

February 27, 2019

The meeting was called to order by the Chairman Snyder.

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed one Legislator absent – Hastings.

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CHAIRMAN SNYDER noted that the minutes of the February 13, 2019 session stand approved as presented.

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COMMUNICATIONS:

Eric M. Firkel, Esq., Cattaraugus County Attorney: Letter of resignation effective immediately.

Niagara County Legislature: Resolution Opposing Governor Andrew M. Cuomo’s Red Flag Gun Seizure Proposal and Resolution Calling on Governor Andrew M. Cuomo, Senate Majority Leader Andrea Stewart-Cousin, and Assembly Leader Crystal Peoples-Stokes to Repeal the New York State Reproductive Health Act.

Orange County Legislature: Resolution No. 45 of 2019, Resolution Calling for New York State Legislative Action to Classify as Controlled Substances Certain Fentanyl “Analogues” that are Responsible for Opioid Overdose Deaths.

Town of Persia: Resolution No. 25, Opposing the Legalization of Recreational Use of Marijuana in the State of New York.

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PRIVILEGE OF THE FLOOR:

CHAIRMAN SNYDER granted Privilege of the Floor to Richard Rivers, Executive Director of Cornell Cooperative Extension, who introduced Nathan Blesy, President of the Cattaraugus County Farm Bureau. Mr. Blesy is also a board member of Cornell Cooperative Extension. In that the mission of the Farm Bureau is to serve and strengthen agriculture, Mr. Blesy spoke in support of a Southwest Dairy, Livestock and Field Crops Team for Cattaraugus County. Mr. Rivers then introduced Craig Trowbridge from Cornell University who gave a presentation outlining the program and benefits to Cattaraugus County joining this Team. The Team would provide Cattaraugus County with an ag educator to support and serve the agriculture industry in this County. Mr. Trowbridge stated that a one-time grant of \$150,000 from Cattaraugus County would get the program started and continue for several years.

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PUBLIC HEARING:

CHAIRMAN SNYDER announced this is the time and place called for a public hearing on **Act No. 84-2019, Local Law Number 2-2019**, entitled “A Local Law Amending Local Law Number 5-1985 (Intro

Number 10-1985), as Amended, Regarding the Position of County Administrator”, and that anyone wishing to speak for or against this local law may now do so.

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

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CHAIRMAN SNYDER called up **Act No. 84-2019, Local Law Number 2-2019**, A Local Law Amending Local Law Number 5-1985 (Intro Number 10-1985), as Amended, Regarding the Position of County Administrator, and asked that it be read.

CHAIRMAN SNYDER requested a Roll Call vote on Act No. 84-2019, which disclosed as follows:
 Ayes: Boberg, Breton, Burr, Giardini, Hale, Helmich, Higgins, Labuhn, Koch, Marsh, Padlo, Snyder, Jr., Snyder, Sr., VanRensselaer, Vickman - 16.
 Nays: none.

Act No. 84-2019, Local Law Number 2-2019, having received a two-thirds vote of the Legislature, was declared Adopted.

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CHAIRMAN SNYDER called up **Act No. 87-2019**, Authorizing the Chair to Execute Contracts with Cattaraugus County Land Bank Corporation and Cattaraugus Community Action, Inc. for Rehabilitation Services for Land Bank Properties, and asked that it be read.

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

MR. HELMICH moved, seconded by Mr. Burr, to amend Act No. 87-2019 as follows: In the Title, delete: “Contracts”, and replace with: “Contract”; delete: “Cattaraugus County Land Bank Corporation and”; and add: “Potential” before “Land Bank Properties”; also delete the Fifth Whereas in its entirety; also in the Resolved, delete: “the Cattaraugus County Land Bank Corporation and”. Carried.

Act No. 87-2019, as amended, was Adopted by voice vote.

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ACT NO. 92-2019 by Mr. Giardini and Mr. Helmich

**BID ACCEPTANCE FOR REPLACEMENT OF ASHFORD CULVERT NO. 22
 (Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and
 Section 215 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the replacement of Ashford Culvert No. 22 located on County Road No. 85 in the Town of Ashford, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications for the aforementioned culvert replacement project was the bid of National Water Main Cleaning Co., 25 Marshall Street, Canton, Massachusetts 02021, for an amount of \$371,434.76, to be paid as invoiced and as determined by the Department of Public Works, and

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

RESOLVED, that the bid of National Water Main Cleaning Co., be, and the same hereby is, accepted, for a term commencing within ten (10) days of the effective date of the contract with project completion on or before July 31, 2019, and be it further

RESOLVED, that vouchers submitted in accordance with the provisions of General Municipal Law §106-b and certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Eleven sets of specifications were sent out.

Four bids were received.

Approved by 6 members of the Finance Committee and 7 members of the Public Works Committee.

Adopted February 27, 2019 by voice vote.

ACT NO. 93-2019 by Mr. Giardini and Mr. Helmich

**BID ACCEPTANCE FOR RIVETED STEEL BRIDGE DECKING
(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 riveted steel bridge decking for East Otto Bridge No. 27, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications for the riveted steel bridge decking was the bid of OGI Bridge and Transportation, LTD, 5271 Southway Street SW, Canton, Ohio 44706, in the amount of \$87,108.00, to be paid periodically on a percentage of completion basis, as invoiced and approved by the Department of Public Works, and

WHEREAS, the term of the contract for the aforementioned project shall commence within ten (10) days of effective date of contract and shall be completed by July 31, 2019, now, therefore, be it

RESOLVED, that the bid of OGI Bridge and Transportation, LTD be, and the same hereby is, accepted, 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.
Four sets of specifications were sent out.
Two bids were received that meet specifications.

Approved by 6 members of the Finance Committee and 7 members of the Public Works Committee.

Adopted February 27, 2019 by voice vote.

ACT NO. 94-2019 by Public Works Committee:
Mr. Giardini, Mr. Helmich, Mr. Boberg, Mr. Breton,
Mr. Klancer, Mr. Snyder, Jr. and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH WENDEL WD, ARCHITECTURE, ENGINEERING, SURVEYING &
LANDSCAPE ARCHITECTURE, P.C. FOR ENGINEERING SERVICES FOR
FRANKLINVILLE PUBLIC WORKS FACILITY
(Bidding and Construction Services)**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 430-2018 authorized a contract with Wendel WD, Architecture, Engineering, Surveying & Landscape Architecture, P.C., Centerpointe Corporate Park, 375 Essjay Road, Suite 200, Williamsville, New York 14221, for the provision of immersion, preliminary design and final design services necessary for the new Public Works Facility located in Franklinville, New York, and

WHEREAS, professional engineering services are necessary for the bidding and construction phase of the aforementioned facility, and

WHEREAS, Wendel WD, Architecture, Engineering, Surveying & Landscape Architecture, P.C., can provide the professional engineering services, to include bidding and construction services, for the new Public Works Facility, for an amount not to exceed \$376,000.00, to be paid 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 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 Wendel WD, Architecture, Engineering, Surveying & Landscape Architecture, P.C., for the provision of the above-described professional engineering services, for a term commencing within five (5) days of the written Notice to Proceed and terminating June 1, 2020, according to the above-described terms.

Approved by 6 members of the Finance Committee.

Adopted February 27, 2019 by voice vote.

ACT NO. 95-2019 by Public Works Committee:
Mr. Giardini, Mr. Helmich, Mr. Boberg, Mr. Breton,
Mr. Klancer, Mr. Snyder, Jr. and Mr. Koch
and Mr. VanRensselaer

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HUNT ENGINEERS, ARCHITECTS, LAND SURVEYORS & LANDSCAPE ARCHITECT, DPC
FOR CAPITAL PLANNING SERVICES FOR THE ONOVILLE MARINA AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Public Works)**

Pursuant to Sections 215, 363, 366 and 450 of the County Law.

WHEREAS, the County Department of Public Works is desirous of developing a long-range capital improvement plan for investment in the replacement of aging infrastructure and upgrading of facilities at the Onoville Marina, to improve the services provided to residents that utilize the Marina for camping and accessing the Allegheny Reservoir, and

WHEREAS, Hunt Engineers, Architects, Land Surveyors & Landscape Architect, DPC, 4 Commercial Street, Suite 300, Rochester, New York 14614, can develop a capital improvement plan which addresses the aforementioned items, for a lump sum fee of \$18,060, plus disbursements, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Hunt Engineers, Architects, Land Surveyors & Landscape Architect, DPC, for the provision of the above-described services, for a term commencing March 1, 2019 and terminating December 31, 2019, according to the above-described terms, and be it further

RESOLVED, that the County Administrator is hereby directed to appropriate \$9,560.00 from Fund Balance Account ER.909.0000 and make the following budgetary changes:

Increase Appropriation Account:

ER.723.7230.0000.41233	Professional Services	\$9,560.00
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Approved by 6 members of the Finance Committee.

Adopted February 27, 2019 by voice vote.

ACT NO. 96-2019 by Public Works Committee:
Mr. Giardini, Mr. Helmich, Mr. Boberg, Mr. Breton,
Mr. Klancer, Mr. Snyder, Jr. and Mr. Koch

**LOCAL LAW NUMBER 3 - 2019
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW ESTABLISHING FEE SCHEDULE
FOR ONOVILLE MARINA BOATING AND CAMPING ACTIVITIES**

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

SECTION 1. Legislative Intent. It is the intent of this Local Law to establish a fee schedule for the Onoville Marina boating and camping activities.

SECTION 2. Onoville Marina Fees. Effective January 1, 2020, the following fees shall be charged by the Cattaraugus County Onoville Marina for boating and camping activities:

	<u>Docking</u>	<u>Full Season Rate</u>
Non-Electric Slips		
• Slip Size A (20')	\$27.32 (per foot)	\$546.39 (minimum)
• Slip Size B (24')	\$31.22 (per foot)	\$749.34 (minimum)
• Slip Size C (28')	\$32.52 (per foot)	\$910.66 (minimum)
Electric Slips		
• Slip Size D (24')	\$34.73 (per foot)	\$833.49 (minimum)
• Slip Size E (28')	\$34.73 (per foot)	\$972.40 (minimum)
• Slip Size F (32')	\$44.45 (per foot)	\$1,422.48 (minimum)
• Slip Size G (36')	\$47.24 (per foot)	\$1,700.31 (minimum)
• Slip Size H (40')	\$52.79 (per foot)	\$2,111.50 (minimum)
• Slip Size I (44')	\$52.79 (per foot)	\$2,322.65 (minimum)
• Slips with 50 Amp. Shorepower, add \$50.00		

<u>Access Fees</u>			
Watercraft Access Fee (launch)	\$6.00 per day	\$27.00 per week	\$90.00 per season
Watercraft Access Fee (with parking)		\$32.00 per week	\$230.00 per season for boats up to 28 feet
Watercraft Access Fee (with parking)			\$230.00 per season plus \$11.00 per foot for boats OVER 28 feet
Vehicular Access Fee	\$4.00 per day		\$30.00 per season
Boat Trailer Storage Fee	\$3.00 per foot of boat length - per season		
Pump Out Fee	\$3.00 per token		
Launch & Park Pass		\$32.00 per week	\$115.00 per season
Personal Watercraft / Single Unit			
Camping with Camper	\$30.00 per night	\$120.00 per week	\$1,575.00 per season
Camping with Tent	\$14.00 per night with a primary camping unit		

SECTION 3. Severability. If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication, shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4. Effect on Prior Legislation. This Local Law shall supersede Local Law Number 7-2013 (Intro No. 6-2013) which established a fee schedule for Onoville Marina boating and camping activities, and become effective January 1, 2020.

SECTION 5. Effective Date. This Local Law shall take effect January 1, 2020.

Approved by 6 members of the Finance Committee.

No further action taken at this time.

ACT NO. 97-2019 by Public Works Committee:
Mr. Giardini, Mr. Helmich, Mr. Boberg, Mr. Breton,
Mr. Klancer, Mr. Snyder, Jr. and Mr. Koch

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 3 - 2019

Pursuant to Section 20 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on February 27, 2019, a proposed Local Law entitled "A Local Law Establishing Fee Schedule for Onoville Marina Boating and Camping Activities", and

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

RESOLVED, that a public hearing shall be held on the proposed local law by this County Legislature on the 13th day of March, 2019, at 4:01 p.m. at the Legislature's Chambers, County Center, 303 Court Street, Little Valley, New York, and that at least five days' notice of such hearing shall be given by the Clerk by the due posting thereof upon the bulletin board of each County Court House within the County and by publishing such notice at least once in the official newspapers of the County.

Approved by 6 members of the Finance Committee.

Adopted February 27, 2019 by voice vote.

ACT NO. 98-2019 by Mr. VanRensselaer
and Mr. Koch¹

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS FOR
SENECA NATION'S TRANSPORTATION ENHANCEMENT PROGRAM – THE PENNSY TRAIL
(Department of Economic Development, Planning and Tourism)**

Pursuant to Section 99-h of the State Finance Law and
Sections 363 and 366 of the County Law.

WHEREAS, Act 370-2017, as amended by Act 309-2018, authorized a contract with the Seneca Nation of Indians for the development of the Pennsy Trail on the Allegany Indian Reservation, the term of which expires September 30, 2019, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to assist with the aforementioned Project, now, therefore, be it

RESOLVED, that the County Administrator is hereby directed to appropriate \$100,000.00 from Undesignated Fund Balance Account A.909.0000 and make the following budgetary adjustment:

Increasing Appropriation Account:

A.298.7110.0000.42055	Penny Trail - SNI	\$100,000.00.
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Approved by 6 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

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

Adopted February 27, 2019 by voice vote.

ACT NO. 99-2019 by Mr. Klancer

AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH GLOBAL TEL*LINK CORPORATION FOR INMATE CALLING PROGRAM

Pursuant to Sections 217 and 450 of the County Law.

WHEREAS, Act 250-2014 authorized a contract with Global Tel*Link Corporation, 12021 Sunset Hills Road, Suite 100, Reston, Virginia 20190, for participation in the Inmate Telephone Service Program, the term of which expires May 15, 2019, and

WHEREAS, the County Sheriff's Office is desirous of continuing participation in the Inmate Telephone Service Program and amending the current contract to include IP-Enabled tablets and services for the inmates, and

WHEREAS, Global Tel*Link Corporation, can provide inmate telephone stations and IP-enabled tablets and be the primary carrier for operator assisted (0+) local, and IntraLATA and InterLATA, Interstate and International calls placed from inmate telephones at the County Jail, and

WHEREAS, Global Tel*Link Corporation shall pay to the County an amount in accordance with the following:

Monthly Commission for Use of System

- a monthly commission at the rate of 55% of the gross revenue billed or prepaid for all phones covered by this contract for intra-state calls placed from the Inmate Telephones at the County Jail

Tablet Access by Inmates

- a monthly sum equal to 20% of gross revenue received from the per minute rate charged to inmates for access to the tablets

Video Visitation Services

- a monthly sum equal to 20% of gross revenue received from billable video visitation services charged to inmates for video access,

now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with Global Tel*Link Corporation, for the provision of the above-described services, for a term commencing May 16, 2019 and terminating

May 20, 2022, with the County's option to renew for additional one (1) year terms thereafter, according to the above-described terms.

Approved by 6 members of the Finance Committee and 5 members of the County Operations/ Public Safety Committee.

Adopted February 27, 2019 by voice vote.

ACT NO. 100-2019 by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
SUPPLIES ON THE FLY, A SYSCO COMPANY FOR PURCHASE OF
DEPARTMENT OF AGING BLAST CHILLER FREEZER AND TRANSFER OF FUNDS
(Contingent Fund - Department of Aging)**

Pursuant to Sections 363, 365 and 450 of the County Law.

WHEREAS, the Department of Aging's nutrition program blast chiller freezer, which is housed at The Pines Healthcare and Rehabilitation Center-Machias Campus is in need of replacement, and

WHEREAS, Supplies on the Fly, a Sysco Company, 222 Chastain Meadow Court, Suite 200, Kennesaw, Georgia 30144-7029, can provide a reach-in Alto-Shaam Model No. QC3-20 Blast Chiller Freezer for an amount of \$12,672.58, to be paid as invoiced, and

WHEREAS, a transfer of funds is necessary in order to cover the cost of the aforementioned blast chiller freezer, 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 Cattaugus County, with Supplies on the Fly, a Sysco Company, for the provision of the above-described blast chiller freezer, for a term commencing February 27, 2019 and terminating upon delivery, and acceptance by the County, of the blast chiller freezer, according to the above-described terms, and be it further

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

Decrease Appropriation Account:

A.901.1990.0000.40601.	Contingent Fund	\$12,672.58
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Increase Appropriation Accounts:

A.677.6701.0020.20008	Wellness in Nutrition, Tools & Equipment	\$ 4,815.58
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A.677.6702.0020.20008	IIIC-1 Program, Tools & Equipment	\$ 2,027.61
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A.677.6703.0020.20008	IIIC-2 Program, Tools & Equipment	\$ 5,829.39.
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Approved by 6 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted February 27, 2019 by voice vote.

ACT NO. 101-2019 by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE OFFICE FOR THE AGING FOR
MEDICARE IMPROVEMENTS FOR PATIENTS & PROVIDERS ACT (MIPPA) FUNDING**

Pursuant to Medicare Improvements for Patients & Providers Act
(MIPPA) of 2008, Section 541 of the Executive Law,
Section 95-a of the General Municipal Law and Section 450 of the County Law.

WHEREAS, Act 166-2018 authorized the Chair to execute grant documents with the New York State Office for the Aging to apply for the Medicare Improvements for Patients & Providers Act (MIPPA) component for the 2017-2018 program year, and

WHEREAS, funding is again available through the New York State Office for the Aging in the amount of \$13,734.00 for the MIPPA program for the 2018-2019 program year, and

WHEREAS, the aforementioned program strengthens the capability of area agencies on aging to provide Medicare beneficiaries information, counseling and assistance to purchase, file claims and appeal health insurance coverage decisions, and allow for more public outreach, and

WHEREAS, the County should execute grant documents in order to apply for and receive the aforementioned funding, and

WHEREAS, this program is 100% federally funded (CFDA #93.071), 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 Office for the Aging in order to apply for and receive the above-described funding, for a term commencing September 30, 2018 and terminating September 29, 2019, according to the above-described terms, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, further authorized and directed to execute contract amendments, upon notification of award, for the allocation of additional state aid funding or cost of living adjustments (COLAs) for this program, 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 6 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted February 27, 2019 by voice vote.

ACT NO. 102-2019 by Ms. Vickman and Ms. Hastings

**AUTHORIZING CERTAIN CHARGE-OFFS OF CERTAIN ACCOUNTS
RECEIVABLE IN THE DEPARTMENT OF HEALTH**

Pursuant to Section 153 of the County Law.

WHEREAS, the Department of Health has accounts receivable related to the homecare and family planning programs and the clinics for 2018 in which there has been no recent action and the accounts are deemed to be uncollectible after numerous attempts to collect the amounts owed, and

WHEREAS, the Cattaraugus County Board of Health has recommended that the County remove these bad debts from the records of the Department of Health, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the removal of the debts from the accounts receivable records of the Department of Health in the total amount of \$8,480.70, as follows:

Homecare	\$4,792.68
Family Planning	\$1,148.19
Immunization Clinic	\$1,055.83
Water	<u>\$1,484.00</u>
	\$8,480.70

Approved by 6 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted February 27, 2019 by voice vote.

ACT NO. 103-2019 by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH STERIS FOR HEALTH DEPARTMENT LABORATORY
AUTOCLAVE PREVENTIVE MAINTENANCE SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 483-2015 authorized a contract with STERIS, 5960 Heisley Road, Mentor, Ohio 44060, for the provision of preventive maintenance services for the Chromalox Generator for the Autoclave instrument located in the County Laboratory, which is an instrument that sterilizes glassware, the term of which expired December 31, 2018, and

WHEREAS, the County Health Department is desirous of continuing the aforementioned preventive maintenance services, and

WHEREAS, STERIS, is the sole source provider for the Autoclave instrument and can provide preventive maintenance services for an amount of \$3,872.46 for 2019, 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 STERIS, for the provision of the above-

described preventive maintenance services, for a term commencing January 1, 2019 and terminating December 31, 2019, according to the above-described terms.

Approved by 6 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted February 27, 2019 by voice vote.

ACT NO. 104-2019 by Ms. Vickman

**APPROVING DUES FOR PROFESSIONAL ORGANIZATION AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Nursing Homes)**

Pursuant to Sections 203(1), 363 and 366 of the County Law.

WHEREAS, the Administrator of The Pines Healthcare and Rehabilitation Center-Olean Campus is a member of the Board of Directors of the American College of Health Care Administrators, and

WHEREAS, the payment of dues in this organization is beneficial to the County and serves a public purpose, and

WHEREAS, there is a reasonable connection between the activities of this organization and the official duties of the officers or employees whose membership dues will be paid therein, and

WHEREAS, annual dues in the amount of \$310.00 are due, and

WHEREAS, various appropriation accounts must be adjusted in order to cover the cost of the aforementioned dues, now, therefore, be it

RESOLVED, that effective immediately, Cattaraugus County authorizes membership and the payment of dues to the American College of Health Care Administrators, and be it further

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

Decrease Appropriation Account:

EF.453.4530.8350.41603	Contracted Services	\$310.00
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Increase Appropriation Account:

EF.453.4530.8350.480002	Dues	\$310.00.
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Approved by 6 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted February 27, 2019 by voice vote.

ACT NO. 105-2019 by Ms. Vickman and Ms. Hastings
and Mr. Padlo¹

**APPROVING CONTRACT BETWEEN
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND
CATTARAUGUS COUNTY CHAPTER NYSARC, INC. AND THE
CATTARAUGUS REHABILITATION CENTER, INC. FOR PROVISION OF SERVICES**

Pursuant to Sections 41.07 and 75.13 of the Mental Hygiene Law and Section 450 of the County Law.

WHEREAS, Act 66-2018, as amended by Act 633-2018, authorized approval of a contract with the Cattaraugus County Chapter NYSARC, Inc., and The Cattaraugus Rehabilitation Center, Inc., 1439 Buffalo Street, Olean, New York 14760, for the provision of adult day care services and comprehensive programs and service facilities for the mentally ill, developmentally disabled, and physically handicapped residents of Cattaraugus County, the term of which expired December 31, 2018, and

WHEREAS, the Department of Community Services is desirous of continuing the provision of the aforementioned services, and

WHEREAS, the Cattaraugus County Chapter NYSARC, Inc., and The Cattaraugus Rehabilitation Center, Inc., can provide comprehensive programs and services for the mentally ill, developmentally disabled and physically handicapped individuals for an amount not to exceed \$577,751.00, to be paid as invoiced, and

WHEREAS, New York State has approved funding for the above-described programs in the total amount of \$577,751.00 for the period January 1, 2019 through December 31, 2019, and

WHEREAS, these programs are 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, between the Cattaraugus County Community Services Board with the Cattaraugus County Chapter NYSARC, Inc., and The Cattaraugus Rehabilitation Center, Inc., to signify the County's approval, for the provision of the above-described services, for a term commencing January 1, 2019 and terminating December 31, 2019, according to the above-described terms, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, further authorized and directed to execute contract amendments, upon notification of award, for the allocation of additional state aid funding or cost of living adjustments (COLAs) for this program, 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 6 members of the Finance Committee and 7 members of the Human Services Committee.

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

Adopted February 27, 2019 by voice vote.

ACT NO. 106-2019 by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT BETWEEN
CATTARAUGUS COUNTY DEPARTMENT OF COMMUNITY SERVICES
AND GENESEE COUNTY DEPARTMENT OF MENTAL HEALTH
FOR BEHAVIORAL HEALTH CARE COOPERATIVE**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Department of Community Services desires to provide for the indemnification of, and advancement of expenses to, the Genesee County Department of Mental Health (GCMH), to induce GCMH to 1) act as the lead agency in the development of a behavioral health care cooperative under the NYS Delivery System Reform Incentive Payment Program (DSRIP) known as Integrity Partners for Behavioral Health; 2) to act as the lead agency for receipt and disbursement of funds under a Value Based Payments Readiness Program Agreement (VBPR); and 3) execute, deliver and perform the VBPR as lead agency, and

WHEREAS, it is prudent, necessary and in the public interest for Cattaraugus County to obligate itself to indemnify, hold harmless, and advance expenses on behalf of GCMH in order to 1) induce GCMH to serve and to continue to serve the interests of Cattaraugus County, as well as its own interests in (a) the development of Integrity Partners, (b) the exemption, delivery and performance of the VBPR, and (c) the receipt and disbursement of funds under the VBPR; and (2) eliminate undue concern by GCMH that GCMH will bear the primary risk associated with pursuing a state-sponsored initiative under DSRIP, 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 Genesee County Department of Mental Health, to serve the public interest as described above, for a term commencing February 1, 2019 and terminating January 30, 2024, according to the above-described terms.

Approved by 6 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted February 27, 2019 by voice vote.

ACT NO. 107-2019 by Labor Relations Committee:

Ms. Vickman, Mr. Breton, Mr. Higgins,
Mr. Marsh and Mr. Giardini
and Mr. Hale

**LOCAL LAW NUMBER 4 - 2019
COUNTY OF CATTARAUGUS, NEW YORK**

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

A LOCAL LAW ESTABLISHING SALARIES FOR CERTAIN COUNTY OFFICERS

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

SECTION 1. Legislative Intent. It is the intent of this Local Law to establish salaries for County Officers, elected or appointed, who serve fixed terms for the year 2019.

SECTION 2. Schedule of 2019 Salaries. Effective January 1, 2019, the County Officers listed below shall receive the following bi-weekly salary, which represents a cost of living increase of 2% for 2019:

	2019
<u>Position</u>	<u>Bi-Weekly Salary</u>
County Administrator	\$4,336.37
County Attorney	\$4,879.05
Director of Aging	\$2,819.91
Director of Community Services	\$3,331.65
Public Health Director	\$4,178.63
Commissioner of Social Services	\$3,818.88
Personnel Officer/Human Resources Director	\$3,204.33
Information Services Director	\$3,573.62
Economic Development, Planning & Tourism Director	\$3,338.57
Real Property Tax Director	\$3,081.27
Director of Emergency Preparedness/Services	\$2,435.54
Commissioner of Public Works	\$3,405.93
Public Defender	\$3,821.32

SECTION 3. Schedule of Salaries for Other County Officers. Effective January 1, 2019, the County Officers listed below shall receive the following salaries which incorporate a 2% salary increase for 2019:

	2019
<u>Position</u>	<u>Bi-Weekly Salary</u>
Election Commissioner (2)	\$2,411.25
County Historian	\$ 598.98
Museum Curator	\$ 598.98
Probation Director	\$3,276.06
Veterans Services Director	\$2,304.34
Youth Bureau Director	\$2,632.02

<u>Position</u>	<u>Annual Salary</u>
County Clerk	\$80,943.02
County Coroners (4)	\$11,713.09
Sheriff	\$108,427.29

SECTION 4. Supercession. All local laws and resolutions of the Cattaraugus County Legislature, including without limitation Local Law Number 3-2018 and Act No. 144-2018, to the extent that the same are inconsistent with this local law, are hereby superceded.

SECTION 5. Effective Date. This Local Law is subject to permissive referendum in accordance with Section 24 of the Municipal Home Rule Law.

Approved by 6 members of the Finance Committee.

No further action taken at this time.

ACT NO. 108-2019 by Labor Relations Committee:

Ms. Vickman, Mr. Breton, Mr. Higgins,
Mr. Marsh and Mr. Giardini
and Mr. Hale

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 4 - 2019

Pursuant to Section 10 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on February 27, 2019, a proposed Local Law entitled, "A Local Law Establishing Salaries for Certain County Officers", and

WHEREAS, no local law shall be adopted until a public hearing thereon has been had by the Cattaraugus County Legislature upon at least five (5) days' notice, now, therefore, be it

RESOLVED, that a public hearing shall be held on the proposed local law by this County Legislature on the 13th day of March, 2019, at 4:02 p.m. at the Legislature's Chambers, County Center, 303 Court Street, Little Valley, New York, and that at least five (5) 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.

Approved by 6 members of the Finance Committee.

Adopted February 27, 2019 by voice vote.

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MR. BURR moved, seconded by Mr. Hale, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 109-2019 through Act No. 111-2019, inclusive. Carried.

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ACT NO. 109-2019 by Labor Relations Committee:
 Ms. Vickman, Mr. Breton, Mr. Higgins,
 Mr. Marsh and Mr. Giardini
 who ask immediate consideration

**CREATING ONE (1) FULL-TIME POSITION OF SUPERVISING COMMUNITY HEALTH NURSE,
 ESTABLISHING COMPENSATION FOR THE SAME AND
 ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
 (Health Department)**

Pursuant to Sections 204, 205, 363 and 366 of the County Law
 and Section 22 of the Civil Service Law.

WHEREAS, New York State regulates the administration of public health services provided by the County Health Department, and

WHEREAS, the Health Department is in need of a full-time Supervising Community Health Nurse to meet the needs of health services in the community, and

WHEREAS, the New Position Duties Statement has been submitted to the Cattaraugus County Personnel Officer, who has approved and certified the title of Supervising Community Health Nurse in accordance with Civil Service Law Section 22, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the funding for this position in the budget of the Health Department, now, therefore, be it

RESOLVED, that effective immediately, there is hereby created one (1) position of Supervising Community Health Nurse in the Health Department to be filled on a full-time basis, Supervisory Bargaining Unit Salary Schedule, Pay Grade 30 (\$34.41) per hour, Position No. 401-345-005, and be it further

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

Increase Estimated Revenue Account:

A.401.4017.4035.3401	Family Planning, State Aid, Public Health	\$ 842.35
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Increase Appropriation Accounts:

A.401.4017.4034.11000	Community Health Nursing, Full Time Wages	\$17,207.60
A.401.4017.4035.11000	Family Planning, Full Time Wages	\$29,275.60
A.401.4017.4035.81000	Family Planning, FICA	\$ 667.59
A.401.4017.4034.82000	Community Health Nursing, Retirement	\$ 2,950.82
A.401.4017.4035.82000	Family Planning, Retirement	\$ 4,654.82
A.401.4017.4035.83000	Family Planning, Health Insurance	\$ 16.13
A.401.4017.4034.84000	Community Health Nursing, Dental Insurance	\$ 30.04
A.401.4017.4035.84000	Family Planning, Dental Insurance	\$ 136.04

Decrease Appropriation Accounts:

A.401.4017.4034.12000	Community Health Nursing, Part Time Wages	\$26,781.00
A.401.4017.4035.12000	Family Planning, Part Time Wages	\$20,539.00
A.401.4017.4034.81000	Community Health Nursing, FICA	\$ 734.42
A.401.4017.4034.83000	Community Health Nursing, Health Insurance	\$ 6,041.87.

Adopted February 27, 2019 by voice vote.

ACT NO. 110-2019 by Human Services Committee:
Ms. Vickman, Ms. Hastings, Mr. Breton, Mr. Burr,
Mr. Helmich, Mr. Higgins and Mr. Marsh
and by Labor Relations Committee:
Ms. Vickman, Mr. Breton, Mr. Higgins,
Mr. Marsh and Mr. Giardini
who ask immediate consideration

**CREATING ONE (1) FULL-TIME POSITION OF UNIT SUPERVISOR, THREE (3) FULL-TIME POSITIONS
OF CASEWORKER TRAINEE, ONE (1) FULL-TIME POSITION OF COMMUNITY HEALTH NURSE,
ESTABLISHING COMPENSATION FOR THE SAME AND ADJUSTING
VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Social Services)**

Pursuant to Sections 204, 205, 363 and 366 of the County Law and
Section 22 of the Civil Service Law.

WHEREAS, due to the steep rise in the number of child abuse cases reported to the
Cattaraugus County Department of Social Services and in order to meet New York State time constraints
in the requirements for the investigation of such complaints, the Department of Social Services is in
need of additional personnel, and

WHEREAS, the creation of one Unit Supervisor, three Caseworker Trainees and one
Community Health Nurse is necessary, and

WHEREAS, the New Position Duties Statements have been submitted to the Cattaraugus
County Personnel Officer, who has approved and certified the titles of Unit Supervisor, Caseworker
Trainee, and Community Health Nurse in accordance with Civil Service Law Section 22, and

WHEREAS, receipt of funding from the federal Child Abuse or Neglect Prevention and
Treatment Act (CAPTA) and the Comprehensive Addiction and Recovery Act of 2016 was approved by
Act 558-2018, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to
accommodate these positions, now, therefore, be it

RESOLVED, that effective March 4, 2019, there is hereby created one (1) position of Unit
Supervisor in the Department of Social Services to be filled on a full-time basis, Supervisory Bargaining
Unit Salary Schedule, Pay Grade 26 (\$29.49 per hour), Position No. 601-371-007, and be it further

RESOLVED, that effective March 4, 2019, there is hereby created three (3) positions of
Caseworker Trainee in the Department of Social Services to be filled on a full-time basis, General
Bargaining Unit Salary Schedule, Pay Grade 23 (\$25.74 per hour), Position Nos. 601-034-038, 601-034-
039 and 601-034-040 respectfully, and be it further

RESOLVED, that effective March 4, 2019, there is hereby created one (1) position of
Community Health Nurse in the Department of Social Services to be filled on a full-time basis, General
Bargaining Unit Salary Schedule, Pay Grade 26 (\$28.54 per hour), Position No. 601-057-001, and be it
further

RESOLVED, that if the grant funding for the Community Health Nurse position is not
continued through the federal CAPTA program, then this position shall be automatically abolished on
December 31, 2023, and be it further

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

Increase Estimated Revenue Accounts:

A.601.6010.0000.3610	SSA, State Aid, Social Services Administration	\$ 91,000.00
A.601.6010.0000.4610	SSA, Federal Aid, Social Services Administration	\$ 60,024.00
A.601.6160.0000.4689.14	CAPTA Grant - Federal Aid, Other Social Services, CAPTA Grant	\$ 70,000.00

Decrease Appropriation Account:

A.601.6010.0002.13000	Social Services Administration – Overtime	\$100,000.00
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Increase Appropriation Accounts:

A.601.6010.0002.11000	Social Services Administration - Full Time Wages	\$161,844.00
A.601.6010.0002.81000	Social Services Administration – FICA	\$ 12,382.00
A.601.6010.0002.82000	Social Services Administration – Retirement	\$ 15,052.00
A.601.6010.0002.83000	Social Services Administration – Health Insurance	\$ 58,990.00
A.601.6010.0002.84000	Social Services Administration – Dental Insurance	\$ 2,756.00
A.601.6160.0000.11000	CAPTA Grant - Full Time Wages	\$ 44,369.00
A.601.6160.0000.81000	CAPTA Grant – FICA	\$ 3,425.00
A.601.6160.0000.82000	CAPTA Grant – Retirement	\$ 4,165.00
A.601.6160.0000.83000	CAPTA Grant – Health Insurance	\$ 16,602.00
A.601.6160.0000.84000	CAPTA Grant – Dental Insurance	\$ 689.00
A.601.6160.0000.46102	CAPTA Grant – Employee Mileage Reimbursements	\$ 750.00.

Adopted February 27, 2019 by voice vote.

ACT NO. 111-2019 by Mr. Snyder, Sr., Ms. Vickman and Mrs. Labuhn
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT TO RETAIN
HARRIS BEACH PLLC FOR LEGAL SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Cattaraugus County is desirous of obtaining legal counsel for issues regarding labor and employment law, and

WHEREAS, Harris Beach PLLC, 99 Garnsey Road, Pittsford, New York 14534, has agreed to provide legal counsel to the County regarding labor and employment law for an amount in accordance with the following rate schedule:

Fees for time spent by:

Members and Senior Counsel	\$325 per hour
Associates & Other Attorneys	\$250 per hour
Paralegals	\$95-\$195 per hour

Disbursements to be billed at actual costs,

and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned legal 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, to retain Harris Beach PLLC, for the provision of the above-described legal services, for a term commencing immediately and to continue in full force and

effect until such legal services are no longer needed and the contract is terminated, according to the above-described terms.

Adopted February 27, 2019 by voice vote.

**MOTION TO ADJOURN IN MEMORY OF
DONALD F. MCLEAN**

WHEREAS, Donald F. "Don" McLean, 90, of Olean, passed away on February 6, 2019 at Absolute Care in Allegany, and

WHEREAS, Mr. McLean served on the Cattaraugus County Legislature from 1992 – 1995 representing District #10, and

WHEREAS, in 1952, Mr. McLean began his radio career at WHDL in Olean where he served as news director, program director, general manager and on the board of directors, but is best known as "The Voice of the Bonnies"; he was the play-by-play announcer for St. Bonaventure Basketball for over 30 years, from December 1956 to January 1988, a span of 899 games, never missing a basketball game during that time period, and

WHEREAS, for his service in the community, Mr. McLean was awarded the Olean Council of Knights of Columbus Merit Plaque; St Bonaventure's "Golden Mike" award for excellence in sports broadcasting and was inducted into the St. Bonaventure Hall of Fame; and received the first annual Fred Forness Award of Loyalty and Devotion to the community of Olean in 1962, and

WHEREAS, Mr. McLean is survived by his wife Priscilla "Pat"; his children, Brian, Gary Kevin, Shawn and Kathy; six grandchildren and six 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 Higgins, Padlo and Snyder, Sr., hereby

MOVE, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of Donald F. McLean, 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 Donald F. McLean, and be it further

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

**MOTION TO ADJOURN IN MEMORY OF
HENRY S. STEFANSKI**

WHEREAS, Henry S. Stefanski, 98, of Salamanca, passed away on February 23, 2019 at Absolute Care in Salamanca, and

WHEREAS, Mr. Stefanski served on the Cattaraugus County Board of Supervisors from 1963 – 1964, and

WHEREAS, Mr. Stefanski also served on the Salamanca City Council from 1960-1961 and again from 1988-1989, and

WHEREAS, Mr. Stefanski retired from the City of Salamanca Department of Development as a housing rehab specialist and rent subsidy program manager in 1985, and

WHEREAS, Mr. Stefanski served on the City of Salamanca Board of Public Utilities from 1971-1977; the Salamanca Indian Lease Authority; Salamanca City Planning Committee; New York State Alcoholic Beverage Control Board for Cattaraugus County from 1992-1995; Salamanca Democratic City Committee, serving as treasurer from 1969-1990; Cattaraugus County Democratic Committee from 1960-1990, serving as a county executive from 1979-2006; and as treasurer for Dan Walsh's first re-election campaign in 1974, and

WHEREAS, Mr. Stefanski is survived by two daughters, Laurie of Rochester and Sheila Monterastelli of Southborough, Massachusetts; two sons, Stephen of Walworth and John of Salamanca; two grandchildren, and several nieces and nephews, and

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

MOVE, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of Henry S. Stefanski, 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 Henry S. Stefanski, 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 son, John.

* * * * *

MR. HELMICH moved, seconded by Mr. Marsh, to adjourn until March 13, 2019 at 4:00 p.m. Carried.

Meeting adjourned at 5:01 p.m.

Ann M. Giglio
Journal Clerk