

November 28, 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. Weller.

MRS. LABUHN moved, seconded by Ms. Edstrom that the minutes of the November 14, 2012 session be approved. Carried.

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APPOINTMENTS:

Cattaraugus County Agriculture & Farmland Protection Board

Four-year terms to expire December 31, 2016

James Finch
3944 Wing Hollow Road
Allegany, New York 14706

Donald Telaak
7654 Hinman Hollow Road
Little Valley, New York 14755

Cattaraugus County Memorial Museum Board

Five-year terms to expire December 31, 2017

Mary Elizabeth Dunbar
6523 Donlen Drive
Ellicottville, New York 14731

James McGrath
3074 Narrow Road
Franklinville, New York 14737

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CHAIRMAN MARSH announced this is the time and place called for a public hearing on **Act No. 533-2012**, Local Law Number 12 – 2012, entitled, “A Local Law Establishing Uniform Guidelines for Determining the Responsibility of Bidders”, 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. 533-2012 and asked that it be read.

Approved by 9 members of the Finance Committee.

The following Legislators requested their names be listed as additional sponsors: “Mr. Aiello, Ms. Edstrom, Mr. Klancer, Ms. Vickman and Mr. Sprague”.

CHAIRMAN MARSH requested a Roll Call Vote on Act No. 533-2012, Local Law Number 12-2012, which disclosed as follows:

Ayes: Aiello 0.8673, Boser 1.0267, Edstrom 0.8673, Edwards 0.9684, Felton 1.0972, Hale 1.0655, 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, Marsh 1.1278 – 19.9006.

Nays:– 0.

Act No. 533-2012, Local Law Number 12-2012, having received the majority vote of the legislature were declared adopted.

CHAIRMAN MARSH announced this is the time and place called for a public hearing on **Act No. 535-2012**, Local Law Number 13 – 2012, entitled, “A Local Law Authorizing the Award of Purchase contracts on the Basis of Best Value”, 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. 535-2012 and asked that it be read.

Approved by 9 members of the Finance Committee.

CHAIRMAN MARSH requested a Roll Call Vote on Act No. 535-2012, Local Law Number 13-2012, which disclosed as follows:

Ayes: Aiello 0.8673, Boser 1.0267, Edstrom 0.8673, Edwards 0.9684, Felton 1.0972, Hale 1.0655, 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, Marsh 1.1278 – 19.9006.

Nays:– 0.

Act No. 535-2012, Local Law Number 13-2012, having received the majority vote of the legislature were declared adopted.

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ACT NO. 546-2012 by Mr. Aiello, Ms. Edstrom, Mr. Snyder, Jr., Mr. Teachman,
Mr. Weller, Mr. Koch, Mr. Lamberson and Mr. Sprague
and Mr. Edward
and *Mr. Boser¹*

**BID ACCEPTANCE FOR REHABILITATION OF COUNTY ROAD NO. 30
(Department of Public Works)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the rehabilitation of County Road No. 30, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was the bid of Man O'Trees, 752 Wildwood Avenue, Salamanca, New York 14779, in the total amount of \$3,333,000.00, to be paid by the County periodically on a percent-of-completion basis as determined by the Department of Public Works, and

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

RESOLVED, that the bid of Man O'Trees be, and the same hereby is, accepted, for a term commencing upon Notice to Proceed and terminating October 31, 2013, and be it further

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

No State Bid.

Twenty-Two sets of specifications were sent out.
Eleven bids were received.

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

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

Adopted November 28, 2012 by voice vote.

ACT NO. 547-2012 by Mr. Aiello and Mr. Weller

BID ACCEPTANCE FOR PAPER PRODUCTS
(Department of Public Works)

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for paper products, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications for certain paper products was XPEDX, 75 Allied Drive, Cheektowaga, New York 14227, for the term January 1, 2013 through December 31, 2013, as follows:

<u>Price per case of Recycled paper (greater than 40%)</u> Bleached Folded Hand Towels (Scottfold 01980): Size – 9.4" x 12.4" (4375 sheets per case)	\$33.59 per case
<u>Price per case of Recycled paper (greater than 40%)</u> Bleached Roll Towels (Scott 41482): Size 11" x 9" (2560 sheets per case)	\$29.37 per case
<u>Price per case of Recycled paper (greater than 40%)</u> Bleached Roll Toilet Tissue (Scott 04460): Size – 4.1" x 4" (44000 sheets per case)	\$43.37 per case

now, therefore, be it

RESOLVED, that the aforementioned bid be, and the same hereby are, accepted, contingent upon and subject to the inclusion in the 2013 budget of sufficient funds to cover the costs of the aforementioned paper products, and be it further

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

State Bid does not meet County Specifications.

Seven sets of specifications were sent out.

Two bids were received.

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

Adopted November 28, 2012 by voice vote.

ACT NO. 548-2012 by Mr. Aiello and Mr. Weller

**BID ACCEPTANCE FOR PRINTING SERVICES
(Various Departments)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for printing services for various County departments, according to specifications provided by the Department of Public Works, and

WHEREAS, the lowest bid received meeting specifications was the bid of The Paper Factory, 176 North Union Street, Olean, New York 14760, as follows:

LETTERHEADS:

<u>Item</u>	<u>Price</u> <u>Per 250</u>	<u>Price</u> <u>Per 500</u>	<u>Price</u> <u>Per 1000</u>	<u>Price</u> <u>Per 5000</u>	<u>Per</u> <u>Additional</u> <u>1000</u>
LHD-A1	\$28.00	\$29.00	\$ 47.00	\$185.00	\$35.00
LHD-A2	\$42.00	\$46.00	\$ 67.00	\$225.00	\$45.00
LHD-A3	\$75.00	\$84.00	\$115.00	\$280.00	\$55.00
LHD-B1	\$26.00	\$27.00	\$ 39.00	\$155.00	\$30.00
LHD-B2	\$40.00	\$44.00	\$ 60.00	\$195.00	\$36.00
LHD-B3	\$74.00	\$84.00	\$108.00	\$245.00	\$42.00

FORMS/NCR FORMS:

<u>Item</u>	<u>Price</u> <u>Per 250</u>	<u>Price</u> <u>Per 500</u>	<u>Price</u> <u>Per 1000</u>	<u>Price</u> <u>Per 5000</u>	<u>Per</u> <u>Additional</u> <u>1000</u>
FRM-A1	\$18.00	\$ 22.00	\$ 38.00	\$114.00	\$ 20.00
FRM-A1a	\$52.00	\$ 57.00	\$ 67.00	\$140.00	\$ 26.00
FRM-A1b	\$34.00	\$ 36.00	\$ 58.00	\$152.00	\$ 29.00
FRM-A1c	\$79.00	\$ 93.00	\$107.00	\$197.00	\$ 38.00
FRM-A1d	\$89.00	\$100.00	\$120.00	\$219.00	\$ 41.00
FRM-A2	\$43.00	\$ 45.00	\$ 84.00	\$315.00	\$ 58.00
FRM-A3	\$59.00	\$ 69.00	\$132.00	\$475.00	\$ 92.00
FRM-A4	\$72.00	\$ 86.00	\$179.00	\$728.00	\$152.00
FRM-A5	\$90.00	\$104.00	\$198.00	\$960.00	\$195.00

ENVELOPES:

<u>Item</u>	<u>Price</u> <u>Per 500</u>	<u>Price</u> <u>Per 1000</u>	<u>Price</u> <u>Per 2500</u>	<u>Price</u> <u>Per 5000</u>	<u>Price</u> <u>Per 10000</u>
ENV.A1	\$32.00	\$ 44.00	\$104.00	\$180.00	\$292.00
ENV.A2	\$35.00	\$ 48.00	\$116.00	\$193.00	\$300.00
ENV.B3	\$52.00	\$ 66.00	\$ 82.00	\$255.00	\$415.00
ENV.C	\$36.00	\$ 48.00	\$115.00	\$202.00	\$315.00
ENV.C1	\$31.00	\$ 40.00	\$ 92.00	\$175.00	\$285.00
ENV.C1a	\$39.00	\$ 48.00	\$108.00	\$195.00	\$300.00
ENV.C1b	\$66.00	\$ 78.00	\$148.00	\$238.00	\$350.00
ENV.C1c	\$89.00	\$104.00	\$208.00	\$405.00	\$640.00
ENV.C2	\$34.00	\$ 42.00	\$108.00	\$190.00	\$305.00
ENV.C2a	\$42.00	\$ 50.00	\$118.00	\$205.00	\$335.00

ENV.C2b	\$64.00	\$ 82.00	\$160.00	\$265.00	\$395.00
ENV.C2c	\$92.00	\$106.00	\$215.00	\$409.00	\$660.00
ENV.D1	\$42.00	\$ 68.00	\$148.00	\$253.00	\$425.00
ENV.D2	\$48.00	\$ 76.00	\$160.00	\$276.00	\$435.00
ENV.E1	\$51.00	\$ 78.00	\$162.00	\$278.00	\$445.00

MANILA ENVELOPES:

<u>Item</u>	<u>Price</u> <u>Per 250</u>	<u>Price</u> <u>Per 500</u>	<u>Price</u> <u>Per 1000</u>
ENV.M1	\$ 60.00	\$ 85.00	\$210.00
ENV.M2	\$ 49.00	\$ 67.00	\$ 86.00
ENV.M3	\$ 50.00	\$ 65.00	\$ 72.00
ENV.M4	\$ 50.00	\$ 68.00	\$ 88.00
ENV.M5	\$ 74.00	\$ 85.00	\$110.00
ENV.M6	\$ 50.00	\$ 66.00	\$ 97.00
ENV.M7	\$ 55.00	\$ 72.00	\$108.00
ENV.M8	\$ 89.00	\$135.00	\$160.00
ENV.M9	\$175.00	\$265.00	\$395.00

BUSINESS CARDS:

<u>Item</u>	<u>Price</u> <u>Per 100</u>	<u>Price</u> <u>Per 250</u>	<u>Price</u> <u>Per 500</u>	<u>Price</u> <u>Per 1000</u>
BUS.01	\$13.00	\$16.00	\$18.00	\$19.00
BUS.02	\$25.00	\$28.00	\$30.00	\$32.00
BUS.03	\$21.00	\$24.00	\$26.00	\$27.00

BOOKLETS:

<u>Item</u>	<u>Price</u> <u>Per 150</u>	<u>Price</u> <u>Per 1000</u>	<u>Price</u> <u>Per 2500</u>	<u>Price Per</u> <u>Additional 100</u>
BKT-TEL		\$648.00		\$52.00
BKT-GOV1			\$2,340.00	\$90.00
BKT-GOV2	\$116.00			\$77.00

EXTRA COSTS:

<u>Item</u>	<u>Price</u> <u>Per 500</u>	<u>Price</u> <u>Per 1000</u>	<u>Price</u> <u>Per 2500</u>	<u>Price</u> <u>Per 5000</u>	<u>Price Per</u> <u>Additional 1000</u>
EXT-CL1	\$ 1.50	\$ 3.00	\$ 7.50	\$15.00	\$ 3.00
EXT-CL2	\$ 2.50	\$ 5.00	\$10.00	\$25.00	\$ 5.00
EXT-CLR	\$ 8.00	\$17.00	\$40.00	\$80.00	\$17.00
EXT-CUT	\$.50	\$ 1.00	\$ 2.50	\$ 5.00	\$ 1.00
EXT-GLU	\$ 2.00	\$ 4.00	\$ 8.00	\$15.00	\$ 2.00
EXT-NUM	\$18.00	\$24.00	\$39.00	\$58.00	\$12.00
EXT-PAD	\$ 3.00	\$ 6.00	\$13.00	\$24.00	\$ 5.00
EXT-PER	\$16.00	\$21.00	\$35.00	\$50.00	\$12.00
EXT-PUN	\$ 3.00	\$ 7.00	\$14.00	\$25.00	\$ 6.00
EXT-SET	\$20.00/hr	\$20.00/hr	\$20.00/hr	\$20.00/hr	\$20.00/hr
EXT-STA	\$.04 each	\$.04 each	\$.03 each	\$.03 each	\$.03 each
EXT-TRK	Quoted Per Job				

MISC:

Extra Proofs Per Print Job No Charge,

now, therefore, be it

RESOLVED, that the bid of The Paper Factory be, and the same hereby is, accepted contingent upon and subject to the inclusion in the 2013 budget of sufficient funds to cover the costs of the aforementioned services, for the term January 1, 2013 through December 31, 2013, with the option of two, one (1) year extensions at the same bid prices, at the sole option of the County, and be it further

RESOLVED, that the vouchers accordingly certified by the County Administrator be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Five sets of specifications were sent out.

Three bids were received, with only two bids meeting specifications.

Approved by 8 members of the Finance Committee and 6 members of the County Operations Committee.

Adopted November 28, 2012 by voice vote.

ACT NO. 549-2012 by Mr. Aiello and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ALL STATE FIRE EQUIPMENT OF WNY FOR FIRE SUPPRESSION SYSTEMS FOR
FUELING DISPENSERS AT ALLEGANY AND FRANKLINVILLE HIGHWAY BARNs**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the Department of Public Works advertised for sealed bids for the purchase and installation of fire suppression systems for the fueling dispensers at the Allegany and Franklinville Highway barns, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, Act 461-2012 rejected the only bid received for the aforementioned services due to the price exceeding the amount budgeted, and

WHEREAS, as a result of negotiations held after the bid and a change in the scope of work, All State Fire Equipment of WNY, 400 Mineral Springs Road, Buffalo, New York 14043, can provide and install a PyroChem UL1254 listed fuel area fire suppression system at the Allegany and Franklinville Highway barns for an amount of \$27,900.00 for each facility, not to exceed a total contract amount of \$55,800.00, to be paid as invoiced, 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 All State Fire Equipment of WNY, for the provision of the above-described services, for a term commencing November 28, 2012 and terminating May 31, 2013, according to the above-described terms.

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

Adopted November 28, 2012 by voice vote.

ACT NO. 550-2012 by Mr. Aiello and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE OCCUPATIONAL SAFETY & HEALTH HAZARD
ABATEMENT BOARD FOR OCCUPATIONAL SAFETY AND HEALTH TRAINING AND
EDUCATION GRANT PROGRAM AND INCREASING ESTIMATED REVENUE AND
APPROPRIATION ACCOUNTS
(Department of Public Works)**

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

WHEREAS, funding is available through the New York State Occupational Safety and Health Hazard Abatement Board for the Occupational Safety and Health Training and Education Grant program, for the period August 1, 2012 through July 31, 2013, and

WHEREAS, the County Department of Public Works has been awarded an amount of \$12,840.00 through the aforementioned grant, and

WHEREAS, a contract with the New York State Occupational Safety and Health Hazard Abatement Board is necessary in order to receive the aforementioned grant, and

WHEREAS, this program is 100% state funded, and

WHEREAS, various appropriation and revenue accounts must be adjusted, 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 Occupational Safety and Health Hazard Abatement Board, in order to accept and receive the aforementioned grant funding, for a term commencing August 1, 2012 and terminating July 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:

D.502.0000.0000.3589.01	NYS Occupational Safety Grant	\$12,840.00
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Increase Appropriation Account:

D.502.5110.0000.46106	Training	\$12,840.00.
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Approved by 8 members of the Finance Committee and 8 members of the Public Works Committee.

Adopted November 28, 2012 by voice vote.

ACT NO. 551-2012 by Mr. Aiello and Mr. Weller

**AUTHORIZING EXTENSION OF ONE TEMPORARY POSITION OF
CLERK OF THE WORKS IN DEPARTMENT OF PUBLIC WORKS FOR
FIVE POINTS LANDFILL IMPROVEMENT PROJECT**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 156-2012 created one temporary position of Clerk of the Works in the Department of Public Works for the Five Points Landfill Improvement Project which is scheduled to terminate on December 31, 2012, and

WHEREAS, the County Department of Public Works is desirous of extending the term of the aforementioned Clerk of the Works position to February 18, 2013, to be compensated at a rate of \$26.24 per hour, for a total amount not to exceed \$5,649.47, under the same terms and conditions, to be paid as invoiced, now, therefore, be it

RESOLVED, that one temporary position of Clerk of the Works in the Department of Public Works created by Act 156-2012 for the Five Points Landfill Improvement Project is hereby extended to February 18, 2013, under the same terms and conditions.

Approved by 8 members of the Finance Committee, 8 members of the Public Works Committee and 4 members of the Labor Relations Committee.

Adopted November 28, 2012 by voice vote.

ACT NO. 552-2012 by Mr. Aiello and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
AUDUBON ARCHITECTURE, ENGINEERING, SURVEYING AND
LANDSCAPE ARCHITECTURE, P.C. FOR
FIVE POINTS / COLD STORAGE BUILDING ENGINEERING DESIGN SERVICES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 362-2012 authorized a contract with Audubon Architecture, Engineering, Surveying and Landscape Architecture, P.C., (formerly Wendel Duchscherer), 140 John James Audubon Parkway, Suite 201, Buffalo, New York 14228, for the provision of engineering design services for the Five Points/Cold Storage Building to be located at the DPW Facility in Little Valley, the term of which expires December 31, 2012, and

WHEREAS, a contract extension to December 31, 2013 is necessary in order to complete the aforementioned services, at no additional cost to the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with Audubon Architecture, Engineering, Surveying and Landscape Architecture, P.C., (formerly Wendel Duchscherer), in order to extend the term of the aforementioned contract to December 31, 2013, according to the above-described terms.

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

Adopted November 28, 2012 by voice vote.

ACT NO. 553-2012 by Mr. Aiello and Mr. Weller

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE
CONTRACT EXTENSION WITH
SJB SERVICES, INC. FOR SOIL BORING SERVICES,
MATERIAL TESTING AND GEOTECHNICAL SERVICES**

Pursuant to Section 117 of the Highway Law and
Act 290-2011 of the Cattaraugus County Legislature.

WHEREAS, Act 193-2012 authorized a contract with SJB Services, Inc., for the provision of soil boring services for various bridge projects, the term of which expires December 31, 2012, and

WHEREAS, the County Department of Public Works is desirous of extending the term of the aforementioned contract to December 31, 2013, to allow for time to complete the soil boring, material testing and geotechnical engineering services, at no additional cost to the County, and

WHEREAS, SJB Services, Inc., 5167 South Park Avenue, Hamburg, New York 14075, has agreed to complete the aforementioned soil boring, material testing and geotechnical engineering services for various projects by December 31, 2013, at no additional cost to the County, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract extension on behalf of Cattaraugus County, with SJB Services, Inc., for the provision of the above-described services, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms.

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

Adopted November 28, 2012 by voice vote.

ACT NO. 554-2012 by Mr. Aiello and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
GHD CONSULTING ENGINEERS, LLC FOR
FIVE POINTS LANDFILL ENGINEERING SERVICES**

Pursuant to Sections 226-b and 450 of the County Law.

WHEREAS, Act 191-2011 authorized a contract with GHD Consulting Engineers, LLC (formerly Stearns & Wheler, LLC), 200 John James Audubon Parkway, Suite 101, Amherst, New York 14228, for the provision of engineering services necessary for the replacement of the lower pump station and miscellaneous improvements at the Five Points Landfill, the term of which expires December 31, 2012, and

WHEREAS, the County Department of Public Works is desirous of extending the term of the aforementioned contract to June 30, 2013, at no additional cost to the County, and

WHEREAS, GHD Consulting Engineers, LLC, has agreed to extend the term of the aforementioned contract to June 30, 2013, at no additional cost to the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with GHD Consulting Engineers, LLC,

to extend the aforementioned contract from its original term commencing April 27, 2011 to June 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 November 28, 2012 by voice vote.

ACT NO. 555-2012 by Mr. Aiello and Mr. Weller

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH
CASELLA WASTE MANAGEMENT, NEW ENGLAND WASTE SERVICES OF
NY, INC., FOR OUT-OF-COUNTY WASTE DISPOSAL SERVICES**

Pursuant to Section 226-b of the County Law and
Act 290-2011 of the Cattaraugus County Legislature.

WHEREAS, Act 154-2012 authorized a contract with Casella Waste Management, New England Waste Services of NY, Inc., 6653 Herdman Road, Angelica, New York 14709, for the provision of out-of-county waste disposal services, the term of which expires December 31, 2012, and

WHEREAS, the County Department of Public Works is desirous of renewing the aforementioned contract for the disposal of waste from our transfer stations, and

WHEREAS, Casella Waste Management, New England Waste Services of NY, Inc., has agreed to accept municipal solid waste and construction and demolition debris from the County of Cattaraugus for an amount not to exceed \$80,000.00 per year, based on \$25.75 per ton with no minimum tonnage requirements, for a total contract amount not to exceed \$160,000.00, to be paid on a monthly basis, as invoiced, and

WHEREAS, the County will transport and deliver the aforementioned waste to the Hyland Landfill, which is located in Angelica, New York, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, contingent upon and subject to the inclusion in the 2013 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with Casella Waste Management, New England Waste Services of NY, Inc., for the provision of the above-described services, for a term commencing January 1, 2013 and terminating December 31, 2014, according to the above-described terms.

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

Adopted November 28, 2012 by voice vote.

ACT NO. 556-2012 by Mr. Aiello, Mr. Edwards and Mr. Weller
and Mr. Hale, Mr. Boser and Mr. Lamberson¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
GREENMAN-PEDERSEN, INC. FOR
ON-SITE CONSTRUCTION INSPECTION SERVICES FOR
COUNTY ROAD NO. 30 REHABILITATION PROJECT**

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

WHEREAS, the County is in need of on-site construction inspection services for the County Road No. 30 (South Nine Mile Road and Chipmunk Road) Rehabilitation Project in the Town of Carrollton, and

WHEREAS, Greenman-Pedersen, Inc., 4950 Genesee Street, Buffalo, New York 14225-5550, has agreed to provide on-site construction inspection services for the County Road No. 30 Rehabilitation Project for an amount not to exceed \$275,574.00, to be paid periodically on a percent-of-completion basis as determined by the Department of Public Works, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, contingent upon and subject to the inclusion in the 2013 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with Greenman-Pedersen, Inc., for the provision of the above-described engineering services, for a term commencing January 1, 2013 and terminating December 31, 2014, according to the above-described terms.

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. Hale, Mr. Boser and Mr. Lamberson".

Adopted November 28, 2012 by voice vote.

ACT NO. 557-2012 by Mr. Aiello, Mr. Edwards and Mr. Weller

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
FISHER ASSOCIATES, P.E., L.S., P.C. FOR
WETLANDS/ENVIRONMENTAL CONSULTING SERVICES FOR
COUNTY ROAD NO. 30 REHABILITATION PROJECT**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 274-2010, as amended by Acts 42-2011 and 510-2011, authorized a contract with Fisher Associates, P.E., L.S., P.C., 135 Calkins Road, Rochester, New York 14623, for the provision of comprehensive environmental services and wetlands mapping services, for the County Road No. 30 (South Nine Mile Road and Chipmunk Road) Rehabilitation Project in the Town of Carrollton, the term of which expires December 31, 2012, and

WHEREAS, additional environmental work and permits are required in order to complete the aforementioned road project, and

WHEREAS, the County Department of Public Works is desirous of further extending the term of the aforementioned contract in order to allow for more time to complete the aforementioned project, and

WHEREAS, Fisher Associates, P.E., L.S., P.C., has agreed to provide:

- additional site identification and coordination work necessary for the off-site stream enhancement mitigation work,
- associated conservation easement coordination negotiations with the USACE,
- conservation easement work plans and justifications,
- reconfiguration of mitigation area limits due to property line changes, and
- mitigation area reconfiguration due to cultural resource findings,

for an amount not to exceed \$41,870.00, to be paid on a percent-of-completion basis as approved by the Department of Public Works, 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 an amended contract, contingent upon and subject to the inclusion in the 2013 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with Fisher Associates, P.E., L.S., P.C., for the provision of the above-described services, for a term commencing January 1, 2013 and terminating December 31, 2015, according to the above-described terms.

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

Adopted November 28, 2012 by voice vote.

ACT NO. 558-2012 by Mr. Aiello and Mr. Weller

**AUTHORIZING EXECUTION OF U.S. ARMY CORPS OF ENGINEERS PERMIT
ASSOCIATED WITH COUNTY ROAD NO. 30 REHABILITATION PROJECT**

Pursuant to 33 USC Sections 1251-1387, a/k/a Section 404 of the Clean Water Act.

WHEREAS, the County Department of Public Works is desirous of reconstructing portions of County Road No. 30, a/k/a Chipmunk Road and South Nine Mile Road, in the Town of Carrollton, and

WHEREAS, in connection with the aforementioned reconstruction project, the U.S. Department of the Army Corps of Engineers issued Permit Number 2009-00786-M-1, pursuant to Section 404 of the Clean Water Act, requiring the protection of valuable public water resources, and

WHEREAS, in order to satisfy the terms of the Permit, and to comply with Section 404 of the Clean Water Act, it is necessary to complete the permit validation process by authorizing the Chairman of the Legislature to execute the aforementioned Permit, now, therefore, be it

RESOLVED, that the Commissioner of Public Works be, and hereby is, authorized and directed to execute U.S. Department of the Army Corps of Engineers Permit Number 2009-00786-M-1.

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

Adopted November 28, 2012 by voice vote.

ACT NO. 559-2012 by Mr. Murphy

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
MOTOROLA SOLUTIONS, INC. FOR
NARROW BAND COMPLIANT DIGITAL P25 VHF
CONVENTIONAL SIMULCAST RADIO SYSTEM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 469-2011 authorized a contract with Motorola Solutions, Inc., 5 Paragon Drive, Suite 200, Montvale, New Jersey 07645, for the provision of the labor and materials necessary to deliver a 1 Channel P25 VHF Digital Conventional Simulcast System to comply with narrow band width regulations promulgated by the Federal Communications Commission, the term of which expires December 31, 2012, and

WHEREAS, the Federal Communications Commission requires that the County be narrow-band compliant by January 1, 2013, and

WHEREAS, Motorola Solutions, Inc., has requested an extension of the final acceptance date from December 31, 2012 to June 30, 2013, at no additional cost to the County, on the condition that Motorola Solutions, Inc., shall cooperate with Eagle Radio Technologies to ensure that the County is narrow-band compliant as required by the F.C.C., now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with Motorola Solutions, Inc., for the provision of the above-described services, for a term commencing October 26, 2011 and terminating June 30, 2013, according to the above-described terms.

Approved by 8 members of the Finance Committee and 5 members of the Public Safety Committee.

Adopted November 28, 2012 by voice vote.

ACT NO. 560-2012 by Mr. Murphy

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COUNTY AGRICULTURAL SOCIETY, INC. FOR
SHERIFF'S DEPARTMENT SECURITY SERVICES AND SPACE RENTAL**

Pursuant to Sections 215, 450 and 650 of the County Law.

WHEREAS, Act 640-2011 authorized the Chair to execute a contract with the Cattaraugus County Agricultural Society, Inc., P.O. Box 182, Little Valley, New York 14755, for the provision of security services at various events at the County Fairgrounds, including the annual Cattaraugus County Fair, the term of which expires December 31, 2012, and

WHEREAS, it is proposed that the Cattaraugus County Sheriff provide security services at the Cattaraugus County Fairgrounds during the 2013 year, and

WHEREAS, the Agricultural Society will reimburse the County on an hourly basis for the provision of these services, except for the first \$500.00 in services to be provided by the Sheriff's Office in 2013, and

WHEREAS, the Agricultural Society will charge the County the following rental costs:

Tourism Booths	\$400.00
Stop DWI Space	\$600.00
Storage	\$200.00/boat
Civil Service	\$100.00/testing day
Museum	\$450.00
Social Services	\$150.00

now, therefore, be it

RESOLVED, the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, contingent upon and subject to the inclusion in the 2013 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with the Cattaraugus County Agricultural Society, Inc., for the rental of the above-described space, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms.

Approved by 8 members of the Finance Committee, 7 members of the Human Services Committee, 4 members of the Development and Agriculture Committee, 5 members of the Public Safety Committee, 6 members of the County Operations Committee and 4 members of the Labor Relations Committee.

Adopted November 28, 2012 by voice vote.

ACT NO. 561-2012 by Mr. Marsh, Mr. Snyder, Sr. and Mr. Sprague
**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
TOSKI, SCHAEFER & CO., P.C. FOR
DEFERRED COMPENSATION AUDITING SERVICES**

Pursuant to 9 NYCRR Section 9005.1 and
Section 210 of the County Law.

WHEREAS, Act 491-2011 authorized a contract with Toski, Schaefer & Co., P.C. for purposes of auditing the Cattaraugus County Deferred Compensation Plan, the term of which expired December 31, 2011, and

WHEREAS, it is necessary that the County have its Deferred Compensation Plan audited by an independent auditor in order to be in compliance with New York State Finance Law, and

WHEREAS, the firm of Toski, Schaefer & Co., P.C., 555 International Drive, Williamsville, New York, has been recommended to audit the County's Deferred Compensation Plan for an amount as follows:

Plan Year December 31, 2011 not to exceed \$4,400.00,

and

WHEREAS, the Hartford, Inc., will reimburse the County for the cost of the 2011 Deferred Compensation Plan audit, 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 firm of Toski, Schaefer & Co., P.C. for the provision of conducting the 2011 audit of the Deferred Compensation Plan for a term commencing January 1, 2012 and terminating December 31, 2012.

Approved by 8 members of the Finance Committee and 4 members of the Labor Relations Committee.

Adopted November 28, 2012 by voice vote.

ACT NO. 562-2012 by Mr. Felton, Mr. Teachman, Ms. Vickman and Mr. Padlo

**AUTHORIZING THE CHAIR TO EXECUTE AMENDMENTS TO
LEASE AGREEMENT WITH
ePLUS GROUP, INC. FOR COMPUTER EQUIPMENT FOR
VARIOUS COUNTY DEPARTMENTS**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 373-2012 authorized a lease agreement with ePlus Group, Inc., 13595 Dulles Technology Drive, Herndon, Virginia 20171, for computer equipment and software for the Department of Nursing Homes, and

WHEREAS, ePlus Group, Inc. is listed as a vendor on New York State bid through the Office of General Services, and

WHEREAS, various departments within the County are desirous of updating their computer equipment and software, and

WHEREAS, the Department Head of each County Department should be able to lease computer equipment and software with the approval of the Director of the Department of Information Services, as long as sufficient funds are included within each department's budget to cover the cost of the lease, and

WHEREAS, ePlus Group, Inc., can provide computer equipment, software, accessories and licenses in accordance with New York State bid prices, and

WHEREAS, the aforementioned lease agreement with ePlus Group, Inc. should be amended to include additional computer equipment, software, accessories and licenses, on an as-needed basis, 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 amendments or addenda to the Lease Agreement authorized by Act 373-2012, as approved by the County Director of the Department of Information Services, on behalf of Cattaraugus County, with ePlus Group, Inc., for the provision of the above-described computer equipment and software, for a term commencing upon receipt of such computer equipment and terminating June 30, 2016, according to the above-described terms.

Approved by 8 members of the Finance Committee and 6 members of the County Operations Committee.

Adopted November 28, 2012 by voice vote.

ACT NO. 563-2012 by Mr. Teachman
and Mrs. Stockman¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
SYSTEMS DEVELOPMENT GROUP, INC. FOR
REAL PROPERTY TAX SERVICES
IMAGE MATE ONLINE SUPPORT AGREEMENT AND
IMAGE MATE GIS SUPPORT AGREEMENT**

Pursuant to Section 1532 of the Real Property Tax Law and
Section 450 of the County Law.

WHEREAS, Act 513-2011 authorized a contract with Systems Development Group, Inc., 441 Trenton Avenue, Utica, New York 13502, for the provision of imaging software and services for the County Real Property Tax Service Agency online support, the term of which expires December 31, 2012, and

WHEREAS, the County Real Property Tax Service Agency is desirous of continuing the aforementioned technical support for the Image Mate online, and

WHEREAS, Systems Development Group, Inc., can provide the necessary online support of the Image Mate Online System for an amount as follows:

Annual Fee	\$7,420.00
Software Support	\$85/hr, including travel time
Custom Software Enhancement	\$100/hour,

now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, contingent upon, and subject to, inclusion in the 2013 budget of sufficient funds to cover the costs of the aforementioned services, on behalf of Cattaraugus County, with Systems Development Group, Inc., for the provision of the above-described services, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms.

Approved by 8 members of the Finance Committee and 6 members of the County Operations Committee.

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

Adopted November 28, 2012 by voice vote.

ACT NO. 564-2012 by Ms. Edstrom and Mrs. Stockman

AUTHORIZING THE CHAIR TO EXECUTE MEMORANDUM OF UNDERSTANDING WITH ACCORD CORPORATION FOR HEALTH DEPARTMENT ADOLESCENT PREGNANCY PREVENTION PROGRAM

Pursuant to Section 450 of the County Law.

WHEREAS, Act 105-2011 authorized a Memorandum of Understanding with the Accord Corporation for participation in the Comprehensive Adolescent Pregnancy Prevention (CAPP) project, in an effort to reduce teen pregnancy rates in Cattaraugus County, and

WHEREAS, the County Health Department is desirous of continuing to participate in the Comprehensive Adolescent Pregnancy Prevention (CAPP) project, and

WHEREAS, the County Health Department shall expand clinic hours in the Salamanca office to incorporate 2-3 additional hours, twice monthly, and

WHEREAS, the Allegany County Community Opportunities and Rural Development Corporation (ACCORD), 84 Schuyler Street, P.O. Box 573, Belmont, New York 14813, shall pay to the County Health Department an amount of \$18,800.00 to assist with promoting the CAPP program initiatives, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a memorandum of understanding, on behalf of Cattaraugus County, with the ACCORD Corporation, for the provision of the above-described services, 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 7 members of the Human Services Committee.

Adopted November 28, 2012 by voice vote.

ACT NO. 565-2012 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CHAUTAUQUA COUNTY FOR HEALTH DEPARTMENT
LEAD RISK ASSESSMENT SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 659-2011 authorized a contract with Chautauqua County for the provision of lead risk assessment services, the term of which expires December 31, 2012, and

WHEREAS, the County Health Department is responsible for investigating possible lead poisoning situations, and

WHEREAS, Chautauqua County, County Office Building, 3 North Erie Street, Mayville, New York 14757, has equipment and personnel trained for the provision of lead risk assessment services, and

WHEREAS, the County Health Department is desirous of contracting with Chautauqua County for the provision of the aforementioned services, and

WHEREAS, Chautauqua County can perform the aforementioned lead risk assessment services, on an as-needed basis, for an amount of \$30.00 per hour plus work-related mileage at the prevailing IRS rate, not to exceed a total contact amount of \$3,000.00, to be paid as invoiced, and

WHEREAS, the County shall also reimburse Chautauqua County a maximum amount of \$10.00 (including tip) for meals and shipping or analytical fees associated with any required dust wipe, soil or water samples, and

WHEREAS, this program is 100% 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, contingent upon and subject to the inclusion in the 2013 budget of sufficient funds to cover the costs of the aforementioned services, with Chautauqua County, for the provision of the above-described services, for a term commencing January 1, 2013 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.

Adopted November 28, 2012 by voice vote.

ACT NO. 566-2012 by Ms. Edstrom and Mrs. Stockman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR
FAMILY PLANNING PROGRAMS**

Pursuant to 10 NYCRR Part 40-1 and
Section 450 of the County Law.

WHEREAS, Act 125-2012 authorized a contract with the New York State Department of Health, Division of Family & Local Health, Corning Tower, Empire State Plaza, Room 878, Albany, New York 12237-0675, for the provision of a Family Planning Program in the County's Health Department, the term of which expires December 31, 2012, and

WHEREAS, the New York State Health Department has awarded the County Health Department a grant in the amount of \$277,921.00 for the period January 1, 2013 through December 31, 2013, and

WHEREAS, this program is 100% 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 the New York State Department of Health for the provision of a Family Planning Program in Cattaraugus County, for a term commencing January 1, 2013 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.

Adopted November 28, 2012 by voice vote.

ACT NO. 567-2012 by Ms. Edstrom and Mrs. Stockman
and Mrs. Labuhn¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION 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 336-2012 authorized a contract with the Cattaraugus-Allegany Workforce Investment Board, Inc. (WIB), for the Summer Youth Employment program, the term of which expired August 31, 2012, and

WHEREAS, the Cattaraugus-Allegany Workforce Investment Board, Inc. (WIB) and the County Department of Social Services are desirous of extending the term of the aforementioned contract to September 30, 2012, at no additional cost to the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with the Cattaraugus-Allegany Workforce Investment Board, Inc., for the provision of the above-described services, for a term commencing June 1, 2012 and terminating September 30, 2012, according to the above-described terms.

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

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

Adopted November 28, 2012 by voice vote.

ACT NO. 568-2012 by Mr. Marsh and Mr. Snyder, Sr.
and Mr. Aiello, Ms. Edstrom, Mr. Edwards, Mr. Felton, Mr. Hale, Mr. Klancer,
Mr. Murphy, Mr. Snyder, Jr., Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer,
Ms. Vickman, Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson, Mr. Padlo and Mr. Sprague¹

**REQUESTING FEDERAL GOVERNMENT TO RESTORE AND
STABILIZE FUNDING FOR WEST VALLEY
DEMONSTRATION PROJECT CLEANUP**

Pursuant to Section 153 of the County Law.

WHEREAS, the President's 2013 federal budget request included only \$50 million for the West Valley Demonstration Project (WVDP), and

WHEREAS, the House Appropriations Committee Energy and Water Appropriations Bill for fiscal year 2013 also provides only \$50 million for the WVDP, and

WHEREAS, the \$50 million budgeted amount represents a reduction of one-third in funding for the WVDP from fiscal year 2012, and

WHEREAS, with \$20 million per year required to keep the facility safe, and \$30+ million procurement to build the high level waste storage facility and to purchase storage casks by 2015, a \$50 million appropriation will significantly impact the Phase I decommissioning activities, and

WHEREAS, if the WVDP receives an annual appropriation of only \$50 million throughout Phase 1, it will take approximately 20 years to complete, which is twice as long as the

Department of Energy initially projected when they assumed funding would remain \$75 million per year, and

WHEREAS, the extension of Phase 1 decommissioning work from 10 years to 20 years will further add an extra \$200 million to the total project cost, and

WHEREAS, the federal government must provide adequate funding to continue the cleanup project on schedule and as expeditiously as possible, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby requests the federal government restore WVDP funding to the current \$75 million that was anticipated when the Final Environmental Impact Statement and Record of Decision were issued in 2010, and be it further

RESOLVED, that this level of funding must then be stabilized for 10 years to complete all Phase 1 decommissioning work, and be it further

RESOLVED, that the County Administrator is hereby directed to forward copies of this resolution to US Secretary of Energy Chu, Senators Schumer and Gillibrand, Congressman Reed, Governor Cuomo, State Senator Young, Assembly Member Giglio, Bryan Bower, USDOE Director of the WVDP, and Paul Bembia, NYSERDA Director of the West Valley Site Management Program.

Approved by 8 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. Klancer, Mr. Murphy, Mr. Snyder, Jr., Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Ms. Vickman, Mr. Boser, Mr. Koch, Mrs. Labuhn, Mr. Lamberson, Mr. Padlo and Mr. Sprague”.

Adopted November 28, 2012 by voice vote.

ACT NO. 569-2012 by Mr. Murphy
and Mr. Hale, Mr. Klancer, Mr. Padlo and Mr. Sprague¹
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
ELLCOTTVILLE PHARMACY, INC. FOR JAIL PHARMACEUTICALS**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 678-2011 authorized a contract with the Ellicottville Pharmacy, Inc., for the provision of pharmaceuticals for the inmates of the Cattaraugus County Jail, the term of which expires December 31, 2012, and

WHEREAS, the Sheriff's Office is desirous of extending the term of the aforementioned contract to February 28, 2013 in order to rebid, and

WHEREAS, Ellicottville Pharmacy, Inc., 6133 Route 219, Suite 1004, Ellicottville, New York 14731, has agreed to extend the term of the aforementioned contract to February 28, 2013 at the current bid prices, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with Ellicottville Pharmacy, Inc., for the provision of the above-described services, to extend the term of the contract which commenced January 1, 2012 to February 28, 2013, according to the above-described terms.

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

¹ The following Legislators requested their names be listed as additional sponsors: “Mr. Hale, Mr. Klancer, Mr. Padlo and Mr. Sprague”.

Adopted November 28, 2012 by voice vote.

ACT NO. 570-2012 by Mr. Felton and Ms. Vickman
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HEALTHCARE SERVICES GROUP, INC. FOR
DIET TECH COVERAGE SERVICES AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Nursing Homes)**

Pursuant to 10 NYCRR Section 415.14 and Sections 363, 366 and 450 of the County Law.

WHEREAS, the County Department of Nursing Homes is in need of Diet Tech coverage services during the absence of its Diet Tech, and

WHEREAS, Healthcare Services Group, Inc., 3220 Tillman Drive, Glenview Corporate Center, Suite 300, Bensalem, Pennsylvania 19020, currently has a contract with the County for the operation and management of the Department of Nursing Homes Dietary Department at The Pines Healthcare and Rehabilitation Center –Olean Campus, and the provision of registered dietician services for both the Olean and Machias Campuses, and

WHEREAS, Healthcare Services Group, Inc., has agreed to provide the services of a Diet Tech when such services are needed for coverage during the absence of the County-employed Diet Tech, and

WHEREAS, the County shall pay an amount of \$30.00 per hour to Healthcare Services Group, Inc. for the provision of Diet Tech services on an as-needed basis, 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, on behalf of Cattaraugus County, with Healthcare Services Group, Inc., for the provision of the above-described Diet Tech coverage services, for a term commencing November 1, 2012 and terminating February 28, 2013, 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:

EF.453.4530.8212.41627	Dietary Contracted Services	\$1,800.00
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Increase Appropriation Account:

EF.453.4530.8212.41225	Dietician/Nutrition Services	\$1,800.00.
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MR. MURPHY moved, seconded by Mrs. Labuhn to waive Rule 12. Carried.

Adopted November 28, 2012 by voice vote.

ACT NO. 571-2012 by Mr. Aiello, Mr. Marsh and Mr. Sprague
who ask immediate consideration

**LOCAL LAW NUMBER 14-2012
COUNTY OF CATTARAUGUS, NEW YORK**

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

**A LOCAL LAW AMENDING LOCAL LAW NUMBER 5-1985 (INTRO NO. 10-1985),
ENTITLED “A LOCAL LAW ESTABLISHING THE POSITION OF COUNTY
ADMINISTRATOR”, AS AMENDED, AND REPEALING ACT NO. 184-2009 ENTITLED
“ESTABLISHING POSITION VALUE SYSTEM FOR ASSOCIATING
DEPARTMENT HEAD AND LEGISLATIVE APPOINTMENT
SALARY INCREASES TO PERFORMANCE BASED SYSTEM”**

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

SECTION 1. Legislative Intent. By Local Law 5-2008, the Cattaraugus County Legislature clarified the powers and duties of the County Administrator, and directed the County Administrator to conduct an annual evaluation of the performance of non-elected department heads and make recommendations to the County Legislature regarding their salaries and benefits. In furtherance thereof, the Legislature adopted Act No. 184-2009, entitled “Establishing Position Value System for Associating Department Head and Legislative Appointment Salary Increases to Performance Based System”, by the terms of which the salaries of department heads and legislative appointees must be established annually by using a position value system incorporating both external equity determined by comparing such salaries to the salaries of comparable positions in other counties deemed to be comparable to Cattaraugus County in demographics and performance-based criteria utilizing annual evaluations.

The Legislature has not used the aforementioned performance evaluation system to determine or adjust Department Head salaries since 2010, and so that the Legislature is not acting in violation of such policies, it is necessary that the Legislature repeal the relevant provisions of Local Law No. 5-1985 and 5-2008 and repeal Act No. 184-2009.

SECTION 2. Repeal of Act No. 184-2009. Act No. 184-2009 entitled “Establishing Position Value System for Associating Department Head and Legislative Appointment Salary Increases to Performance Based System” is hereby repealed in its entirety.

SECTION 3. Amendment of Local Law Number 5-1985: Local Law Number 5-1985 (Intro Number 10-1985), Entitled “Establishing The Position Of County Administrator” as previously amended, is hereby further amended as follows:

3.1.1. by repealing Section 23 thereof, which provides as follows: “Conduct an annual evaluation on the performance of non-elected department heads and making recommendations to the County Legislature on their salaries and benefits”; for the Community Services Director, the salary of the Director is set by the Community Services Board, upon recommendation of the County Legislature, which shall take into consideration the recommendation of the County Administrator; for the Community Services Director, the evaluation process shall be that set forth in the Memorandum of Agreement between Cattaraugus County and the County Community Services Board; for the Public Health Director, the evaluation shall be conducted by the County Administrator and a designee of the County Board of Health.”; and

3.2. By renumbering paragraph 24 thereof as presently constituted to paragraph 23.

SECTION 4. Amendment of Local Law No. 5-2008. Local Law No. 5-2008 is hereby amended by repealing all provisions thereof that are inconsistent with the provisions of this Local Law.

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

MR. AIELLO moved, seconded by Mr. Sprague not to waive Rule 12 for Act No. 571-2012. Carried.

ACT NO. 572-2012 by Mr. Aiello, Mr. Marsh and Mr. Sprague
who ask immediate consideration

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 14-2012

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

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on November 28, 2012, a proposed Local Law entitled "A Local Law Amending Local Law Number 5-1985 (Intro No. 10-1985), Entitled 'A Local Law Establishing the Position of County Administrator', As Amended, and Repealing Act No. 184-2009, Entitled 'Establishing Position Value System for Associating Department Head and Legislative Appointment Salary Increases to Performance Based System' ", 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 12th day of December, 2012, at 3:01 p.m. at the Legislature's Chambers, 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. AIELLO moved, seconded by Mr. Sprague not to waive Rule 12 for Act No. 571-2012. Carried. CHAIRMAN MARSH referred Act No. 572-2012 to the Finance Committee and the Labor Relations Committee for further discussion.

ACT NO. 573-2012 by Mr. Aiello
who asks immediate consideration

**LOCAL LAW NUMBER 15 – 2012
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW AMENDING LOCAL LAW NUMBER 5-2012 (INTRO NO. 5-2012),
ENTITLED “REGULATING THE TRANSFER OF SECONDHAND ARTICLES, AND
REPEALING LOCAL LAW NO. 3-1981 REGARDING THE
TRANSFER OF PRECIOUS METALS AND JEWELRY”**

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

SECTION 1. Legislative Intent. It is the intent of this local law to amend Local Law Number 5-2012 (Intro No. 5-2012) which regulates the transfer of secondhand articles.

SECTION 2. Amendment of Local Law Number 5-2012. Local Law Number 5-2012 (Intro No. 5-2012), entitled "A Local Law Regulating the Transfer of Secondhand Articles, and Repealing Local Law No. 3-1981 Regarding the Transfer of Precious Metals and Jewelry", is hereby amended as follows:

- 2.1 In Section 6. License Fees, subparagraph b., delete: "Ten Dollars (\$10.00)", and replace with: "Twenty-Five Dollars (\$25.00)".
- 2.2 In Section 8. Licensing, delete: "The license shall remain in effect for a period of one year", and replace with: "The license shall remain in effect for a period of five (5) years".
- 2.3 In Section 10. Expiration and Renewal of Licenses, delete: "annually", and replace with: "five (5) years from the date of issue,".
- 2.4 In Section 12. Records to be maintained by Secondhand Dealer,
 - in subparagraph a, delete: "on a Receipt", and replace with: "in a format supplied by the Sheriff's Office",
 - in subparagraph c. sub 2, after the words "delivered via electronic mail", add the words: "or fax", and
 - in subparagraph c., add a new sub 4: "These original records may be retrieved by the Sheriff's Office at any time for examination or as evidence of a crime."
- 2.5 In Section 13. Requirement to Hold Secondhand Articles Prior to Disposal, Resale or Alteration, delete: "seven days", and replace with: "ten days".

SECTION 3. Effective Date. The local law shall become effective immediately upon filing in the Office of the Secretary of State.

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

No action was taken on Act No. 573-2012 at this time.

ACT NO. 574-2012 by Mr. Aiello
who asks immediate consideration

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 15-2012

Pursuant to Section 10 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on November 28, 2012, a proposed Local Law entitled, "A Local Law Amending Local Law Number 5-2012 (Intro No. 5-2012), Entitled 'Regulating the Transfer of Secondhand Articles, and Repealing Local Law No. 3-1981 Regarding the Transfer of Precious Metals and Jewelry' ", 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 12th day of December, 2012, at 3:02 p.m. at the Legislature's Chambers, 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. SNYDER, SR. moved, seconded by Mr. Padlo to waive Rule 12. Carried.

Adopted November 28, 2012 by voice vote.

ACT NO. 575-2012 by Mr. Aiello, Mr. Edwards, Ms. Vickman,
Mr. Boser and Mr. Lamberson
who ask immediate consideration

**LOCAL LAW NUMBER 16 - 2012
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 23(2) of the Civil Service Law and
Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW ESTABLISHING FEES FOR
CIVIL SERVICE EXAMINATION SERVICES**

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 a reasonable fee for testing services administered by the Cattaraugus County Civil Service Commission, due to an increase in examination fees assessed to Cattaraugus County by the New York State Department of Civil Service.

SECTION 2. Fee Schedule. For examinations announced on and after January 1, 2013, the following fees shall be charged by the Cattaraugus County Civil Service Commission:

For uniformed protective service examinations:	\$25.00 per application
For all other examinations:	\$15.00 per application.

SECTION 3. Severability. If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication, shall not effect, impair or invalidate the

remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4. Effective Date. This Local Law shall take effect January 1, 2013.

MR. HALE moved, seconded by Mr. Lamberson to waive Rule 12. Carried.

No action was taken on Act No. 575-2012 at this time.

ACT NO. 576-2012 by Mr. Aiello, Mr. Edwards, Ms. Vickman,
Mr. Boser and Mr. Lamberson
who ask immediate consideration

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 16 - 2012

Pursuant to Section 10 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on November 28, 2012, a proposed Local Law entitled, "A Local Law Establishing Fees for Civil Service Examination Services", 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 12th day of December, 2012, at 3:03 p.m. at the Legislature's Chambers, 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. HALE moved, seconded by Mr. Lamberson to waive Rule 12. Carried.

Adopted November 28, 2012 by voice vote.

ACT NO. 577-2012 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 RANDOLPH CARDINALS FOOTBALL TEAM FOR
WINNING 2012 NEW YORK STATE CLASS D CHAMPIONSHIP**

Pursuant to Section 153 of the County Law.

WHEREAS, the Randolph Central School Cardinals football team won the 2012 New York State Class D football championship on Friday, November 23, 2012 by defeating Section 1 champion Tuckahoe at the Carrier Dome on the campus of Syracuse University, and

WHEREAS, the Cardinals won the title by defeating the Tuckahoe Tigers by a score of 28 - 7, and

WHEREAS, this is the Cardinals' third state title in eight seasons, and

WHEREAS, the Cardinals defeated Maple Grove on November 2, 2012 at Ralph Wilson Stadium in Orchard Park by a score of 21 – 0 to win the Section VI Class D championship, and

WHEREAS, Randolph beat Avon 34 – 14 on November 9, 2012, at All High Stadium in Buffalo to win the Far West Regional Championship, and

WHEREAS, the Cardinals won its state semi-finals match-up on November 16, 2012, at Sahlen's Stadium in Rochester over Tioga by a score of 7 - 6, and

WHEREAS, the Cardinals closed the season with a record of 11 - 2, and

WHEREAS, Randolph Cardinals football coach, Pat Slater, who has coached the football team since 1979, will be retiring at the end of this season, and

WHEREAS, Coach Slater should be commended for his career of 213 victories in 34 seasons, and

WHEREAS, the team and coach should be commended for their hard work and dedication, which led to this highly successful season, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby congratulates Coach Pat Slater and the Randolph Central School District Cardinals Football Team on the team's 2012 New York State Class D football championship, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby wishes Coach Pat Slater a long and healthy retirement, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Superintendent of Schools, Kimberly Moritz, and Coach Pat Slater.

MS. VICKMAN MOVED, SECONDED BY Ms. Edstrom to waive Rule 12. Carried.

Adopted November 28, 2012 by voice vote.

ACT NO. 578-2012 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 ELLICOTTVILLE LADY EAGLES VOLLEYBALL TEAM ON
2012 CLASS D STATE CHAMPIONSHIP**

Pursuant to Section 153 of the County Law.

WHEREAS, the Ellicottville Central School's Girls volleyball team won the 2012 New York State Class D championship on Sunday, November 18, 2012, at the Civic Center in Glens Falls, New York, over Section I Haldane in three straight sets, and

WHEREAS, on November 17, 2012, the Ellicottville Girls team beat Hartford and Lafayette to reach the finals, and

WHEREAS, the Lady Eagles beat North Collins to win the Section 6 Class DD title at Jamestown Community College on Monday, November 5, 2012, and

WHEREAS, the Lady Eagles won over Chautauqua Lake for the Class D title at Jamestown Community College on Thursday, November 8, 2012, and

WHEREAS, the Lady Eagles defeated Section V Lyons in the Far West Regional match-up on Saturday, November 10, 2012, in Webster, New York, and

WHEREAS, the Lady Eagles finished this year with an undefeated season, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby congratulates Coach Kelly Unverdorben and the Ellicottville Lady Eagles volleyball team for their 2012 Class D State Championship, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward copies of this resolution to Mark Ward, Superintendent of Schools and Coach Kelly Unverdorben.

MR. VANRENSELAER moved, seconded by Mr. Edwards to waive Rule 12. Carried.

Adopted November 28, 2012 by voice vote.

* * * * *

MR. SNYDER moved, seconded by Mr. Giardini to adjourn for the public hearing on the 2013 tentative budget. Carried.

CHAIRMAN MARSH announced that anyone wishing to speak on the 2013 tentative budget may now do so.

Marjorie Webster, Registered Nurse at the Department of Nursing Homes, spoke on the importance of the timely completion of the MDS document for the Nursing Homes. The MDS position is being eliminated as of January 1, 2013 as opposed to the previous elimination date of March, 2013. She requested the Legislature reconsider the elimination date of this position.

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

MR. SNYDER, SR. moved, seconded by Mr. Aiello to accept the Finance Committee Report on the 2013 Tentative Budget.

MR. LAMBERSON moved, seconded by Mr. Edwards to eliminate funding in the budget for two positions in the Department of Motor Vehicles and return funding to the Contingent Fund.

The vote on the Motion is as follows:

Ayes: Boser 1.0267, Edwards 0.9684, Hale 1.0655, Klancer 1.1005, Koch 0.8685, Labuhn 0.8685, Lamberson 1.0267, Padlo 0.8673, Sprague 1.0230, Teachman 0.8673 – 9.6824.

Nays:- Aiello 0.8673, Edstrom 0.8673, Felton 1.0972, Murphy 1.1005, Snyder, Jr. 1.0655, Snyder, Sr. 0.8673, Stockman 1.0003, VanRensselaer 1.1278, Vickman 1.0972, Marsh 1.1278 – 10.2182.

Motion was defeated.

MR. PADLO moved, seconded by Mr. Snyder, Jr. to restore funding to the MDS position in the Department of Nursing Homes for two months until February 28, 2013. Funds to be taken from the Nursing Homes Fund balance. Motion failed to receive a majority vote.

ACT NO. 579-2012 by Mr. Snyder, Sr.
who asks immediate consideration

ADOPTION OF 2013 BUDGET

Pursuant to Section 360 of the County Law.

RESOLVED, that the tentative County Budget for the year 2013, as amended and filed with the Clerk of the Legislature and as hereafter attached, is hereby adopted as the County Budget for 2013 and the budget requires the raising by tax of the amount of \$51,033,738.00.

Adopted November 28, 2012 by voice vote.

ACT NO. 580-2012 by Mr. Snyder, Sr.
who asks immediate consideration

APPORTIONMENT OF COUNTY BUDGET

Pursuant to Section 804 of the Real Property Tax Law.

RESOLVED, that the following report of the assessed value of all property assessed in each of the several towns and cities of the County for 2013 shows the equalized value of real estate and the amount of the County budget apportioned to each district:

PROPERTY TAX REPORT

November 28, 2012

PROPERTY TAX AMOUNT..... \$51,033,738

TOWN	Taxable Value	Taxable Value With Fixed Exemptions	Equalization Rate	Full Value	Apportioned Tax	Tax Rate
ALLEGANY	322,396,930	322,416,580	100.00	322,416,580	4,138,486.74	12.8366
ASHFORD	76,582,174	76,593,474	62.00	123,537,861	1,585,711.87	20.7060
CARROLLTON	77,140,927	77,147,627	100.00	77,147,627	990,254.38	12.8370
COLDSRING	61,023,488	61,027,988	100.00	61,027,988	783,345.32	12.8368
CONEWANGO	33,335,166	33,338,166	65.00	51,289,486	658,343.49	19.7492
DAYTON	48,514,865	48,521,365	79.00	61,419,449	788,370.05	16.2501
EAST OTTO	48,609,428	48,611,918	69.50	69,945,206	897,805.28	18.4698
ELLCOTTVILLE	566,227,605	566,230,605	100.00	566,230,605	7,268,043.88	12.8359
FARMERSVILLE	57,185,074	57,188,374	100.00	57,188,374	734,060.66	12.8366
FRANKLINVILLE	85,588,478	85,666,844	72.00	118,981,728	1,527,230.09	17.8439
FREEDOM	116,718,195	116,736,105	100.00	116,736,105	1,498,405.64	12.8378
GREAT VALLEY	173,321,011	173,321,011	100.00	173,321,011	2,224,720.28	12.8358
HINSDALE	72,032,108	72,039,086	100.00	72,039,086	924,681.98	12.8371
HUMPHREY	49,284,320	49,284,320	100.00	49,284,320	632,605.51	12.8358
ISCHUA	41,116,048	41,130,648	100.00	41,130,648	527,946.30	12.8404
LEON	48,842,863	48,844,763	100.00	48,844,763	626,963.43	12.8363
LITTLE VALLEY	46,839,136	46,850,736	70.00	66,929,623	859,097.75	18.3415
LYNDON	46,431,896	46,431,896	100.00	46,431,896	595,992.26	12.8358
MACHIAS	128,477,874	128,485,874	100.00	128,485,874	1,649,223.76	12.8366
MANSFIELD	105,956,145	105,968,612	100.00	105,968,612	1,360,195.85	12.8373
NAPOLI	33,008,511	33,008,511	59.00	55,946,629	718,121.82	21.7557
NEW ALBION	57,430,978	57,435,478	76.00	75,572,997	970,042.69	16.8906
OLEAN/CITY	499,931,693	500,116,913	100.00	500,116,913	6,419,419.29	12.8406
OLEAN/TOWN	85,584,001	85,601,741	78.00	109,745,822	1,408,679.51	16.4596
OTTO	30,940,304	30,948,104	59.50	52,013,620	667,638.36	21.5783
PERRYSBURG	56,432,806	56,547,456	71.00	79,644,304	1,022,301.32	18.1154
PERSIA	58,598,225	58,609,725	76.00	77,118,059	989,874.85	16.8926
PORTVILLE	135,292,244	135,597,774	98.00	138,365,076	1,776,031.59	13.1274
RANDOLPH	82,832,208	82,835,858	89.00	93,073,998	1,194,682.69	14.4229
RED HOUSE	109,123,085	109,123,085	100.00	109,123,085	1,400,686.16	12.8358
SALAMANCA/CITY	17,354,234	17,456,434	19.00	91,875,968	1,179,304.97	67.9549
SALAMANCA/TOWN	27,449,866	27,450,766	100.00	27,450,766	352,353.56	12.8363
SOUTH VALLEY	30,121,709	30,123,209	73.00	41,264,670	529,666.59	17.5842
YORKSHIRE	29,903,778	29,917,878	18.00	166,210,433	2,133,450.06	71.3438
	3,459,627,373	3,460,608,924		3,975,879,182	51,033,737.98	
TAX RATE % FULL VALUE		0.0128358372				
TAX RATE % TAXABLE VALUE		0.0147512239				

*** Assessment Values as of November 28, 2012.

Adopted November 28, 2012 by voice vote.

ACT NO. 581-2012 by Mr. Snyder, Sr.
who asks immediate consideration

APPROPRIATIONS FOR THE FISCAL YEAR 2013

Pursuant to Sections 356 and 360 of the County Law.

WHEREAS, the Cattaraugus County Legislature has, by resolution, adopted a budget for the fiscal year 2013, now, therefore, be it

RESOLVED, that the several subtotals specified in such budget, in the column headed "Adopted" opposite the several items of expenditures, be approved for such items, effective January 1, 2013.

Adopted November 28, 2012 by voice vote.

ACT NO. 582-2012 by Mr. Snyder, Sr.
who asks immediate consideration

AUTHORIZING THE CHAIR AND CLERK TO SIGN AND ATTACH WARRANTS

Pursuant to Section 904 of the Real Property Tax Law.

RESOLVED, that tax levies as extended upon the several rolls of the County be, and they hereby are, approved, and be it further

RESOLVED, that the Chair and the Clerk of the Legislature be, and they hereby are, authorized and directed to sign and attach warrants thereto under the date of December 12, 2012.

Adopted November 28, 2012 by voice vote.

ACT NO. 583-2012 by Mr. Snyder, Sr.
who asks immediate consideration

**AUTHORIZATION TO DEBIT AND CREDIT
ACCOUNTS OF TOWNS AND CITIES**

Pursuant to Section 940 of the Real Property Tax Law.

WHEREAS, at the meeting of the Legislature on November 28, 2012, a report was filed by the County Treasurer in the Office of the County Treasurer showing the debits and credits of all the towns and cities in the County, now, therefore, be it

RESOLVED, that the Clerk of the Legislature be, and hereby is, authorized and directed to debit and credit the respective towns and cities as set forth on such report in the tax levy:

<u>TOWN</u>	<u>DEBIT</u>	<u>CREDIT</u>
Allegany		
Ashford		
Carrollton		
Coldspring		
Conewango		
Dayton		
East Otto		
Ellicottville		2.25
Farmersville	0.09	
Franklinville		0.62
Freedom		
Great Valley		
Hinsdale		0.66
Humphrey		0.06
Ischua		
Leon		
Little Valley	0.48	
Lyndon		
Machias		
Mansfield		
Napoli		
New Albion		
Olean City	0.28	
Olean Town		0.19
Otto		
Perrysburg		
Persia	0.01	
Portville		
Randolph		
Red House		0.48
Salamanca City	0.05	
Salamanca Town		1.44
South Valley		
Yorkshire		

Adopted November 28, 2012 by voice vote.

ACT NO. 584-2012 by Mr. Snyder, Sr.
who asks immediate consideration

**AUTHORIZING RELEVY OF RETURNED SCHOOL TAXES AND
RETURNED CITY TAXES OF THE CITY OF OLEAN**

Pursuant to Section 1330 of the Real Property Tax Law.

RESOLVED, that effective November 30, 2012, the Clerk of the Legislature be, and hereby is, authorized and directed to relevy all returned school taxes and returned city taxes of the City of Olean.

Adopted November 28, 2012 by voice vote.

ACT NO. 585-2012 by Mr. Snyder, Sr.
who asks immediate consideration

**AUTHORIZING RELEVY OF VILLAGE TAXES OF
THE COUNTY OF CATTARAUGUS**

Pursuant to Section 1442 of the Real Property Tax Law.

RESOLVED, that effective November 30, 2012, the Clerk of the Legislature be, and hereby is, authorized and directed to relevy all returned village taxes of the County of Cattaraugus.

Adopted November 28, 2012 by voice vote.

ACT NO. 586-2012 by Mr. Snyder, Sr.
who asks immediate consideration

**AUTHORIZATION TO APPLY PORTION OF TOWN OF PORTVILLE'S
SHARE OF SALES TAX REVENUE TO REDUCTION OF
COUNTY TAX LEVIED AGAINST THE TOWN**

Pursuant to Article 29 of the Tax Law.

WHEREAS, the Town of Portville has elected to take its share of the sales tax revenue in cash, and

WHEREAS, the share due to the Town of Portville will result in a surplus, and

WHEREAS, the Town of Portville has requested that a portion of such surplus be applied to reduce the County Tax against the Town of Portville (outside), now, therefore, be it,

RESOLVED, that \$345,000.00 of the 2013 sales tax revenue due the Town of Portville be applied to the reduction of the County Tax levied against the real property in the Town of Portville (outside).

Adopted November 28, 2012 by voice vote.

ACT NO. 587-2012 by Mr. Snyder, Sr.
who asks immediate consideration

**AUTHORIZATION TO APPLY PORTION OF TOWN OF GREAT VALLEY'S
SHARE OF SALES TAX REVENUE TO REDUCTION OF
COUNTY TAX LEVIED AGAINST THE TOWN**

Pursuant to Article 29 of the Tax Law.

WHEREAS, the Town of Great Valley has elected to take its share of the sales tax revenue in cash, and

WHEREAS, the share due to the Town of Great Valley will result in a surplus, and

WHEREAS, the Town of Great Valley has requested that a portion of such surplus be applied to reduce the County Tax against the Town of Great Valley, now, therefore, be it,

RESOLVED, that \$435,000.00 of the 2013 sales tax revenue due the Town of Great Valley be applied to the reduction of the County Tax levied against the real property in the Town of Great Valley.

Adopted November 28, 2012 by voice vote.

ACT NO. 588-2012 by Mr. Snyder, Sr.
who asks immediate consideration

**AUTHORIZATION TO APPLY PORTION OF TOWN OF FARMERSVILLE'S
SHARE OF SALES TAX REVENUE TO REDUCTION OF
COUNTY TAX LEVIED AGAINST THE TOWN**

Pursuant to Article 29 of the Tax Law.

WHEREAS, the Town of Farmersville has elected to take its share of the sales tax revenue in cash, and

WHEREAS, the share due to the Town of Farmersville will result in a surplus, and

WHEREAS, the Town of Farmersville has requested that a portion of such surplus be applied to reduce the County Tax against the Town of Farmersville, now, therefore, be it,

RESOLVED, that \$175,000.00 of the 2013 sales tax revenue due the Town of Farmersville be applied to the reduction of the County Tax levied against the real property in the Town of Farmersville.

Adopted November 28, 2012 by voice vote.

ACT NO. 589-2012 by Mr. Snyder, Sr.
who asks immediate consideration

**AUTHORIZATION TO APPLY PORTION OF TOWN OF RED HOUSE'S
SHARE OF SALES TAX REVENUE TO REDUCTION OF
COUNTY TAX LEVIED AGAINST THE TOWN**

Pursuant to Article 29 of the Tax Law.

WHEREAS, the Town of Red House has elected to take its share of the sales tax revenue in cash, and

WHEREAS, the share due to the Town of Red House will result in a surplus, and

WHEREAS, the Town of Red House has requested that a portion of such surplus be applied to reduce the County Tax against the Town of Red House, now, therefore, be it,

RESOLVED, that \$262,000.00 of the 2013 sales tax revenue due the Town of Red House be applied to the reduction of the County Tax levied against the real property in the Town of Red House.

Adopted November 28, 2012 by voice vote.

ACT NO. 590-2012 by Mr. Snyder, Sr.
who asks immediate consideration

ADOPTION OF EQUALIZATION RATES

Pursuant to Section 804 of the Real Property Tax Law.

RESOLVED, that the Cattaraugus County Legislature does hereby adopt the equalization rates fixed by the State Board of Real Property Tax Services for the year 2013 as follows:

<u>TOWNS</u>	<u>EQUALIZATION RATES</u>
Allegany	100.00
Ashford	62.00
Carrollton	100.00
Cold Spring	100.00
Conewango	65.00
Dayton	79.00
East Otto	69.50
Ellicottville	100.00
Farmersville	100.00
Franklinville	72.00
Freedom	100.00
Great Valley	100.00
Hinsdale	100.00
Humphrey	100.00
Ischua	100.00
Leon	100.00
Little Valley	70.00
Lyndon	100.00
Machias	100.00
Mansfield	100.00
Napoli	59.00
New Albion	76.00
Olean, City	100.00
Olean, Town	78.00
Otto	59.50
Perrysburg	71.00
Persia	76.00
Portville	98.00
Randolph	89.00
Red House	100.00
Salamanca, Town	100.00
Salamanca, City	19.00
South Valley	73.00
Yorkshire	18.00

Adopted November 28, 2012 by voice vote.

ACT NO. 591-2012 by Finance Committee:
Mr. Snyder, Sr., Mr. Sprague, Mr. Aiello, Mr. Hale, Mr. Murphy,
Mrs. Stockman, Ms. Vickman, Mr. Boser and Mr. Padlo
who ask immediate consideration

**CREATING ONE POSITION OF PROBATION OFFICER IN THE DEPARTMENT OF
PROBATION AND CORRECTIONAL ALTERNATIVES AND
ESTABLISHING COMPENSATION FOR THE SAME**

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

WHEREAS, the adopted budget for 2013 included an additional position of Probation Officer not previously created, and

WHEREAS, the Department of Probation and Correctional Alternatives is in need of this additional Probation Officer position to accommodate an increase in caseload, and

WHEREAS, the New Position Duties Statement has been submitted to the Cattaraugus County Civil Service Commission, which has approved and certified the title as Probation Officer in accordance with Section 22 of the Civil Service Law, now, therefore, be it

RESOLVED, that effective January 1, 2013, there is hereby created one position of Probation Officer in the Department of Probation and Correctional Alternatives to be compensated at Grade 25, General Bargaining Unit (\$23.59 - \$26.39/hr. 2012 rate).

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

Adopted November 28, 2012 by voice vote.

ACT NO. 592-2012 by Finance Committee:
Mr. Snyder, Sr., Mr. Sprague, Mr. Aiello, Mr. Hale, Mr. Murphy,
Mrs. Stockman, Ms. Vickman, Mr. Boser and Mr. Padlo
who ask immediate consideration

**CREATING TWO POSITIONS OF MOTOR VEHICLE REPRESENTATIVE IN
THE OFFICE OF THE COUNTY CLERK AND
ESTABLISHING COMPENSATION FOR THE SAME**

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

WHEREAS, the adopted budget for 2013 included two additional positions of Motor Vehicle Representatives not previously created, and

WHEREAS, the Office of the County Clerk, Motor Vehicle Office is in need of two additional Motor Vehicle Representative positions in order to re-open its three satellite offices on Wednesday, and

WHEREAS, re-opening these three offices, which have been closed for the past year, will better serve the constituents of Cattaraugus County, and

WHEREAS, the New Position Duties Statement has been submitted to the Cattaraugus County Civil Service Commission, which has approved and certified the title as Motor Vehicle Representative in accordance with Section 22 of the Civil Service Law, now, therefore, be it

RESOLVED, that effective January 1, 2013, there are hereby created two positions of Motor Vehicle Representative in the Office of the County Clerk to be compensated at Grade 17, General Bargaining Unit (\$17.78 - \$19.69/hr. 2012 rate).

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

Adopted November 28, 2012 by voice vote.

MRS. STOCKMAN moved, seconded by Mr. Lamberson to adjourn until December 12, 2012 at 3:00 p.m. Carried.

Meeting adjourned at 5:27 p.m.

Ann M. Giglio
Journal Clerk