

April 13, 2016

The meeting was called to order by Chairman Paula J. Stockman.

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed all Legislators present.

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MR. WELLER moved, seconded by Mr. Neal, that the minutes of the March 23, 2016 session be approved. Carried.

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COMMUNICATIONS:

New York State Department of State: Local Law 2-2016, Intro Number 1-2016, and the filing of the same on March 18, 2016.

New York State Department of Health: Order of Consolidation for the Town of Dayton and the Village of South Dayton into a single primary registration district.

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PRIVILEGE OF THE FLOOR:

CHAIRMAN STOCKMAN granted Privilege of the Floor to Mrs. Labuhn who introduced Suzann Tighe-Cushman, the newly appointed Executive Director of Cornell Cooperative Extension Association of Cattaraugus County.

CHAIRMAN STOCKMAN granted Privilege of the Floor, at the request of Mr. Helmich, for Mark Kless, owner of Kless Boys and a gas station on Route 16 in Yorkshire, who spoke on the possibility of a gas tax cap.

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CHAIRMAN STOCKMAN called up **Act No. 132-2016**, Adopting Cattaraugus County Probation Department Firearms Policy and Procedure, and asked that it be read.

Approved by 7 members of the Finance Committee and 7 members of the County Operations/ Public Safety Committee.

Adopted April 13, 2016 by voice vote.

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ACT NO. 161-2016 by Ms. Vickman and Mrs. Labuhn

**APPOINTMENT TO COMMUNITY SERVICES BOARD
ALCOHOL & SUBSTANCE ABUSE SUBCOMMITTEE**

Pursuant to Section 41.11 of the Mental Hygiene Law.

RESOLVED, that the following individual is appointed to the Community Services Board Alcohol and Substance Abuse Subcommittee effective January 28, 2016 with a term to expire December 31, 2017:

Michael H. Prutsman, CPP, MA
3021 NYS Route 417
Olean, New York 14760,
to fill the unexpired term of Laura Elliott-Engel.

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

Adopted April 13, 2016 by voice vote.

ACT NO. 162-2016 by Ms. Vickman

**APPOINTMENT TO COMMUNITY SERVICES BOARD
DEVELOPMENTAL DISABILITIES SUBCOMMITTEE**

Pursuant to Section 41.11 of the Mental Hygiene Law.

RESOLVED, that the following individual is appointed to the Community Services Board Developmental Disabilities Subcommittee effective January 28, 2016 with a term to expire December 31, 2019:

Susan Labuhn
430 Broad Street
Salamanca, New York 14779,
to fill the unexpired term of Linda Edstrom.

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

Adopted April 13, 2016 by voice vote. Mrs. Labuhn abstained from vote.

ACT NO. 163-2016 by Human Services Committee:
Ms. Vickman, Mrs. Labuhn, Mr. Helmich, Mr. Neal,
Mr. Weller, Mrs. Hastings and Mr. Lamberson

**ESTABLISHING SALARY FOR CLINICAL PHYSICIAN
IN THE HEALTH DEPARTMENT**

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

WHEREAS, Act 327-2012 created a part-time position of Clinical Physician in the Health Department to be compensated at the bi-weekly rate of \$50.00, and

WHEREAS, this position is currently vacant, and

WHEREAS, the Director of the Health Department is desirous of filling this position and has requested an increase in compensation for the position of Clinical Physician, and

WHEREAS, sufficient funds are included in the budget to cover the costs associated with this change, now, therefore, be it

RESOLVED, that effective immediately, the part-time position of Clinical Physician in the Health Department, Position No. 401-082-001, will be compensated at a bi-weekly salary of \$100.00.

Approved by 7 members of the Finance Committee, 7 members of the Human Services Committee and 4 members of the Labor Relations Committee.

Adopted April 13, 2016 by voice vote.

ACT NO. 164-2016 by Mr. Weller and Mr. Koch

**REJECTING CERTAIN BIDS FOR MOTOR OIL AND HYDRAULIC OIL
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law.

WHEREAS, the Department of Public Works advertised for sealed bids for the purchase of motor oil and hydraulic oil, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, specifications for the purchase of motor oil and hydraulic oil need to be revised in order to provide clarification, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby rejects the bids received for the purchase of motor oil and hydraulic oil, which were opened on March 10, 2016, and authorizes all actions previously taken by the Department of Public Works regarding such rejection nunc pro tunc.

Approved by 7 members of the Finance Committee and 7 members of the Public Works Committee.

Adopted April 13, 2016 by voice vote.

ACT NO. 165-2016 by Mr. Weller and Mr. Koch

**BID ACCEPTANCE FOR PLASTIC & POLYETHYLENE CORRUGATED DRAINAGE PIPE
(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 provision of plastic and polyethylene corrugated drainage pipe, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest acceptable bids received for the provision of plastic and polyethylene corrugated drainage pipe were submitted by Advanced Drainage Systems, Inc., 4640 Trueman Boulevard, Hilliard, Ohio 43026, as follows:

Plastic & Polyethylene Corrugated Drainage Pipe Or Tubing

<u>Index No.</u>	<u>Diameter</u>	<u>Description</u>	<u>2016 Rate</u>
CPDP4	4	Per foot	\$0.40
CPC4	4	/coupler	\$1.88
CPDP6	6	Per foot	\$1.04
CPC6	6	/coupler	\$3.76
CPDP8	8	Per foot	\$2.05
CPC8	8	/coupler	\$4.26
CPDP10	10	Per foot	\$4.15
CPC10	10	/coupler	\$6.25
CPDP12	12	Per foot	\$5.20
CPC12	12	/coupler	\$6.90
CPFE12	12	Flared End	\$111.00
CPDP15	15	Per foot	\$7.10
CPC15	15	/coupler	\$9.05
CPFE15	15	Flared End	\$111.00
CPDP18	18	Per foot	\$10.15
CPC18	18	/coupler	\$13.40
CPFE18	18	Flared End	\$150.00
CPDP24	24	Per foot	\$15.50
CPC24	24	/coupler	\$20.70
CPFE24	24	Flared End	\$192.00

Polyethylene Corrugated High Capacity Smooth Interior Pipe

CPDP12SI	12	Per foot	\$4.48
CPC12SI	12	/coupler	\$6.90
CPFE12SI	12	Flared End	\$111.00
CPDP15SI	15	Per foot	\$5.98
CPC15SI	15	/coupler	\$9.05
CPFE15SI	15	Flared End	\$111.00
CPDP18SI	18	Per foot	\$8.69
CPC18SI	18	/coupler	\$13.40
CPFE18SI	18	Flared End	\$150.00
CPDP24SI	24	Per foot	\$13.50
CPC24SI	24	/coupler	\$20.70
CPFE24SI	24	Flared End	\$192.00

CPDP30SI	30	Per foot	\$21.80
CPC30SI	30	/coupler	\$44.50
CPFE30SI	30	Flared End	\$469.00
CPDP36SI	36	Per foot	\$28.25
CPC36SI	36	/coupler	\$57.00
CPFE36SI	36	Flared End	\$496.00
CPDP42SI	42	Per foot	\$39.50
CPC42SI	42	/coupler	\$79.70
CPDP48SI	48	Per foot	\$47.50
CPC48SI	48	/coupler	\$97.00

Category II Integral Bell Joint

CPDPSL12	12	Per foot	\$4.62
CPSCP12	12	Split Coupler	\$6.90
CPDPSL15	15	Per foot	\$6.26
CPSCP15	15	Split Coupler	\$9.05
CPDPSL18	18	Per foot	\$8.96
CPSCP18	18	Split Coupler	\$13.40
CPDPSL24	24	Per foot	\$13.92
CPSCP24	24	Split Coupler	\$20.70
CPDPSL30	30	Per foot	\$22.83
CPSCP30	30	Split Coupler	\$44.50
CPDPSL36	36	Per foot	\$29.08
CPSCP36	36	Split Coupler	\$57.00
CPDPSL42	42	Per foot	\$40.73
CPSCP42	42	Split Coupler	\$79.70
CPDPSL48	48	Per foot	\$48.98
CPSCP48	48	Split Coupler	\$97.00

now, therefore, be it

RESOLVED, that the Commissioner of Public Works is authorized to contract for plastic and polyethylene corrugated drainage pipe with Advanced Drainage Systems, Inc., as recommended by the Public Works Committee for the term May 1, 2016 through April 30, 2017, and be it further

RESOLVED, that any county, city, village, town, school, or fire district in Cattaraugus County may participate in the bid prices by dealing directly with the bidder, and be it further

RESOLVED, that the County of Cattaraugus reserves the right to make purchases of the aforementioned items at any time during the term for which the bids are taken and to require suitable bond to guarantee delivery.

State Bid. Prices will be compared with the prices on State Contract and be purchased from the source most beneficial to the County.

Eleven sets of specifications were sent out.

Four bids were received; one meeting specifications.

Approved by 7 members of the Finance Committee and 7 members of the Public Works Committee.

Adopted April 13, 2016 by voice vote.

ACT NO. 166-2016 by Mr. Weller and Mr. Koch

**BID ACCEPTANCE FOR CONCRETE PIPE (CLASS III & IV)
AND STEEL CORRUGATED PIPE AND PIPE ARCHES
(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 provision of round and elliptical concrete pipe (Class III & IV) and steel corrugated pipe and pipe arches, according to specifications provided by the Public Works Committee, and

WHEREAS, the only bid received for the provision of round and elliptical concrete pipe (Class III & IV) was submitted by Southern Tier Municipal & Construction Supply Co., as follows:

SOUTHERN TIER MUNICIPAL & CONSTRUCTION SUPPLY CORP.

1801 Washington Street

Jamestown, New York 14701

Round Concrete Pipe (Class III & IV)

<u>Description</u>	<u>2016 Rate</u>
18 Inch (Class III) per foot	\$33.00
18 Inch (Class IV) per foot	\$38.00
18 Inch Flared End	\$1,180.00
21 Inch (Class III) per foot	\$35.00
21 Inch (Class IV) per foot	\$38.00
21 Inch Flared End	\$1,500.00
24 Inch (Class III) per foot	\$43.00
24 Inch (Class IV) per foot	\$45.00
24 Inch Flared End	\$1,750.00
30 Inch (Class III) per foot	\$60.00
30 Inch (Class IV) per foot	\$63.50
30 Inch Flared End	\$1,900.00
36 Inch (Class III) per foot	\$83.95
36 Inch (Class IV) per foot	\$87.00
36 Inch Flared End	\$2,200.00
42 Inch (Class III) per foot	\$123.60
42 Inch (Class IV) per foot	\$129.60
42 Inch Flared End	\$2,750.00
48 Inch (Class III) per foot	\$154.20
48 Inch (Class IV) per foot	\$166.20
48 Inch Flared End	\$3,200.00
54 Inch (Class III) per foot	\$194.00
54 Inch (Class IV) per foot	\$199.00
54 Inch Flared End	\$3,800.00
60 Inch (Class III) per foot	\$262.50
60 Inch (Class IV) per foot	\$288.50
60 Inch Flared End	\$4,975.00

66 Inch (Class III) per foot	\$291.00
66 Inch (Class IV) per foot	\$340.00
72 Inch (Class III) per foot	\$339.30
72 Inch (Class IV) per foot	\$371.80
72 Inch Flared End	\$6,600.00
Additional Item:	\$55.00
**3.5 Gal. Gasket Lube	

Elliptical Concrete Pipe (Class III & IV)

<u>Description</u>	<u>2016 Rate</u>
18 Inch (Class III) per foot (14 x 23)	\$49.00
18 Inch (Class IV) per foot	\$53.00
18 Inch Flared End (each)	\$2,200.00
24 Inch (Class III) per foot (19 x 30)	\$71.00
24 Inch (Class IV) per foot	\$75.00
24 Inch Flared End (each)	\$2,600.00
30 Inch (Class III) per foot (24 x 38)	\$78.00
30 Inch (Class IV) per foot	\$87.00
30 Inch Flared End (each)	\$3,000.00
36 Inch (Class III) per foot (29 x 45)	\$140.00
36 Inch (Class IV) per foot	\$159.00
36 Inch Flared End (each)	\$3,800.00
42 Inch (Class III) per foot (34 x 53)	\$180.00
42 Inch (Class IV) per foot	\$195.00
42 Inch Flared End (each)	\$4,600.00
48 Inch (Class III) per foot (38 x 60)	\$202.00
48 Inch (Class IV) per foot	\$238.00
48 Inch Flared End (each)	\$5,200.00
54 Inch (Class III) per foot (43 x 68)	\$280.00
54 Inch (Class IV) per foot	\$310.00
54 Inch Flared End (each)	\$7,600.00
60 Inch (Class III) per foot (48 x 76)	\$278.00
60 Inch (Class IV) per foot	\$314.00
60 Inch Flared End (each)	\$10,300.00
66 Inch (Class III) per foot (53 x 83)	\$305.00
66 Inch (Class IV) per foot	\$395.00
66 Inch Flared End (each)	\$10,700.00
72 Inch (Class III) per foot (58 x 91)	\$505.00
72 Inch (Class IV) per foot	\$695.00
72 Inch Flared End (each)	\$12,600.00
and	

WHEREAS, the lowest acceptable bids received for the provision of steel corrugated pipe and pipe arches were submitted by Chemung Supply Corp. and Southern Tier Municipal & Construction Supply Co., as follows:

*CHEMUNG SUPPLY CORP.**P.O. Box 527**Elmira, New York 13901***Round Corrugated Steel Pipe And Pipe Arches****Plain Galvanized Helically Corrugated Steel Pipe with Rerolled Ends**

<u>Index No.</u>	<u>Diameter</u>	<u>Description</u>	<u>2016 Rate</u>
CMDP15	15	(16 ga.) per linear foot	\$8.20
CMC1512	15	12" connect. band	\$8.20
CMC1524	15	24" connect. band	\$16.40
CMFE15	15	Flared End	\$63.86
CMDP18	18	(16 ga.) per linear foot	\$10.35
CMC1812	18	12" connect. band	\$10.35
CMC1824	18	24" connect. band	\$20.70
CMFE18	18	Flared End	\$89.42

Round Corrugated Steel Pipe & Pipe Arches Class II

CMDP48	48	(12 ga.) /linear foot	\$42.40
CMC4812	48	12" connect. band	\$42.40
CMC4824	48	24" connect. band	\$84.80
CMFE48	48	Flared End	\$938.67

Fully Bituminous Coated w/o Pavement Helically Corrugated Pipe Arch w/Rerolled Ends

CMDP4229	42" x 29"	Per linear foot	\$33.10
CMSC4229		24" connect. band	\$66.20
CMDP4933	49" x 33"	Per linear foot	\$47.90
CMSC4933		24" connect. band	\$95.80
CMDP7147	71" x 47"	Per linear foot	\$117.55
CMSC7147		24" connect. band	\$235.10

*SOUTHERN TIER MUNICIPAL & CONSTRUCTION SUPPLY CORP.**1801 Washington Street**Jamestown, New York 14701***Round Corrugated Steel Pipe And Pipe Arches****Plain Galvanized Helically Corrugated Pipe with Rerolled Ends**

<u>Index No.</u>	<u>Diameter</u>	<u>Description</u>	<u>2016 Rate</u>
CMDP6	6	(18 ga.) per linear foot	\$4.37
CMDP8	8	(16 ga.) per linear foot	\$5.10
CMDP10	10	(16 ga.) per linear foot	\$6.16
CMC1012	10	12" connect. band	\$6.16
CMC1024	10	24" connect. band	\$12.32
CMDP12	12	(16 ga.) per linear foot	\$6.75
CMC1212	12	12" connect. band	\$6.75
CMC1224	12	24" connect. band	\$13.50
CMFE12	12	Flared End	\$49.58
CMDP15	15	(16 ga.) per linear foot	\$8.20
CMC1512	15	12" connect. band	\$8.20
CMC1524	15	24" connect. band	\$16.40

CMFE15	15	Flared End	\$63.86
CMDP18	18	(16 ga.) per linear foot	\$10.35
CMC1812	18	12" connect. band	\$10.35
CMC1824	18	24" connect. band	\$20.70
CMFE18	18	Flared End	\$89.42

Round Corrugated Steel Pipe & Pipe Arches Class II

CMDP21	21	(16 ga.) /linear foot	\$11.90
CMC2112	21	12" connect. band	\$11.90
CMC2124	21	24" connect. band	\$23.80
CMFE21	21	Flared End	\$114.15
CMDP24	24	(14 ga.) /linear foot	\$15.80
CMC2412	24	12" connect. band	\$15.80
CMC2424	24	24" connect. band	\$31.60
CMFE24	24	Flared End	\$129.40
CMDP30	30	(14 ga.) /linear foot	\$20.37
CMC3012	30	12" connect. band	\$20.37
CMC3024	30	24" connect. band	\$40.74
CMFE30	30	Flared End	\$301.90
CMDP36	36	(12 ga.) /linear foot	\$31.40
CMC3612	36	12" connect. band	\$31.40
CMC3624	36	24" connect. band	\$62.80
CMFE36	36	Flared End	\$408.75
CMDP42	42	(12 ga.) /linear foot	\$37.75
CMC4212	42	12" connect. band	\$37.75
CMC4224	42	24" connect. band	\$75.50
CMFE42	42	Flared End	\$777.35
CMDP48	48	(12 ga.) /linear foot	\$42.40
CMC4812	48	12" connect. band	\$42.40
CMC4824	48	24" connect. band	\$84.80
CMFE48	48	Flared End	\$938.65
CMDP60	60	(10 ga.) /linear foot	\$67.07
MC6012	60	12" connect. band	\$67.07
CMC6024	60	24" connect. band	\$134.14
CMFE60	60	Flared End	\$1,520.00
CMDP72	72	(10 ga.) /linear foot	\$84.55
CMC7212	72	12" connect. band	\$84.55
CMC7224	72	24" connect. band	\$169.10
CMFE72	72	Flared End	\$2,045.00
CMDP84	84	(8 ga.) /linear foot	\$110.40
CMC8412	84	12" connect. band	\$110.40
CMC8424	84	24" connect. band	\$220.80
CMFE84	84	Flared End	\$2,455.00

Fully Bituminous Coated w/o Pavement Helically Corrugated Pipe Arch w/Rerolled Ends

CMDP3524	35" x 24"	Per linear foot	\$27.35
CMSC3524		24" connect. band	\$54.70

CMDP4229	42" x 29"	Per linear foot	\$33.10
CMSC4229		24" connect. band	\$66.20
CMDP4933	49" x 33"	Per linear foot	\$47.90
CMSC4933		24" connect. band	\$95.80
CMDP5738	57" x 38"	Per linear foot	\$74.15
CMSC5738		24" connect. band	\$148.30
CMDP6443	64" x 43"	Per linear foot	\$83.30
CMSC6443		24" connect. band	\$166.60
CMDP7147	71" x 47"	Per linear foot	\$117.55
CMSC7147		24" connect. band	\$235.10
CMDP7752	77" x 52"	Per linear foot	\$148.10
CMSC7752		24" connect. band	\$296.20
CMDP8357	83" x 57"	Per linear foot	\$177.50
CMSC8357		24" connect. band	\$355.00

now, therefore, be it

RESOLVED, that the Commissioner of Public Works is authorized to contract for concrete pipe (Class III & IV) with Southern Tier Municipal & Construction Supply Co., as recommended by the Public Works Committee for the term May 1, 2016 through April 30, 2017, and be it further

RESOLVED, that the Commissioner of Public Works is authorized to contract for steel corrugated pipe and pipe arches with Chemung Supply Corp. and Southern Tier Municipal & Construction Supply Co., as recommended by the Public Works Committee for the term May 1, 2016 through April 30, 2017, and be it further

RESOLVED, that any county, city, village, town, school, or fire district in Cattaraugus County may participate in the bid prices by dealing directly with the bidder, and be it further

RESOLVED, that the County of Cattaraugus reserves the right to make purchases of the aforementioned items at any time during the term for which the bids are taken and to require suitable bond to guarantee delivery.

Concrete Pipe – Round & Elliptical (Class III & IV):

No State Bid.

Seven sets of specifications were sent out.

One bid was received.

Steel Corrugated Pipe and Pipe Arches:

State Bid. Prices will be compared with the prices on State Contract and be purchased from the source most beneficial to the County.

Seven sets of specifications were sent out.

Three bids were received.

Approved by 7 members of the Finance Committee and 7 members of the Public Works Committee.

Adopted April 13, 2016 by voice vote.

ACT NO. 167-2016 by Mr. Weller and Mr. Koch

**ACCEPTING MATERIAL BIDS FOR SANDBLASTING ABRASIVES
(Department of Public Works)**

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

RESOLVED, that the Commissioner of Public Works is authorized to contract for the following materials with the bidders recommended by the Public Works Committee for the season May 1, 2016 through April 30, 2017, and be it further

RESOLVED, that any city, village, town, school or fire district in Cattaraugus County may participate in the bid prices by dealing directly with the bidder, and be it further

RESOLVED, that the County of Cattaraugus reserves the right to make purchases of all materials at any time during the season for which the bids are taken, and be it further

RESOLVED, the only bid received for sandblasting abrasives was submitted by Gernatt Asphalt Products, Inc., 13870 Taylor Hollow Road, Collins, New York 14034, as follows:

Description	2016 Rate
In 100 pound bags per ton delivered to Cattaraugus County Public Works, 8810 Route 242, Little Valley on pallets in 21 ton lots	\$295.00/ton
Pick-up at warehouse /100 lb. bag	\$14.75
Black Beauty Grade 2040* Utility – Price Delivered	
Per Ton Bagged	\$320.00*
Per 100 lb. Bag	\$16.00*
Black Beauty Grade 2040* Utility – Price Picked-Up	
Per Ton Bagged	\$300.00*
Per 100 lb. Bag	\$15.00*
Black Beauty Grade Medium 1240 – Price Delivered	
Per Ton Bagged	\$315.00
Per 100 lb. Bag	\$15.75
Black Beauty Grade Medium 1240 – Price Picked-Up	
Per Ton Bagged	\$295.00
Per 100 lb. Bag	\$14.75

Warehouse: 191 Broadway Road, Gowanda, New York

Delivery: When delivery is requested, delivery shall be to Cattaraugus County Department of Public Works, Little Valley, NY, on pallets in 21 ton lots unless ordered in bulk.

No State Bid.

Six sets of specifications were sent out.

One bid was received.

Approved by 7 members of the Finance Committee and 7 members of the Public Works Committee.

Adopted April 13, 2016 by voice vote.

ACT NO. 168-2016 by Mr. Weller and Mr. Koch

**ACCEPTING MATERIAL BIDS FOR HIGHWAY SIGNS
(Department of Public Works)**

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

RESOLVED, that the Commissioner of Public Works is authorized to contract for the following materials with the bidders recommended by the Public Works Committee for the season May 1, 2016 through April 30, 2017, and be it further

RESOLVED, that any city, village, town, school or fire district in Cattaraugus County may participate in the bid prices by dealing directly with the bidder, and be it further

RESOLVED, that the County of Cattaraugus reserves the right to make purchases of all materials at any time during the season for which the bids are taken, and be it further

RESOLVED, the only bid received for materials for highway signs was submitted by Vulcan, Inc., d/b/a Vulcan Signs, P.O. Box 1850, Foley, Alabama 36536-1850, as follows:

Description	Price Per Square Foot	2016 Rate
New Domestic 0.080 inch thick 5052-H38 Alodized Aluminum:		
Blank Aluminum		\$ 2.69
48" x 96" sheet, blank (no holes)		\$80.68
Signs:		
Scotchlite Engineers Grade Aluminum 1 side w/Legend 1 color		\$ 3.12
Scotchlite Engineers Grade Aluminum 1 side w/Legend 2 color		\$ 3.58
3M Prismatic High Intensity Grade Aluminum 1 side w/Legend 1 color		\$ 3.52
3M Prismatic High Intensity Grade Aluminum 1 side w/Legend 2 color		\$ 3.95
Scotchlite Diamond Grade Aluminum 1 side w/Legend 1 color		\$ 4.85
Scotchlite Diamond Grade Aluminum 1 side w/Legend 2 color		\$ 5.28
Scotchlite Diamond Grade Fluorescent Aluminum 1 side w/Legend 1 color		\$ 4.85
Scotchlite Diamond Grade Fluorescent Aluminum 1 side w/Legend 2 color		\$ 6.18
Scotchlite High Intensity, Pressure Sensitive Pre-Screened, Unmounted Faces w/Legend 1 color		\$1.46
Scotchlite High Intensity, Pressure Sensitive Pre-Screened, Unmounted Faces w/Legend 2 color		\$ 1.91
Delineators-Reflectorized on Aluminum (per sq. in.)		
Engineers Grade		\$.075
High Intensity		\$.091
No State Bid.		

Thirteen sets of specifications were set out.

Five bids were received.

Approved by 7 members of the Finance Committee and 7 members of the Public Works Committee.

Adopted April 13, 2016 by voice vote.

ACT NO. 169-2016 by Mr. Weller and Mr. Koch

**ACCEPTING MATERIAL BIDS FOR GALVANIZED
SQUARE STEEL TUBING FOR SIGN POSTS
(Department of Public Works)**

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

RESOLVED, that the Commissioner of Public Works is authorized to contract for galvanized square steel tubing for sign posts with the bidders recommended by the Public Works Committee for the season May 1, 2016 through April 30, 2017, and be it further

RESOLVED, that any city, village, town, school or fire district in Cattaraugus County may participate in the bid prices by dealing directly with the bidder, and be it further

RESOLVED, that the County of Cattaraugus reserves the right to make purchases of all materials at any time during the season for which the bids are taken, and be it further

RESOLVED, the only bid received for the galvanized square steel tubing for sign posts was submitted by Unistrut Buffalo, Division of Eberl Iron Works, Inc., 128 Sycamore Street, Buffalo, New York 14204-1492, as follows:

Tubing: price per foot (min. order 600 ft.) F.O.B. Little Valley

Size	Price	2016 Rate
1½" x 1½" x 24 ft. w/perforations	12 gauge	\$2.38
1¾" x 1¾" x 24 ft. w/perforations	12 gauge	\$2.68
2" x 2" x 24 ft. w/perforations	12 gauge	\$2.91
2¼" x 2¼" x 24 ft. w/perforations	12 gauge	\$3.18

Other Items: price per 100

Telspar or Description Equivalent	Units	2016 Rate
TN-31 Tuff Nut 5/16" 18 thread	/100	\$70.32
TLO15 T Bracket, used on 1½", 1¾", 2" & 2¼"	/100	\$296.00
TLO16 90 Degree Bracket, used on 1½", 1¾", 2" & 2¼"	/100	\$416.00
TLO18 Straight Bracket, used on 1½", 1¾", 2" & 2¼"	/100	\$344.00
TLO19 Bracket, used on 1½", 1¾", 2" & 2¼"	/100	\$321.00
TLO20 Inside Corner Bracket, used on 1½", 1¾", 2" & 2¼"	/100	\$196.00

Corner Bolts – All 5/16"

	Units	
TLO50 1½" sq., 1¾" sq., 2" sq.	/100	\$56.00
TLO70 2¼" Sq., 2½" Sq.	/100	\$52.00
TLO62 Heavy Hex Jam Nut for above Bolts	/100	\$9.00
SB30CCHG 32" Longbrace with 30" Centers	Each	\$7.20

TL130	Guard Rail Clamp	Each	\$22.61
TL132	Breakaway Plate	Each	\$3.89
HFLW031	Nylon Washer – White	/100	\$11.00
TL3806	3/8" diameter large head multi-grip drive rivet	/100	\$67.00*
UC11272HG	1.12 lbs/ft U-channel 72" delineator post – galvanized	Each	\$5.55

* - Will give 10% off orders of 5,000 pieces

The State Contract is for Channel Sign Post only, not Square Post

State Bid does not meet County specifications.

Five sets of specifications were sent out.

One bid was received.

Approved by 7 members of the Finance Committee and 7 members of the Public Works Committee.

Adopted April 13, 2016 by voice vote.

ACT NO. 170-2016 by Mr. Weller and Mr. Koch

**BID ACCEPTANCE FOR 2016 BRIDGE PAINTING PROGRAM
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and
Section 131-b of the Highway Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the painting of various County bridges, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications for the Base Bid Plus Alternates 1, 2 and 3 for the following six (6) bridges was the bid of Niagara Coatings Services, Inc., 8025 Quarry Road, Niagara Falls, New York 14304, in the total amount of \$528,926.32:

Yorkshire Bridge No. 26,
Salamanca Bridge No. 6,
Freedom Bridge No. 25,
South Valley Bridge No. 5,
Little Valley Bridge No. 1, and
East Otto Bridge No. 3,

and

WHEREAS, the aforementioned bridge painting services shall commence upon notice to proceed and shall be completed by September 30, 2016, and

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

RESOLVED, that the bids of Niagara Coatings Services, Inc., be, and the same hereby are, accepted, pending NYSDOT approval, 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.

Five sets of specifications were sent out.
Three bids were received.

Approved by 7 members of the Finance Committee and 7 members of the Public Works Committee.

Adopted April 13, 2016 by voice vote.

ACT NO. 171-2016 by Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH GREENMAN-PEDERSEN, INC. FOR
CONSTRUCTION INSPECTION SERVICES FOR 2016 BRIDGE PAINTING PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Public Works is in need of construction inspection services for the 2016 Bridge Painting program, and

WHEREAS, Greenman-Pedersen, Inc., 4950 Genesee Street, Suite 100, Buffalo, New York 14225, can provide the aforementioned construction inspection services for an amount not to exceed \$89,000.00, to be paid as invoiced and approved by the Commissioner of the Department of Public Works, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Greenman-Pedersen, Inc., for the provision of the above-described services, for a term commencing April 1, 2016 and terminating December 31, 2016, according to the above-described terms.

Approved by 7 members of the Finance Committee and 7 members of the Public Works Committee.

Adopted April 13, 2016 by voice vote.

ACT NO. 172-2016 by Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH YOUNG GALVANIZING, INC.
FOR HOT-DIP GALVANIZING OF STEEL BRIDGE BEAMS**

Pursuant to Section 450 of the County Law.

WHEREAS, the seven (7) steel beams required for Humphrey Bridge No. 2 are pre-cambered and must be stored and galvanized in an upright position, and

WHEREAS, Young Galvanizing, Inc., P.O. Box 334, Route 551, 8281 Mercer Street, Pulaski, Pennsylvania 16143, can provide the aforementioned services, including the hot-dip galvanizing for seven (7) steel beams for an amount of \$19,876.00, to be paid as invoiced, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Young Galvanizing, Inc., for the provision of the above-described services, for a term commencing April 1, 2016 and terminating June 30, 2016, according to the above-described terms.

Approved by 7 members of the Finance Committee and 7 members of the Public Works Committee.

Adopted April 13, 2016 by voice vote.

ACT NO. 173-2016 by Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH BERGMANN ASSOCIATES, PC
FOR ENGINEERING SERVICES FOR CONEWANGO DAM 16 REPAIRS**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Public Works is in need of engineering services for the Conewango Dam 16 repairs project, and

WHEREAS, Bergmann Associates, PC, 28 East Main Street, 200 First Federal Plaza, Rochester, New York 14614, can provide the necessary engineering services for the Conewango Dam 16 repairs project for an amount not to exceed \$18,600.00, to be paid on a percent-of-completion basis, as invoiced and approved by the Department of Public Works, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned engineering 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 Bergmann Associates, PC, for the provision of the above-described engineering services, for a term commencing April 13, 2016 and terminating August 31, 2016, according to the above-described terms.

Approved by 7 members of the Finance Committee and 7 members of the Public Works Committee.

Adopted April 13, 2016 by voice vote.

ACT NO. 174-2016 by Mr. Weller and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 1 WITH
 NYSDOT ASHFORD BRIDGE NO. 37 FEDERAL-AID REHABILITATION PROJECT
 AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
 (Department of Public Works)**

Pursuant to Title 23 U.S. Code and
 Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 343-2013 authorized the Chairman to execute a contract with NYSDOT and the County of Cattaraugus to participate in the project entitled "Rehabilitation of the County Road No. 12, Edies Road and County Road No. 82, Buffalo Street Bridge over Cattaraugus Creek, BIN 3-32837-0, in the Town of Ashford, Cattaraugus County, and the Town of Concord, Erie County, PIN 5757.31" (the "Project"), and

WHEREAS, the Supplemental Agreement No. 1 to Federal Aid Project Agreement No. D034200 will change the previously executed Federal Aid Project (Non-Marchiselli) Agreement No. D034200 to a Marchiselli Aid funding agreement, and

WHEREAS, under Supplemental Agreement No. 1, the State will also reimburse the County, as the project progresses, State Marchiselli Aid to a maximum of \$31,500, as follows:

- 15%, the maximum reimbursement of the current \$200,000.00 cost of the project's Preliminary Engineering (Design I-VI) phase, which equals \$30,000.00, and
- 15%, the maximum reimbursement of the current \$10,000.00 of the project's Right-of-Way Incidentals Phase, which equals \$1,500.00,

and

WHEREAS, a Supplemental Agreement is also necessary in order to extend the term of the aforementioned contract to December 31, 2017, at no additional cost to the County, 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 Supplemental Agreement No. 1, on behalf of Cattaraugus County, with the NYSDOT, in order to extend the term of the aforementioned contract to December 31, 2017, according to the above-described terms, and be it further

RESOLVED, that this Resolution shall take effect immediately, and be it further

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

Increase Estimated Revenue Account:

H.504.5197.5195.3591.01	State Aid Marchiselli	\$31,500.00
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Increase Appropriation Account:

H.504.5197.5195.25020.41603	Ashford Bridge No. 37	\$31,500.00.
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Approved by 7 members of the Finance Committee and 7 members of the Public Works Committee.

Adopted April 13, 2016 by voice vote.

ACT NO. 175-2016 by Mr. Hale, Mr. Snyder, Jr., Mr. Weller and Mr. Koch

**DECLARING INTENT TO TRANSFER FROM FUND BALANCE
(Department of Public Works)**

Pursuant to Section 117 of the Highway Law.

WHEREAS, various roads in the County are in need of repair, and
WHEREAS, it is proposed that \$4,000,000.00 be transferred from the undesignated fund balance and be used for paving and/or milling and paving projects, and

WHEREAS, such paving and/or milling and paving projects shall be completed in the 2016 paving season and shall be performed by contracted companies, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby declares its intent to transfer the sum of \$4,000,000.00 from the undesignated fund balance to such specific paving and/or milling and paving projects as may thereafter be approved by the Legislature.

Approved by 4 members of the Finance Committee and 7 members of the Public Works Committee.

MR. SNYDER, JR. moved, seconded by Mr. Weller, to refer Act No. 175-2016 to the Finance Committee and Public Works Committee. Carried.

ACT NO. 176-2016 by Ms. Vickman and Mrs. Labuhn
and Mrs. Hastings, Mr. Koch, Mr. Lamberson and Mr. Padlo¹

**BID ACCEPTANCE FOR MOSQUITO SPRAYING
(Health Department)**

Pursuant to Section 103 of the General Municipal Law and
Section 450 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for aerial application and insect control, according to specifications provided by the Cattaraugus County Health Department, and

WHEREAS, the only bid received was Duflo Spray-Chemical, Inc., 8369 State Route 812, Lowville, New York 13367, as follows:

Applications - Applied Rates

Teknar HP-D & Zoecon Altosid Mixture	
1st larvicide application	\$12.78/acre x 3,223.56 acres = \$41,197.10
Subsequent larvicide application	\$12.23/acre x 3,223.56 acres = \$39,424.14
1st adulticide application	
if Scourge is used	\$4.39/acre x 10,639 acres = \$46,705.21
subsequent adulticide	\$4.18/acre x 10,639 acres = \$44,471.02
2nd adulticide application	
if Anvil 10 + 10 is used	\$4.22/acre x 10,639 acres = \$44,896.58
subsequent adulticide	\$4.12/acre x 10,639 acres = \$43,832.68,

and

WHEREAS, the aforementioned services are 100% locally funded, and

WHEREAS, sufficient funds are included in the 2016 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the bid of Duflo Spray-Chemical, Inc. be, and the same hereby is, accepted, for a term commencing May 1, 2016 and terminating December 31, 2016, and be it further

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

No State Bid.

34 sets of specifications were sent out.

Only one bid was received.

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

¹The following Legislators requested their names be listed as additional sponsors: "Mrs. Hasting, Mr. Koch, Mr. Lamberson and Mr. Padlo".

Adopted April 13, 2016 by voice vote.

ACT NO. 177-2016 by Ms. Vickman and Mrs. Labuhn

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
KENNETH W. DAHLGREN, JR. FOR HEALTH DEPARTMENT
CLEAN INDOOR AIR ACT COMPLIANCE CHECKS**

Pursuant to Article 13-F of the Public Health Law,
Section 1399-hh(3) of the Public Health Law and
Section 450 of the County Law.

WHEREAS, Act 69-2015 authorized a contract with Kenneth W. Dahlgren, Jr., 291 Wiltsie Road, Frewsburg, New York 14738, for the provision of Clean Indoor Air Act compliance checks on bars and restaurants within Cattaraugus County, the term of which expired March 31, 2016, and

WHEREAS, the County Health Department is desirous of continuing the aforementioned services for bars only, unless a complaint is received on a facility that is not a bar, and

WHEREAS, Kenneth W. Dahlgren, Jr., has agreed to perform the aforementioned compliance checks on bars, at sites to be determined by the Cattaraugus County Board of Health, for an amount of \$50.00 per site, not to exceed \$6,250.00, to be paid as invoiced and approved by the Health Department, 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 Kenneth W. Dahlgren, Jr., for the provision of the above-described services, for a term commencing April 1, 2016 and terminating March 31, 2017, 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 7 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted April 13, 2016 by voice vote.

ACT NO. 178-2016 by Ms. Vickman and Mrs. Labuhn

AMENDING ACT 27-2016 REGARDING BID ACCEPTANCE FOR LAUNDRY SERVICES

Pursuant to Sections 103, 363 and 365 of the General Municipal Law.

WHEREAS, Act 27-2016 authorized the acceptance of sealed bids for laundry services for The Pines Healthcare and Rehabilitation Center – Olean and Machias Campuses, and

WHEREAS, Act 27-2016 should be amended to clarify that the total cost shown for the contract term is an annual cost, as follows: In the 2nd Whereas, "per year" should be added after each dollar amount, now, therefore, be it

RESOLVED, that Act 27-2016 be, and hereby is, amended as follows:

Two-Year Period 1/15/2016 – 1/14/2018	Total Cost	\$234,642.86 per year
Two-Year Period 1/15/2018 – 1/14/2020	Total Cost	\$241,682.14 per year
Two-Year Period 1/15/2020 – 1/14/2022	Total Cost	\$248,932.61 per year.

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

Adopted April 13, 2016 by voice vote.

ACT NO. 179-2016 by Ms. Vickman and Mrs. Labuhn

APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND TELEVOX SOFTWARE, INC. FOR AUTOMATED APPOINTMENT REMINDER PHONE SERVICE FOR DEPARTMENT OF COMMUNITY SERVICES

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 597-2009 authorized the Department of Community Services to enter into a contract with TeleVox Software, Inc., 1110 Montimar Drive, Suite 700, Mobile, Alabama 36609, for the purchase of an automated appointment reminder phone service which interfaces with the current Accumedic billing system, the term of which has expired, and

WHEREAS, the Cattaraugus County Community Services Board is desirous of continuing the aforementioned services, and

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

WHEREAS, TeleVox Software, Inc., has agreed to continue the aforementioned HouseCalls ASP automated system for an amount, as follows:

monthly rate of \$.20 per call for 1,400 downloaded calls

monthly rate of \$.18 per call for 1,400+ downloaded calls

\$280 per month minimum,

and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, between the Cattaraugus County Community Services Board and TeleVox Software, Inc., to signify the County's approval, for the provision of the above-described services, for a three (3) year term commencing January 1, 2015 and terminating December 31, 2017, with automatic renewals for subsequent one (1) year terms until either party has given the other party ninety (90) days written notice prior to termination, according to the above-described terms.

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

Adopted April 13, 2016 by voice vote.

ACT NO. 180-2016 by Mr. Boberg, Mr. Klancer and Mr. Padlo

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
CHAUTAUQUA COUNTY FOR
SOUTHERN TIER TASK FORCE DRUG ENFORCEMENT PROGRAM**

Pursuant to Section 119-o of the General Municipal Law and
Section 450 of the County Law.

WHEREAS, Acts 105-2013 and 234-2014, as amended by Act 484-2014, authorized contracts with Chautauqua County for the reimbursement for operational expenses related to the Southern Tier Task Force Drug Enforcement Program, including overtime and fringe benefits for personnel, for the period July 1, 2012 through December 31, 2014, and

WHEREAS, Chautauqua County has requested to amend the aforementioned contracts to extend the terms through December 31, 2015, and also provide for additional reimbursement in the amount of \$37,500.00 to Cattaraugus County, for the aforementioned purposes, and

WHEREAS, the contracts to be extended and/or amended, are known as Agreement 13-06-02B and Agreement 13-06-02C, State Contract No. C101104, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contract amendments, on behalf of Cattaraugus County, with Chautauqua County and the New York State Division of Criminal Justice Services for the provision of the Southern Tier Task Force Drug Enforcement Program, for a term commencing January 1, 2015 and terminating December 31, 2015, according to the above-described terms.

Approved by 7 members of the Finance Committee and 7 members of the County Operations/
Public Safety Committee.

Adopted April 13, 2016 by voice vote.

ACT NO. 181-2016 by Ms. Vickman and Mr. Weller

**SALE OF TAX TITLE PROPERTY TO FORMER OWNERS
(Town of Ellicottville)**

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 properties situate in the Town of
Ellicottville, and

WHEREAS, the former owners of the properties 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

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
138	55.002-2-17.20/4314	Allegheny Real Estate Holdings	1040 Edgewood Drive Duncansville, PA 16635	\$6,798.13
139	55.002-2-17.20/4315	Allegheny Real Estate Holdings	1040 Edgewood Drive Duncansville, PA 16635.	\$6,798.13

Approved by 7 members of the Finance Committee and 7 members of the County Operations/
Public Safety Committee.

Adopted April 13, 2016 by voice vote.

ACT NO. 182-2016 by Mrs. Stockman

**RESOLUTION AUTHORIZING THE CHAIR OF THE LEGISLATURE TO APPROVE THE
PROPOSED ACTION BY COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY
IN CONNECTION WITH A CERTAIN COMMERCIAL PROJECT FOR 49 S WATER STREET, LLC**

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

WHEREAS, pursuant to Article 18-A of the General Municipal Law of the State of New
York and Chapter 536 of the 1971 Laws of New York (collectively, the "Act"), the Legislature of

Cattaraugus County (the "County Legislature") has heretofore appointed the members of County of Cattaraugus Industrial Development Agency (the "Agency") and has duly caused to be filed in the office of the Secretary of the State of New York the certificates required by Section 856 of the General Municipal Law of the State of New York, and

WHEREAS, pursuant to the Act, the Agency is authorized and empowered to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and recreation facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration, and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct and install one or more "projects" (as defined in the Act), or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase, and

WHEREAS, 49 S Water Street, LLC, a New York limited liability company (the "Company"), submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, which Application requested that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in three (3) parcels of land containing in the aggregate approximately one (1) acre located at 41, 43 and 49 S. Water Street (currently Tax ID #s 8.084-1-15, 8.084-1-16 and 8.084-1-17, respectively) in the Town of Persia, Village of Gowanda, Cattaraugus County, New York (collectively, the "Land"), together with three (3) buildings containing in the aggregate approximately 12,492 square feet of space located thereon (collectively, the "Existing Facility"), (2) the demolition of the Existing Facility and construction on the Land of an approximately 9,500 square foot building (the "Facility"), and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property, including without limitation, tenant improvement and finish (collectively, the "Equipment") (the Land, the Existing Facility, the Facility, and the Equipment being collectively referred to as the "Project Facility"); all of the foregoing to constitute a medical office building to be leased by the Company to the Dormitory Authority of the State of New York (the "Tenant"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real property transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency, and

WHEREAS, pursuant to Section 862(2)(a) of the Act, no financial assistance of the Agency shall be provided in respect of any project where facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities constitute more than one-third of the total project cost, unless certain exceptions apply, one of which is that the predominant purpose of the Project would be to make available services which would not, but for the Project, be reasonably accessible to the residents of Cattaraugus County because of a lack of reasonably accessible retail trade facilities offering such services, and

WHEREAS, pursuant to Section 862(2)(c) of the Act, the Agency may not provide financial assistance to the Project unless the Agency shall, after satisfaction of the public hearing requirements of Section 859 of the Act, make a finding that undertaking the Project will serve the public purposes of the Act by preserving permanent, private sector jobs in the State or increasing the overall number of permanent, private sector jobs in the State, and

WHEREAS, by resolution adopted by the members of the Agency on February 4, 2016 (the "Public Hearing Resolution"), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Project, and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Executive Director of the Agency (A) caused notice of a public hearing of the Agency (the "Public Hearing") pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, to be mailed on February 10, 2016 to the chief executive officers of the county and of each city, town, village and school district in which the Project Facility is to be located, (B) caused notice of the Public Hearing to be posted on a public bulletin board located (1) at the Agency Offices located at 9 East Washington Street in the Town of Ellicottville, Cattaraugus County, New York on February 10, 2016, (2) at 27 East Main Street in the Village of Gowanda, Town of Collins, Erie County, New York on February 12, 2016 and (3) on the Agency's website on February 10, 2016, (C) caused notice of the Public Hearing to be published on February 12, 2016 in The Olean Times Herald, a newspaper of general circulation available to the residents of Town of Persia, Village of Gowanda, Cattaraugus County, New York, (D) conducted the Public Hearing on March 2, 2016 at 2:30 p.m., local time at the Gowanda Village Hall located at 27 East Main Street in the Town of Collins, Village of Gowanda, Erie County, New York, and (E) prepared a report of the Public Hearing (the "Public Hearing Report") fairly summarizing the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the Agency, and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations (the "Regulations") adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, "SEQRA"), by resolution adopted by the members of the Agency on February 4, 2016 (the "Preliminary SEQR Resolution"), the Agency (A) determined (1) that the Project involves more than one "involved agency", and (2) to investigate the advisability of undertaking a coordinated review with respect to the Project and (B) authorized the Executive Director of the Agency to contact all other "involved agencies" for the purpose of ascertaining whether such "involved agencies" were interested in undertaking a coordinated review of the Project and, if so, designating a "lead agency" with respect to the Project (as such quoted terms are defined in SEQRA), and

WHEREAS, further pursuant to SEQRA, by resolution adopted by the members of the Agency on March 15, 2016 (the "Final SEQR Resolution"), the Agency determined (A) to conduct an uncoordinated review of the Project and (B) that the Project is an "Unlisted action" which will not have a significant effect on the environment and, therefore, that an environmental impact statement is not required to be prepared with respect to the Project, and (C) as a consequence of the foregoing, to prepare a negative declaration with respect to the Project, and

WHEREAS, by resolution adopted by the members of the Agency on March 15, 2016 (the "Resolution Making Retail Findings"), the Agency (A) found that although the Project Facility appears to constitute a project where facilities or properties that are primarily used in making retail sales of goods or services to customers who personally visit such facilities may constitute more than one-third of the costs of the Project, the Agency is authorized to provide financial assistance in respect of the Project pursuant to Section 862(2)(a) of the Act because (i) the predominant purpose of the Project would be to make available goods or services which would not, but for the Project, be reasonably accessible to residents of Cattaraugus County, New York, because of a lack of reasonably accessible retail trade facilities offering such goods or services and (ii) the Project is located within census tract 9604, which is considered to be a distressed census tract and therefore is in a "highly distressed area", as that term is defined in Section 854(18) of the Act, (B) determined, following a review of the Public Hearing Report,

that the Project would serve the public purposes of the Act by increasing the overall number of permanent, private sector jobs in the State of New York, and (C) determined that the Agency would proceed with the Project and the granting of the Financial Assistance; provided however, that no Financial Assistance would be provided to the Project by the Agency unless and until the Chairman of the County Legislature of Cattaraugus County, as chief executive officer of Cattaraugus County, New York, pursuant to Section 862(2)(c) of the Act, confirmed the proposed action of the Agency with respect to the Project, and

WHEREAS, for the sole purpose of allowing the Agency to proceed with the Project, this Legislature desires to empower the Chairman of this Legislature, as the chief executive officer of Cattaraugus County, to confirm the proposed action of the Agency with respect to the Project, pursuant to Section 862(2)(c) of the Act, and

WHEREAS, Section 870 of the General Municipal Law of the State of New York specifically provides that any obligation of the Agency shall not be a debt of Cattaraugus County, New York, nor shall Cattaraugus County, New York be liable thereon, now, therefore, be it

RESOLVED, that, for the sole purpose of allowing the Agency to proceed with the Project and the granting of the financial assistance described in the notice of the Public Hearing, the County Legislature hereby authorizes the Chairman of this County Legislature, as the chief executive officer of Cattaraugus County, New York, to either confirm or refuse to confirm the proposed action of the Agency with respect to the Project, pursuant to Section 862(2)(c) of the Act, and be it further

RESOLVED, that this resolution shall take effect immediately.

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

Adopted April 13, 2016 by voice vote.

ACT NO. 183-2016 by Mrs. Stockman
and Mr. Padlo¹

**RESOLUTION AUTHORIZING THE CHAIR OF THE LEGISLATURE TO APPROVE THE
PROPOSED ACTION BY COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY
IN CONNECTION WITH A CERTAIN COMMERCIAL PROJECT FOR
SUNNY OLEAN, LLC**

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

WHEREAS, pursuant to Article 18-A of the General Municipal Law of the State of New York and Chapter 536 of the 1971 Laws of New York (collectively, the "Act"), the Legislature of Cattaraugus County (the "County Legislature") has heretofore appointed the members of County of Cattaraugus Industrial Development Agency (the "Agency") and has duly caused to be filed in the office of the Secretary of the State of New York the certificates required by Section 856 of the General Municipal Law of the State of New York, and

WHEREAS, pursuant to the Act, the Agency is authorized and empowered to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and recreation facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity

and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration, and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct and install one or more "projects" (as defined in the Act), or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase, and

WHEREAS, in January, 2016, Sunny Olean LLC, a New York limited liability company (the "Company"), submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, which Application requested that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in two (2) parcels of land containing in the aggregate approximately 0.30 acres located at 110 and 116 W. State Street (currently Tax ID #s 94.253-1-28 and 94.253-1-29, respectively) in the City of Olean, Cattaraugus County, New York (collectively, the "Land"), together with two (2) buildings located thereon containing in the aggregate approximately 26,000 square feet of space (collectively, the "Facility"), (2) the renovation and reconstruction of the Facility and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property, including without limitation, tenant improvement and finish (collectively, the "Equipment") (the Land, the Facility, and the Equipment being collectively referred to as the "Project Facility"); all of the foregoing to constitute a retail/cafe and market rate apartments facility and any other directly and indirectly related uses; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real property transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency, and

WHEREAS, pursuant to Section 862(2)(a) of the Act, no financial assistance of the Agency shall be provided in respect of any project where facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities constitute more than one-third of the total project cost, unless certain exceptions apply, one of which is that the predominant purpose of the Project would be to make available services which would not, but for the Project, be reasonably accessible to the residents of Cattaraugus County because of a lack of reasonably accessible retail trade facilities offering such services, and

WHEREAS, pursuant to Section 862(2)(c) of the Act, the Agency may not provide financial assistance to the Project unless the Agency shall, after satisfaction of the public hearing requirements of Section 859 of the Act, make a finding that undertaking the Project will serve the public purposes of the Act by preserving permanent, private sector jobs in the State or increasing the overall number of permanent, private sector jobs in the State; and

WHEREAS, by resolution adopted by the members of the Agency on February 4, 2016 (the "Public Hearing Resolution"), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Project, and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Executive Director of the Agency (A) caused notice of public hearing of the Agency (the "Public Hearing") pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the Financial Assistance being contemplated by the Agency with respect to the Project, to be mailed on February 10, 2016 to the chief executive officers of the county and of each city, town, village and school district in which the Project is or is to be located, (B) caused notice of the Public Hearing to be posted (1) on February 10, 2016 on a bulletin board located at the offices of the Agency located at 9 East Washington Street in the Town of Ellicottville, Cattaraugus County, New York, (2) on February 12, 2016 on a bulletin

board located at the Olean Municipal Building located at 101 East State Street in the City of Olean, Cattaraugus County, New York, and (3) on the Agency's website on February 10, 2016, (C) caused notice of the Public Hearing to be published on February 12, 2016 in the Olean Times Herald, a newspaper of general circulation available to the residents of City of Olean, Cattaraugus County, New York, (D) conducted the Public Hearing on March 2, 2016 at 10:00 a.m., local time at the Olean City Hall located at 101 East State Street in Conference Room #119, in the City of Olean, Cattaraugus County, New York, and (E) prepared a report of the Public Hearing (the "Hearing Report ") which fairly summarized the views presented at said Public Hearing and distributed same to the members of the Agency, and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations (the "Regulations") adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, "SEQRA"), by resolution adopted by the members of the Agency on February 4, 2016 (the "Preliminary SEQR Resolution"), the Agency (A) determined (1) that the Project involves more than one "involved agency" and (2) to investigate the advisability of undertaking a coordinated review with respect to the Project, and (B) authorized the Executive Director of the Agency to contact all other "involved agencies" for the purpose of ascertaining whether such "involved agencies" were interested in undertaking a coordinated review of the Project and, if so, designating a "lead agency" with respect to the Project (as such quoted terms are defined in SEQRA), and

WHEREAS, further pursuant to SEQRA, by resolution adopted by the members of the Agency on March 15, 2016 (the "Final SEQR Resolution"), Agency determined that the Project constituted a "Type II action" (as such quoted term is defined under SEQRA), and therefor that no further action with respect to the Project was required under SEQRA, and

WHEREAS, by resolution adopted by the members of the Agency on March 15, 2016 (the "Resolution Making Retail Findings"), the Agency (A) found that although the Project Facility appears to constitute a project where facilities or properties that are primarily used in making retail sales of goods or services to customers who personally visit such facilities may constitute more than one third of the costs of the Project, the Agency is authorized to provide financial assistance in respect of the Project pursuant to Section 862(2)(a) of the Act because the Project is located within census tract 9617, which is considered to be a distressed census tract and therefore is in a "highly distressed area", as that term is defined in Section 854(18) of the Act, (B) determined, following a review of the Hearing Report, that the Project would serve the public purposes of the Act by increasing the overall number of permanent, private sector jobs in the State of New York, and (C) determined that the Agency would proceed with the Project and the granting of the Financial Assistance; provided however, that no Financial Assistance would be provided to the Project by the Agency unless and until the Chairman of the County Legislature of Cattaraugus County, as chief executive officer of Cattaraugus County, New York, pursuant to Section 862(2)(c) of the Act, confirmed the proposed action of the Agency with respect to the Project, and

WHEREAS, for the sole purpose of allowing the Agency to proceed with the Project, this Legislature desires to empower the Chairman of this Legislature, as the chief executive officer of Cattaraugus County, to confirm the proposed action of the Agency with respect to the Project, pursuant to Section 862(2)(c) of the Act, and

WHEREAS, Section 870 of the General Municipal Law of the State of New York specifically provides that any obligation of the Agency shall not be a debt of Cattaraugus County, New York, nor shall Cattaraugus County, New York be liable thereon, now, therefore, be it

RESOLVED, that, for the sole purpose of allowing the Agency to proceed with the Project and the granting of the financial assistance described in the notice of the Public Hearing, the County Legislature hereby authorizes the Chairman of this County Legislature, as the chief executive officer of Cattaraugus County, New York, to either confirm or refuse to confirm the proposed action of the Agency with respect to the Project, pursuant to Section 862(2)(c) of the Act, and be it further

RESOLVED, that this resolution shall take effect immediately.

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

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

Adopted April 13, 2016 by voice vote.

ACT NO. 184-2016 by Mr. Snyder, Sr.
and Mr. Weller, Mrs. Hastings, Mrs. Labuhn, Mr. Lamberson and Mr. Padlo¹

**AUTHORIZING THE CHAIR TO EXECUTE LOAN DOCUMENTS
WITH GRAND SLAM GRILL, INC. FOR
DEVELOPMENT AND CONSTRUCTION PROJECT**

Pursuant to Section 99-h of the State Finance Law and
Section 450 of the County Law.

WHEREAS, Cattaraugus County has designated casino funds for economic development in the approved spending plan to address projects such as business retention and expansion by providing incentives to companies that retain and expand employment within Cattaraugus County, and

WHEREAS, the County is desirous of retaining and expanding employment in Cattaraugus County, and

WHEREAS, Grand Slam Grill, Inc., 3132 NYS Route 417, Olean, New York 14760, a full service restaurant and bar incorporated in 2016, will operate at the same address, and

WHEREAS, Grand Slam Grill, Inc., proposes a development and construction project for the creation of a 3,000 square foot, 60 seat restaurant and bar, and

WHEREAS, Grand Slam Grill, Inc., has a need for kitchen and related restaurant dining related equipment and a point of sale system, to commence operations, and

WHEREAS, Grand Slam Grill, Inc., proposes owner equity and other vendor credit for this project of \$71,800.00, and the creation of three (3) full-time (FT) positions and thirty (30) part-time positions, and

WHEREAS, Grand Slam Grill, Inc., is in need of \$75,000.00 to help defray costs of equipment acquisition for the project, and

WHEREAS, the County has \$75,000.00 in its economic development revolving loan fund program, using casino funds for economic development projects in the County, and

WHEREAS, it is proposed that the County loan to Grand Slam Grill, Inc., the sum of \$75,000.00, at a 5% fixed interest rate per annum, to be repaid in monthly installments over a five (5) year period, with the following conditions:

- Payments for months 1 (one) through 60 (sixty) shall be principal and interest,
- Upon the County's receipt of acceptable documentation verifying the creation of up to (5) full-time positions (FT), Grand Slam Grill, Inc., is eligible for loan principal forgiveness of up to \$25,000.00 (calculated at \$5,000.00 per one (1) FT),
- Grand Slam Grill, Inc., shall provide job creation documentation once per year, and such loan principal forgiveness will be pro-rated for the preceding 12 month period, and

- To maintain eligibility for loan principal forgiveness, loan repayments must be made on time,

and

WHEREAS, sufficient funds are included in the economic development fund from casino proceeds for this project, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute loan documents, on behalf of Cattaraugus County, with Grand Slam Grill, Inc., for a term commencing upon signing of the loan documents and terminating five (5) years thereafter, according to the above-described terms.

Approved by 6 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

¹The following Legislators requested their names be listed as additional sponsors: "Mr. Weller, Mrs. Hastings, Mrs. Labuhn, Mr. Lamberson and Mr. Padlo".

Adopted April 13, 2016 by voice vote. Mr. Keller abstained from vote.

ACT NO. 185-2016 by Mr. Boberg, Mr. Klancer and Mr. Padlo

**AUTHORIZING THE CHAIR TO EXECUTE AFFILIATION AGREEMENTS
WITH VARIOUS EDUCATIONAL INSTITUTIONS FOR
EDUCATIONAL INTERNSHIP PROGRAM FOR SHERIFF'S OFFICE**

Pursuant to Section 450 of the County Law.

WHEREAS, various educational institutions offer internships and educational programs to students in the Criminal Justice Program who would benefit from such experience at the Cattaraugus County Sheriff's Office, and

WHEREAS, the Sheriff's Office believes that the value of the presence of such students would add to its operation, and

WHEREAS, the aforementioned internship and educational programs are conducted at no cost to the County, and

WHEREAS, contracts are necessary with various educational institutions, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute Affiliation Agreements, on behalf of Cattaraugus County, with various educational institutions, for the provision of the internships and educational experience programs, for a term commencing January 1, 2016 to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

Approved by 7 members of the Finance Committee and 6 members of the County Operations/Public Safety Committee.

Adopted April 13, 2016 by voice vote.

ACT NO. 186-2016 by Mr. Padlo, Mr. Keller and Mr. Snyder, Sr.

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH OLEAN BUSINESS DEVELOPMENT CORP.
FOR DEVELOPMENT OF BUSINESS INCUBATOR IN DOWNTOWN OLEAN
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS¹**

Pursuant to Section 450 of the County Law.

WHEREAS, the Olean Business Development Corporation is proposing to develop and open a business incubator in the former Olean Business Institute building, located at 301 North Union Street in the City of Olean, and

WHEREAS, the Olean business incubator represents a collaborative effort between the Greater Olean Area Chamber of Commerce, the Cattaraugus Empire Zone and the Olean Business Development Corporation, and

WHEREAS, the business incubator will provide space for entrepreneurs to develop and grow their businesses, and

WHEREAS, it would be a substantial benefit to the County of Cattaraugus for the development of new businesses, and

WHEREAS, it is the County's best interest to support the development of the Olean business incubator for the promotion of job growth and business development for the benefit of the county residents, *and*

WHEREAS, various appropriation and revenue accounts must be adjusted to cover the cost of the aforementioned project¹, now, therefore, be it

RESOLVED, that the County of Cattaraugus shall contribute \$200,000.00 to the Olean Business Development Corporation to be used for the development of the Olean business incubator for the benefit of local businesses in the County of Cattaraugus, *and be it further*

RESOLVED, that the County Administrator is hereby directed to appropriate \$200,000.00 from Undesignated Fund Balance Account A.909.0000 and make the following budgetary changes:

Increase Appropriation Account:

<i>A.298.6420.0000.42050</i>	<i>Olean Business Development Corporation</i>	<i>\$200,000.00¹.</i>
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Approved by 7 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

¹MR. KELLER moved, seconded by Mr. Padlo to amend as follows: In the title, add: "And Adjusting Various Appropriation and Revenue Accounts"; in the fifth Whereas after residents, add: "and Whereas, various appropriation and revenue accounts must be adjusted to cover the cost of the aforementioned project,"; and after the Resolved, add: ", and be it further Resolved, that the County Administrator is hereby directed to appropriate \$200,000.00 from Undesignated Fund Balance Account A.909.0000 and make the following budgetary changes: Increase Appropriation Account: A.298.6420.0000.42050 Olean Business Development Corporation \$200,000.00". Carried.

Mrs. Labuhn and Ms. Vickman requested a Roll Call vote on Act No. 186-2016, which disclosed as follows:

Ayes: Boberg, Hale, Keller, Klancer, Koch, Padlo, Snyder, Jr., Snyder, Sr. - 8.

Nays: Hastings, Helmich, Labuhn, Lamberson, Neal, Stockman, VanRensselaer, Vickman, Weller

Act No. 186-2016, having failed to receive the majority vote of the Legislature, was declared Lost.

ACT NO. 187-2016 by Mr. Weller and Mr. Koch
who ask immediate consideration

**BID ACCEPTANCE FOR 2016 STONE HOUSE IMPROVEMENTS
(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 2016 Stone House improvements project, which shall include plumbing, electrical and gas fitting, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was the bid of Duggan & Duggan General Contractor, Inc., 85 West Main Street, P.O. Box 5, Allegany, New York 14706, in the amount of \$224,557.00, to be paid by the County periodically on a percent-of-completion basis as invoiced and approved by the Department of Public Works, and

WHEREAS, sufficient funds are included in the 2016 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the bid of Duggan & Duggan General Contractor, Inc., be, and the same hereby is, accepted, for a term commencing within ten (10) days of the effective date of the contract, and terminating September 30, 2016, 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.

Six sets of specifications were sent out.

Three bids were received.

MR. HALE moved, seconded by Mr. Weller to waive Rule 12, pursuant to Rule 33.1. Carried.

Adopted April 13, 2016 by voice vote.

ACT NO. 188-2016 by Ms. Vickman and Mrs. Labuhn
who ask immediate consideration

**ALLOWING ROCHESTER GENESEE REGIONAL TRANSPORTATION AUTHORITY
TO BID ON THE CATTARAUGUS COUNTY BUS AND VAN SERVICES BID**

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

WHEREAS, in accordance with Federal Transportation Authority (FTA) rules and regulations, in order for the Rochester Genesee Regional Transportation Authority to submit a bid for the provision of bus and van services within Cattaraugus County, the County must first allow Rochester

Genesee Regional Transportation Authority to enter into Cattaraugus County for the provision of these services, and

WHEREAS, the Invitation for Bids for the provision of bus and van services is posted on the County's website, with the bid opening scheduled for April 28, 2016, now, therefore, be it

RESOLVED, that Cattaraugus County Legislature is hereby allowing Rochester Genesee Regional Transportation Authority to submit a bid for the provision of bus and van services within Cattaraugus County, in accordance with the terms of the Invitation for Bids.

MR. HALE moved, seconded by Mr. Weller to waive Rule 12, pursuant to Rule 33.1. Carried.

Adopted April 13, 2016 by voice vote.

ACT NO. 189-2016 by Mr. Boberg and Mr. Klancer
who ask immediate consideration

**AUTHORIZING TERMINATION OF CONTRACT WITH
GOWANDA CENTRAL SCHOOL DISTRICT
FOR SCHOOL RESOURCE OFFICER PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 337-2015 authorized a contract with the Gowanda Central School District for participation in the School Resource Officer ("SRO") Program by placing a school resource officer in its District, the term of which expires June 30, 2016, and

WHEREAS, the Gowanda Central School District has requested that the aforementioned contract be terminated effective April 13, 2016, and

WHEREAS, the Sheriff's Office has agreed to the termination of the contract in accordance with the terms of the contract, now, therefore, be it

RESOLVED, that contract with the Gowanda Central School District for the provision of the School Resource Officer Program is hereby terminated effective April 13, 2016.

MR. HALE moved, seconded by Mr. Weller to waive Rule 12, pursuant to Rule 33.1. Carried.

Adopted April 13, 2016 by voice vote.

ACT NO. 190-2016 by Mr. Boberg and Mr. Klancer
who ask immediate consideration

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH
NEW YORK STATE GOVERNOR'S TRAFFIC SAFETY COMMITTEE FOR
SHERIFF'S DEPARTMENT TRAFFIC SAFETY PARTNERSHIP PROGRAM**

Pursuant to Section 1229-c of the Vehicle and
Traffic Law and Section 450 of the County Law.

WHEREAS, Act 163-2015 authorized the Chairman to apply for funding through the New York State Governor's Traffic Safety Committee for a Traffic Safety Enforcement Program for the 2015-2016 program year, and

WHEREAS, funding is again available through the New York State Governor's Traffic Safety Committee for Traffic Safety Programs for the 2017 program year, for the following components:

Child Safety Seat Program (for income eligible recipients)

Police Traffic Services

Traffic Safety Education Programs,

and

WHEREAS, the Sheriff's Office is desirous of applying for the aforementioned funding,

and

WHEREAS, this program includes funding from the New York State Governor's Traffic Safety Committee, and

WHEREAS, the Sheriff's Office shall partner with the County Departments of Social Services and Health for the Child Safety Seat Program, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the New York State Governor's Traffic Safety Committee, in order to apply for the aforementioned funding, 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.

MR. HALE moved, seconded by Mr. Weller to waive Rule 12, pursuant to Rule 33.1. Carried.

Adopted April 13, 2016 by voice vote.

ACT NO. 191-2016 by Mr. Boberg and Mr. Klancer
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES
FOR ALTERNATIVES TO INCARCERATION PROGRAM**

Pursuant to Article 13-A of the Executive Law and
Section 450 of the County Law.

WHEREAS, Act 145-2015 authorized a contract with the New York State Division of Probation and Correctional Alternatives for an Alternatives to Incarceration Program for the 2015-2016 program year, the term of which expires June 30, 2016, and

WHEREAS, the Alternatives to Incarceration Program consists of a pre-trial release component with a total program cost of \$31,606.00, with an amount of \$10,595.00 being funded

through the New York State Office of Probation and Correctional Alternatives for the contract term of July 1, 2016 through June 30, 2017, and

WHEREAS, the Pre-Trial Release Program provides for the screening and, for those eligible, background evaluation on all individuals admitted to the County jail, provides the courts with sufficient information and recommendations for possible release on recognizance pending resolution of the case in court, helps relieve overcrowding in the jail, and allows the jail to operate with a simplified classification system, and

WHEREAS, this program is 33% state funded and 67% locally funded, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned program, 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 Probation and Correctional Alternatives, for the provision of the above-described program, for a term commencing July 1, 2016 and terminating June 30, 2017, 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.

MR. HALE moved, seconded by Mr. Weller to waive Rule 12, pursuant to Rule 33.1. Carried.

Adopted April 13, 2016 by voice vote.

ACT NO. 192-2016 by Mr. Boberg, Mr. Hale, Mr. Helmich, Mr. Klancer, Mr. Neal, Mr. Snyder, Sr., Mr. Snyder, Jr., Mrs. Stockman, Mr. VanRensselaer, Ms. Vickman, Mr. Weller, Mrs. Hastings, Mr. Koch, Mrs. Labuhn, Mr. Lamberson, Mr. Padlo and Mr. Keller who ask immediate consideration

**DECLARING APRIL 22, 2016 EARTH DAY AND
AUTHORIZING DEPARTMENT OF PUBLIC WORKS TO WAIVE TRANSFER STATION FEES
FOR APPROVED PARTICIPATING ORGANIZATIONS**

Pursuant to Section 153 of the County Law.

WHEREAS, Earth Day is celebrated annually to recommit to the goals of a healthy environment and a sustainable world, and

WHEREAS the global community now faces extraordinary challenges, such as global health issues, food and water shortages, and economic struggles, and

WHEREAS it is necessary to broaden and diversify this global movement to achieve maximum success, and

WHEREAS all people, regardless of race, gender, income, or geography, have a moral right to a healthy, sustainable environment with economic growth, and

WHEREAS it is understood that the citizens of the global community must step forward and take action to create a green economy to combat the aforementioned global challenges, and

WHEREAS a green economy can be achieved on the individual level through educational efforts, public policy, and consumer activism campaigns, and

WHEREAS, we acknowledge our collective responsibility for environmental education, stewardship and community sustainability, and

WHEREAS, the Cattaraugus County Legislature hereby:

- 1) encourages its residents, businesses and institutions to use EARTH DAY to celebrate the Earth and commit to building a sustainable and green economy,
- 2) invites and encourages all citizens, businesses, organizations, schools, clubs, congregations, neighborhoods and families to participate in Earth Day Activities and engage in environmentally sound practices every day, and
- 3) promotes the participation of all citizens in the County's recycling program every day,

now, therefore, be it

RESOLVED, the Cattaraugus County Legislature hereby pledges to support green economy initiatives in Cattaraugus County and to encourage others to undertake similar actions, and be it further

RESOLVED, the Department of Public Works is hereby authorized to waive the transfer station fees for certain organizations approved by the Commissioner of Public Works for the period commencing Friday, April 22, 2016 through Saturday, May 7, 2016.

MR. HALE moved, seconded by Mr. Weller to waive Rule 12, pursuant to Rule 33.1. Carried.

Adopted April 13, 2016 by voice vote.

ACT NO. 193-2016 by Mr. Boberg, Mr. Hale, Mr. Helmich, Mr. Neal, Mr. Snyder, Jr.,
Mr. VanRensselaer, Ms. Vickman and Mr. Weller
who ask immediate consideration

**SALE OF TAX TITLE PROPERTY TO FORMER OWNERS
(Towns of Conewango, East Otto, Franklinville, Hinsdale, Little Valley and Yorkshire)**

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 properties situate in the Towns of Conewango, East Otto, Franklinville, Hinsdale, Little Valley and Yorkshire, and

WHEREAS, the former owners of the properties 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 CONEWANGO

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
110	61.003-1-33	Susan Magara	11956 Pope Road Randolph, NY 14772	\$3,164.63

TOWN OF EAST OTTO

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
129	28.001-1-13.2	David Gradler Viola Gradler	P.O. Box 637 Springville, NY 14141	\$9,080.62

TOWN OF FRANKLINVILLE

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
168	57.002-1-46	John Caswell, Sr. Roger L. Caswell Debbie Bialaszewski	42 Brown Street Lackawanna, NY 14218	\$3,756.35

TOWN OF HINSDALE

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
208	76.004-1-9.2	Trisha Olmstead	2975 Rogers Road Allegany, NY 14706	\$2,947.26
213	77.013-1-1.2	Steven M. Tuttle Betsy M. Tuttle	3979 Main Street Hinsdale, NY 14743	\$5,458.60

TOWN OF LITTLE VALLEY

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
240	54.004-1-40 54.081-1-23	Mary Skinner	101 Hill Street Little Valley, NY 14755	\$8,471.77

TOWN OF YORKSHIRE

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
396	11.004-1-7	Carl Radotavich	72 Weeden Road Randolph, NY 14772.	\$14,500.47

MR. HALE moved, seconded by Mr. Weller to waive Rule 12, pursuant to Rule 33.1. Carried.

Adopted April 13, 2016 by voice vote.

ACT NO. 194-2016 by Mrs. Stockman, Mr. VanRensselaer, Ms. Vickman,
Mr. Koch and Mrs. Labuhn
*and Mr. Boberg, Mr. Hale, Mr. Helmich, Mr. Klancer, Mr. Neal, Mr. Snyder, Jr.,
Mr. Snyder, Sr., Mr. Weller, Mrs. Hastings, Mr. Lamberson, Mr. Padlo and Mr. Keller*¹
who ask immediate consideration

**CALLING ON NEW YORK STATE TO FULLY REIMBURSE COUNTIES FOR
DISTRICT ATTORNEY SALARY INCREASES SET BY THE STATE AND
NOT CREATE THIS UNFUNDED MANDATE**

Pursuant to Section 153 of the County Law.

WHEREAS, on December 24, 2015, New York State Commission on Legislative, Judicial, and Executive Compensation voted to recommend increasing all state judge salaries in 2016 and 2018, and

WHEREAS, this salary increase recommendation occurred well after all counties set their 2016 budgets into law, and

WHEREAS, the recommended increase placed Supreme Court Judges' salaries at \$193,000.00 in 2016 and \$203,000.00 in 2018 and placed County Court Judges at 95% of a Supreme Court Justice's salary, and

WHEREAS, on April 1, 2016, the State approved the Commission's recommendation, and

WHEREAS, State Judicial Law 183-a links judicial salaries with county district attorneys' (DA's) salaries to be equal or higher than either the County Court Judge or Supreme Court Judge in a county, depending on full-time or part-time status, and

WHEREAS, for over 50 years, the State has funded all salary increases that they imposed on the counties, and

WHEREAS, DA's are entitled to the compensation they are owed pursuant to state law for fulfilling the state constitutional and statutory duties related to the enforcement of the state penal law, and

WHEREAS, on April 1, 2016, the State Legislature enacted a \$150 billion State Budget, but did not include the funding for the \$1.6 million in reimbursement costs for the increase in DA salaries, and

WHEREAS, the State has been careful over the past few years to avoid shifting costs to the local tax base, mindful of the impact locally with the State imposed property tax cap, and

WHEREAS, for many counties, this salary increase represents approximately 1/3 of their total allowable property tax growth for all government operations in 2016, now, therefore, be it

RESOLVED, that the County of Cattaraugus hereby calls on the State of New York to immediately pass legislation and pay for this increase retroactive to April 1, 2016, and not pass this unfunded mandate on to local taxpayers.

MR. HALE moved, seconded by Mr. Weller to waive Rule 12, pursuant to Rule 33.1. Carried.

¹The following Legislators requested their names be listed as additional sponsors: "Mr. Boberg, Mr. Hale, Mr. Helmich, Mr. Klancer, Mr. Neal, Mr. Snyder, Jr., Mr. Snyder, Sr., Mr. Weller, Mrs. Hastings, Mr. Lamberson, Mr. Padlo and Mr. Keller".

Adopted April 13, 2016 by voice vote.

**MOTION TO ADJOURN IN MEMORY OF
GEORGE C. PETERS, JR.**

WHEREAS, George C. Peters, Jr., 84, of Randolph, passed away on March 30, 2016 at his home, and

WHEREAS, Mr. Peters began his employment with Cattaraugus County in 1962 as Accounting Supervisor in the Department of Social Services, and

WHEREAS, in 1969, Mr. Peters was named Director of Administrative Services and in 1987 was appointed Deputy Commissioner of Social Services, and

WHEREAS, Mr. Peters became Deputy County Administrator in 1989, retiring from that position on December 31, 1991, and

WHEREAS, Mr. Peters would continue serving Cattaraugus County as a Civil Service Commissioner in 1996 and was named Chairman of the Civil Service Commission in 2010, remaining in that position until June 2012, and

WHEREAS, Mr. Peters served in the United States Navy as an aviation boat mate during the Korean War from February 1952 until December 1953, and

WHEREAS, he was a member of the Little Valley United Methodist Church, Cherry Creek Lodge 384 Free & Accepted Masons, Jamestown Consistory, Hamburg Shriners, and the Little Valley American Legion Post #531, and

WHEREAS, Mr. Peters is survived by two sons – Gregory and Randall of Little Valley; three grandchildren and four great grandchildren, and

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

MOVE, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of George C. Peters, Jr., 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 George C. Peters, Jr., 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 sons.

MR. KLANCER moved, seconded by Mrs. Hastings to adjourn until April 27, 2016 at 4:00 p.m. Carried.

Meeting adjourned at 4:46 p.m.

Ann M. Giglio
Journal Clerk