



CATTARAUGUS COUNTY

John R. Searles, County Administrator

303 Court Street
Little Valley, New York 14755

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The Legislature of Cattaraugus County will meet in adjourned session in the Legislative Chambers at 303 Court Street, Little Valley, New York, on **Wednesday, March 22, 2023**, for the transaction of such business as may properly come before the meeting.

*Join by phone: 1-408-418-9388 or
+1-646-992-2010 United States Toll (New York City)
+1-312-535-8110 United States Toll (Chicago)
Access code: 173 568 3119 (followed by #)*

Contingent Fund Balance: \$167,160

5:00 p.m. CALL TO ORDER
ROLL CALL
INVOCATION
PLEDGE OF ALLEGIANCE
COMMUNICATIONS
PRIVILEGE OF THE FLOOR

- Public Hearing – Local Law No. 1-2023

RESOLUTIONS/MOTIONS/NOTICES READY FOR ACTION
RESOLUTIONS – IMMEDIATE CONSIDERATION
UNFINISHED BUSINESS
ADJOURNMENT

RESOLUTIONS READY FOR ACTION

133-23 Mr. VanRensselaer
LOCAL LAW NUMBER 1-2023 – A LOCAL LAW CREATING THE CATTARAUGUS
COUNTY DEPARTMENT OF ASSIGNED COUNSEL

138-23 Mrs. Andreano and Mr. Helmich
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK STATE
DEPARTMENT OF HEALTH AND HEALTH RESEARCH, INC. FOR HEALTH
DEPARTMENT STRENGTHENING U.S. PUBLIC HEALTH INFRASTRUCTURE,
WORKFORCE AND DATA SYSTEMS PROGRAM AND ADJUSTING VARIOUS
APPROPRIATION AND REVENUE ACCOUNTS (Department of Health)
Approved by 7 Finance and 7 Human Services

139-23 Mr. Benson and Mr. Helmich
BID ACCEPTANCE FOR ROAD STRIPING (Department of Public Works)
Additional sponsor: Mr. Boberg
Approved by 7 Finance and 6 Public Works

- 140-23 Mr. Benson and Mr. Helmich
ACCEPTING MATERIAL BIDS FOR ASPHALT CONCRETE, LIQUID BITUMINOUS MATERIALS, MICRO SURFACING, COLD IN-PLACE RECYCLING OF BITUMINOUS PAVEMENT, SURFACE TREATING, PAVER PLACED CHIP SEAL, FIBER REINFORCED BITUMINOUS MEMBRANE SURFACE TREATMENT AND HOT MIX ASPHALT IN-PLACE PAVING PROJECTS (Department of Public Works)
Mr. Burr abstained
Additional sponsor: Mr. Boberg
Approved by 6 Finance and 6 Public Works
- 141-23 Mr. Benson and Mr. Helmich
ACCEPTING MATERIAL BIDS FOR GALVANIZED SQUARE STEEL TUBING FOR SIGN POSTS (Department of Public Works)
Approved by 7 Finance and 7 Public Works
- 142-23 Mr. Benson and Mr. Helmich
ACCEPTING MATERIAL BIDS FOR SANDBLASTING ABRASIVES (Department of Public Works)
Mr. Burr abstained
Approved by 6 Finance and 7 Public Works
- 143-23 Mr. Benson and Mr. Helmich
BID ACCEPTANCE FOR HIGHWAY SIGNS (Department of Public Works)
Approved by 7 Finance and 7 Public Works
- 144-23 Mr. Benson and Mr. Helmich
BID ACCEPTANCE FOR CONCRETE PIPE (CLASS III & IV) (Department of Public Works)
Approved by 7 Finance and 7 Public Works
- 145-23 Mr. Benson and Mr. Helmich
BID ACCEPTANCE FOR PLASTIC & POLYETHYLENE CORRUGATED DRAINAGE PIPE (Department of Public Works)
Approved by 7 Finance and 7 Public Works
- 146-23 Mr. Benson and Mr. Helmich
BID ACCEPTANCE FOR STEEL CORRUGATED PIPE AND PIPE ARCHES (Department of Public Works)
Approved by 7 Finance and 7 Public Works

- 147-23 Mr. Benson and Mr. Helmich
AUTHORIZING THE CHAIR TO EXECUTE NO-COST TIME EXTENSION WITH NYSDOT FOR THE STATE-AID PROJECT ADMINISTERED BY THE NYSDOT (County Road No. 5 / Little Valley Creek Culvert Replacement)
Approved by 7 Finance and 7 Public Works
- 148-23 Mr. Benson and Mr. Helmich
AUTHORIZING THE CHAIR TO EXECUTE FINAL SUPPLEMENTAL WATERSHED WORK PLAN NO. 5 AND ENVIRONMENTAL EVALUATION WITH UNITED STATES DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE FOR CONEWANGO CREEK WATERSHED FLOOD CONTROL SITE 13 DAM
Approved by 7 Finance and 7 Public Works
- 149-23 Mr. Boberg and Mr. Klancer
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATTARAUGUS COUNTY AGRICULTURAL SOCIETY, INC. FOR SHERIFF'S DEPARTMENT SECURITY SERVICES AND COUNTY SPACE RENTAL
Approved by 7 Finance and 7 County Operations/Public Safety
- 150-23 Mr. Boberg and Mr. Klancer
AUTHORIZING THE CHAIR TO EXECUTE RECIPROCAL CONTRACT WITH CHAUTAUQUA COUNTY FOR HOUSING OF COUNTY INMATES
Approved by 7 Finance and 7 County Operations/Public Safety
- 151-23 Mrs. Andreano and Mr. Helmich
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH TOTAL SENIOR CARE, INC., FOR SOCIAL ADULT DAY CARE SERVICES THROUGH DAYBREAK PROGRAM
Approved by 7 Finance and 7 Human Services
- 152-23 Mrs. Andreano and Mr. Helmich
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATTARAUGUS REHABILITATION CENTER, INC., D/B/A INTANDEM, INC. FOR SOCIAL ADULT DAY SERVICES THROUGH THE LINWOOD CENTER PROGRAM
Approved by 7 Finance and 7 Human Services
- 153-23 Mrs. Andreano and Mr. Helmich
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATTARAUGUS REHABILITATION CENTER, INC. D/B/A INTANDEM, INC. FOR SENIOR NUTRITION PROGRAM MEALS AT LINWOOD SOCIAL ADULT DAY PROGRAM
Approved by 7 Finance and 7 Human Services

- 154-23 Mrs. Andreano and Mr. Helmich
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH HEALTHY COMMUNITY ALLIANCE, INC. FOR HEALTH INSURANCE AND LONG-TERM CARE INFORMATION AND COUNSELING
Approved by 7 Finance and 7 Human Services
- 155-23 Mrs. Andreano and Mr. Helmich
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH TRUSTED CHOICE HOMECARE FOR CONSUMER DIRECTED HOMECARE SERVICES
Approved by 7 Finance and 7 Human Services
- 156-23 Mrs. Andreano and Mr. Helmich
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH KENNETH W. DAHLGREN, JR. FOR HEALTH DEPARTMENT CLEAN INDOOR AIR ACT COMPLIANCE CHECKS
Approved by 7 Finance and 7 Human Services
- 157-23 Mrs. Andreano and Mr. Helmich
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH FAVORITE HEALTHCARE STAFFING, INC. FOR HEALTHCARE COVERAGE FOR DEPARTMENT OF NURSING HOMES
Approved by 7 Finance and 7 Human Services
- 158-23 Ms. Schröder
APPROVING MEMBERSHIP IN PROFESSIONAL ORGANIZATION (County Attorney and Human Resources)
Approved by 7 Finance, & County Operations/Public Safety and 5 Labor Relations
- 159-23 Mrs. Andreano and Mr. Helmich
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK STATE DEPARTMENT OF HEALTH FOR HEALTH DEPARTMENT SPECIAL SUPPLEMENTAL NUTRITION FOR WIC PROGRAM (Contract #C38273GG-3450000)
Approved by 7 Finance and 7 Human Services

**LOCAL LAW NUMBER 1 - 2023
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Sections 722 through 722-e of the County Law and
Section 10 of the Municipal Home Rule Law.

A LOCAL LAW CREATING THE CATTARAUGUS COUNTY DEPARTMENT OF ASSIGNED COUNSEL

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

SECTION 1. Legislative Intent. It is the intent of this Local Law to develop the management infrastructure devoted to the assignment of counsel to represent indigent persons charged with crimes who are financially unable to obtain an adequate defense.

SECTION 2. History of the Cattaraugus County Assigned Counsel Program.

2.1 Act 203-1965 established the Office of Administrator of Private Counsel to provide for the representation of indigent persons accused of a crime and elected to proceed by employing a court-approved Bar Association Plan; and

2.2 Act 161-2009 adopted a modified Plan for Representation of the Indigent and Persons Financially Unable to Afford Counsel in Criminal, Family and Surrogate's Courts in Cattaraugus County; and

2.3 Act 250-2011 appointed a new Administrator of Assigned Counsel and allocated certain functions supporting the assigned counsel program to the County Attorney's Office; and

2.4 The New York State Office of Indigent Legal Services has directed that the Assigned Counsel Program in Cattaraugus County be removed from the County Attorney's Office and that a new Department of Assigned Counsel be created; and

2.5 The assigned counsel functions being performed within the County Attorney's Office are to be performed and incorporated within the newly created Department of Assigned Counsel.

SECTION 3. Creation of Department of Assigned Counsel.

3.1 It is in the best interests of the County to create a Department of Assigned Counsel to be responsible for the representation of indigent persons charged with crimes who are financially unable to obtain an adequate defense, and for the furnishing of investigative, expert and other services necessary to their defense.

3.2 Effective April 1, 2023, there is hereby created a department in Cattaraugus County to be known as the Department of Assigned Counsel.

3.3 The Department of Assigned Counsel shall operate in accordance with the Cattaraugus County Plan for Representation of the Indigent and Persons Financially Unable to Afford Counsel in Criminal, Family and Surrogate's Courts in Cattaraugus County, which was adopted under Act 161-2009 of the Cattaraugus County Legislature.

3.4 The Department of Assigned Counsel shall be under the direction of the Administrator of Assigned Counsel.

3.5 The Administrator of Assigned Counsel shall be appointed and serve at the pleasure of the County Legislature.

3.6 The salary of the Administrator of Assigned Counsel shall be fixed by the County Legislature.

3.7 The Administrator of Assigned Counsel shall be in the exempt class of the Civil Service.

3.8 The Administrator of Assigned Counsel shall possess at the time of appointment, and maintain throughout the term, all qualifications as determined by the Personnel Officer.

SECTION 4. Powers and Duties of Administrator of Assigned Counsel. The Administrator of Assigned Counsel shall have the following powers and duties:

4.1 Authority to perform all the duties herein or hereafter conferred, or imposed by law, upon an Administrator of Assigned Counsel;

4.2 Coordinate the assignment, and efforts, of attorneys participating in the Cattaraugus County Bar Association Assigned Counsel Plan;

4.3 Receive and audit the completed vouchers and claim forms from the assigned attorneys in order to process for payment;

4.4 Authority to employ such persons as required to perform his or her powers and duties, subject to the approval of such employment by the County Legislature, and authority to remove persons from such employment under the provisions of Civil Service Law Section 75, or the Collective Bargaining Agreement, whichever removal process applies;

4.5 Authority to negotiate contracts with such persons or entities, as required to perform his or her powers and duties, subject to approval of such contracts by the County Legislature;

4.6 Authority to adopt rules and regulations not inconsistent with law for conduct of the affairs and business of the Department of Assigned Counsel;

4.7 Have the authority to designate one or more deputies with power to act generally for the Administrator of Assigned Counsel, and in the Administrator's place subject to the approval of such employment by the County Legislature;

4.8 Such other powers and additional duties as may be authorized by local law, resolution or other direction of the County Legislature.

SECTION 5. Department Responsibilities. The employees of the Department of Assigned Counsel shall implement the policies of the County Legislature, under the direction of the Administrator of Assigned Counsel.

SECTION 6. Severability. If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication, shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

SECTION 7. Effective Date. This Local Law shall take effect April 1, 2023.