

July 25, 2012

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

The invocation was given by Rev. leFeber.

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

MR. TEACHMAN moved, seconded by Mr. Lamberson that the minutes of the June 27, 2012 session be approved. Carried.

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COMMUNICATIONS:

New York State Department of State: Letter acknowledging receipt of Local Law No. 3-2012 and 4-2012 and the filing of the same.

Assembly Member Giglio: Notification of the passage of Assembly Bill A.9286a, which added the Allegheny River and Cattaraugus Creek to the definition of “inland waterways” for purposes of waterfront revitalization; notification of the passage of Assembly Bill A.9490 regarding the mortgage recording tax; copy of a letter from Assembly Member Giglio to Governor Cuomo urging his quick approval of Assembly Bill A.9490.

Delaware County Board of Supervisors: Copy of its Resolution No. 93 entitled, “Resolution in Support of Senate Bill No. S.5629-B and Assembly Bill No. A.6575, an Act to Amend the Tax Law, in Relation to authorizing Certain Counties, Cities and School Districts to Impose up to a Four Percent Rate of Sales and Compensating Use Taxes Pursuant to the Authority of Article 29 of Such Law and to Preserve the Authority of Certain Counties and a City to Impose Such Taxes at Rates in Excess of Four Percent; and to Repeal Certain Provisions of Such Law Relating Thereto”.

Ontario County Board of Supervisors: Copy of its Resolution No. 407-2012 entitled, “Uniform Notice of Claim Act, Resolution in Opposition”.

Ted Bennett, Chairman, I-86 Coalition: E-mail of resolutions from ten counties along the I-86 Corridor (Orange, Sullivan, Delaware, Broome, Tioga, Chemung, Schuyler, Steuben, Allegany and Chautauqua) as well as the Inter-County Association of Western New York, the Elmira-Chemung Transportation Council and Southern Tier Economic Growth, urging the Governor and the State Legislature to advance funding and expedite completion of I-86.

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APPOINTMENTS:

PLANNING BOARD

Three-year terms to expire July 31, 2015

Charles W. Couture
5790 Fox Valley Road
West Valley, New York 14171

David L. McCoy
303 Pleasant Acres
Portville, New York 14770

Paul D. Mager
69 Mountain View Drive
Little Valley, New York 14755

Ann Padlo
138 North Eighth Street
Olean, New York 14760

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CHAIRMAN MARSH granted privilege of the floor to Joseph Keller, County Treasurer, who introduced Joseph Klimak of Toski & Company, who gave a report of the 2011 audit, year ending December 31, 2011.

CHAIRMAN MARSH granted privilege of the floor to Mr. Snyder, Sr., who introduced a friend of his, Mike Murphy, who is a Grays Harbor County Legislator from the State of Washington.

CHAIRMAN MARSH announced this is the time and place called for a public hearing on **Act No. 317-2012**, Local Law Number 6 - 2012, "A Local Law Authorizing County Treasurer to Dispose of Jewelry and Other Personal Property", and that anyone wishing to speak for or against this local law, may now do so.

There being no one wishing to speak, CHAIRMAN MARSH declared the public hearing closed.

CHAIRMAN MARSH called up **Act No. 317-2012**, Local Law Number 6 - 2012, "A Local Law Authorizing County Treasurer to Dispose of Jewelry and Other Personal Property", and asked that it be read.

Approved by 8 members of the Finance Committee.

CHAIRMAN MARSH requested a Roll Call Vote on Act No. 317-2012, which disclosed as follows:

Ayes: Aiello 0.8673, Boser 1.0267, Edstrom 0.8673, Edwards 0.9684, Felton 1.0972, Klancer 1.1005, Koch 0.8685, Labuhn 0.8685, Lamberson 1.0267, Murphy 1.1005, Padlo 0.8673, Snyder, Jr. 1.0655, Snyder, Sr. 0.8673, Sprague 1.0230, Stockman 1.0003, Teachman 0.8673, VanRensselaer 1.1278, Vickman 1.0972, Weller 1.0972, Marsh 1.1278 – 19.9323.

Nays: none.

Act No. 317-2012, having received the majority vote of the Legislature, was declared Adopted.

CHAIRMAN MARSH called up **Act No. 297-2012**, Local Law Number 4 - 2012, "A Local Law Authorizing a Limited Override of Tax Levy Limit for Fiscal Year 2013 Only to Account for Cattaraugus County's Obligation to Include within its Tax Cap Certain Amounts that Benefit Other Municipalities", and asked that it be read.

Approved by 8 members of the Finance Committee.

CHAIRMAN MARSH requested a Roll Call Vote on Act No. 297-2012, which disclosed as follows:

Ayes: 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.

Nays: Edwards 0.9684, Klancer 1.1005, 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 – 10.7882.

Act No. 297-2012, having failed to receive the majority vote of the Legislature, was declared Lost.

CHAIRMAN MARSH called up **Act No. 319-2012**, "Authorizing the Chair to Execute Contract with Cornell Cooperative Extension-Cattaraugus County for Coordinator of Public Health Preparedness & Response to Bioterrorism and Emergency Preparedness Resources Specialist", and asked that it be read.

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

The following Legislators requested their names be listed as additional sponsors: "Mr. Weller and Mrs. Labuhn".

MRS. STOCKMAN moved, seconded by Mr. Lamberson to amend Act No. 319-2012 as follows: "In the fifth Whereas, delete: "\$29,093.00", and replace with: "\$33,248.00"; delete "\$29,593.00, and replace with: "\$33,748.00". Carried.

Adopted, as amended, July 25, 2012 by voice vote.

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ACT NO. 330-2012 by Mr. Marsh

ESTABLISHING RESERVE ACCOUNT FOR EXCESS TAX LEVY

Pursuant to Section 3-c of the General Municipal Law.

WHEREAS, Cattaraugus County was required by General Municipal Law Section 3 to impose a real property tax levy not exceeding 2% for fiscal year 2012, and

WHEREAS, the State Comptroller has determined that the County exceeded such cap on the levy by \$184,406.00, representing amounts benefiting other municipalities and not included in the County's levy, and

WHEREAS, a reserve account must be established for the excess tax levy, now, therefore, be it

RESOLVED, that the County Administrator is hereby directed to establish the following reserve account: A.695.0000 Deferred Tax Revenue – Reserve for Excess Tax Levy \$184,406.00.

Approved by 8 members of the Finance Committee.

Adopted July 25, 2012 by voice vote.

ACT NO. 331-2012 by Mr. Aiello, Mrs. Stockman and Mr. Weller
*and Mr. Lamberson*¹

**BID ACCEPTANCE FOR PRECAST CONCRETE BOX CULVERT FOR
DAYTON 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 Dayton Culvert No. 22, 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 Kistner Concrete Products, Inc., P.O. Box 218, East Pembroke, New York 14056, for an amount of \$57,510.80, to be paid as determined by the Department of Public Works, and

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

RESOLVED, that the bid of Kistner Concrete Products, Inc., be, and the same hereby is, accepted, for a term commencing upon the signing of the contract documents and terminating October 31, 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.

Six sets of specifications were sent out.

Three bids were received.

Approved by 8 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. Lamberson."

Adopted July 25, 2012 by voice vote.

ACT NO. 332-2012 by Mr. VanRensselaer and Mr. Boser

**AUTHORIZING APPLICATION FOR TOURISM PROMOTION AND
DESIGNATING GRANT ADMINISTRATOR**

Pursuant to Section 164 of the Economic Development Law.

WHEREAS, Act 338-2011 authorized an application for tourism promotion and designated the grant administrator, and

WHEREAS, the New York State Tourist Promotion Act provides that the Commissioner of Economic Development may, upon application, match the funds expended by tourist promotion

agencies and provide other assistance to local organizations for the promotion of tourist travel, resorts, and vacation businesses of the State of New York, and

WHEREAS, before an application for matching funds for the promotion of tourism can be submitted, it is required that the Cattaraugus County Legislature designate a tourist promotion agency to make such application and to receive grants for the purposes specified in the law, and

WHEREAS, Cattaraugus County should contribute a local share of \$70,000.00 in Fiscal Year 2013 to leverage additional funds from the New York State I Love New York Matching Funds Program, now, therefore, be it

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism, is hereby authorized and directed to submit all the required applications and other documents, on behalf of Cattaraugus County, necessary for the purpose of receiving these funds, and be it further

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism, is hereby authorized and directed to receive grants from the State of New York for, and on behalf of, Cattaraugus County for the purposes herein specified, and be it further

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism is hereby designated as the administrator of these funds, and be it further

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism is authorized to apply for state matching funds up to \$500,000 for the program year October 1, 2012 through September 30, 2013, and be it further

RESOLVED, that if the application for such funding is approved, then the Cattaraugus County Department of Economic Development, Planning and Tourism shall submit the grant agreement to the Legislature for approval and appropriation prior to the commencement of any work, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Commissioner of Economic Development of the State of New York, and the Marketing Manager, Matching Funds, New York State Department of Economic Development.

Approved by 8 members of the Finance Committee and 7 members of the Development and Agriculture Committee.

Adopted July 25, 2012 by voice vote.

ACT NO. 333-2012 by Ms. Edstrom and Mrs. Stockman
and Mr. Lamberson¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR
HEALTH DEPARTMENT WIC PROGRAM**

Pursuant to 42 USCS Section 1786 and
Section 450 of the County Law.

WHEREAS, Act 411-2011 authorized a contract with the New York State Department of Health for WIC Program funding, the term of which expires September 30, 2012, and

WHEREAS, the County Health Department has been awarded funding for the period October 1, 2012 to September 30, 2013 in the amount of \$485,902.00, and

WHEREAS, a contract is necessary in order to receive this funding from the New York State Department of Health, and

WHEREAS, this program is 25% state and 75% 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 New York State Department of Health for WIC Program funding for a term commencing October 1, 2012 and terminating September 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.

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

Adopted July 25, 2012 by voice vote.

ACT NO. 334-2012 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
WALKER BUSINESS & STAFFING SERVICES, INC. FOR
TEMPORARY CLERICAL SERVICES FOR
DEPARTMENT OF SOCIAL SERVICES CHILD PROTECTIVE UNIT AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Social Services)**

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

WHEREAS, Act 430-2011 authorized a contract with Walker Business & Staffing Services, Inc., 23 West State Street, Wellsville, New York 14895, for the provision of temporary clerical services for the County Department of Social Services Child Protective Unit, the term of which expired March 31, 2012, and

WHEREAS, the Department of Social Services is in need of the aforementioned services, and

WHEREAS, Walker Business & Staffing Services, Inc., can provide the aforementioned temporary clerical services for an amount not to exceed \$30,000.00, to be paid as invoiced, and

WHEREAS, this program is 100% state funded, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to cover the costs of the aforementioned temporary clerical 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 Walker Business & Staffing Services, Inc., for the provision of the above-described services, for a term commencing *August*¹ 1, 2012 and terminating March 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, and be it further

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

Increase Estimated Revenue Account:

A.601.6156.0000.3689.02	Special CPS Allocation	\$18,750.00
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Increase Appropriation Account:

A.601.6156.0000.41233	CPS Professional Services	\$18,750.00.
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Approved by 8 members of the Finance Committee and 7 members of the Human Services Committee.

¹ MS. EDSTROM moved, seconded by Mr. Aiello to amend Act No. 334-2012 as follows: In the first Resolved, delete: "October", and replace with "August". Carried.

Adopted, as amended, July 25, 2012 by voice vote.

ACT NO. 335-2012 by Mrs. Stockman

**AMENDING ACT 176-2012 REGARDING 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, Act 176-2012 authorized a contract with Gustavus Adolphus Child and Family Services, Inc., for the provision of skill-building services and respite services for Department of Community Services child/adolescent clients, for a term commencing March 28, 2012 and terminating December 31, 2012, and

WHEREAS, the County Department of Community Services is desirous of amending the term of the aforementioned contract to commence January 1, 2012 rather than March 28, 2012, and

WHEREAS, Gustavus Adolphus Child and Family Services, Inc., 1293 Union Road, West Seneca, New York 14224, provided the aforementioned skill-building and respite services for children and adolescent clients for an amount in accordance with the following to be paid on a monthly basis as invoiced:

<u>Skill Building Services</u>	\$15.00 per 15 minute increment
(not to exceed \$20,000.00)	
<u>Respite Services</u>	<6 hours - \$9.75 per 15 minute increment
(not to exceed \$24,771.00)	6-24 hours - \$235 per occasion,

now, therefore, be it

RESOLVED, that Act 176-2012 be, and hereby is, amended as follows: In the first Resolved, delete: "March 28, 2012" and replace with: "January 1, 2012".

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

Adopted July 25, 2012 by voice vote.

ACT NO. 336-2012 by Ms. Edstrom and Mrs. Stockman
and Mr. Koch¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD, INC. FOR
SUMMER YOUTH EMPLOYMENT PROGRAMS**

Pursuant to Workforce Investment Act of 1998 and
Section 450 of the County Law.

WHEREAS, Act 496-2011 authorized a contract with the Cattaraugus-Allegany Workforce Investment Board, Inc. (WIB), for the Summer Youth Employment program, the term of which expired September 30, 2011, and

WHEREAS, the Cattaraugus-Allegany Workforce Investment Board, Inc. (WIB), has received funds to enhance the capacity of WIA youth services in the 2012 Summer Youth Employment Program, and

WHEREAS, the County Department of Social Services is desirous of providing the summer employment services to youth and can make available all necessary qualified personnel, licenses, facilities and expertise to perform, or have performed, the services required, and

WHEREAS, the WIB will pay the County an amount of \$14,704.00, to be paid on a monthly basis as invoiced, for the provision of the above-described summer youth employment services, 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 June 1, 2012 and terminating August 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 7 members of the Human Services Committee.

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

Adopted July 25, 2012 by voice vote.

ACT NO. 337-2012 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATHOLIC CHARITIES OF WESTERN NEW YORK, INC., FOR
DEPARTMENT OF SOCIAL SERVICES KINSHIP PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 389-2011 authorized a contract with Catholic Charities of Western New York, Inc., 520 West State Street, Olean, New York 14760, for the provision of a Kinship Program for grandparents or other relatives who obtain custody of children, the term of which expires August 31, 2012, and

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

WHEREAS, the Kinship Program will serve approximately 55 participants and is for those children who are placed with relatives in lieu of foster care, and

WHEREAS, Catholic Charities of Western New York, Inc., can provide the aforementioned Kinship Program for a total amount not to exceed \$70,400.00, and

WHEREAS, this program is 100% funded through the Flexible Fund for Family 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 Catholic Charities of Western New York, Inc., for the provision of the above-described services, for a term commencing September 1, 2012 and terminating September 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 July 25, 2012 by voice vote.

ACT NO. 338-2012 by Mrs. Stockman and Ms. Vickman

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

Pursuant to Section 41.13(a)(6) of the Mental Hygiene Law and
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 261-2012 approved a contract between the Cattaraugus County Community Services Board and Jamestown Psychiatric, P.C., for the provision of nursing services for the Department of Community Services mental health clinic, the term of which expires December 31, 2013, and

WHEREAS, the Cattaraugus County Community Services Board has decided to contract for the provision of psychiatric medical services and nursing services for the Department of Community Services mental health clinic, and

WHEREAS, such contract is subject to the approval of the Cattaraugus County Legislature, and

WHEREAS, pursuant to such proposed contract, Jamestown Psychiatric, P.C., 305 East Fairmount Avenue, Lakewood, New York 14750, shall provide psychiatric medical services and two (2) registered nurses and one (1) licensed practical nurse for the provision of nursing services for the treatment of clients of the Department of Community Services mental health clinic, for an amount not to exceed as follows as invoiced:

<u>2012</u>	10/1/2012 – 12/31/2012	Direct Care	Child Psychiatrist	\$175.00/hr.
		Direct Care	Psychiatrist	\$165.00/hr.
		Direct Care	Allied Health Professional	\$110.00/hr.
	2012 total hours not to exceed	793 hours		
	2012 total cost not to exceed	\$159,304.00		
<u>2013</u>	1/1/2013– 12/31/2013	Direct Care	Child Psychiatrist	\$175.00/hr.
		Direct Care	Psychiatrist	\$165.00/hr.
		Direct Care	Allied Health Professional	\$110.00/hr.
	2013 total direct care hours not to exceed	3,162 hours		
	2013 total travel hours not to exceed	150 hours @ \$50.00/hour		
	2013 total cost not to exceed	\$644,716.00		

and

WHEREAS, the costs of these services are provided through a combination of state aid, billable insurance, and county funds, and

WHEREAS, various appropriation and estimated revenue accounts must be adjusted in order 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 October 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, and be it further

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

Increase Estimated Revenue Accounts:

A.431.4335.2100.1620.01	MH Clinics: MH Fees: Medicare	\$ 11,260.00
A.431.4335.2100.1620.02	MH Clinics: MH Fees: Medicaid	\$ 21,390.00
A.431.4335.2100.1620.03	MH Clinics: MH Fees: Third Party Insurance	\$ 66,420.00
A.431.4335.2100.1620.04	MH Clinics: MH Fees: Private Pay	\$ 10,140.00
A.431.4335.2100.1620.05	MH Clinics: MH Fees: Veterans	\$ 3,370.00

Decrease Estimated Revenue Accounts:

A.431.4330.2100.1620.01	MH Clinics: MH Fees: Medicare	\$ 5,630.00
A.431.4330.2100.1620.02	MH Clinics: MH Fees: Medicaid	\$ 10,695.00
A.431.4330.2100.1620.03	MH Clinics: MH Fees: Third Party Insurance	\$ 33,210.00
A.431.4330.2100.1620.04	MH Clinics: MH Fees: Private Pay	\$ 5,070.00
A.431.4330.2100.1620.05	MH Clinics: MH Fees: Veterans	\$ 1,685.00
A.431.4331.2100.1620.01	MH Clinics: MH Fees: Medicare	\$ 5,630.00
A.431.4331.2100.1620.02	MH Clinics: MH Fees: Medicaid	\$ 10,695.00
A.431.4331.2100.1620.03	MH Clinics: MH Fees: Third Party Insurance	\$ 33,210.00
A.431.4331.2100.1620.04	MH Clinics: MH Fees: Private Pay	\$ 5,070.00
A.431.4331.2100.1620.05	MH Clinics: MH Fees: Veterans	\$ 1,685.00

Increase Appropriation Accounts:

A.431.4335.2100.41219	MH Clinics: Nurse Practitioner Services	\$ 44,330.00
A.431.4335.2100.41237	MH Clinics: Psychiatrist Services	\$ 68,250.00

Decrease Appropriation Accounts:

A.431.4330.2100.41219	MH Clinics: Nurse Practitioner Services	\$ 44,330.00
A.431.4331.2100.41237	MH Clinics: Psychiatrist Services	\$ 68,250.00.

Approved by 8 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted July 25, 2012 by voice vote.

ACT NO. 339-2012 by Mr. Marsh

**AMENDING ACT 352-2010 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, Cattaraugus County has received notice from the Office of the New York State Comptroller that Act No. 352-2010 was procedurally deficient in establishing the Standard Work Day for the position of Administrator of Assigned Counsel, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby amends Act No. 352-2010 to reflect the standard work day for the prior incumbent of the position of Administrator of Assigned Counsel as follows:

<u>Title</u>	<u>Name</u>	<u>Ret. Reg.</u>	<u>Authority</u>	<u>Term</u>	<u>Standard Work Hrs/Day</u>	<u>Days/ Month</u>
Administrator of Assigned Counsel	Linda Schnell	43268630	Appointed	8/1/2010 12/31/2011	6	.75

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 of thirty (30) 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 8 members of the Finance Committee, 6 members of the Public Safety Committee and 5 members of the Labor Relations Committee.

Adopted July 25, 2012 by voice vote.

ACT NO. 340-2012 by Mr. Marsh

**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 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>Ret. Reg.</u>	<u>Authority</u>	<u>Term</u>	<u>Standard WorkHrs/Day</u>	<u>Days/ Month</u>
County Clerk	James K. Griffith	13857388	Elected	1/1/2012- 12/31/2015	7	21.67 ^l
Deputy Co. Clerk	Alan Bernstein	36780229	Appointed	1/1/2012- 12/31/2015	7	21.67 ^l

Co. Attorney	Thomas Brady	20384806	Appointed	1/1/2012- 12/31/2015	7	21.67 ¹
Public Defender	Mark S. Williams	34833228	Appointed	1/1/2012- 12/31/2015	7	21.67 ¹
Director, Human Resources	David R. Moshier	35576396	Appointed	6/1/2012- 5/31/2015	7	21.67 ¹
Legislator	Susan Labuhn	14679112	Elected	1/1/2012- 12/31/2015	6	4.46
Legislator	James Snyder Jr.	50568872	Elected	1/1/2012- 12/31/2015	6	2.93
Legislator	David Koch	3142621-6	Elected	1/1/2012- 12/31/2015,	6	8.72

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

¹ MR. AIELLO moved, seconded by Mr. Padlo to amend Act No. 240-2012 as follows: In the first Resolved, delete in all five places: “21.66”, and replace with in all five places: “21.67”. Carried.

Adopted, as amended, July 25, 2012 by voice vote.

ACT NO. 341-2012 by Ms. Edstrom and Mrs. Stockman

**APPROVING AMENDED 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 294-2012 authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, for the provision 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, the term of which expires September 30, 2012, and

WHEREAS, the Cattaraugus County Community Services Board is desirous of amending the aforementioned contract to include the services of one (1) additional 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 additional temporary staff for the mental health clinics for an amount not to exceed \$11,100.00 for a total contract amount not to exceed \$44,019.00, 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 an amended 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.431.4330.2100.11000	Adult MH Clinic, Full-Time Wages	\$ 6,420.00
A.431.4330.2100.81000	Adult MH Clinic, FICA	\$ 492.00
A.431.4330.2100.82000	Adult MH Clinic, Retirement	\$ 1,975.00
A.431.4330.2100.83000	Adult MH Clinic, Health Insurance	\$ 2,189.00
A.431.4330.2100.84000	Adult MH Clinic, Dental Insurance	\$ 24.00

Increase Appropriation Account:

A.431.4330.2100.41229	Adult MH Clinic, Social Worker Contracted	\$11,100.00.
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Approved by 8 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted July 25, 2012 by voice vote.

ACT NO. 342-2012 by Mr. Murphy

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS-ALLEGANY-ERIE-WYOMING BOCES FOR
INMATE INSTRUCTIONAL SERVICES SECURITY**

Pursuant to 8 NYCRR Part 118 and Section 450 of the County Law.

WHEREAS, Act 388-2011¹ authorized a contract with BOCES for the provision of security services by the Sheriff's Office during the hours of the aforementioned instruction programs provided by BOCES, the term of which expired June 30, 2012¹, and

WHEREAS, BOCES is required to provide at least 15 hours of instructional programs to persons under 21 years of age who have not received a high school diploma and who have been incarcerated for a period of 10 or more calendar days in a County Jail, and

WHEREAS, the County Sheriff's Office will continue to provide security services during the hours of the instructional programs provided by BOCES, and

WHEREAS, BOCES shall pay to the County an amount of \$16.30 per hour for a maximum of 30 hours per week of instructional programs to persons under 21 years of age who have not received a high school diploma and who have been incarcerated for a period of 10 or more calendar days in a County Jail for 50 weeks per year, 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-Allegany-Erie-Wyoming BOCES, for the provision of the above-described services, for a term commencing July 1, 2012 to continue in full force and effect until terminated by either party hereto, with periodic rate adjustments as agreed upon between the parties, 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 8 members of the Finance Committee and 6 members of the Public Safety Committee.

¹ MR. MURPHY moved, seconded by Mr. Klancer to amend Act No. 342-2012 as follows: In the first Whereas, delete: “388-2012” and replace with “388-2011”; delete: “2010” and replace with: “2012”. Carried.

Adopted, as amended, July 25, 2012 by voice vote. Mr. Padlo abstained from vote.

ACT NO. 343-2012 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

**CONGRATULATING ALLEGANY’S BLAKE EATON ON
EARNING A SPOT IN UNITED STATES OLYMPIC
TRACK & FIELD TRIALS**

Pursuant to Section 153 of the County Law.

WHEREAS, Allegany’s Blake Eaton won many shot put titles throughout his high school career at Allegany-Limestone Central School and his career at Penn State, and

WHEREAS, Blake was a six-time New York State champion in the shot put and discus while at Allegany-Limestone Central School, including holding the school record in the shot put and the discus, and

WHEREAS, Blake starred at Penn State where he stayed for an extra year to work for the school and train for the Olympic Trials, and

WHEREAS, Blake is a three-time New York State Division II champion in the shot put, was a two-time All-American at Penn State, won the Big Ten title in that event and finished second in NCAA Division 1 in 2010, and

WHEREAS, he also won the NCAA’s Male Field Athlete of the Year in the Mid-Atlantic Region in 2010, and

WHEREAS, Blake was one of 24 shot putters to qualify for the U.S. Olympic Trials, and

WHEREAS, Blake should be commended for his hard work and dedication to his sport, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby congratulations Allegany’s Blake Eaton for earning a chance to participate in the United States Olympic Track and Field Trials, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a copy of this resolution to Blake Eaton.

Approved by 8 members of the Finance Committee.

Adopted July 25, 2012 by voice vote.

ACT NO. 344-2012 by Mrs. Stockman
and Ms. Edstrom, Ms. Vickman, Mrs. Labuhn and Mr. Lamberson¹

**REINSTATING ONE POSITION OF
COMMUNITY SERVICES PROGRAM DIRECTOR IN
THE DEPARTMENT OF COMMUNITY SERVICES**

Pursuant to Sections 204 and 205 of the County Law

WHEREAS, Act 568-2011 abolished certain positions within the Department of Community services with an effective date of October 1, 2012, and

WHEREAS, the original proposition called for a complete transfer of positions to the private sector, and

WHEREAS, the new model calls for the County to retain licensure which requires oversight and supervision of the Case Management program and SPOA for children and adults, and

WHEREAS, in order to accomplish this, it is essential the County maintain one position of Community Services Program Director, and

WHEREAS, this position shall be funded with State and Federal funding, now, therefore, be it

RESOLVED, that effective October 1, 2012 one position of Community Services Program Director be reinstated in the Community Services Department to oversee Case Management and SPOA, and be it further

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

Increase Appropriation Accounts:

A.431.4330.1400.11000	Adult MH Clinic: SPOA: Full Time Wages	\$ 1,622.00
A.431.4330.1400.81000	Adult MH Clinic: SPOA: FICA	\$ 126.00
A.431.4330.1400.82000	Adult MH Clinic: SPOA: Retirement	\$ 294.00
A.431.4330.1400.83000	Adult MH Clinic: SPOA: Health Insurance	\$ 264.00
A.431.4331.1400.11000	Children's MH Clinic: SPOA: Full Time Wages	\$ 1,939.00
A.431.4331.1400.81000	Children's MH Clinic: SPOA: FICA	\$ 150.00
A.431.4331.1400.82000	Children's MH Clinic: SPOA: Retirement	\$ 352.00
A.431.4331.1400.83000	Children's MH Clinic: SPOA: Health Insurance	\$ 315.00
A.431.4332.2680.11000	24 Hour On-Call Service: Full Time Wages	\$ 840.00
A.431.4332.2680.81000	24 Hour On-Call Service: FICA	\$ 64.00
A.431.4332.2680.82000	24 Hour On-Call Service: Retirement	\$ 150.00
A.431.4332.2680.83000	24 Hour On-Call Service: Health Insurance	\$ 135.00
A.431.4333.1970.11000	Forensic Prog: Transition Manage: Full Time Wages	\$ 184.00
A.431.4333.1970.81000	Forensic Prog: Transition Manage: FICA	\$ 14.00
A.431.4333.1970.82000	Forensic Prog: Transition Manage: Retirement	\$ 33.00
A.431.4333.1970.83000	Forensic Prog: Transition Manage: Health Insurance	\$ 30.00
A.431.4333.2100.11000	Forensic Prog: Clinic Treatment: Full Time Wages	\$ 2,164.00
A.431.4333.2100.81000	Forensic Prog: Clinic Treatment: FICA	\$ 168.00
A.431.4333.2100.82000	Forensic Prog: Clinic Treatment: Retirement	\$ 393.00
A.431.4333.2100.83000	Forensic Prog: Clinic Treatment: Health Insurance	\$ 352.00
A.431.4340.6340.11000	Foundations for Change: PROS: Full Time Wages	\$ 1,246.00
A.431.4340.6340.81000	Foundations for Change: PROS: FICA	\$ 97.00
A.431.4340.6340.82000	Foundations for Change: PROS: Retirement	\$ 226.00
A.431.4340.6340.83000	Foundations for Change: PROS: Health Insurance	\$ 203.00

A.431.4350.0920.11000	C&Y BCM: BCM Service Dollars: Full Time Wages	\$ 182.00
A.431.4350.0920.81000	C&Y BCM: BCM Service Dollars: FICA	\$ 14.00
A.431.4350.0920.82000	C&Y BCM: BCM Service Dollars: Retirement	\$ 33.00
A.431.4350.0920.83000	C&Y BCM: BCM Service Dollars: Health Insurance	\$ 29.00
A.431.4351.6810.11000	Adult SCM: Supportive Case Manage: Full Time Wages	\$ 1,979.00
A.431.4351.6810.81000	Adult SCM: Supportive Case Manage: FICA	\$ 153.00
A.431.4351.6810.82000	Adult SCM: Supportive Case Manage: Retirement	\$ 359.00
A.431.4351.6810.83000	Adult SCM: Supportive Case Manage: Health Insurance	\$ 321.00
A.431.4351.6811.11000	Adult SCM: SCM Service Dollars: Full Time Wages	\$ 182.00
A.431.4351.6811.81000	Adult SCM: SCM Service Dollars: FICA	\$ 14.00
A.431.4351.6811.82000	Adult SCM: SCM Service Dollars: Retirement	\$ 33.00
A.431.4351.6811.83000	Adult SCM: SCM Service Dollars: Health Insurance	\$ 29.00
A.431.4352.1810.11000	Adult ICM: Intensive Case Manage: Full Time Wages	\$ 190.00
A.431.4352.1810.81000	Adult ICM: Intensive Case Manage: FICA	\$ 15.00
A.431.4352.1810.82000	Adult ICM: Intensive Case Manage: Retirement	\$ 34.00
A.431.4352.1810.83000	Adult ICM: Intensive Case Manage: Health Insurance	\$ 31.00
A.431.4352.1910.11000	Adult ICM: ICM Service Dollars: Full Time Wages	\$ 182.00
A.431.4352.1910.81000	Adult ICM: ICM Service Dollars: FICA	\$ 14.00
A.431.4352.1910.82000	Adult ICM: ICM Service Dollars: Retirement	\$ 33.00
A.431.4352.1910.83000	Adult ICM: ICM Service Dollars: Health Insurance	\$ 29.00

Decrease Appropriation Accounts:

A.431.4330.2100.11000	Adult MH Clinic: Full Time Wages	\$ 6,128.00
A.431.4330.2100.81000	Adult MH Clinic: FICA	\$ 469.00
A.431.4330.2100.82000	Adult MH Clinic: Retirement	\$ 1,098.00
A.431.4330.2100.83000	Adult MH Clinic: Health Insurance	\$ 983.00
A.431.4331.2100.11000	Children's MH Clinic: Full Time Wages	\$ 3,990.00
A.431.4331.2100.81000	Children's MH Clinic: FICA	\$ 305.00
A.431.4331.2100.82000	Children's MH Clinic: Retirement	\$ 715.00
A.431.4331.2100.83000	Children's MH Clinic: Health Insurance	\$ 640.00
A.431.4350.0820.11000	C&Y BCM: Blended Case Manage: Full Time Wages	\$ 516.00
A.431.4350.0820.81000	C&Y BCM: Blended Case Manage: FICA	\$ 39.00
A.431.4350.0820.82000	C&Y BCM: Blended Case Manage: Retirement	\$ 92.00
A.431.4350.0820.83000	C&Y BCM: Blended Case Manage: Health Insurance	\$ 83.00
A.431.4353.2100.11000	Placement Prev: Clinic Treatment: Full Time Wages	\$ 112.00
A.431.4353.2100.81000	Placement Prev: Clinic Treatment: FICA	\$ 9.00
A.431.4353.2100.82000	Placement Prev: Clinic Treatment: Retirement	\$ 20.00
A.431.4353.2100.83000	Placement Prev: Clinic Treatment: Health Insurance	\$ 18.00.

Approved by 8 members of the Finance Committee, 7 members of the Human Services Committee and 5 members of the Labor Relations Committee.

¹ The following Legislators requested their names be listed as additional sponsors: "Ms. Edstrom, Ms. Vickman, Mrs. Labuhn and Mr. Lamberson".

Adopted July 25, 2012 by voice vote.

ACT NO. 345-2012 by Mr. Marsh and Mr. Snyder, Sr.
who ask immediate consideration

**APPOINTMENT TO JAMESTOWN COMMUNITY COLLEGE
REGIONAL BOARD OF TRUSTEES**

Pursuant to Section 6310(1-a) of the Education Law.

RESOLVED, that the following individual is hereby appointed to the Jamestown Community College Regional Board of Trustees until June 30, 2019:

James P. Griffin
113 Virginia Avenue
Olean, New York 14760,

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the President's Office of Jamestown Community College, 525 Falconer Street, Jamestown, New York 14702.

MS. EDSTROM moved, seconded by Mrs. Labuhn to waive Rule 12. Carried.

Adopted July 25, 2012 by voice vote.

ACT NO. 346-2012 by Mr. Marsh
who asks immediate consideration

APPOINTMENT OF CIVIL SERVICE COMMISSIONER

Pursuant to Section 15 of the Civil Service Law and
Section 201 of the County Law.

RESOLVED, that Howard M. Peterson, 148 Frank Street, Salamanca, New York 14779 be, and hereby is, appointed as a Commissioner of the Cattaraugus County Civil Service Commission for the unexpired six-year term of George Peters, effective immediately and terminating May 31, 2014, at such annual compensation as has heretofore been, or may hereafter be, established.

MS. VICKMAN moved, seconded by Mr. Sprague to waive Rule 12. Carried.

Adopted July 25, 2012 by voice vote.

ACT NO. 347-2012 by Mr. Marsh and Mr. VanRensselaer
who ask immediate consideration

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

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

WHEREAS, Cattaraugus County has tax title to certain property situate in Cattaraugus County as described below, and

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

WHEREAS, Act 264-2012 authorized the sale of the following described property to the highest bidder, and

WHEREAS, the highest bidder did not complete the purchase within thirty (30) days, and
WHEREAS, the property has been offered to the second highest bidder at the highest bid price, and

WHEREAS, the highest bid received for the property was the bid listed below, and
WHEREAS, the following second bidder has tendered the full bid price, now, therefore,
be it

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.	FORMER OWNER(S)	COUNTY INVOLVEMENT	BID AMOUNT
248	62.038-1-4	Shawn D. Howard 615 Center Street Cherry Creek, NY 14723	\$366.44	\$75

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

Adopted July 25, 2012 by voice vote.

ACT NO. 348-2012 by Mr. Felton, Ms. Vickman and Mr. Weller
who ask immediate consideration

**SALE OF TAX TITLE PROPERTY TO FORMER OWNERS
(Towns of Ellicottville and Freedom)**

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 Ellicottville and Freedom, 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 ELLICOTTVILLE

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
101	46.002-1-35.5	Robert Kuwick	PO Box 901 6994 Poverty Hill Rd. Ellicottville, NY 14731	\$3,590.09

TOWN OF FREEDOM

#	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
136	13.002-1-20.5	Daniel Lewandowski Kimberly Lewandowski	1504 Reed Rd. Arcade, NY 14009	\$2,539.45

MR. WELLER moved, seconded by Mr. Koch to waive Rule 12. Carried.

Adopted July 25, 2012 by voice vote.

ACT NO. 349-2012 by Ms. Edstrom and Mrs. Stockman
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES FOR
USE OF OFFICE SPACE FOR ADMINISTRATIVE HEARINGS**

Pursuant to Section 450 of the County Law.

WHEREAS, the New York State Office of Children and Family Services (OCFS) is desirous of conducting administrative hearings in response to requests for expungement and/or legal sealing of indicated reports of child abuse and maltreatment within certain timeframes, and

WHEREAS, OCFS is desirous of utilizing office space at the Department of Social Services for the aforementioned administrative hearings, and

WHEREAS, the County Department of Social Services shall provide office space and will, further, be responsible for supplying a power source, two Human Services Enterprise Network data ports and one telephone line in a secure room that will be used to conduct the hearings, and

WHEREAS, OCFS is requiring the County to provide insurance loss coverage for its equipment that will be used in the aforementioned hearings, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the New York State Office of Children and Family Services, for use of office space for the aforementioned administrative hearings, for a term commencing August 1, 2012 to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

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

Adopted July 25, 2012 by voice vote.

ACT NO. 350-2012 by Mr. Murphy
and Mr. Aiello, Ms. Edstrom, Mrs. Stockman, Mr. Teachman, Ms. Vickman, Mr. Weller,
Mrs. Labuhn, Mr. Padlo and Mr. Sprague¹
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ELLCOTTVILLE CHAMBER OF COMMERCE AND CENTURION
CYCLING USA, LLC, FOR LAW ENFORCEMENT SERVICES FOR
CENTURION CYCLING EVENT**

Pursuant to Section 450 of the County Law.

WHEREAS, the Ellicottville Chamber of Commerce and Centurion Cycling USA, LLC, are hosting the Centurion Ellicottville Cycling Event from August 17-19, 2012, and

WHEREAS, the Ellicottville Chamber of Commerce and Centurion Cycling USA, LLC, have requested the County to provide law enforcement services during the Centurion Cycling event, and

WHEREAS, the County Sheriff's Office shall provide law enforcement services to the Ellicottville Chamber of Commerce and Centurion Cycling USA, LLC, for the Centurion Ellicottville Cycling Event and bill the Chamber upon completion of the event for all costs involved for the provision of such law enforcement services, and

WHEREAS, the Ellicottville Chamber of Commerce shall pay the County for all law enforcement services provided in relation to the Centurion Cycling events, and

WHEREAS, the Ellicottville Chamber of Commerce and Centurion Cycling USA, LLC, shall name the County as co-insured on its insurance coverage for the aforementioned cycling event, 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 Ellicottville Chamber of Commerce and Centurion Cycling USA, LLC, for the provision of the above-described law enforcement services, for a term commencing August 17, 2012 and terminating August 19, 2012, according to the above-described terms.

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

¹ The following Legislators requested their names be listed as additional sponsors: "Mr. Aiello, Ms. Edstrom, Mrs. Stockman, Mr. Teachman, Ms. Vickman, Mr. Weller, Mrs. Labuhn, Mr. Padlo and Mr. Sprague".

Adopted July 25, 2012 by voice vote.

ACT NO. 351-2012 by Mr. Marsh
who asks immediate consideration

**LOCAL LAW NUMBER 7-2012
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Chapter 98 of the Laws of 2009 and Section 253-x of the Tax Law.

**A LOCAL LAW IMPOSING AN ADDITIONAL MORTGAGE RECORDING TAX
WITHIN THE COUNTY OF CATTARAUGUS**

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 impose an additional mortgage recording tax.

SECTION 2. Imposition of Tax. Effective November 1, 2012, and terminating December 1, 2015, there is hereby imposed, in the County of Cattaraugus, a tax of 25 cents for each \$100 and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within Cattaraugus County and recorded on or after November 1, 2012, and a tax of 25 cents on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than \$100.

SECTION 3. Applicability. The taxes imposed under the authority of this section shall be administered and collected in the same manner as the taxes imposed under section 253(1) and section 255(1)(b) of the Tax Law. Except as otherwise provided in this section, all the provisions of the Tax Law relating to or applicable to the administration and collection of the taxes imposed by such subdivisions shall apply to the taxes imposed under the authority of this section with such modifications as may be necessary to adapt such language to the tax so authorized. Such provisions shall apply with the same force and effect as if those provisions had been set forth in full in this section except to the extent that any provision is either inconsistent with a provision of this section or not relevant to the tax authorized by this section. For purposes of this section, any reference in the Tax Law to the tax or taxes imposed by the Tax Law shall be deemed to refer to a tax imposed pursuant to this section, and any reference to the phrase "within this state" shall be read as "within Cattaraugus County", unless a different meaning is clearly required.

SECTION 4. Real Property Located in More than One County. Where the real property covered by the mortgage subject to the tax imposed pursuant to the authority of this section is situated in this state but within and without the county imposing such tax, the amount of such tax due and payable to such county shall be determined in a manner similar to that prescribed in the first undesignated paragraph of section 260 of the Tax Law which concerns real property situated in two or more counties. Where such property is situated both within such county and without the state, the amount due and payable to such county shall be determined in the manner prescribed in the second undesignated paragraph of such section 260 which concerns property situated within and without the state. Where real property is situated within and without the county imposing such tax, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed pursuant to this section.

SECTION 5. Additional Taxes. A tax imposed pursuant to the authority of this section shall be in addition to the taxes imposed by section 253 of the Tax Law.

SECTION 6. Disposition of Taxes. Notwithstanding any provision of the Tax Law to the contrary, the balance of all moneys paid to the recording officer of the County of Cattaraugus during each month upon account of the tax imposed pursuant to the authority of this section, after deducting the necessary expenses of his or her office as provided in section 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of this section or section 260 of the Tax Law are first to be apportioned by the commissioner, shall be paid over by such officer on or before the 10th day of each succeeding month to the treasurer of Cattaraugus County and, after the deduction by such treasurer of the necessary expenses of his or her office provided in section 262 of the Tax Law shall be deposited in the general fund of the County of Cattaraugus. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of this section or section 260 of the Tax Law are first to be apportioned by the commissioner, shall be paid over by the recording officer receiving the same as provided by the determination of the commissioner.

SECTION 7. Payment of Taxes. The tax imposed pursuant to this Local Law will be payable on the recording of each mortgage or real property subject to taxes thereunder. The tax will be paid to the recording officer of the county in which the real property or any part thereof is situated, except where real property is situated within and without the county, the recording officer of the county in which the mortgage is first recorded will collect the tax imposed by this Local Law. It will be the duty of the recording officer to endorse upon each mortgage a receipt for the amount paid. Any mortgage so endorsed may thereupon or thereafter be recorded by any recording officer and the receipt of the tax endorsed upon each mortgage will be recorded therewith. The record of the receipt will be conclusive proof that the amount of the tax stated therein has been paid upon the mortgage.

SECTION 8. Effective Date. This local law shall take effect immediately.

MR. FELTON moved, seconded by Mr. Aiello to waive Rule 12. Carried.

No action was taken on Act 351-2012 at this time.

ACT NO. 352-2012 by Mr. Marsh
who asks immediate consideration

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 7 - 2012

Pursuant to Chapter 98 of the Laws of 2009 and Section 253-x of the Tax Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on July 25, 2012, a proposed Local Law entitled "A Local Law Imposing an Additional Mortgage Recording Tax within the County of Cattaraugus", 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 22nd day of August, 2012, at 3:01 p.m. at the Legislature's Chambers, Cattaraugus County Center, 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.

MR. VANRENSSELAER moved, seconded by Mr. Felton to waive Rule 12. Carried.

Adopted July 25, 2012 by voice vote.

ACT NO. 353-2012 by Mr. Marsh

and Mr. Aiello, Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Klancer, 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. Sprague¹
who ask immediate consideration

**URGING NEW YORK STATE TO BAN MANUFACTURE, DISTRIBUTION,
SALE AND POSSESSION OF DANGEROUS UNREGULATED SYNTHETIC DRUGS**

Pursuant to Section 153 of the County Law.

WHEREAS, the sale and abuse of synthetic “designer” drugs, known commonly as “bath salts”, continues to increase among individuals in our communities, and

WHEREAS, those “designer drugs” are specifically synthesized with a similar, but slightly modified structure of a Schedule 1 controlled substance in order to avoid existing drug laws, and can be continually chemically modified to avoid legal repercussions, while maintaining their intended effects and usages, and

WHEREAS, these compounds stimulate the body’s central nervous system, causing effects similar to those caused by cocaine and amphetamines, including, but not limited to, increased heart rate and blood pressure, hallucinations, paranoia, suicidal thoughts, violent behavior, nausea and vomiting, and

WHEREAS, hospitals, health agencies, and poison control centers are experiencing increased emergency room cases, illnesses, death, and reports linked to the use and abuse of these substances by children and adults, and

WHEREAS, law enforcement agencies and courts are seeing increased crime in our communities associated with the sale and abuse of these substances, and

WHEREAS, these designer drugs are marketed as plant food, bath salts, insect repellent, and glass cleaner and can be obtained through storefront retailers, online retailers, and indirectly through others, and

WHEREAS, the New York State Commissioner of Health issued an order for summary action to ban the sale and distribution of designer drugs commonly packaged and marketed as bath salts on May 20, 2011, and

WHEREAS, the New York State Legislature again has two bills before it, S.6694-A and A.9781-A that would classify substituted cathinones as a controlled substance based on foundational chemical structures under the public health law and the penal law (which should address the current practice of making minor alterations to chemicals to subvert statutes that prohibit distinct chemicals) and would create a statewide substituted Cathinone Surrender Program to allow for surrender of these harmful substances to appropriate authorities, and

WHEREAS, the United States Senate passed a bill to permanently ban two substances commonly used in “bath salts”, and

WHEREAS, these facts support the assertion that these substances pose a significant and immediate public health threat and danger to public safety, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby urges the New York State Legislature and Governor Cuomo to immediately pass further meaningful and effective legislation

criminalizing the manufacture, distribution, sale and possession of these substances and their future derivatives by anyone of any age in New York State, with the intent of protecting the health and safety of all citizens of New York State, and be it further

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

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

¹ The following Legislators requested their names be listed as additional sponsors: “Mr. Aiello, Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Klancer, 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”.

Adopted July 25, 2012 by voice vote.

ACT NO. 354-2012 by Ms. Edstrom and Mrs. Stockman
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
RURAL REVITALIZATION CORPORATION D/B/A
NEIGHBORWORKS® HOME RESOURCES FOR ADMINISTRATION OF
COUNTY-WIDE WELL AND SEPTIC SYSTEM REPLACEMENT PROGRAM AND
RESCINDING ACT 68-2012**

Pursuant to 24 CFR Section 570.482(e) and
Section 450 of the County Law.

WHEREAS, Act 45-2012 authorized a contract with the New York State Division of Housing and Office of Community Renewal for a County-Wide Well and Septic System Replacement Community Development Block Grant, and

WHEREAS, Act 67-2012 authorized a contract with the Rural Revitalization Corporation d/b/a Neighborworks® Home Resources, 209 North Union Street, Olean, New York 14760, for the administration and implementation of the County-Wide Well and Septic System Replacement Project and management of the replacement, installation and/or repair of 32 septic systems and eight (8) water wells in homes owned and occupied by low and moderate income households, for an amount not to exceed \$257,000.00, and

WHEREAS, the aforementioned contract with Rural Revitalization Corporation, d/b/a NeighborWorks® Home Resources should be amended to include the following technical assistance services for a lump sum amount of \$8,000.00, as follows:

- Completion of Environmental Review
- Arrange for archeological review
- Development of program manual
- SEQR
- NEPA
- RROF
- Assistance with preparation of sub-recipient agreement,

and

WHEREAS, Act 68-2012 authorized a contract with Patrick Morris d/b/a Morris Associates for the provision of the above-described technical assistance services, and

WHEREAS, such contract has not been executed and the aforementioned services have not been completed, and

WHEREAS, Act 68-2012 should be rescinded, 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 Rural Revitalization Corporation, d/b/a NeighborWorks® Home Resources, for the provision of the above-described services, for a term commencing January 1, 2012 and terminating December 9, 2013, according to the above-described terms, and be it further

RESOLVED, that Act 68-2012 be, and hereby is rescinded in its entirety.

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

Adopted July 25, 2012 by voice vote.

ACT NO. 355-2012 by Mr. Aiello, 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,
Mr. Lamberson, Mrs. Labuhn, Mr. Padlo and Mr. Sprague
who ask immediate consideration

**ESTABLISHING 2012 SALARY FOR CERTAIN COUNTY OFFICIALS AND
TRANSFER OF FUNDS
(Contingent Fund)**

Pursuant to Sections 201, 205, 363 and 365 of the County Law.

RESOLVED, that the County officers listed below shall receive the following bi-weekly salary rate which incorporates a 1% salary increase for the year 2012:

Director of Community Services	\$2,793.00 bi-weekly
Director of Probation and Correctional Alternatives	\$2,775.00 bi-weekly
Youth Bureau Director	\$2,155.00 bi-weekly,

and be it further

RESOLVED, that funds will be transferred from the Contingent Fund to the appropriation accounts impacted by the above.

MR. SNYDER, SR., moved, seconded by Ms. Edstrom to waive Rule 12. Carried.

Adopted July 25, 2012 by voice vote. Ms. Edstrom abstained from vote.

ACT NO. 356-2012 by Mr. Aiello, Ms. Edstrom, Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. Murphy, Mr. Snyder, Jr., Mr. Snyder, Sr., ¹ Mr. Teachman, Mr. VanRensselaer, Ms. Vickman, Mr. Weller, Mr. Boser, ¹ Mr. Lamberson, Mrs. Labuhn, Mr. Padlo and Mr. Sprague who ask immediate consideration

**ESTABLISHING 2012 SALARY FOR CERTAIN
MANAGEMENT/CONFIDENTIAL EMPLOYEES AND
TRANSFER OF FUNDS
(Contingent Fund)**

Pursuant to Sections 201, 205, 363 and 365 of the County Law.

WHEREAS, certain positions of employment compensated on an hourly basis have heretofore been allocated to grades as contained within the Managerial/Confidential Salary schedule, and

WHEREAS, certain other Managerial/Confidential positions which are not Department Heads have been designated as salaried positions, and

WHEREAS, Act 771-2008 provided for a three percent (3%) increases in wages for the year of 2012 for such Management/Confidential employees which was subsequently withdrawn by adoption of Act 449-2011, and

WHEREAS, the Legislature has determined that these management/confidential employees should receive a one percent (1%) wage increase for the year 2012, now, therefore, be it

RESOLVED, that certain County officers shall receive a bi-weekly salary rate which incorporates a 1% salary increase for the year 2012, and be it further

RESOLVED, that effective January 1, 2012, all such Management/Confidential employees referenced herein shall receive a one percent (1%) wage adjustment and such applicable salary schedules shall be adjusted accordingly, and be it further

RESOLVED, that funds will be transferred from the Contingent Fund to the appropriation accounts impacted by the above.

MS. EDSTROM moved, seconded by Mr. Weller to waive Rule 12. Carried.

¹ The following Legislators requested their names be removed as additional sponsors: "Mrs. Stockman and Mr. Koch".

Adopted July 25, 2012 by voice vote. Mrs. Stockman and Mr. Koch abstained from vote.

ACT NO. 357-2012 by Mr. Aiello, Ms. Edstrom, 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, Mr. Lamberson, Mrs. Labuhn, Mr. Padlo and Mr. Sprague who ask immediate consideration

**LOCAL LAW NUMBER 8-2012
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law and
Sections 201 and 205 of the County Law.

A LOCAL LAW ESTABLISHING 2012 SALARIES FOR CERTAIN COUNTY OFFICERS

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 establish salaries for County Officers, elected or appointed who serve fixed terms, for the year 2012.

SECTION 2. Schedule of Salaries. Effective January 1, 2012, the County Officers listed below shall receive the following bi-weekly salary, which incorporates a 1% salary increase for the year 2012:

County Attorney	\$4,288.00 bi-weekly
County Administrator	\$3,644.00 bi-weekly
Commissioner of Social Services	\$3,568.00 bi-weekly
Public Health Director	\$3,629.00 bi-weekly
Commissioner of Public Works	\$2,952.00 bi-weekly
Public Defender	\$3,577.00 bi-weekly
Director, Department of Nursing Homes	\$3,618.00 bi-weekly
Human Resources Director	\$3,024.00 bi-weekly
Information Services Director	\$2,991.00 bi-weekly
Director, Economic Development, Planning and Tourism	\$2,797.00 bi-weekly
Real Property Tax Director	\$2,603.00 bi-weekly
Election Commissioner	\$2,058.00 bi-weekly

SECTION 3. Schedule of Salaries. Effective January 1, 2012, the County Officers listed below shall receive the following annualized salary which incorporates a 1% salary increase for the year 2012:

County Treasurer	\$70,382.00
County Clerk	\$70,487.00.

MS. VICKMAN moved, seconded by Mr. Snyder, Jr. to waive Rule 12. Carried.

No action was taken on Act No. 357-2012 at this time.

ACT NO. 358-2012 by Mr. Aiello, Ms. Edstrom, 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, Mr. Lamberson, Mrs. Labuhn, Mr. Padlo and Mr. Sprague who ask immediate consideration

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 8-2012

Pursuant to Section 20 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on July 25, 2012, a proposed Local Law entitled "A Local Law Establishing Salaries for Certain County Officers", 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 22nd day of August, 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.

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

Adopted July 25, 2012 by voice vote.

**MOTION TO ADJOURN IN MEMORY OF
ROBERT G. POTTER**

WHEREAS, Robert G. Potter, 80, of Allegany, passed away on July 8, 2012, and

WHEREAS, Mr. Potter served as Chairman of the County of Cattaraugus Industrial Development Agency from February 1983 until October 30, 2006, including 17 plus years as Chairman of the Agency, and

WHEREAS, he served in the United States Army from 1952 to 1954, and

WHEREAS, Mr. Potter graduated from Allegany Central School, Class of 1949, and from Paul Smith's College and the University of Michigan, and

WHEREAS, Mr. Potter was employed by Potter Lumber and became its president in 1977, and continued there until his retirement in 2011, and

WHEREAS, he also volunteered for the lumber industry, and was an active member and past president of the Penn-York Lumbermen's Club, Keystone Kiln Drying Association, Northern Loggers' Association, Northeastern Lumber Manufacturers' Association, the Empire State Forest Products Association and Cornell Cooperative Extension, and

WHEREAS, he was also a member of the Advisory Committee of the New York State Center for Forestry Research and Development at SUNY College of Environmental Science and Forestry at Syracuse, the advisory board at BOCES Olean Center, the State Advisory Board of Cornell Cooperative Extension, and the Allegany State Park Master Plan Committee, past trustee of the New York Lumbermen's Insurance Trust Fund, and past trustee of Paul Smith's College, and past chairman of the Allegany Community Federal Credit Union, and

WHEREAS, Mr. Potter was an avid, lifelong sportsman and served as the past president of the former Ski Wing Club and past president of the Allegheny Valley Sports Car Association, and

WHEREAS, he was also active in community organizations such as lifetime member of the First Presbyterian Church of Allegany, serving many years as an Elder and as Clerk of Session and as a Sunday School teacher for 33 years, and

WHEREAS, Mr. Potter received the YMCA Salute to Olean Award in 1988 and the L.O.U.I.E. Award in 1994 for his tireless work for his community, and

WHEREAS, Mr. Potter is survived by his wife, Mary Frances of 56 years; his six children: Lucy Benson; David; Stephen; and Mary Pendl, all of Allegany; and Linda of Canton, New York; and Bruce of Ellicott City, Maryland; 15 grandchildren; one brother Theodore Sr., of Allegany; and several nieces and nephews, and

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

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

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

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

MR. TEACHMAN moved, seconded by Mrs. Stockman to adjourn until August 22, 2012 at 3:00 p.m. in an adjourned session. Carried.

Meeting adjourned at 4:13 p.m.

Ann M. Giglio
Journal Clerk