

June 14, 2023

The meeting was called to order by Chairman VanRensselaer.

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed three Legislators absent – Helmich, Hunt and Snyder.

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There being no amendments or objections thereto, Chairman VanRensselaer noted that the minutes of the May 24, 2023 session stand approved as presented.

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COMMUNICATIONS:

New York State Senator George M. Borrello: Acknowledged receipt of Act Nos. 199-2023, 213-2023, 235-2023 and 236-2023.

Sullivan County Legislature: Resolution No. 225-23, Opposing the Adoption of New York Senate Bill S6282 which would Eliminate Probation Administrative Fees.

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APPOINTMENTS:

CRIMINAL JUSTICE COORDINATING ADVISORY COMMITTEE

Erin L. Whitcomb, *replacing Tony Turano whose term expires December 31, 2024*
Brendon J. Riley, *replacing Ashley E. Smith whose term expires December 31, 2024*

EMERGENCY MEDICAL SERVICES ADVISORY COMMITTEE

Eric Maurouard, City of Olean Fire Department,
replacing Timothy Richardson whose term expires December 31, 2023

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PRIVILEGE OF THE FLOOR:

CHAIRMAN VANRENSELAER granted Privilege of the Floor to Crystal Abers, Director of the Department of Economic Development, Planning and Tourism who disclosed that there was a conflict of interest concerning a grant award approved by the CCESGC through the Microenterprise Assistance Program to a new business. This conflict of interest does not violate state or local law and has been resolved.

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ACT NO. 260-2023 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
GREENMAN-PEDERSEN, INC. FOR
ENGINEERING CONSULTANT SERVICES FOR
2024 BRIDGE PAINTING PROGRAM – DESIGN SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Public Works is in need of engineering consultant services for the 2024 Bridge Painting Program-Design Services, for the following structures:

- Freedom Bridge No. 2, located on County Road No. 21 (Delevan-Elton Road) over Tributary of Elton Creek;
- Napoli Bridge No. 4, located on County Road No. 7 (Pigeon Valley Road) over Peaslee Hollow branch of Elm Creek;
- Mansfield Bridge No. 12, located on¹ Dublin Road over Dublin Creek,

and

WHEREAS, Greenman-Pedersen, Inc., 403 Main Street, Suite 330, Buffalo, New York 14203, can provide the aforementioned engineering consultant services for an amount not to exceed \$44,000.00, to be paid periodically on a percent-of-completion basis as determined by the Department of Public Works, and

WHEREAS, sufficient funds are included in the budget to cover the costs of the aforementioned engineering consultant services for the 2024 Bridge Painting Program, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Greenman-Pedersen, Inc., for the provision of the above-described engineering consultant services, for a term commencing June 14, 2023 and terminating April 30, 2024, according to the above-described terms.

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

¹MR. BENSON moved, seconded by Mr. Brisky, to amend as follows: In the first Whereas after “located on”, delete: “County Road No. 15” and the parenthesis around “Dublin Road”. Carried.

Adopted, as amended, June 14, 2023 by voice vote.

ACT NO. 261-2023 by Mr. Boberg and Mr. Klancer

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
NEW YORK STATE BOARD OF ELECTIONS FOR
ABSENTEE BALLOT PRE-PAID POSTAGE GRANT
(Contract No. BOE01-T004572-1110000)**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 376-2022 authorized a contract with the New York State Board of Elections for the acceptance of the Absentee Ballot Pre-Paid Postage Grant in the amount of \$22,812.57, the term of which expired December 31, 2022, and

WHEREAS, the State Board of Elections is desirous of extending the term of the aforementioned contract to December 31, 2023, along with providing additional funding in the amount of \$22,812.57 for the Absentee Ballot Pre-Paid Postage Grant Program for the period January 1, 2023 through December 31, 2023, and

WHEREAS, an amended contract is necessary with the New York State Board of Elections in order to receive the aforementioned reimbursement, and

WHEREAS, the aforementioned program is 100% state funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with the New York State Board of Elections, in order to receive the aforementioned additional reimbursement and extend the term of the contract to December 31, 2023, according to the above-described terms.

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

Adopted June 14, 2023 by voice vote.

ACT NO. 262-2023 by Mr. Boberg and Mr. Klancer

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
NEW YORK STATE BOARD OF ELECTIONS FOR
2021 TECHNOLOGY INNOVATION AND ELECTION RESOURCE GRANT PROGRAM
(Board of Elections – Contract Number BOE01-C004347-1110000)**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 369-2021 authorized a contract with the New York State Board of Elections for the 2021 Technology Innovation and Election Resource (TIER) Grant in the amount of \$72,884.27, the term of which expired January 27, 2023, and

WHEREAS, the State Board of Elections is desirous of extending the term of the aforementioned contract to January 28, 2024, along with providing additional funding in the amount of \$68,891.14 for the Technology Innovation and Election Resource (TIER) Grant Program for the period January 28, 2023 through January 28, 2024, and

WHEREAS, this funding was established to reimburse County Boards of Elections for actual expenses related to upgrades of software, technology updates and equipment, and will apply to services purchased between April 7, 2021 and January 28, 2024, and

WHEREAS, an amended contract is necessary in order to accept and receive the aforementioned additional grant funding, and

WHEREAS, this program is 100% state funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with the New York State Board of Elections, in order to accept and receive the aforementioned additional grant funding, and extend the term of the contract to January 28, 2024, according to the above-described terms.

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

Adopted June 14, 2023 by voice vote.

ACT NO. 263-2023 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
TOTAL SENIOR CARE, INC. FOR
HOME CARE THERAPY SERVICES**

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

WHEREAS, Act 437-2021 authorized a contract with Total Senior Care, Inc., 519 North Union Street, Olean, New York 14760, for the operation of the PACE Program for the Health Department, the term of which expired December 31, 2022, and

WHEREAS, Total Senior Care, Inc., is authorized by New York State Department of Health and the Centers for Medicare and Medicaid Services to operate a Program for All Inclusive Care for the Elderly (PACE Program) as a comprehensive program of services to participants, and

WHEREAS, Total Senior Care, Inc., is desirous of obtaining home care therapy services from the County Health Department for PACE Program participants, and

WHEREAS, the County Health Department has agreed to provide home care therapy services to PACE Program participants in accordance with current New York State Medicaid rates and a negotiated rate per visit for LPN 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 Total Senior Care, Inc., for the provision of the above-described home care therapy services, for a term commencing January 1, 2023 and terminating December 31, 2023, according to the above-described terms.

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

Adopted June 14, 2023 by voice vote.

ACT NO. 264-2023 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENT WITH
SOUTHERN TIER ENVIRONMENTS FOR LIVING, INC. FOR
LEASE OF SPACE IN COUNTY CARE MANAGEMENT FACILITY**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 72-2019 authorized a lease agreement with Southern Tier Environments for Living, Inc. (STEL), 715 Central Avenue, Dunkirk, New York 14048, for the leasing of space in the County's Care Management Facility, located at 212 Laurens Street in the City of Olean, the term of which has expired, and

WHEREAS, STEL has requested to continue leasing space in the Care Management Facility for an office for a Care Coordinator, and

WHEREAS, the County has agreed to lease approximately 60 square feet of office space to STEL for a total amount of \$1,200.00 per year, and

WHEREAS, STEL has also requested that the County provide a Program Director to oversee its Care Coordinator, and

WHEREAS, STEL shall pay to the County an amount of \$500.00 per month, to be billed quarterly, for services provided by the County's Program Director to oversee STEL's Care Coordinator, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a lease agreement, on behalf of Cattaraugus County, with Southern Tier Environments for Living, Inc., to lease the above-described space for a term commencing January 1, 2023 and terminating December 31, 2024, according to the above-described terms.

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

Adopted June 14, 2023 by voice vote.

ACT NO. 265-2023 by Mr. Higgins and Mr. Marsh

**AUTHORIZING PUBLIC HEARING ON CLOSEOUT OF
2021 COMMUNITY DEVELOPMENT BLOCK GRANT
(Manufactured Housing Replacement Program Grant)**

Pursuant to 24 CFR Section Part 570 and Section 450 of the County Law.

WHEREAS, Act 111-2021 authorized a public hearing to consider citizen comments regarding the Community Development Block Grant ("CDBG") application to the New York State Office of Homes and Community Renewal for the Manufactured Housing Replacement Program Grant (the "Project"), and

WHEREAS, the County is required to hold a public hearing to close out the Project for the purpose of hearing public comments on the Manufactured Housing Replacement Program Grant to obtain citizen views regarding any aspect of the Project, and

WHEREAS, the hearing will be conducted pursuant to Part 570 of the CFR and provide further information about the CDBG Project, now, therefore, be it

RESOLVED, that a public hearing shall be held by this County Legislature for the close out of the Community Development Block Grant funding for the Manufactured Housing Replacement Program Grant on the 28th day of June, 2023, at 5:01 p.m. at the Legislature's Chambers, County Center, 303 Court Street, Little Valley, New York, and that at least seven (7) 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 7 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

Adopted June 14, 2023 by voice vote.

ACT NO. 266-2023 by Mr. Higgins and Mr. Marsh

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH
NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION
FOR SNOWMOBILE TRAIL MAINTENANCE GRANT
(Department of Economic Development, Planning & Tourism)**

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

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

WHEREAS, funding is available through the New York State Office of Parks, Recreation and Historic Preservation for the maintenance of snowmobile trails for the 2023-2024 program year, and

WHEREAS, it is necessary to apply for the aforementioned grant funding, 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 of Parks, Recreation and Historic Preservation, in order to apply for the aforementioned funding, for a term commencing April 1, 2023 and terminating March 31, 2024, according to the above-described terms, and be it further

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

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days' written notice, and be it further

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

Approved by 7 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

Adopted June 14, 2023 by voice vote.

ACT NO. 267-2023 by Mr. Helmich, Mr. Higgins, Mr. Marsh and Mr. Koch

**AUTHORIZING TRANSFER OF TAX FORECLOSURE PROPERTY TO
CATTARAUGUS COUNTY LAND BANK CORPORATION**

Pursuant to Section 450 of the County Law.

WHEREAS, pursuant to Act 679-2014, as amended, Cattaraugus County established the Cattaraugus County Land Bank Corporation, which is now an authorized land bank corporation in New York State, and

WHEREAS, the Cattaraugus County Land Bank Corporation is able to acquire properties through a variety of means, which includes properties obtained through the in rem tax foreclosure process, as well as donated properties, now, therefore, be it

RESOLVED, the Chairman of the Legislature, upon approval of the County Treasurer, is hereby authorized to transfer the County-owned properties listed below to the Cattaraugus County Land Bank Corporation for rehabilitation and/or demolition:

701 N. Union Street, City of Olean	16-18 Mill Street, Village of Franklinville
Tax Map No. 94.049-4-22	Tax Map No. 40.070-2-10

50 Pine Street, Village of Franklinville	10768 McKinstry Road, Town of Yorkshire
Tax Map No. 40.063-2-16	Tax Map No. 12.004-1-5.7,

and be it further

RESOLVED, that the Cattaraugus County Treasurer hereby agrees to waive any and all taxes, liens or other fees that may be due on the properties being transferred to the Cattaraugus County Land Bank, and be it further

RESOLVED, that the Cattaraugus County Clerk is hereby authorized and directed to waive all recording fees and transfer taxes for properties transferred to the Cattaraugus County Land Bank Corporation.

Approved by 7 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

Adopted June 14, 2023 by voice vote.

ACT NO. 268-2023 by Mr. Boberg and Mr. Klancer

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
AXON ENTERPRISE, INC. FOR SHERIFF'S OFFICE TASER AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Sheriff's Office)**

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

WHEREAS, Act 407-2022 authorized a contract with Axon Enterprise, Inc. for the provision of tasers for the Sheriff's Office for the safety of its officers, and

WHEREAS, the Sheriff's Office is desirous of purchasing one (1) additional taser, plus related hardware and accessories, support, maintenance and licenses, for the School Resource Officer (SRO) program, and

WHEREAS, Axon Enterprise, Inc., 17800 North 85th Street, Scottsdale, Arizona 85255, has agreed to provide one (1) additional taser, plus related hardware and accessories, support, maintenance and licenses, for an amount of \$23,052.18, over a 99-month period, as follows:

<u>Year of Contract</u>	<u>Payment Amount</u>
June 2023	\$929.39
August 2023	\$2,400.92
August 2024	\$2,496.89
August 2025	\$2,596.91
August 2026	\$2,700.71
August 2027	\$2,808.73

August 2028	\$2,921.16
August 2029	\$3,037.95
August 2030	\$3,159.52

and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to cover the cost of the aforementioned safety equipment for the SRO Program, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Axon Enterprise, Inc., for the provision of the above-described taser, hardware and accessories, support, maintenance and licenses, for a term commencing upon June 1, 2023 and terminating 99 months after delivery, acceptance and activation of the above-described equipment and hardware, according to the above-described terms, and be it further

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

Increase Estimated Revenue Accounts:

A.311.3218.3218.2260.03	Pioneer SRO	\$6,000.00
A.311.3218.3219.2260.03	Randolph SRO	\$2,000.00
A.311.3218.3220.2260.03	Allegany-Limestone SRO	\$2,000.00
A.311.3218.3221.2260.03	Gowanda SRO	\$2,000.00
A.311.3218.3222.2260.03	Salamanca SRO	\$6,000.00
A.311.3218.3223.2260.03	Catt-LV SRO	\$2,000.00
A.311.3218.3224.2260.03	BOCES SRO	\$2,000.00
A.311.3218.3225.2260.03	Portville SRO	\$2,000.00
A.311.3218.3226.2260.03	Hinsdale SRO	\$2,000.00

Increase Appropriation Accounts:

A.311.3218.3218.45202	Pioneer SRO	\$6,000.00
A.311.3218.3219.45202	Randolph SRO	\$2,000.00
A.311.3218.3220.45202	Allegany-Limestone SRO	\$2,000.00
A.311.3218.3221.45202	Gowanda SRO	\$2,000.00
A.311.3218.3222.45202	Salamanca SRO	\$6,000.00
A.311.3218.3223.45202	Catt-LV SRO	\$2,000.00
A.311.3218.3224.45202	BOCES SRO	\$2,000.00
A.311.3218.3225.45202	Portville SRO	\$2,000.00
A.311.3218.3226.45202	Hinsdale SRO	\$2,000.00.

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

Adopted June 14, 2023 by voice vote.

ACT NO. 269-2023 by Mr. Boberg and Mr. Klancer

**AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENT WITH
CATTARAUGUS-LITTLE VALLEY CENTRAL SCHOOL DISTRICT FOR
USE OF SPACE FOR SHERIFF'S OFFICE TRAINING**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 246-2020 authorized a lease agreement for the leasing of space, for training purposes, in the Cattaraugus-Little Valley Central School District - Little Valley Campus (CLVCS), located at 207 Rock City Street in Little Valley, New York, for the County Sheriff's Office, the term of which expires June 30, 2023, and

WHEREAS, the Sheriff's Office is desirous of renewing the aforementioned lease agreement, and

WHEREAS, the CLVCS District has agreed to lease to the County space for use by the Sheriff's Office, comprised of Room No. 212, Room No. 125 (the Staff Room), gymnasium and associated common spaces (including hallways, bathrooms [one male and one female], entranceways, etc.) at the Little Valley Campus located at 207 Rock City Street, for a flat rate of \$2,200.00 per year, which includes the cost of utilities capped at the cost of utilities consumed during the first year of the Lease, and

WHEREAS, CLVCS shall include parking spots in the parking lot adjacent to the premises and the parking lot owned by CLVCS across from the premises, with the County responsible for sanding and plowing of the parking lots and sidewalk areas, and

WHEREAS, the County will provide fiber optic cable for the rental space and telephone service, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a lease agreement, on behalf of Cattaraugus County, with the Cattaraugus-Little Valley Central School District, for the leasing of the above-described space in the Little Valley Campus building, for a term commencing July 1, 2023 and terminating June 30, 2024, with the option to renew for two (2) additional one-year terms, according to the above-described terms.

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

Adopted June 14, 2023 by voice vote.

ACT NO. 270-2023 by Mr. Boberg and Mr. Klancer

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH
NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES
FOR PUBLIC SAFETY ANSWERING POINTS OPERATIONS GRANT
(2023 Public Safety Answering Points Operations Grant Program-Sheriff's Office)**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 406-2022 authorized a contract with the New York State Division of Homeland Security and Emergency Services for the 2021-2022 Public Safety Answering Points Operations Grant Program, and

WHEREAS, funding up to \$188,000 is available through the New York State Division of Homeland Security and Emergency Services for the 2023 Public Safety Answering Points Operations Grant Program, and

WHEREAS, the purpose of the aforementioned program is to facilitate the development, consolidation and/or improved operation of public safety communications to support and enhance statewide interoperable communications for first responders, and

WHEREAS, it is necessary to execute a grant application in order to apply for the aforementioned funding, and

WHEREAS, this program is 100% state funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a grant application, on behalf of Cattaraugus County, with the New York State Division of Homeland Security and Emergency Services, in order to apply for the aforementioned funding for the 2023 Public Safety Answering Points Operations Grant Program, according to the above-described terms.

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

Adopted June 14, 2023 by voice vote.

ACT NO. 271-2023 by Mr. Boberg and Mr. Klancer

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CRAIG ZUCKERMAN, D.Ed., FOR
SHERIFF'S OFFICE OFFICER WELLNESS PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, the Sheriff's Office is desirous of developing and implementing an officer, staff and family wellness program for its employees, and

WHEREAS, Craig Zuckerman, D.Ed., Licensed Psychologist and independent contractor, 784 Main Street, Olean, New York 14760, has agreed to provide psychological services for the Sheriff's Office Officer Wellness Program, for an amount in accordance with the following:

Services provided for at least 8 hours a day where travel is also required	\$500/day
Services provided less than 8 hours a day	\$50/hour,

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 Craig Zuckerman, D.Ed., for the provision of the above-described services, for a term commencing January 1, 2023 and terminating December 31, 2023, according to the above-described terms.

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

Adopted June 14, 2023 by voice vote.

ACT NO. 272-2023 by Mr. Boberg and Mr. Klancer

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
TRACE L. MCCLELLAND FOR SHERIFF'S OFFICE
OFFICER WELLNESS PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, the Sheriff's Office is desirous of developing an officer, staff and family wellness program, and

WHEREAS, Trace L. McClelland, LMHC, an independent contractor, 514 West Sullivan Street, Olean, New York 14760, can provide mental health services for the Sheriff's Office personnel and their families, on an as-needed basis, for an amount as follows:

Services provided for at least 8 hours a day where travel is also required	\$500/day
Services provided less than 8 hours a day	\$50/hour,

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 Trace L. McClelland, LMHC, for the provision of the above-described wellness program services, for a term commencing January 1, 2023 and terminating December 31, 2023, according to the above-described terms.

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

Adopted June 14, 2023 by voice vote.

ACT NO. 273-2023 by Mr. Boberg and Mr. Klancer

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH
NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES
FOR STATEWIDE INTEROPERABLE COMMUNICATIONS FORMULA-BASED GRANT
(2023 SICG-Formula Program-Sheriff's Office)**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 409-2022 authorized the Chairman to execute grant documents in order to accept, and receive, funding through the New York State Division of Homeland Security and Emergency Services for the 2022 Statewide Interoperable Communications Formula-Based Grant (SICG), and

WHEREAS, funding up to \$699,910.00 is available through the New York State Division of Homeland Security and Emergency Services for the 2023 SICG Grant, and

WHEREAS, it is necessary to execute a grant application in order to apply for the aforementioned funding, and

WHEREAS, this program is 100% state funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a grant application, on behalf of Cattaraugus County, with the New York State Division of

Homeland Security and Emergency Services, in order to apply for the aforementioned funding, for a term commencing January 1, 2023 and terminating December 31, 2025, according to the above-described terms, and be it further

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

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days' written notice, and be it further

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

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

Adopted June 14, 2023 by voice vote.

ACT NO. 274-2023 by Mr. Boberg and Mr. Klancer

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS REHABILITATION CENTER, INC. D/B/A INTANDEM
FOR SHREDDING SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 181-2022 authorized a contract with Cattaraugus Rehabilitation Center, Inc., d/b/a Intandem, 1439 Buffalo Street, Olean, New York 14760, for the provision of shredding services to various County departments, the term of which expired December 31, 2022, and

WHEREAS, the County is desirous of continuing the aforementioned shredding services, and

WHEREAS, Cattaraugus Rehabilitation Center, Inc., d/b/a Intandem, can provide the necessary shredding services for an amount of \$.41 per pound for off-site shredding services (off-site - boxed records are picked up and shredded at their own facility), 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 Cattaraugus Rehabilitation Center, Inc., d/b/a Intandem, for the provision of the above-described services, for a term commencing January 1, 2023 to continue in full force and effect at the same rates, terms and conditions, until terminated by either party hereto, according to the above-described terms.

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

Adopted June 14, 2023 by voice vote.

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MR. HIGGINS moved, seconded by Mr. Burr, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 275-2023 through Act No. 285-2023. Carried.

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ACT NO. 275-2023 by Mrs. Andreano, Mr. Boberg, Mr. Burr, Mr. Helmich, Ms. Schröder, Mr. Smith and Mr. Snyder and Mr. Benson, Mr. Brisky, Mr. Higgins, Mr. Klancer, Mr. Marsh, Mr. Morrow, Mr. Parker, Mr. VanRensselaer and Mr. Koch¹ who ask immediate consideration

APPOINTMENT OF COMMISSIONER OF SOCIAL SERVICES

Pursuant to Sections 204 and 205 of the County Law.

RESOLVED, that Erin L. Whitcomb be, and hereby is, appointed as Commissioner of Social Services for the term commencing July 31, 2023 and terminating July 30, 2028, at a bi-weekly salary, which has heretofore, or may hereafter, be established for the position of Commissioner, in accordance with Salary Table MCDHO, Grade 7, Step 5, and be it further

RESOLVED, that Erin L. Whitcomb shall be credited with twenty (20) days of annual leave in each year of her term of office and with any and all other benefits provided in such compensation benefit package as is, or may hereafter be, established for Managerial and Confidential Officers and Employees.

¹The following Legislators requested their names be listed as additional sponsors: “Mr. Benson, Mr. Brisky, Mr. Higgins, Mr. Klancer, Mr. Marsh, Mr. Morrow, Mr. Parker, Mr. VanRensselaer and Mr. Koch”.

Adopted June 14, 2023 by voice vote.

ACT NO. 276-2023 by Mr. Benson and Mr. Helmich who ask immediate consideration

**BID ACCEPTANCE FOR PAVEMENT IMPROVEMENT ON COUNTY ROAD NO. 12
(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 a pavement improvement project to resurface County Road No. 12 (Washington Street, Ellicott Street, Jefferson Street, Otto Road and Otto-East Otto Road), located in the Village of Cattaraugus and the Towns of New Albion and Otto, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was submitted by Amherst Paving, Inc., 330 Meyer Road, Amherst, New York 14226, in the amount of \$681,298.00, to be paid as invoiced, and

WHEREAS, the term of the aforementioned contract shall commence within ten (10) days of the effective date of the contract and be completed by October 31, 2023, and

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

RESOLVED, that the bid of Amherst Paving, Inc., 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.

Thirty-One sets of specifications were sent out.

Four bids were received which met specifications.

Adopted June 14, 2023 by voice vote.

ACT NO. 277-2023 by Mr. Benson and Mr. Helmich
who ask immediate consideration

**BID ACCEPTANCE FOR RESURFACING OF COUNTY ROAD NO. 2 AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law, Section 131-b
of the Highway Law and Sections 363 and 366 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for resurfacing, drainage improvements and guiderail installation on County Road No. 2 (Edwards Corners/ Cottage Road), located in the Towns of Dayton and Perrysburg, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was submitted by Lake Shore Paving, Inc., 7 Osmer Street, Jamestown, New York 14701, in the amount of \$1,395,365.00, to be paid as invoiced, and

WHEREAS, the term of the aforementioned contract shall commence within ten (10) days of the effective date of the contract and be completed by October 31, 2023, and

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

RESOLVED, that the bid of Lake Shore Paving, Inc., 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, and be it further

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

Decrease Appropriation Account:

H.504.5197.5198.27083	County Road No. 17 (NY242 to Franklinville)	\$100,000.00
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Increase Appropriation Account:
H.504.5197.5198.27070 County Road No. 2 (Cottage to NY39) \$100,000.00.

No State Bid.
Twenty-Nine sets of specifications were sent out.
Three bids were received which met specifications.

Adopted June 14, 2023 by voice vote.

ACT NO. 278-2023 by Mr. Benson and Mr. Helmich
who ask immediate consideration

**BID ACCEPTANCE FOR RESURFACING OF COUNTY ROAD NO. 17
(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 resurfacing and guiderail installation on County Road No. 17 (Bakerstand Road), located in the Towns of Machias and Franklinville, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was submitted by Dolomite Products Company, Inc., d/b/a A.L. Blades, 7610 County Road 65, Hornell, New York 14843, in the amount of \$2,205,151.30, to be paid as invoiced, and

WHEREAS, the term of the aforementioned contract shall commence upon Notice to Proceed and be completed by October 31, 2023, and

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

RESOLVED, that the bid of Dolomite Products Company, Inc., d/b/a A.L. Blades 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.
Thirty-Nine sets of specifications were sent out.
Five bids were received which met specifications.

Adopted June 14, 2023 by voice vote.

ACT NO. 279-2023 by Mr. Benson and Mr. Parker
who ask immediate consideration

**SALE OF TAX TITLE PROPERTY TO FORMER OWNER
(Town of Carrollton)**

Pursuant to Section 215 of the County Law and Rule 40 of the
Rules of Order of the Cattaraugus County Legislature.

WHEREAS, Cattaraugus County has tax title to certain property situate in the Town of Carrollton, and

WHEREAS, the former owner of the property has offered to tender an amount which will cover the County's financial involvement in this premises, and

WHEREAS, the cost involved for this premises has been tendered to the County Treasurer's Office, now, therefore, be it

RESOLVED, that the County Treasurer be, and hereby is, authorized and directed, on behalf of Cattaraugus County, to execute a County Treasurer's Deed conveying this property to the following individual:

PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	TOWN OF CARROLLTON		COUNTY INVOLVEMENT
			FORMER OWNER(S) AND ADDRESS		
130	101.070-1-8.1	584 Parkside Drive	Carla J. Stone 584 Parkside Drive Limestone, NY 14753		\$3,704.36

Adopted June 14, 2023 by voice vote.

ACT NO. 280-2023 by Mr. Helmich, Mr. Higgins, Mr. Marsh and Mr. Koch
who ask immediate consideration

**AUTHORIZING TRANSFER OF TAX FORECLOSURE PROPERTIES TO
CATTARAUGUS COUNTY LAND BANK CORPORATION**

Pursuant to Section 450 of the County Law.

WHEREAS, pursuant to Act 679-2014, as amended, Cattaraugus County established the Cattaraugus County Land Bank Corporation, which is now an authorized land bank corporation in New York State, and

WHEREAS, the Cattaraugus County Land Bank Corporation is able to acquire properties through a variety of means, which includes properties obtained through the in-rem tax foreclosure process, as well as donated properties, now, therefore, be it

RESOLVED, the Chairman of the Legislature, upon approval of the County Treasurer, is hereby authorized to transfer the County-owned properties listed below to the Cattaraugus County Land Bank Corporation for rehabilitation and/or demolition:

9119 Otto-East Otto Road, Town of Otto
Tax Map No. 36.009-1-25

217 Pine Street, Village of South Dayton
Tax Map No. 33.033-5-46,

and be it further

RESOLVED, that the Cattaraugus County Treasurer hereby agrees to waive any and all taxes, liens or other fees that may be due on the properties being transferred to the Cattaraugus County Land Bank, and be it further

RESOLVED, that the Cattaraugus County Clerk is hereby authorized and directed to waive all recording fees and transfer taxes for properties transferred to the Cattaraugus County Land Bank Corporation.

Adopted June 14, 2023 by voice vote.

ACT NO. 281-2023 by Mr. Higgins and Mr. Marsh
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT APPLICATION AND
CONTRACT WITH UNITED STATES ARMY
DIV A HQ COMMUNICATIONS-ELECTRONICS COMMAND CONTRACTING CENTER
FOR DEPARTMENT OF DEFENSE APEX ACCELERATOR PROGRAM**

Pursuant to 10 USCS Section 2411, et seq., and
Section 450 of the County Law.

WHEREAS, Act 378-2022 authorized the Chair to execute a grant application and contract with the Defense Logistics Agency, in order to secure funding for the continuation of the Procurement Technical Assistance Program for a term commencing July 1, 2023 and terminating June 30, 2024, and such funding has been received, and

WHEREAS, Cattaraugus County is again eligible for funding through the United States Army Div A HQ Communications-Electronics Command (CECOM) Contracting Center, 6001 Combat Drive, Aberdeen Proving Ground, Maryland 21005, in order to maintain the Department of Defense APEX Accelerator Program (formerly PTAC), and

WHEREAS, it is estimated that the project cost will not exceed \$171,028.74, of which Cattaraugus County's share will not exceed \$25,654.31, and

WHEREAS, Cattaraugus County will be responsible for the share of any third-party agency which fails to contribute its portion to the program, and

WHEREAS, this program is 85% federally funded (CFDA #12.002) and 15% County funded, plus in-kind contributions, and sufficient funds are included in the budget to cover the County's cost of the aforementioned program, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a grant application and contract, on behalf of Cattaraugus County, with the United States Army Div A HQ CECOM in order to secure funding for the continuation of the Department of Defense APEX Accelerator Program (formerly PTAC), and be it further

RESOLVED, that the Department of Defense APEX Accelerator Program (formerly PTAC), will commence July 1, 2023 and terminate March 31, 2024, 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.

Adopted June 14, 2023 by voice vote.

ACT NO. 282-2023 by Mr. Boberg, Mr. Klancer and Ms. Schröder
who ask immediate consideration

**CREATING ONE (1) FULL-TIME POSITION OF JUNIOR ACCOUNTANT AND
ESTABLISHING COMPENSATION FOR THE SAME
(Public Defender's Office)**

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

WHEREAS, Acts 369-2019, 206-2021 and 566-2022 authorized the acceptance and receipt of the Statewide Expansion of Hurrell-Harring Reform Grant for Counsel at Arraignment, Quality Improvement and Caseload Relief to be used to improve the quality of mandated representation to indigent persons within Cattaraugus County, and

WHEREAS, in order to comply with caseload standards established by New York State through this grant, it is necessary to create a new position within the Public Defender's Office, and

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

WHEREAS, sufficient funds through the Hurrell-Harring Reform Grant are included in the Public Defender's Office budget for this position, now, therefore, be it

RESOLVED, that effective June 14, 2023, there is hereby created one (1) position of Junior Accountant in the Public Defender's Office to be filled on a full-time basis, General Bargaining Unit Salary Schedule, Pay Grade 21 (\$28.32 per hour), Position No. 117-181-002, and be it further

RESOLVED, that upon termination or reduction of funding through the Hurrell-Harring Reform Grant or Indigent Legal Defense Services for these positions, this position will be abolished immediately.

Adopted June 14, 2023 by voice vote.

ACT NO. 283-2023 by Labor Relations Committee:
Ms. Schröder, Mr. Marsh, Mr. Brisky,
Mr. Helmich and Mr. Koch
who ask immediate consideration

**CREATING ONE (1) FULL-TIME POSITION OF DEPUTY SHERIFF IN
THE SHERIFF'S OFFICE, ABOLISHING ONE (1) FULL-TIME POSITION OF
ASSISTANT DISTRICT ATTORNEY IN THE DISTRICT ATTORNEY'S OFFICE,
AND ESTABLISHING COMPENSATION FOR THE SAME
(Sheriff's Office and District Attorney)**

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

WHEREAS, the District Attorney has contracted with the Sheriff's Office to provide investigative services, and

WHEREAS, another criminal investigator position is needed in the District Attorney's Office under the aforementioned contract and this movement will create the need for a Deputy Sheriff position in the Sheriff's Office to replace the employee who will work in the District Attorney's Office, and

WHEREAS, a New Position Duties Statement has been submitted to the Cattaraugus County Personnel Officer, who has approved the title as Deputy Sheriff in accordance with Civil Service Law Section 22, and

WHEREAS, sufficient funds are included in the District Attorney's budget for this position by the abolishing of a vacant Assistant District Attorney position, now, therefore, be it

RESOLVED, that effective immediately, there is hereby created one (1) position of Deputy Sheriff to be filled on a full-time basis, Cattaraugus County Deputies Association Bargaining Unit Salary Schedule, Pay Grade 23 (\$30.58 per hour), Position No. 311-097-112, and be it further

RESOLVED, that effective immediately, there is hereby abolished one (1) full-time position of Assistant District Attorney in the District Attorney's Office, Position No. 116-015-007.

Adopted June 14, 2023 by voice vote.

ACT NO. 284-2023 by Mrs. Andreano, Mr. Brisky and Mr. Burr
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE 2021 CLINIC UPPER PAYMENT
LIMIT SCHEDULE REQUEST FOR DEPARTMENT OF COMMUNITY SERVICES
MENTAL HEALTH CLINIC
(Department of Community Services)**

Pursuant to Section 1902(r)(5) of the Social Security Act,
42 CFR Part 447, and Section 450 of the County Law.

WHEREAS, in accordance with Chapter 58 of the Laws of 2010 §3-b, the Centers for Medicare and Medicaid Services' (CMS) approval of the 2021 Clinic Upper Payment Limit calculation, and State Plan Amendment #21-0031, the Department of Health is authorized to make payments to county-

operated freestanding clinics licensed under Articles 31 and 32 of the NYS Mental Hygiene Law, at the election of the social services district, for the period April 1, 2021 through March 31, 2022, and

WHEREAS, the full CMS approved amount of \$5.4 Million has been allocated to each qualifying county-operated diagnostic and treatment center, and

WHEREAS, this amount is based upon the ratio of reported clinic visits made by patients eligible for federal financial participation under Title XIX of the Federal Social Security Act, for all eligible facilities for the period April 1, 2021 through March 31, 2022, and

WHEREAS, the County's Department of Community Services Mental Health Clinic is eligible to receive a payment totaling \$123,571.00, and

WHEREAS, Cattaraugus County is responsible for contributing an Intergovernmental Transfer (IGT) of the full non-federal share of the Clinic Upper Payment Limit in the amount of \$54,124.10 to the State no later than June 20, 2023, and

WHEREAS, upon the State's receipt of the County's non-federal share, a payment of \$123,571.00 will be made to the County on or about June 27, 2023, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute the 2021 Clinic Upper Payment Limit Request Form for the County Department of Community Services as described above.

Adopted June 14, 2023 by voice vote.

ACT NO. 285-2023 by Mrs. Andreano
who asks immediate consideration

**ADOPTION OF CATTARAUGUS COUNTY
LACTATION ACCOMMODATION POLICY**

Pursuant to Section 206-c of the Labor Law and
Section 153 of the County Law.

WHEREAS, Cattaraugus County recognizes the importance of breastfeeding and supports the rights of nursing mothers to pump breast milk while at work, and

WHEREAS, Cattaraugus County further recognizes the need for accommodations for mothers who choose to express milk in the workplace after their return to work, now, therefore, be it

RESOLVED, that the Cattaraugus County Lactation Accommodation Policy be, and hereby is, adopted by the Cattaraugus County Legislature, and such policy shall be available on the County's website and in the Cattaraugus County Administrator's Office forthwith, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute the Cattaraugus County Lactation Accommodation Policy.

Adopted June 14, 2023 by voice vote.

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MR. KOCH moved, seconded by Mrs. Andreano, to adjourn until June 28, 2023 at 5:00 p.m.
Carried.

Meeting adjourned at 5:15 p.m.

Ann M. Giglio
Journal Clerk