



CATTARAUGUS COUNTY

John R. Searles, County Administrator

303 Court Street
Little Valley, New York 14755

Phone: (716) 938-2577
Fax (716) 938-2760

Contingent Fund Balance: \$147,160

The following committees will meet on **Wednesday, August 16, 2023**, in the large committee room at the County Center, 303 Court Street, Little Valley, New York, at the indicated times.

Labor Relations	4:00 p.m.
Human Services	4:05 p.m.
Development & Agriculture	4:10 p.m.
County Operations/Public Safety	4:15 p.m.
Public Works	4:20 p.m.
Finance	4:25 p.m.

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: 173 334 7118 (Followed by #)

ACT NO.

PREFILED RESOLUTIONS

353-23

Mr. Benson and Mr. Helmich

AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH TWIN TIERS OVERHEAD DOORS, INC. FOR OVERHEAD DOOR REPAIR REPLACEMENT, INSTALLATION AND PREVENTIVE MAINTENANCE

354-23

Mr. Benson and Mr. Helmich

AUTHORIZING THE CHAIR TO EXECUTE AMENDED GENERAL DESIGN SERVICE TERM AGREEMENTS WITH VARIOUS ENGINEERING FIRMS FOR GENERAL DESIGN SERVICES FOR HIGHWAY RELATED PROJECTS

355-23

Mr. Benson and Mr. Helmich

AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH ATLANTIC TESTING LABORATORIES FOR SOIL BORING SERVICES, MATERIAL TESTING, DECK CORING AND GEOTECHNICAL SERVICES

356-23

Mrs. Andreano and Mr. Helmich

AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH ASCENDO HEALTHCARE STAFFING, LLC FOR HEALTH CARE STAFFING COVERAGE FOR DEPARTMENT OF NURSING HOMES

357-23

Mrs. Andreano and Mr. Helmich

AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH TOTAL SENIOR CARE, INC. FOR PACE AND DAYBREAK PROGRAM HOME DELIVERED AND CONGREGATE MEALS

- 358-23 Mrs. Andreano and Mr. Helmich
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS (Department of Community Services)
- 359-23 Mr. VanRensselaer
LOCAL LAW NUMBER 2-2023 – A LOCAL LAW BANNING SMOKING AND VAPING OF PRODUCTS ON COUNTY PROPERTY
- 360-23 Mr. VanRensselaer
AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 2-2023
- 361-23 Mr. VanRensselaer
AMENDING ACT 570-1985 REGARDING IMPOSITION OF SALES AND USE TAXES, AS AMENDED, TO EXTEND THE ADDITIONAL 1% RATE OF TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES
- 362-23 Mr. Higgins and Mr. Marsh
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CONCEPT PRINTING, INC. D/B/A CONCEPTPRINT FOR PRINTING OF 2023 AMISH TRAIL BROCHURES
- 363-23 Mr. Higgins and Mr. Marsh
AUTHORIZING THE CHAIR TO EXECUTE AMENDED GRANT DOCUMENTS WITH NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION AND AMENDED CONTRACTS WITH CATTARAUGUS COUNTY FEDERATION OF SNOWMOBILE CLUBS, INC. AND VARIOUS SNOWMOBILE CLUBS IN CATTARAUGUS COUNTY FOR SNOWMOBILE TRAIL GRANT PROGRAM AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Department of Economic Development, Planning and Tourism)

Committee Referrals for August 16, 2023 Committee Meetings							
Act #	Finance	County Ops/Pub Safety	DPW	Human Services	Dev & Ag	Labor Relations	Strategic Plng.
253	X		X				
254	X		X				
255	X		X				
256	X			X			
257	X			X			
258	X			X			
259	X	X					
260	X	X					
261	X				X		
262	X				X		
263	X				X		
TOTAL	11	2	3	3	3	0	0

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
TWIN TIERS OVERHEAD DOORS, INC. FOR OVERHEAD DOOR REPAIR,
REPLACEMENT, INSTALLATION AND PREVENTIVE MAINTENANCE**

Pursuant to Section 450 of the County Law.

- I. WHEREAS, Act 419-2019 authorized a contract with Twin Tiers Overhead Doors, Inc., 1997 Four Mile Road, Allegany, New York 14706, for the provision of overhead door repair, replacement, installation and preventive maintenance services, the term of which expires August 31, 2023, and
- II. WHEREAS, the County Department of Public Works has solicited proposals for the provision of the aforementioned overhead door repair, replacement, installation and preventive maintenance services, and
- III. WHEREAS, Twin Tiers Overhead Doors, Inc., can provide the aforementioned services in accordance with the following rate schedule, on an as-needed basis:

<u>Labor Charges</u>	<u>Rates</u>
Monday – Friday Business Hours	
<i>Regular Hourly Rate</i>	
1 Overhead Door Mechanic	\$105.00/hour/man
1 Overhead Door Mechanic Plus 1 Apprentice	\$105.00/hour/man
<i>Emergency</i>	
1 Overhead Door Mechanic	\$157.50/hour/man
1 Overhead Door Mechanic Plus 1 Apprentice	\$157.50/hour/man
Evening Work	
<i>Regular Hourly Rate</i>	
1 Overhead Door Mechanic	\$105.00/hour/man
1 Overhead Door Mechanic Plus 1 Apprentice	\$105.00/hour/man
<i>Emergency</i>	
1 Overhead Door Mechanic	\$157.50/hour/man
1 Overhead Door Mechanic Plus 1 Apprentice	\$157.50/hour/man
Saturday, Sunday and Holiday Work	
<i>Regular Hourly Rate</i>	
1 Overhead Door Mechanic	\$157.50/hour/man
1 Overhead Door Mechanic Plus 1 Apprentice	\$157.50/hour/man
<i>Emergency</i>	
1 Overhead Door Mechanic	\$157.50/hour/man
1 Overhead Door Mechanic Plus 1 Apprentice	\$157.50/hour/man

Maximum Response Time required to arrive on-site after receiving service call: <i>(unless otherwise agreed upon by both parties)</i>		8 hours
Service Charge <i>(includes labor to and from site)</i>	Per Visit	\$150.00
Materials and Parts <i>(not included in Preventive Maintenance)</i>	% Markup	35% - 45%
Rental Equipment	% Markup	35%
Scissor Lift Use		\$200.00/trip
	Mileage	\$0.62 per mile

and

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

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Twin Tiers Overhead Doors, Inc., for the provision of the above-described services, for a term commencing September 1, 2023 and terminating August 31, 2025, with the option to renew for one (1) additional two (2) year term at the same rates, terms and conditions, according to the above-described terms.

Resolution Referred to:

- | | | | |
|------------------------------|-------------------------------------|--------------------|--------------------------|
| Finance | <input checked="" type="checkbox"/> | Human Services | <input type="checkbox"/> |
| DPW | <input checked="" type="checkbox"/> | Develop. & Ag | <input type="checkbox"/> |
| Labor Relations | <input type="checkbox"/> | Strategic Planning | <input type="checkbox"/> |
| Co. Operations/Public Safety | | | <input type="checkbox"/> |

AUTHORIZING THE CHAIR TO EXECUTE AMENDED GENERAL DESIGN SERVICE TERM AGREEMENTS WITH VARIOUS ENGINEERING FIRMS FOR GENERAL DESIGN SERVICES FOR HIGHWAY RELATED PROJECTS

Pursuant to Sections 215 and 450 of the County Law.

I. WHEREAS, Act 64-2022, as amended by Act 333-2022, authorized Agreements with the following three (3) engineering firms for the provision of general design services for highway related projects, the terms of which expire December 31, 2024, and

II. WHEREAS, the Agreements with the aforementioned three (3) engineering firms should be amended to allow for an increase as follows:

<u>Engineering Firm</u>	<u>Increase Amount</u>	
Greenman-Pedersen, Inc. 4950 Genesee Street, Suite 100 Buffalo, New York 14225	\$200,000.00	Not to Exceed \$700,000.00
Bergmann Associates, Inc. 40 LaRiviere Drive, Suite 200 Buffalo, New York 14202	\$150,000.00	Not to Exceed \$650,000.00
Fisher Associates, PE, LS, LA, DPC 180 Charlotte Street Rochester, New York 14607,	\$150,000.00	Not to Exceed \$650,000.00

and

III. WHEREAS, sufficient funds are included in the budget to cover the increased cost for engineering services, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute amended General Design Service Term Agreements, on behalf of Cattaraugus County, with the above-listed engineering firms, for the provision of the above-described engineering services, for a term commencing January 26, 2022 and terminating December 31, 2024, according to the above-described terms.

Resolution Referred to:

- | | | | |
|------------------------------|-------------------------------------|--------------------|--------------------------|
| Finance | <input checked="" type="checkbox"/> | Human Services | <input type="checkbox"/> |
| DPW | <input checked="" type="checkbox"/> | Develop. & Ag | <input type="checkbox"/> |
| Labor Relations | <input type="checkbox"/> | Strategic Planning | <input type="checkbox"/> |
| Co. Operations/Public Safety | <input type="checkbox"/> | | <input type="checkbox"/> |

AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH ATLANTIC TESTING LABORATORIES FOR SOIL BORING SERVICES, MATERIAL TESTING, DECK CORING AND GEOTECHNICAL SERVICES

Pursuant to Section 117 of the Highway Law and Section 450 of the County Law.

I. WHEREAS, Act 466-2022 authorized a contract with SJB Services, Inc., 5167 South Park Avenue, Hamburg, New York 14075, for the provision of soil boring services for various bridge projects, and

II. WHEREAS, SJB Services, Inc. is now owned by Atlantic Testing Laboratories, and

III. WHEREAS, a contract is necessary with Atlantic Testing Laboratories for the provision of soil boring, material testing, deck coring and geotechnical engineering services for various 2023 projects, and

IV. WHEREAS, effective August 23, 2023, Atlantic Testing Laboratories has agreed to perform soil boring, material testing, deck coring and geotechnical engineering services for various 2023 projects on an as-needed basis, for an amount not to exceed \$30,000.00, to be paid as invoiced, and

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

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract on behalf of Cattaraugus County, with Atlantic Testing Laboratories, for the provision of the above-described services, for a term commencing August 23, 2023 and terminating December 31, 2023, according to the above-described terms.

Resolution Referred to:

- | | | | |
|------------------------------|-------------------------------------|--------------------|--------------------------|
| Finance | <input checked="" type="checkbox"/> | Human Services | <input type="checkbox"/> |
| DPW | <input checked="" type="checkbox"/> | Develop. & Ag | <input type="checkbox"/> |
| Labor Relations | <input type="checkbox"/> | Strategic Planning | <input type="checkbox"/> |
| Co. Operations/Public Safety | | | <input type="checkbox"/> |

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ASCENDO HEALTHCARE STAFFING, LLC FOR
HEALTH CARE STAFFING COVERAGE FOR
DEPARTMENT OF NURSING HOMES**

Pursuant to Section 450 of the County Law.

I. WHEREAS, the Department of Nursing Homes is in need of coverage for certified nurse aide (CNA), licensed practical nurse (LPN) and registered nurse (RN) services for the residents of The Pines Healthcare and Rehabilitation Centers – Machias and Olean Campuses, and

II. WHEREAS, Ascendo Healthcare Staffing, LLC, 12802 Science Drive, #202, Orlando, Florida 32826, can provide the aforementioned health care services staffing coverage for an amount as follows:

<u>Position</u>	<u>Basic Rates</u>
Registered Nurse	\$70.00 - \$75.00/hour
Licensed Practical Nurse	\$60.00 - \$65.00/hour
Certified Nurse Aide	\$35.00 - \$40.00/hour

**Overtime / Holiday Pay is Time and a Half. Minimum billing rate of 40 hours per week with a minimum of 13 weeks;

and

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

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Ascendo Healthcare Staffing, LLC, for the provision of the above-described health care coverage services, for a term commencing August 24, 2023, to continue in full force and effect at the same rates until amended or terminated by either party hereto, according to the above-described terms.

Resolution Referred to:

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|------------------------------|-------------------------------------|--------------------|-------------------------------------|
| Finance | <input checked="" type="checkbox"/> | Human Services | <input checked="" type="checkbox"/> |
| DPW | <input type="checkbox"/> | Develop. & Ag | <input type="checkbox"/> |
| Labor Relations | <input type="checkbox"/> | Strategic Planning | <input type="checkbox"/> |
| Co. Operations/Public Safety | <input type="checkbox"/> | | <input type="checkbox"/> |

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
TOTAL SENIOR CARE, INC. FOR
PACE AND DAYBREAK PROGRAM HOME DELIVERED AND CONGREGATE MEALS**

Pursuant to Section 95-a of the General Municipal Law and
Section 450 of the County Law.

I. WHEREAS, Act 138-2022 authorized a contract with Total Senior Care, Inc., 519 North Union Street, Olean, New York 14760, to purchase home delivered meals and congregate meals from the County Department of Aging for PACE and DayBreak Program participants as part of a comprehensive program of services to participants, the term of which expires August 31, 2023, and

II. WHEREAS, the County Department of Aging is desirous of renewing the aforementioned contract, and

III. WHEREAS, the Department of Aging has agreed to provide the aforementioned meals through its Senior Nutrition Program to PACE and DayBreak Program participants at a rate of \$8.00 per home delivered and/or congregate meal, and

IV. WHEREAS, Total Senior Care, Inc., has agreed to purchase home delivered meals and congregate meals from the County Department of Aging for PACE and DayBreak Program participants at the above-described rate, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Total Senior Care, Inc., for the provision of the above-described meals and meal services, for a term commencing September 1, 2023 and terminating August 31, 2024, according to the above-described terms.

Resolution Referred to:

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|------------------------------|-------------------------------------|--------------------|-------------------------------------|
| Finance | <input checked="" type="checkbox"/> | Human Services | <input checked="" type="checkbox"/> |
| DPW | <input type="checkbox"/> | Develop. & Ag | <input type="checkbox"/> |
| Labor Relations | <input type="checkbox"/> | Strategic Planning | <input type="checkbox"/> |
| Co. Operations/Public Safety | <input type="checkbox"/> | | <input type="checkbox"/> |

**ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Community Services)**

Pursuant to Sections 363 and 366 of the County Law.

I. WHEREAS, various appropriation accounts must be adjusted within the budget for the SAMSHA Grant Program through the Department of Community Services, now, therefore, be it

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

Decrease Appropriation Accounts:

A.431.4335.2110.41229	Social Worker Contracted	\$9,000.00
A.431.4335.2110.41244	Clinical Supervisor	\$ 500.00
A.431.4335.2110.46102	Employee Mileage	\$2,000.00
A.431.4335.2110.48112	Client Incentives	\$4,500.00

Increase Appropriation Accounts:

A.431.4335.2110.44401	Building Maintenance	\$1,500.00
A.431.4335.2110.45401	Small Equipment	\$2,500.00
A.431.4335.2110.46106	Training	\$4,500.00
A.431.4335.2110.47002	Office Supplies	\$7,500.00.

Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input checked="" type="checkbox"/>
DPW	<input type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
Labor Relations	<input type="checkbox"/>	Strategic Planning	<input type="checkbox"/>
Co. Operations/Public Safety	<input type="checkbox"/>		<input type="checkbox"/>

**LOCAL LAW NUMBER 2 - 2023
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law and
Article 13-E of the Public Health Law.

A LOCAL LAW BANNING SMOKING AND VAPING OF PRODUCTS ON COUNTY PROPERTY

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 preserve and improve the public health by limiting the exposure of the public to environmental tobacco smoke or vapor caused by the use of tobacco, cannabis, nicotine, vaping and other like substances by banning smoking and vaping of all products on County-owned, leased or occupied properties.

Section 2. Definitions. For purposes of this local law, the following terms shall have the following meanings described herein:

2.1 "County property" shall include any County-owned or County-leased vehicles; any County-owned or County-leased buildings, structures and facilities. Smoking is prohibited outdoors of County-owned or County-leased property, including the surrounding outdoor grounds within 100 feet of any County property, with the exception of designated smoking areas.

2.2 "Smoking" shall include lighting, smoking or carrying a lighted cigarette, cigar, or pipe, which may contain tobacco or cannabis products or any other chemical substance. Smoking also includes 'vaping' and the use of electronic smoking devices, which include e-cigarettes or other electronic devices that deliver vapor which is inhaled by a user.

Section 3. Ban on Smoking and Vaping of any Product in or on County Property. Effective October 1, 2023, smoking or vaping of all products shall not be permitted in or on County-owned, leased or occupied property, except as provided in the Cattaraugus County Smoke Free Workplace Policy.

Section 4. Collective Bargaining. The provisions of this local law are subject to the applicable law governing collective bargaining, in accordance with Public Health Law Section 1399-o(6).

Section 5. Supercession of Existing Local Laws and Resolutions. Any local law or resolution inconsistent herewith, including, but not limited to, Local Law Number 24-2000 (Intro Number 14-2000) authorized by Act 595-2000 of the Cattaraugus County Legislature is hereby superceded, except for Acts 521-2000 and 523-2000 of the Cattaraugus County Legislature.

Section 6. Effective Date. This Local Law shall take effect October 1, 2023.

Resolution Referred to:

- | | | | |
|------------------------------|-------------------------------------|--------------------|--------------------------|
| Finance | <input checked="" type="checkbox"/> | Human Services | <input type="checkbox"/> |
| DPW | <input type="checkbox"/> | Develop. & Ag | <input type="checkbox"/> |
| Labor Relations | <input type="checkbox"/> | Strategic Planning | <input type="checkbox"/> |
| Co. Operations/Public Safety | <input checked="" type="checkbox"/> | | |

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 2 - 2023

Pursuant to Section 10 of the Municipal Home Rule Law and Article 13-E of the Public Health Law.

I. WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on August 23, 2023, a proposed Local Law entitled "A Local Law Banning Smoking and Vaping of Products on County Property", and

II. WHEREAS, no local law shall be adopted until a public hearing thereon has been had by the Cattaraugus County Legislature upon at least five days' notice, now, therefore, be it

I. RESOLVED, that a public hearing shall be held on the proposed local law by this County Legislature on the 13th day of September, 2023, at 5:01 p.m. at the Legislature's Chambers, County Office Building, 303 Court Street, Little Valley, New York, and that at least five days' notice of such hearing shall be given by the Clerk by the due posting thereof upon the bulletin board of each County Court House within the County and by publishing such notice at least once in the official newspapers of the County.

Resolution Referred to:

- | | | | |
|------------------------------|-------------------------------------|--------------------|-------------------------------------|
| Finance | <input checked="" type="checkbox"/> | Human Services | <input type="checkbox"/> |
| DPW | <input type="checkbox"/> | Develop. & Ag | <input type="checkbox"/> |
| Labor Relations | <input type="checkbox"/> | Strategic Planning | <input type="checkbox"/> |
| Co. Operations/Public Safety | | | <input checked="" type="checkbox"/> |

**AMENDING ACT 570-1985 REGARDING IMPOSITION OF SALES
AND USE TAXES, AS AMENDED, TO EXTEND THE ADDITIONAL
1% RATE OF TAXES ON SALES AND USES OF TANGIBLE
PERSONAL PROPERTY AND OF CERTAIN SERVICES, AND ON
OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES**

Pursuant to Article 29 of the Tax Law and Chapter 58 of
the Laws of 2020, Part XXX, Subpart C, of the State of New York.

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

SECTION 1. The first sentence of Section 2 of Act 570-1985, which was adopted December 30, 1985, as amended, is amended to read as follows:

"SECTION 2. Imposition of Sales Tax.

On and after March 1, 1986, and through November 30, 2025, there is hereby imposed and there shall be paid a tax of four percent (4%) upon, and on and after December 1, 2025, there is hereby imposed and there shall be paid a tax of three percent (3%) upon:".

SECTION 2. Subdivisions (a), (b) and (c) of Section 2-A of Act 570-1985, as added by Act 174-1986 as amended, are amended to read as follows:

(a) Notwithstanding the rate of tax set forth in Section 2 of this resolution, on and after March 1, 1986, and through November 30, 2025, the taxes imposed on the receipts from the retail sale of fuel oil and coal used for residential purposes; the receipts from the retail sale of wood used for residential heating purposes; and the receipts from every sale, other than for resale, of propane (except when sold in containers of less than one hundred pounds) natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be paid at the rate of 3 percent. The provisions of this subdivision shall not apply to a sale of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a sale of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel, provided that each delivery of such fuel of over four thousand five hundred gallons shall be evidenced by a certificate signed by the purchaser stating that the product will be used exclusively for residential purposes.

(b) Notwithstanding the rate of tax set forth in Section 4 of this resolution for the purposes of clause (A) of subdivision (a) thereof, on and after March 1, 1986, and through November 30, 2025, the compensating use tax imposed by such section on the use of fuel oil and coal used for residential purposes and wood used for residential heating purposes shall be at the rate of 3 percent of the consideration given or contracted to be given for such property or for use of such property, plus the cost of transportation except where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser. The provisions of this subdivision shall not apply to a use of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a use of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can

be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel.

(c) The rate set forth in this section shall apply to receipts from all retail sales and uses described in this section made, rendered or arising therefrom on or after March 1, 1986, and through November 30, 2025, although made or rendered under a prior contract, if a delivery or transfer of possession of such property or services is made after said date. Where such property or service is sold on a monthly, quarterly or other term basis and the bills for such property or service are based on meter readings, the amount received on each bill for such property or service for a month or quarter or other term shall be a receipt subject to the rate of tax set forth in this section, but such rate shall be applicable to all bills based on meters read on or after March 1, 1986, and through November 30, 2025, only where more than one-half of the number of days included in the month or other periods billed are days subsequent to February 28, 1986.

SECTION 3. Subdivision (g) of Section 3 of Act 570-1985, which was adopted December 30, 1985, as amended, is amended to read as follows:

"(g) The taxes imposed under subdivisions (a), (c) and of (d) of Section 2 shall be paid at the rate of 3 percent upon all sales made and services rendered on or after December 1, 2025. With respect to the tax rate of 3 percent effective December 1, 2025, the provisions of subdivisions (b), (c), (d) and (e) of this section apply, except that for purposes of this subdivision, all references in said subdivisions (b), (c) and (d) to an effective date shall be read as referring to December 1, 2023, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to November 30, 2025. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December 1, 2025, any transaction which may not be subject to the lowered tax in effect on that date."

SECTION 4. Section 4 of Act 570-1985, which was adopted December 30, 1985, as amended, is amended to read as follows:

"SECTION 4. Imposition of Compensating Use Tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after March 1, 1991, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any personal property (other than computer software used by the author or other creator) manufactured, processed or assemble by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if user offers software of a similar kind for sale as the such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2025, the tax shall be at the rate of four percent (4%), and on and after

December 1, 2025, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2025, the tax shall be at the rate of four percent (4%), and on and after December 1, 2025, the tax shall be at the rate of three percent (3%), of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2025, the tax shall be at the rate of four percent (4%), and on and after December 1, 2025, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2025, the tax shall be at the rate of four percent (4%), and on and after December 1, 2025, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2025, the tax shall be at the rate of four percent (4%), and on and after December 1, 2025, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person."

SECTION 5. This resolution shall take effect December 1, 2023.

Resolution Referred to:

- | | | | |
|------------------------------|-------------------------------------|--------------------|-------------------------------------|
| Finance | <input checked="" type="checkbox"/> | Human Services | <input type="checkbox"/> |
| DPW | <input type="checkbox"/> | Develop. & Ag | <input checked="" type="checkbox"/> |
| Labor Relations | <input type="checkbox"/> | Strategic Planning | <input type="checkbox"/> |
| Co. Operations/Public Safety | | | <input type="checkbox"/> |

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CONCEPT PRINTING, INC. D/B/A CONCEPTPRINT
FOR PRINTING OF 2023 AMISH TRAIL BROCHURES**

Pursuant to Section 450 of the County Law.

I. WHEREAS, the Department of Economic Development, Planning and Tourism is desirous of purchasing brochures to promote the Amish trail in Cattaraugus County, and

II. WHEREAS, Concept Printing, Inc., d/b/a ConceptPrint, 40 Lydecker Street, Nyack, New York 10960, can provide 35,000 copies of the 2023 Amish Trail brochure for an amount of \$11,811.00, to be paid as invoiced, and

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

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Concept Printing, Inc., d/b/a ConceptPrint, for the provision of the above-described brochures, for a term commencing August 1, 2023 and terminating September 30, 2023, according to the above-described terms.

Resolution Referred to:

- | | | | |
|------------------------------|-------------------------------------|--------------------|-------------------------------------|
| Finance | <input checked="" type="checkbox"/> | Human Services | <input type="checkbox"/> |
| DPW | <input type="checkbox"/> | Develop. & Ag | <input checked="" type="checkbox"/> |
| Labor Relations | <input type="checkbox"/> | Strategic Planning | <input type="checkbox"/> |
| Co. Operations/Public Safety | | | <input type="checkbox"/> |

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED GRANT DOCUMENTS WITH
 NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION AND
 AMENDED CONTRACTS WITH CATTARAUGUS COUNTY FEDERATION OF SNOWMOBILE CLUBS, INC.
 AND VARIOUS SNOWMOBILE CLUBS IN CATTARAUGUS COUNTY
 FOR SNOWMOBILE TRAIL GRANT PROGRAM AND
 ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
 (Department of Economic Development, Planning & Tourism)**

Pursuant to Article 27 of the Parks, Recreation and Historic
 Preservation Law and Sections 363, 366 and 450 of the County Law.

I. WHEREAS, Act 463-2022 authorized the Chair to execute contracts with the New York State Office of Parks, Recreation and Historic Preservation, the Cattaraugus County Federation of Snowmobile Clubs, Inc., and various snowmobile clubs for the snowmobile trail grant program, the terms of which expired March 31, 2023, and

II. WHEREAS, funding, which was awarded to the County through the New York State Office of Parks, Recreation and Historic Preservation for the maintenance of snowmobile trails for the 2022-2023 program year, has been reduced, and

III. WHEREAS, the County acts as a pass-through agency for purposes of disbursing the aforementioned grant funds, and

IV. WHEREAS, the grant funding has been revised for each of the snowmobile clubs listed below, as follows:

	<u>2022-2023 Grant</u>	<u>REVISED 2022-2023 Grant</u>
Ashford Snowmobile Club, Inc. P.O. Box 96 West Valley, NY 14171	\$12,342.00	\$10,482.61
Elibomwons, Inc. 4164 Elm Creek Road Randolph, NY 14772	\$30,045.00	\$30,440.79
Enchanted Mountains Border Riders Snowmobile Club, Inc. P.O. Box 325 Westons Mills, NY 14788	\$ 4,608.00	\$ 4,669.50
Franklinville Snow Sled Club, Inc. P.O. Box 22 Franklinville, NY 14737	\$28,206.00	\$27,930.97
Portville Snowmobile Club, Inc.	\$13,440.00	\$ 9,408.00

P.O. Box 466
Portville, NY 14770

Snow Bounders, Inc. 9189 Cattaraugus-Otto Road Cattaraugus, NY 14719	\$51,426.00	\$48,584.55
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Southern Tier Snow Drifters, Inc. 5075 Woodside Road Springville, NY 14141	\$10,074.00	\$10,620.37
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Tri-County Drift Hoppers, Inc. Snowmobile Club P.O. Box 161 Sandusky, NY 14133-0161	\$15,360.00	\$15,736.92
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Western New York Snowmobile Club of Boston, Inc. P.O. Box 137 Boston, NY 14025	\$ 5,082.00	\$ 5,258.06
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and

V. WHEREAS, 70% of the grant funding has already been received and the remaining 30% is forthcoming to cover the aforementioned allocations, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute amended grant documents and contracts, on behalf of Cattaraugus County, with the New York State Office of Parks, Recreation and Historic Preservation, the Cattaraugus County Federation of Snowmobile Clubs, Inc., and the above-listed snowmobile clubs, in order to accept and receive the aforementioned funding, for a term commencing April 1, 2022 and terminating March 31, 2023, according to the above-described terms, and be it further

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

III. 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

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

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

Increase Estimated Revenue Account:

A.644.7180.0000.3889.01	NYS Snowmobile Trail Grant	\$43,723.67
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Increase Appropriation Account:

A.644.7180.0000.42037

Federation of Snowmobile Clubs

\$43,723.67.

Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input type="checkbox"/>
DPW	<input type="checkbox"/>	Develop. & Ag	<input checked="" type="checkbox"/>
Labor Relations	<input type="checkbox"/>	Strategic Planning	<input type="checkbox"/>
Co. Operations/Public Safety			<input type="checkbox"/>