 5303 and Section 450 of the County Law.

WHEREAS, Act 694-2010 authorized contracts with various entities for assistance in the administration of the Microenterprise Revolving Loan Fund, the terms of which expired December 31, 2011, and

WHEREAS, the County is the recipient of United States Department of Housing and Urban Development (HUD) Small Cities Community Development Block Grant funds and has an existing Microenterprise Revolving Loan Fund portfolio to maintain, and

WHEREAS, the Small Cities Community Development Block Grant was obtained for the purpose of establishing and continuing a Microenterprise Development Revolving Loan Fund, Microenterprise Outreach Program and Microenterprise Business Education Program, and

WHEREAS, the County shall administer the Microenterprise Development Revolving Loan Fund portfolio with the assistance of the following contractors:

Cattaraugus County Business Development Corp.
214 Main Street
Little Valley, New York 14755

H. Sicherman & Co., Inc.
5852 Forest Creek Drive
East Amherst, New York 14051-2980

Nicholas DiCerbo, Jr.
410 Community Bank Building
Olean, New York 14760,

and

WHEREAS, the County Department of Economic Development, Planning and Tourism, in conjunction with the County Treasurer, shall administer the aforementioned grant program, on behalf of the County, as follows:

1. An amount not to exceed \$40,000.00 to the Cattaraugus County Business Development Corporation to provide technical assistance, education, computer training and development of business plans.
2. An amount not to exceed \$7,000.00 to H. Sicherman and Company to provide technical assistance on program administration, loan reviews and credit analyses for the loan committee.
3. An amount not to exceed \$7,000.00 to Nicholas DiCerbo, Jr. for legal fees and other legal incidentals.
4. Unused balances of previous Community Development Block Grant funds, as well as program income from loan repayments, will be used for the Microenterprise Loan Fund for the microenterprises in the County, less administrative expenses identified above.,

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 contracts, on behalf of Cattaraugus County, with the above-listed various entities, for the administration and management of the above-referenced grant application, for a term commencing January 1, 2012 and terminating December 31, 2012, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

Approved by 8 members of the Finance Committee and 4 members of the Development and Agriculture Committee.

Adopted June 13, 2012 by voice vote.

ACT NO. 288-2012 by Ms. Edstrom and Mrs. Stockman
and Mr. Aiello and Mr. Lamberson¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CHAUTAUQUA OPPORTUNITIES, INC., FOR
SAFE HOUSE PINS DIVERSION SERVICES (RESPITE)**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Department of Social Services is desirous of obtaining safe house pins diversion services (respite) for JD/PINS youth, and

WHEREAS, Chautauqua Opportunities, Inc., 402 Chandler Street, Jamestown, New York 14701, can provide safe house respite services for an amount not to exceed \$15,295.00 to be paid on a monthly basis, as invoiced, and

WHEREAS, this program is 62% state and 38% county funded, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned costs, 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 Chautauqua Opportunities, Inc., for the provision of the above-described services, for a term commencing June 1, 2012 and terminating December 31, 2013, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

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

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

Adopted June 13, 2012 by voice vote.

ACT NO. 289-2012 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
REHABILITATION TODAY SERVICES FOR
DEPARTMENT OF SOCIAL SERVICES FORENSIC INTERVIEWS FOR CHILDREN**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Social Services is desirous of contracting for extended forensic interviews for children who are involved with the children's advocacy center, and

WHEREAS, Rehabilitation Today Services, 2416 Constitution Avenue, Olean, New York 14760, can provide the aforementioned extended forensic interviews for an amount of \$79.00 per interview, not to exceed a total amount of \$5,000.00, and

WHEREAS, these services are 62% state and 38% county funded, and

WHEREAS, sufficient funds are included in the 2012 budget 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 Rehabilitation Today Services, for the provision of the above-described services, for a term commencing July 1, 2012 and terminating June 30, 2013, according to the above-described terms.

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

Adopted June 13, 2012 by voice vote.

ACT NO. 290-2012 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
JEANNINE BROWN MILLER D/B/A JBM CONSULTING FOR
STAFF DEVELOPMENT ASSESSMENT AND CONSULTING SERVICES**

Pursuant to Section 112 of the Social Services Law and
Section 450 of the County Law.

WHEREAS, the County Department of Social Services is desirous of obtaining staff development assessment and consulting services, and

WHEREAS, Jeannine Brown Miller d/b/a JBM Consulting, 744 Curtis Street, Lewiston, New York 14092, can provide staff development assessment and consulting services for an amount of \$12,500.00 to be paid on a monthly basis, as invoiced, and

WHEREAS, this program is 70% federal and 30% state funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Jeannine Brown Miller d/b/a JBM Consulting, for the provision of the above-described services, for a term commencing July 1, 2012 and terminating June 30, 2013, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

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

Adopted June 13, 2012 by voice vote.

ACT NO. 291-2012 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD, INC. FOR
OPERATION OF WIA ONE-STOP PROGRAM**

Pursuant to P.L. 105-220, Workforce Investment Act of 1998,
20 USC 9201 and Section 450 of the County Law.

WHEREAS, Act 93-2012 authorized a contract with the Cattaraugus-Allegany Workforce Investment Board, Inc., (WIB) for the operation of the aforementioned WIA One-Stop program, the term of which expires June 30, 2012, and

WHEREAS, additional funding has been made available through the NYSDOL Supplemental Dislocated Worker program, and

WHEREAS, the WIB shall pay to the County, for the administration of the above-described program, an additional amount of \$8,755.00 for the program year July 1, 2011 through June 30, 2012, to be paid on a monthly basis, as invoiced, 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 an amended contract, on behalf of Cattaraugus County, with the Cattaraugus-Allegany Workforce Investment Board, Inc., for the provision of the above-described services, for a term commencing July 1, 2011 and terminating June 30, 2012, according to the above-described terms.

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

Adopted June 13, 2012 by voice vote.

ACT NO. 292-2012 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD, INC. FOR
OPERATION OF WIA ONE-STOP PROGRAM**

Pursuant to P.L. 105-220, Workforce Investment Act of 1998,
20 USC 9201 and Section 450 of the County Law.

WHEREAS, Act 93-2012 authorized a contract with the Cattaraugus-Allegany Workforce Investment Board, Inc., for the operation of the aforementioned WIA One-Stop program, the term of which expires June 30, 2012, and

WHEREAS, the County Department of Social Services is desirous of continuing the One Stop Operator delivery system services, and

WHEREAS, the WIB will pay the County for the administration of the above-described program the sum of \$535,659.00 for the program year July 1, 2012 through June 30, 2013, to be paid on a monthly basis, as invoiced, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Cattaraugus-Allegany Workforce

Investment Board, Inc., for the provision of the above-described services, for a term commencing July 1, 2012 and terminating June 30, 2013, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

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

Adopted June 13, 2012 by voice vote.

CHAIRMAN MARSH granted privilege of the floor to Ms. Edstrom who introduced Cherianne Ambuski, CSEA Representative, who spoke against Act Nos. 293-2012 and 294-2012.

ACT NO. 293-2012 by ¹ Mrs. Stockman
and Ms. Vickman²

APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND JAMESTOWN PSYCHIATRIC, P.C., FOR DEPARTMENT OF COMMUNITY SERVICES MENTAL HEALTH CLINIC LPN SERVICES AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS (Department of Community Services)

Pursuant to 14 NYCRR Section 587.8(d)(3) and (i),
Section 41.07 of the Mental Hygiene Law and
Sections 363, 366 and 450 of the County Law.

WHEREAS, the Cattaraugus County Community Services Board is in need of licensed practical nursing (LPN) services for the Department of Community Services mental health clinic to replace a staff member who has resigned, and

WHEREAS, Jamestown Psychiatric, P.C., 560 West Third Street, Jamestown, New York 14701, shall provide LPN services for the Department of Community Services mental health clinic, for an amount not to exceed \$12,932.00, and

WHEREAS, various appropriation accounts must be adjusted 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 between the Cattaraugus County Community Services Board and Jamestown Psychiatric, P.C., to signify the County's approval, for the provision of the above-described services, for a term commencing June 18, 2012 and terminating September 30, 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.431.4330.2100.11000	Adult MH Clinic, Full-Time Wages	\$ 1,988.00
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A.431.4330.2100.81000	Adult MH Clinic, FICA	\$ 397.00
A.431.4330.2100.82000	Adult MH Clinic, Retirement	\$ 933.00
A.431.4330.2100.83000	Adult MH Clinic, Health Insurance	\$ 1,839.00
A.431.4330.2100.84000	Adult MH Clinic, Dental Insurance	\$ 15.00
A.431.4331.2100.11000	Children's MH Clinic, Full-Time Wages	\$ 2,983.00
A.431.4331.2100.81000	Children's MH Clinic, FICA	\$ 596.00
A.431.4331.2100.82000	Children's MH Clinic, Retirement	\$ 1,399.00
A.431.4331.2100.83000	Children's MH Clinic, Health Insurance	\$ 2,759.00
A.431.4331.2100.84000	Children's MH Clinic, Dental Insurance	\$ 23.00

Increase Appropriation Accounts:

A.431.4330.2100.41220	Adult MH Clinic, Nursing Services Contracted	\$ 5,172.00
A.431.4331.2100.41220	Children's MH Clinic, Nursing Services Contracted	\$ 7,760.00.

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

¹ MS. EDSTROM requested that her name be removed as a sponsor.

² The following Legislator requested her name be listed as an additional sponsor: "Ms. Vickman".

MS. EDSTROM and Mr. Snyder Jr. requested a Roll Call Vote on Act No. 293-2012, which disclosed as follows:

Ayes: Aiello 0.8673, Boser 1.0267, Edwards 0.9684, Felton 1.0972, Hale 1.0655, Koch 0.8685, Labuhn 0.8685, Lamberson 1.0267, Murphy 1.1005, Sprague 1.0230, Stockman 1.0003, Teachman 0.8673, VanRensselaer 1.1278, Vickman 1.0972, Marsh 1.1278 – 15.1327.

Nays: Edstrom 0.8673, Padlo 0.8673, Snyder, Jr. 1.0655, Snyder, Sr. 0.8673, Weller 1.0972 – 4.7646.

Act No. 293-2012, having received the majority vote of the Legislature, was declared Adopted.

ACT NO. 294-2012 by ¹ Mrs. Stockman
and Ms. Vickman²

APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND CATTARAUGUS COMMUNITY ACTION, INC., FOR DEPARTMENT OF COMMUNITY SERVICES TRANSITION STAFF 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, Act 601-2011, as amended by Act 111-2012, authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, for the provision of social worker/mental health therapists for the mental health clinics and one intake coordinator, the term of which expires September 30, 2012, and

WHEREAS, the Cattaraugus County Community Services Board is desirous of contracting for the services of two (2) full-time temporary support staff and one (1) full-time temporary

mental health clinician to assist with coverage at all Department of Community Services clinic sites during the clinical services transition period, and

WHEREAS, Cattaraugus Community Action, Inc., can provide the aforementioned temporary staff for the mental health clinics for an amount not to exceed \$32,919.00, to be paid on a monthly basis, as invoiced, and

WHEREAS, various appropriation accounts must be adjusted 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 between the Cattaraugus County Community Services Board and Cattaraugus Community Action, Inc., to signify the County’s approval, for the provision of the above-described services, for a term commencing June 18, 2012 and terminating September 30, 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.431.4331.2100.11000	Children’s MH Clinic, Full-Time Wages	\$ 8,175.00
A.431.4330.2100.11000	Adult MH Clinic, Full-Time Wages	\$20,158.00
A.431.4330.2100.81000	Adult MH Clinic, FICA	\$ 1,390.00
A.431.4330.2100.82000	Adult MH Clinic, Retirement	\$ 3,159.00
A.431.4330.2100.84000	Adult MH Clinic, Dental Insurance	\$ 37.00

Increase Appropriation Accounts:

A.431.4330.2100.41636	Adult MH Clinic, Support Staff	\$ 8,175.00
A.431.4331.2100.41636	Children’s MH Clinic, Support Staff	\$ 8,175.00
A.431.4330.2100.41229	Adult MH Clinic, Social Worker Contracted	\$16,569.00.

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

¹ MS. EDSTROM requested that her name be removed as a sponsor.

² The following Legislator requested her name be listed as an additional sponsor: “Ms. Vickman”.

MR. WELLER and Ms. Edstrom requested a Roll Call Vote on Act No. 294-2012, which disclosed as follows:

Ayes: Aiello 0.8673, Boser 1.0267, Edwards 0.9684, Felton 1.0972, Hale 1.0655, Koch 0.8685, Labuhn 0.8685, Lamberson 1.0267, Murphy 1.1005, Sprague 1.0230, Stockman 1.0003, Teachman 0.8673, VanRensselaer 1.1278, Vickman 1.0972, Marsh 1.1278 – 15.1327.

Nays: Edstrom 0.8673, Padlo 0.8673, Snyder, Jr. 1.0655, Snyder, Sr. 0.8673, Weller 1.0972 – 4.7646.

Act No. 294-2012, having received the majority vote of the Legislature, was declared Adopted.

ACT NO. 295-2012 by Public Safety Committee:
Mr. Murphy, Mr. Hale, Mr. Felton, Mr. Snyder, Sr.,
Mr. VanRensselaer, Mr. Weller and Mr. Koch and
by Public Works Committee:
Mr. Aiello, Mr. Weller, Ms. Edstrom, Mr. Klancer, Mr. Snyder, Jr.,
Mr. Teachman, Mr. Koch, Mr. Lamberson and Mr. Sprague

LOCAL LAW NUMBER 3 - 2012
COUNTY OF CATTARAUGUS, NEW YORK

Pursuant to Section 1650 of the Vehicle and Traffic Law and
Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW PROVIDING FOR THE REMOVAL AND
STORAGE OF VEHICLES**

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

SECTION 1. Legislative Intent.

The County Legislature of the County of Cattaraugus has determined that it should exercise its right, pursuant to Vehicle and Traffic Law Section 1650 (7)(d), to provide for the removal and storage of vehicles parked or abandoned on County roads during snowstorms, floods, fires or other public emergencies, or found unattended where they constitute an obstruction to traffic or any place where stopping, standing or parking is prohibited.

SECTION 2. SEQRA Determination.

The Cattaraugus County Legislature hereby determines, as lead agency, pursuant to the State Environmental Quality Review Act (SEQRA) that passage of this Local Law constitutes a Type 2 action which will not have a significant effect on the environment.

SECTION 3. Application. This Local Law shall apply to all County roads situated in the County of Cattaraugus.

SECTION 4. Definitions. The following definitions shall apply to this Local Law:

- a. "Abandoned Vehicle" – for the purposes of this Local Law, any vehicle found unattended on a County road where it constitutes an obstruction to traffic or any place where stopping, standing, or parking is prohibited, regardless of whether vehicle is located in or upon the roadway;
- b. "Commissioner" – the Cattaraugus County Commissioner of Public Works or his authorized representative;
- c. "County" – the County of Cattaraugus, New York;
- d. "Owner" – as defined in Section 128 of the Vehicle and Traffic Law and also includes in the absence of the owner, any person who exercises control of the vehicle with the owner's consent;
- e. "Sheriff" – the Sheriff of Cattaraugus County or his authorized representative;
- f. "Vehicle" – as the term is defined in Section 159 of the Vehicle and Traffic Law.

SECTION 5. Powers of Sheriff and Commissioner. The Commissioner and the Sheriff shall, acting separately or in concert, have the power to cause or order the immediate removal of any vehicle that is parked or abandoned on a County road during snowstorms, floods, fires or at any public emergencies or found unattended where it constitutes an obstruction to traffic or any place where stopping, standing, or parking is prohibited, regardless of whether such vehicle is located in or upon the roadway.

SECTION 6. Towing and Storage. The Commissioner or Sheriff may order the towing or removal of any vehicle pursuant to this Local Law by any licensed towing agency. The Commissioner or Sheriff may authorize the towing agency to store or arrange for the storage of the vehicle in a suitable and secure place at the expense of the owner, or may store the vehicle securely on County property. The owner may redeem the vehicle upon payment to the entity removing and storing the same of all expenses actually incurred in effecting such removal and storage. Such charge shall not exceed \$200.00, plus storage charges, which shall not exceed \$10.00 per day or fraction thereof. All towing and storage fees associated with the removal of such vehicle shall be the sole responsibility of the owner(s) thereof. In the event the Sheriff authorizes the towing and storage of a vehicle, he shall immediately notify the Commissioner of such action.

SECTION 7. Notice of Removal. After a vehicle is removed from a County road pursuant hereto, the Commissioner shall, without delay, ascertain the identity of the owner of the vehicle, or other person having charge of the same, and notify him/her by certified mail, return receipt requested and by regular mail, of the fact of such removal, the reasons therefor, the place to which said vehicle has been removed and the charges imposed for towing and storage. A copy of such notice shall be provided to the proprietor of the facility at which the vehicle is stored. If the identity of the owner is not readily obtainable, the Commissioner shall refer the matter to the Sheriff, who shall obtain the name and address by whatever means necessary and the Commissioner shall then comply with the requirements of this section.

SECTION 8. Disposition of Vehicles.

a. For the purposes of this Local Law, the authority entitled to custody of a vehicle removed from a County road pursuant hereto is the Commissioner.

b. In the event that a vehicle has been in the possession of the County or the towing agency and remains unclaimed or a period of ninety (90) days after the date on which the notice required by Section 7 hereof is placed in a United States Postal Service receptacle, ownership of such vehicle shall vest with the County and the Commissioner shall determine if the vehicle is suitable for operation on public highways. If so, the vehicle shall be sold to the highest bidder at the County's annual public auction or converted pursuant to subdivision e of this section.

c. If the Commissioner determines that any such vehicle is not suitable for operation on the public highways, he/she shall sell the vehicle to a vehicle dismantler or scrap processor registered or certified pursuant to Vehicle and Traffic Law Section 415-a or to a vehicle dismantler or scrap processor which does not have a place of business in this state but who conforms to the laws and regulations of the state in which it has a place of business.

d. A vehicle removed from a County road pursuant to this Local Law which does not have a vehicle identification number plate must be sold only to a vehicle dismantler or scrap processor registered or certified pursuant to Vehicle and Traffic Law Section 415-a or to a vehicle dismantler or scrap processor who does not have a place of business in this state but who conforms to the laws and regulations of the state in which it has a place of business. Nothing contained herein shall be construed as preventing the Commissioner from applying for a replacement vehicle identification number plate.

e. The Commissioner may convert to the use of Cattaraugus County any vehicle owned by the County pursuant to this Local Law, or may, if approved by the Cattaraugus County Legislature, by sale or gift, transfer title to such vehicle to any other municipal corporation for use by its law enforcement agency.

f. Any proceeds from the sale of a vehicle sold pursuant hereto less any expenses incurred by the Commissioner shall be held by the Cattaraugus County Treasurer without interest, for the benefit of the owner of such vehicle, for a period of one year. If not claimed within such one year period, such proceeds shall be paid into the general fund of the County of Cattaraugus.

SECTION 9. Supersession of State Law. To the extent that any provisions of this Local Law are inconsistent with New York State Vehicle and Traffic Law Section 1224, the Cattaraugus County

Legislature hereby declares its intent to supersede such section of New York State Law, pursuant to its home rule powers under Municipal Home Rule Law, section 10 et. seq.

SECTION 10. Severability. If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 9. Effective Date. This Local Law shall become effective immediately upon the filing by the Secretary of State.

No action was taken at this time on Act No. 295-2012.

ACT NO. 296-2012 by Public Safety Committee:
Mr. Murphy, Mr. Hale, Mr. Felton, Mr. Snyder, Sr.,
Mr. VanRensselaer, Mr. Weller and Mr. Koch and
by Public Works Committee:
Mr. Aiello, Mr. Weller, Ms. Edstrom, Mr. Klancer, Mr. Snyder, Jr.,
Mr. Teachman, Mr. Koch, Mr. Lamberson and Mr. Sprague

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 3-2012

Pursuant to Section 1650 of the Vehicle and Traffic Law and
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 13, 2012, a proposed Local Law entitled "A Local Law Providing for the Removal and Storage of Vehicles", 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 June, 2012, 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 8 members of the Finance Committee.

Adopted June 13, 2012 by voice vote.

ACT NO. 297-2012 by Mr. Aiello, Ms. Edstrom, Mr. Felton, Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. Murphy, Mr. Snyder, Jr., Mr. Snyder, Sr., Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Ms. Vickman and Mr. Weller

**LOCAL LAW NUMBER 4 - 2012
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Chapter 97-2011 of the Laws of the State of New York and Section 3-c of the General Municipal Law.

A LOCAL LAW OVERRIDING TAX LEVY LIMIT FOR FISCAL YEAR 2013

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

SECTION 1. Legislative Intent.

a. By Chapter 97 of the Laws of 2011, effective Jun 24, 2011, codified as Section 3-c of the General Municipal Law, the State of New York imposed upon counties and other local governments and school districts, with certain exceptions, a two percent limit on the amount of real property taxes that may be levied by or on behalf of such entities.

b. General Municipal Law Section 3-c (6) provides that if a local government's actual tax levy for a given fiscal year exceeds the tax levy limit, as determined by the State Comptroller, the local government must place the excess amount of the levy in reserve and use such funds to offset the tax levy for the ensuing fiscal year.

c. General Municipal Law Section 3-c (5) provides that a local government may adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year only if the governing body first enacts, by a vote of 60 percent of the total voting power, a local law to override such limit.

d. The Legislature has determined and hereby commits to use its best efforts to adopt a budget for fiscal year 2013 that complies with the requirements of General Municipal Law Section 3-c.

e. However, and solely in order to avoid the requirement that the County place any excess levy in reserve in the event that the State Comptroller determines that the 2013 levy exceeds the allowable limit due to clerical or technical errors, the Legislature deems it necessary to authorize an override of such limit.

SECTION 2. Authorizing Override of Tax Levy Limit for 2013. For fiscal year 2013, only in the event that the State Comptroller determines that the County's actual tax levy limit exceeds the tax levy limit established by General Municipal Law Section 3-c due to clerical or technical errors, the County is hereby authorized to and shall override the real property tax levy limit established and imposed by such section.

SECTION 3. Effective Date. This local law shall become effective immediately.

No action was taken at this time on Act No. 297-2012.

ACT NO. 298-2012 by Mr. Aiello, Ms. Edstrom, Mr. Felton, Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. Murphy, Mr. Snyder, Jr., Mr. Snyder, Sr., ¹Mr. Teachman, Mr. VanRensselaer, Ms. Vickman and Mr. Weller

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 4-2012

Pursuant to Section 1650 of the Vehicle and Traffic Law and 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 13, 2012, a proposed Local Law entitled "A Local Law Overriding Tax Levy Limit for Fiscal Year 2013", 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 June, 2012, 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 7 members of the Finance Committee.

¹ MRS. STOCKMAN requested that her name be removed as a sponsor.

MRS. LABUHN moved, seconded by Mr. Edwards to refer Act No. 298-2012 back to the Finance Committee and to the County Operations Committee.

MRS. LABUHN and Mr. Edwards requested a Roll Call Vote, which disclosed as follows:

Ayes: Edwards 0.9684, Hale 1.0655, Koch 0.8685, Labuhn 0.8685, Lamberson 1.0267, Murphy 1.1005, Padlo 0.8673, Sprague 1.0230, Stockman 1.0003, Teachman 0.8673, Vickman 1.0972 – 10.7532.

Nays: Aiello 0.8673, Boser 1.0267, Edstrom 0.8673, Felton 1.0972, Snyder, Jr. 1.0655, Snyder, Sr. 0.8673, VanRensselaer 1.1278, Weller 1.0972, Marsh 1.1278 – 9.1441.

Motion failed - did not receive majority vote of the Legislature.

Adopted June 13, 2012 by voice vote.

ACT NO. 299-2012 by Mr. Aiello

and Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. Murphy, Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Ms. Vickman, Mr. Boser, Mr. Koch, Mrs. Labuhn, and Mr. Padlo¹

**LOCAL LAW NUMBER 5 – 2012
COUNTY OF CATTARAUGUS, NEW YORK**

A LOCAL LAW REGULATING THE TRANSFER OF SECONDHAND ARTICLES ²

BE IT ENACTED BY THE COUNTY LEGISLATURE OF CATTARAUGUS COUNTY AS FOLLOWS:

SECTION 1. Legislative Finding & Purpose.

The purpose of this local law is to protect the residents of the County of Cattaraugus by discouraging the theft and sale of stolen goods. Secondhand Dealers engaged in the sale of secondhand goods serve a legitimate function, but may also be used by thieves to dispose of stolen goods. This Local Law will regulate those commercial outlets by requiring Secondhand Dealers to register their businesses and to maintain records of transactions. These requirements will serve to assist in the recovery of stolen items, assist in the detection and apprehension of thieves, and discourage Secondhand Dealers from taking in

articles that they suspect may be stolen, thereby greatly reducing the market for stolen goods and discouraging theft.

SECTION 2. Definitions.

- a. "Secondhand Dealer" means any person, corporation, partnership, association, limited liability corporation, and the agents, associates or employees thereof, regularly engaged in the commercial exchange, purchase and/or sale of secondhand articles, including, without limitation, pawn brokers and collateral loan brokers.
- b. "Secondhand Article" means any goods sold at resale, except as specifically provided for herein.
- c. "Identification" means an official document issued by the United States government, or by any state, county, municipality, public agency or department thereof, provided that such document contains a photographic image of the holder.
- d. "Precious metals" shall mean gold, silver, platinum, titanium, precious and semi-precious stones and coins.
- e. "County" shall mean the County of Cattaraugus.
- f. "Sheriff" shall mean the Sheriff of Cattaraugus County.

SECTION 3. License Required.

Effective July 1, 2012, no person, corporation, partnership, association, limited liability corporation or other entity shall operate in Cattaraugus County as a Secondhand Dealer or hold themselves out as a Secondhand Dealer without first being licensed by the Sheriff as provided for herein.

SECTION 4. Exemption from Licensing Requirement.

Nothing in this local law shall be construed to apply to the following:

- a. The sale of any item sold at a garage sale, yard sale, estate sale, or moving sale (collectively referred to herein as "garage sale"), provided that all of the following conditions are met:
 1. The garage sale is held on residential property owned, rented, leased, or occupied by the seller or by at least one seller if there are multiple sellers; and
 2. The items offered for sale are owned by the seller, and/or the seller is authorized by the owner to sell said items.
 3. The garage sale does not exceed a period of ninety-six (96) consecutive hours;
 4. The seller does not conduct more than three garage sales in any consecutive twelve month period;
 5. None of the items offered for sale were purchased by the seller for resale or received on consignment for purposes of resale.
- b. The sale of any secondhand article by any non-profit or charitable organization or on property occupied by any non-profit or charitable organization.
- c. The sale of secondhand books or magazines, wherever sold.
- d. The sale of secondhand articles at an auction held by a licensed auctioneer.
- e. The sale of used furniture, used clothing, or used baby/children's items. The sale of electronics and games for electronics are not exempt from the requirements of this local law, but are exempt if sold at a garage sale, yard sale, estate sale or moving sale as defined herein.
- f. Any transaction involving the sale or disposal of secondhand articles regulated by state or federal law.
- g. Internet sales or purchases.

SECTION 5. License Application.

Applicants for a license pursuant to this local law must file with the Sheriff's Office an application, supplied by such Office, containing the following information:

- a. the exact name, address, and telephone number of the applicant and the principles and officers thereof and the date of incorporation or organization, as applicable;
- b. the name, business address, residential address, and telephone number of the operator of such business if other than the applicant;
- c. the address and telephone number where the business is to be conducted; and
- d. the days and hours during which such business will be customarily open to the public.

SECTION 6. License Fees.

- a. Upon original application for a license to operate as a Secondhand Dealer, and prior to the fingerprinting, the Sheriff shall secure from the applicant the required fee for a criminal history record check in the form of a check or money order made payable, as required, to the New York State Division of Criminal Justice Services ("the Division") to be forwarded to the Division and such fee for the Sheriff's services as may, from time to time, be established by resolution of the Cattaraugus County Legislature. Any fee for fingerprinting charged by the Division or vendor is in addition to the fees required to be paid to the Sheriff.
- b. Upon original application for a license to operate as a Secondhand Dealer, and prior to the fingerprinting, the Sheriff shall secure from the applicant a fee in the amount of Ten Dollars (\$10.00), or such other fee as may from time to time be established by resolution of the Cattaraugus County Legislature, for his services in processing the application.

SECTION 7. Fingerprinting required.

In addition to a completed application, an applicant must comply with the following requirements in order to be considered for a Secondhand Dealer's license. When the application form has been completed, the applicant shall appear at the Sheriff's office, or a New York State Division of Criminal Justice Services' approved vendor, to be fingerprinted as provided in the form and manner prescribed by the Division of Criminal Justice Services, for such fingerprint search. The Sheriff, or his/her designee(s), shall review all information provided by New York State Division of Criminal Justice Services in connection with the applicant's criminal background and investigation. If a prospective applicant for a Secondhand Dealer's License has been convicted of a crime, any decision regarding such applicant's fitness for a license will be made upon consideration of New York State Correction Law §§ 701-703-b and §§ 751-753.

SECTION 8. Licensing.

After the filing of an application for a license and conducting an investigation, including fingerprinting, into the applicant's fitness to hold a Secondhand Dealer's License, if the Sheriff shall be satisfied that the application complies with the provisions of this Local Law and that the applicant is fit to hold such license pursuant to the requirements hereof, the Sheriff shall issue a license to operate as a Secondhand Dealer. The license shall remain in effect for a period of one year unless surrendered or revoked. The Sheriff shall approve or deny every application within ninety (90) days from filing. In the event the location of the business changes, licensee shall notify the Sheriff in writing. If there are changes among the principles, officers or operators of such business, licensee shall notify the Sheriff and shall submit two fingerprint cards and the appropriate fee for each individual. The form of the license shall be prescribed by the Sheriff.

SECTION 9. Grounds for denial or revocation of license.

The Sheriff shall have the power to deny or revoke the license of any person convicted within the immediately preceding ten years of a crime involving theft, larceny, burglary, possession of stolen property, or other fraudulent dealing. The Sheriff may revoke any license for a conviction pursuant to § 14 of this local law. Notice of denial or revocation of a license issued pursuant to this local law shall be given by the Sheriff or his designee in writing, setting forth specifically the grounds on which such license was either denied or revoked with opportunity for a hearing as provided for herein. Such notice shall be transmitted by certified or registered mail. Such denial or revocation may be challenged pursuant to Article 78 of the New York State Civil Practice Law and Rules. Pending a hearing and adjudication on denial or revocation of a license, no person shall operate as a Secondhand Dealer.

SECTION 10. Expiration and renewal of licenses.

A license issued pursuant to this local law must be renewed annually, as measured from the date of the issuance of the initial license.

SECTION 11. Display of license.

Every Secondhand Dealer shall cause the Secondhand Dealer License to be prominently displayed at said Secondhand Dealer's place of business.

SECTION 12. Records to be maintained by Secondhand Dealer.

- a. Seller Information. Except as otherwise provided herein, no Secondhand Dealer shall acquire within Cattaraugus County any secondhand article (whether or not acquired within the Secondhand Dealer's physical place of business) unless such Secondhand Dealer has obtained and recorded the following information:
 1. The amount paid, advanced, or loaned for the article;
 2. A detailed and accurate description of the article including any identifying marks;
 3. The serial and model number (if any);
 4. In the case of precious metals, jewelry, and gems, a photograph of the article;
 5. The Seller's Identification information as required in subparagraph b below; and
 6. The date, time and place of the acquisition.

The information shall be recorded on a Receipt, numbered in consecutive order and maintained in the Dealer's records as provided for herein.

- b. Identification Information. Prior to acquiring any secondhand article covered by this local law, every Secondhand Dealer shall request identification from the seller and shall verify the identity of the seller by comparing the seller to the photographic image contained on said identification. The Secondhand Dealer shall record the seller's name, date of birth and address (or current address if different than that listed on the identification), and the identification number (e.g., motorist ID number) listed on the identification. If the acquisition occurs within the physical place of business, the Secondhand Dealer shall make a photocopy of the front of the identification. If the acquisition is made from another Secondhand Dealer, the Secondhand Dealer purchasing the item shall also record the business name and address of the Selling Dealer and the number of days the item was held by the Selling Dealer prior to instant acquisition.
- c. Records Retention/Inspection.
 1. Every Secondhand Dealer shall maintain for a period of 5 years all of the information required in subparagraphs a and b of this Section 12. Computerized records may be used to satisfy the requirements of this local law, provided that such records include the required information and are available upon reasonable request for inspection in

- printed format. All records required to be maintained pursuant to this local law and all secondhand articles covered by this local law shall be subject to examination during normal business hours by any member of the Sheriff's Office or other police department or agency.
2. On or before 10:00 a.m. every Tuesday, every Secondhand Dealer shall forward to the Sheriff, on electronic forms provided by the Sheriff, a copy of the Seller Information required by subparagraphs a and b of this Section 12 for each secondhand article acquired in the immediately preceding 7 days, and shall cause such forms to be delivered via electronic mail to the Sheriff at the address designated on said form. Photographs of precious metals, jewelry and gems shall not be required to be transmitted with these forms.
 3. Failure to maintain the records required by this Section II shall constitute presumptive evidence of a crime.

SECTION 13. Requirement to Hold Secondhand Articles Prior to Disposal, Resale or Alteration.

For a period of seven days after the acquisition of any secondhand article, excluding the day of acquisition, (the "holding period"), every Secondhand Dealer shall maintain the secondhand article in a manner so as to be easily identified with the transaction in which said article was acquired. During said holding period, no Secondhand Dealer shall:

- a. Sell, trade, transfer, remove from the local business premises or otherwise dispose of any secondhand article covered by this local law;
- b. Alter in any fashion any such article; or
- c. Commingle any such article with similar items.

SECTION 14. Penalty.

Any Secondhand Dealer who fails to comply with the provisions of Sections 3, 5, 7, 11, 12 and 13 of this local law shall, upon conviction thereof, be guilty of a Class A misdemeanor as defined in section 55.10 of the Penal Law-of the State of New York as may be amended from time to time. Such violation shall be punishable as defined in the Penal Law of the State of New York as may be amended from time to time. Conviction of any offense against the provisions of this local law shall constitute grounds upon which the Sheriff may deny or revoke the license.

SECTION 15. Severability.

If any provision, sentence or clause of the local law is held unconstitutional, illegal or invalid by a Court of competent jurisdiction, such findings shall not affect or impair any of the remaining provisions, sentences or clauses or their application to persons and circumstances.

SECTION 16. Application.

This local law shall apply to all Secondhand Dealers operating in Cattaraugus County, except that this local law shall be inapplicable in any city, village or town, during such time as such city, village or town is regulating or licensing the occupation or business in question.

SECTION 17. Reverse Preemption.

This law shall be null and void on the day that statewide or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Cattaraugus. The Cattaraugus County Legislature may determine via resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions of this section.

SECTION 18. Effective Date.

The local law shall become effective immediately upon filing in the Office of the Secretary of State.

¹ The following Legislators requested their names be listed as additional sponsors: “Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. Murphy, Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Ms. Vickman, Mr. Boser, Mr. Koch, Mrs. Labuhn, and Mr. Padlo”.

² MR. AIELLO moved, seconded by Mr. Murphy to amend Act No. 299-2012 as follows: In the title, delete: “, AND REPEALING LOCAL LAW NO. 3-1981 REGARDING THE TRANSFER OF PRECIOUS METALS AND JEWELRY”. Carried.

No further action was taken at this time on Act No. 299-2012.

ACT NO. 300-2012 by Mr. Aiello
*and Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. Murphy, Mr. Teachman,
Mr. VanRensselaer, Ms. Vickman, Mr. Koch and Mrs. Labuhn¹*

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 5-2012

Pursuant to Section 1650 of the Vehicle and Traffic Law and
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 13, 2012, a proposed Local Law entitled “A Local Law Regulating the Transfer of Secondhand Articles,”¹ 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 June, 2012, 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 7 members of the Finance Committee and 6 members of the Public Safety Committee.

¹ The following Legislators requested their names be listed as additional sponsors: Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. Murphy, Mr. Teachman, Mr. VanRensselaer, Ms. Vickman, Mr. Koch and Mrs. Labuhn”.

² MR. AIELLO moved, seconded by Mr. Murphy to amend Act No. 300-2012 as follows: In the first Whereas, delete: “and Repealing Local Law No. 3-1981 regarding the Transfer of Precious Metals and Jewelry”. Carried.

Adopted, as amended, June 13, 2012 by voice vote.

ACT NO. 301-2012 by Public Safety Committee:
Mr. Murphy, Mr. Hale, Mr. Felton, Mr. Snyder, Sr.,
Mr. VanRensselaer, Mr. Weller and Mr. Koch

OPPOSING RAISING THE AGE OF CRIMINAL RESPONSIBILITY

Pursuant to Section 153 of the County Law.

WHEREAS, Senate Bills S.7020 and S.7394 and Assembly Bills A.9424 and A.10257 propose to raise the age of criminal responsibility in New York State from 16 years to 18 years, and

WHEREAS, the aforementioned legislation proposes to create a special court to handle non-violent criminal cases against 16 and 17 year olds, and

WHEREAS, under the proposal, 16 and 17 year olds charged with non-violent crimes would be eligible to have their case diverted from criminal court to the local probation office, which is what currently happens for children under 16, and

WHEREAS, the passage of the aforementioned proposed legislation will have a severe impact on the Cattaraugus County Probation Department, due to the fact that it will be responsible for "adjusting" each case that comes in, and currently does not have enough staff to handle the additional caseload, and

WHEREAS, more programs will be needed to ensure that the 16-17 year olds are receiving the needed services without impacting current services provided for the juvenile delinquent (JD) population, and

WHEREAS, the proposed legislation, if adopted, will potentially increase costs associated with the Public Defender's Office, the Assigned Counsel Program, the County Attorney's Office, the Department of Social Services and Youth Bureau, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby strongly opposes the passage of Senate Bills S.7020 and S.7394 and Assembly Bills A.9424 and A.10257 which raise the age of criminal responsibility from 16 to 18 years, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a copy of this resolution to Governor Cuomo, the New York State Office of Court Administration, Senator Young, Assembly Member Giglio, the New York State Association of Counties and the Western New York Inter-County Association.

Approved by 8 members of the Finance Committee.

Adopted June 13, 2012 by voice vote.

ACT NO. 302-2012 by Mr. Aiello and Mr. Weller
who ask immediate consideration

**BID ACCEPTANCE FOR PURCHASE OF TWO TANDEM AXLE TRUCKS WITH
DUMP BODIES AND SNOWFIGHTING EQUIPMENT**

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 the purchase of two (2) 2013 or newer, tandem axle trucks with dump bodies and snowfighting equipment, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications for the purchase of two (2) 2013 or newer, tandem axle trucks with dump bodies and snowfighting equipment, was the bid of Regional International Corp., 2955 Strunk Road, Jamestown, New York 14701, a dealer for Navistar, Inc., 399 Albany/Shaker Road, Loudonville, New York 12211, for an amount as follows:

\$368,800.00
less \$ 20,900.00 trade-in allowance
 net cost of \$347,900.00

plus Option #1 \$ 800.00 for motor with integral speed sensor installed on both spreaders
 plus Option #2 \$ 1,600.00 for upgrade of sander controller to work with ground speed installed on both sanders

Total Cost \$350,300.00,

and

WHEREAS, sufficient funds are included in the 2012 budget to cover the cost of the aforementioned equipment, now, therefore, be it

RESOLVED, that the bid of Regional International Corp., a dealer for Navistar, Inc., be, and the same hereby is, accepted, for a term commencing upon the signing of the contract documents and terminating 240 days after receipt of the order, and be it further

RESOLVED, that vouchers submitted in accordance with the provisions of the General Municipal Law §106-b and certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Nine sets of specifications were sent out.

Eight bids from four companies were received.

Two bids meet specifications with minor exceptions.

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

Adopted June 13, 2012 by voice vote.

ACT NO. 303-2012 by Mr. Aiello and Mr. Weller
 who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
 JONES WELL DRILLING, INC., FOR
 COOLING PUMP FOR LITTLE VALLEY COUNTY CENTER AND
 TRANSFER OF FUNDS
 (Contingent Fund – Building Repair/Maintenance)**

Pursuant to Sections 363, 365 and 450 of the County Law.

WHEREAS, the cooling system pump at the County Building in Little Valley has failed and needs to be replaced, and

WHEREAS, Jones Well Drilling, Inc., 3252 Pine Hill Road, Randolph, New York 14772, can provide a new cooling pump for the Little Valley County Center, for an amount not to exceed \$8,000.00, and

WHEREAS, a transfer of funds is necessary in order to cover the cost of the aforementioned emergency repair, 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 Jones Well Drilling, Inc., for the provision of the above-described services, for a term commencing June 13, 2012 and terminating July 31, 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 Account:

A.901.1990.0000.40601	Contingent Fund	\$8,000.00
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Increase Appropriation Account:

A.162.1620.0000.44401	Building Repair/Maintenance	\$8,000.00.
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MR. WELLER moved, seconded by Mr. Koch to waive Rule 12. Carried.

Adopted June 13, 2012 by voice vote.

ACT NO. 304-2012 by Mr. Aiello, Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. Murphy, Mr. Snyder, Jr., Mr. Snyder, Sr., Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Ms. Vickman, Mr. Weller, Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson, Mr. Padlo and Mr. Sprague who ask immediate consideration

CONGRATULATING CLASS OF 2012 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 2012 high school valedictorians:

Allegany-Limestone Central School	Kyle Trietley
Archbishop Walsh High School	Ryan Whelpley
Cattaraugus-Little Valley Central School	Amy Marie Pritchard
Central Baptist Christian School	Kyla Glasner
Cuba-Rushford Central School	Ryan Webb, Megan VanderHorst
Ellicottville Central School	Kaitlyn Riethmiller
Forestville Central School	Katherine Fickelscherer
Franklinville Central School	Anna Ciesla
Frewsburg Central School	Amanda Moon
Gowanda Central School	Zachery Steever
Hinsdale Central School	Kaitlyn Layman
New Life Christian School	Aaron Shortz

Olean City School
Pine Valley Central School
Pioneer Central School
Portville Central School
Randolph Central School
Salamanca City Central School
Springville-Griffith Institute
Central School
West Valley Central School

Shawn Bihler
Kaylee Mathews
Denille Pingrey
Shawna Sprout
Marah Maycock
Ryann Hoard
Carolyn Engelhardt

Alyssa Cizdziel,

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward copies of this resolution to the Class of 2012 valedictorians.

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

Adopted June 13, 2012 by voice vote.

MR. SNYDER, SR. moved, seconded by Mr. VanRensselaer requesting that Chairman Marsh write a letter to New York State regarding the deplorable and dangerous condition of I-86. Adopted June 13, 2012 by voice vote.

MR. TEACHMAN moved, seconded by Mrs. Stockman to adjourn until June 27, 2012 at 3:00 p.m. Carried.

Meeting adjourned at 4:08 p.m.

Ann M. Giglio
Journal Clerk