

April 24, 2024

The meeting was called to order by Chairman Burr.

The invocation was given by Richard Helmich.

The Attendance Roll Call disclosed all Legislators present.

* * * * *

There being no amendments or objections thereto, Chairman Burr noted that the minutes of the April 10, 2024 session stand approved as presented.

* * * * *

COMMUNICATIONS:

New York State Department of State: Acknowledging receipt of Local Law Number 2-2024 and the filing of the same on March 22, 2024.

Family of James Jones: Thank you note for the expression of sympathy.

* * * * *

PROCLAMATIONS:

CHAIRMAN BURR proclaimed the month of April 2024 as **Fair Housing Month** in Cattaraugus County. The proclamation was presented to Crystal Abers, Director, Department of Economic Development, Planning & Tourism.

* * * * *

MR. TEACHMAN moved, seconded by Mr. Smith, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 194-2024 through Act No. 203-2024. Carried.

* * * * *

ACT NO. 194-2024 by Mr. Benson and Mr. Helmich
who ask immediate consideration

**AMENDING ACT 105-2024 REGARDING BID ACCEPTANCE FOR
CORRUGATED BEAM GUIDE RAILING, BOX BEAM AND
CABLE GUIDE RAILING, BRIDGE AND CULVERT POST,
BRIDGE RAILING AND TRANSITION SECTIONS
(Department of Public Works)**

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

WHEREAS, Act 105-2024 authorized the acceptance of bids for box beam & cable guide rail and associated hardware, according to specifications provided by the Public Works Committee, and
WHEREAS, one item was inadvertently omitted from Chemung Supply Corp.'s bid, and
WHEREAS, Act 105-2024 should be amended to include the omitted item, now, therefore,
be it

RESOLVED, that Act 105-2024 be, and hereby is, amended as follows: In the Third Resolved, under Chemung Supply Corp., Box Beam & Cable Guide Rail and Associated Hardware, after Index No. CG-85, add the following item:

"CG-85a Anchor Post Assembly-Complete as per NYSDOT dwg. M606-2R1, each, \$117.80".

Adopted April 24, 2024 by voice vote.

ACT NO. 195-2024 by Mr. Higgins and Mr. Marsh
who ask immediate consideration

**BID ACCEPTANCE FOR SIDEWALK IMPROVEMENTS
ONOVILLE MARINA PARK REDEVELOPMENT
(Department of Economic Development, Planning & Tourism)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for Sidewalk Improvements for the Onoville Marina Park Redevelopment Project, according to specifications provided by the Development and Agriculture Committee, and

WHEREAS, the lowest bid received meeting specifications for the Sidewalk Improvements portion of the Redevelopment Project was the bid of R. Patti Concrete Excavating, LLC, P.O. Box 3081, 1529 Foote Avenue Extension, Jamestown, New York 14701, for an amount of \$102,395.00, to be paid as invoiced and approved by the Department of Economic Development, Planning & Tourism, and

WHEREAS, Act 243-2021 authorized the acceptance of Federal American Rescue Plan Act [ARPA] funding to combat the COVID-19 Pandemic, including its public and economic impacts, and

WHEREAS, it is beneficial to the residents of Cattaraugus County to use ARPA funding to cover improvement and rehabilitation projects, and

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

RESOLVED, that the bid of R. Patti Concrete Excavating, LLC, be, and the same hereby is, accepted, for a term commencing April 25, 2024 and terminating December 31, 2024, and be it further

RESOLVED, that the vouchers accordingly certified by the Director of the Department of Economic Development, Planning & Tourism be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Four sets of specifications were sent out.

Three bids were received which met specifications.

Adopted April 24, 2024 by voice vote.

ACT NO. 196-2024 by Mr. Higgins and Mr. Marsh
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
GEITER DONE OF WNY, INC. FOR
SEASONAL BATHROOM DEMOLITION AT ONOVILLE MARINA PARK**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Economic Development, Planning & Tourism is in need of services for the demolition and removal of two (2) seasonal bathrooms at the Onoville Marina Park, and

WHEREAS, proposals for the aforementioned demolition services were solicited from thirteen (13) vendors, and

WHEREAS, Geiter Done of WNY, Inc., 300 Greene Street, Buffalo, New York 14202, can provide for the demolition and removal of two (2) seasonal bathrooms located at the Onoville Marina Park for an amount of \$13,000.00, to be paid as invoiced and approved by the Department of Economic Development, Planning & Tourism, and

WHEREAS, Act 243-2021 authorized the acceptance of Federal American Rescue Plan Act [ARPA] funding to combat the COVID-19 Pandemic, including its public and economic impacts, and

WHEREAS, it is beneficial to the residents of Cattaraugus County to use ARPA funding to cover improvement and rehabilitation projects, and

WHEREAS, sufficient funds are included in the budget through ARPA funds 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 Geiter Done of WNY, Inc., for the provision of the above-described demolition services, for a term commencing April 25, 2024 and terminating December 31, 2024, according to the above-described terms.

Adopted April 24, 2024 by voice vote.

ACT NO. 197-2024 by Mr. Higgins and Mr. Marsh
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
EDGEWATER RESOURCES FOR ONOVILLE MARINA PARK
DOCK SYSTEM REDESIGN AND CONSTRUCTION PLANNING
AND ENGINEERING CONSULTANT SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 266-2022 authorized a contract with Edgewater Resources, 518 Broad Street, Suite 200, St. Joseph, Michigan 49085, for the provision of planning and engineering consultant services for the Onoville Marina Park Dock System Redesign Project, the term of which expired May 31, 2023, and

WHEREAS, more time was needed to complete the project, at no additional cost to the County, and an extension of the aforementioned contract is now needed, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with Edgewater Resources, for the provision of the above-described consultant services, to extend the term of the contract which commenced June 1, 2022, to terminate January 31, 2024, according to the above-described terms.

Adopted April 24, 2024 by voice vote.

ACT NO. 198-2024 by Mrs. Andreano, Mr. Brisky and Ms. Schröder
who ask immediate consideration

**DEFERRED COMPENSATION COMMITTEE RESOLUTION
TO AMEND AND RESTATE THE 457 PLAN DOCUMENT**

Pursuant to Section 5 of the State Finance Law.

WHEREAS, the New York State Deferred Compensation Board (the “Board”), pursuant to Section 5 of the New York State Finance Law (“Section 5”) and the Regulations of the New York State Deferred Compensation Board (the “Regulations”), had promulgated the Plan Document of the Deferred Compensation Plan for Employees of Cattaraugus County (the “Model Plan”) and offers the Model Plan for adoption by local employers, and

WHEREAS, Cattaraugus County, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of Cattaraugus County, and

WHEREAS, effective December 8, 2023, the Board amended the Model Plan to adopt provisions related to the secure Act 2.0 legislation, and

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations, and

WHEREAS, upon due deliberation, the Cattaraugus County Deferred Compensation Committee has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of Cattaraugus County by adopting the amended Model Plan, now, therefore, be it

RESOLVED, that Cattaraugus County hereby amends the Deferred Compensation Plan for Employees of Cattaraugus County by adopting the amended Model Plan effective January 1st, 2024 including the optional provisions selected in Schedules A and B, in the form attached to the Model Plan in the offices of the County Administrator and the County Legislature and available on the County’s website.

Adopted April 24, 2024 by voice vote. Chairman Burr abstained from vote.

ACT NO. 199-2024 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH SUPPLIES ON THE FLY,
A SYSCO COMPANY, FOR PURCHASE OF DEPARTMENT OF AGING WALK-IN FREEZER
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of the Aging)**

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

WHEREAS, the Department of Aging is desirous of purchasing and installing a walk-in freezer for the kitchen located at 3 East Main Street, Allegany, New York, and

WHEREAS, Supplies on the Fly, a Sysco Company, 222 Chastain Meadow Court, Suite 200, Kennesaw, Georgia 30144-7029, can provide and install one (1) Norlake Finline Indoor Walk-In Freezer, Model No. NL2458919JL-A, for an amount of \$36,722.18, at the Department of Aging kitchen located at 3 East Main Street, Allegany, New York, to be paid as invoiced, and

WHEREAS, various appropriation and revenue accounts must be adjusted to cover the cost of the aforementioned walk-in 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 Cattaraugus County, with Supplies on the Fly, a Sysco Company, for the provision of the above-described walk-in freezer, for a term commencing April 24, 2024 and terminating upon installation, and acceptance by the County, 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 Account:

A.677.6701.0000.2705.23	Gifts and Donations Aging Services	\$15,000.00
-------------------------	------------------------------------	-------------

Decrease Appropriation Accounts:

A.677.6736.0000.41601	Transportation	\$ 1,600.00
-----------------------	----------------	-------------

A.677.6736.0000.41631	Contracted Daycare Services	\$ 2,622.18
-----------------------	-----------------------------	-------------

A.677.6737.6941.12000	Part-Time Wages	\$17,500.00
-----------------------	-----------------	-------------

Increase Appropriation Accounts:

A.677.6701.0020.20008	Tools and Equipment	\$15,000.00
-----------------------	---------------------	-------------

A.677.6736.0000.20008	Tools and Equipment	\$ 4,222.18
-----------------------	---------------------	-------------

A.677.6737.6941.20008	Tools and Equipment	\$17,500.00.
-----------------------	---------------------	--------------

Adopted April 24, 2024 by voice vote.

ACT NO. 200-2024 by Mrs. Andreano
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ARJO, INC. FOR THE PURCHASE AND INSTALLATION OF BATHING TUBS
IN THE PINES HEALTHCARE AND REHABILITATION CENTERS**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Department of Nursing Homes is desirous of purchasing two (2) new bathing tubs for The Pines Healthcare and Rehabilitation Center-Machias Campus, and

WHEREAS, bathing tubs are available for purchase through GSA Contract No. V797D-50430 for an amount of \$17,507.24 each, and

WHEREAS, ARJO, Inc., 2349 West Lake Street, Addison, Illinois 60101, shall provide and install in The Pines Healthcare and Rehabilitation Center-Machias Campus two (2) Performance Assurance Bath Systems bathing tubs and provide annual preventive maintenance for an amount as follows:

<u>Description</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total</u>
AirSpa, Disinfection, Autofill, Head Cushion, Foot Support Bathing Tub	(2)	\$13,836.44	\$27,672.88
Annual Preventive Maintenance, including 1 st year warranty	(2)	\$ 3,670.80	<u>\$ 7,341.60</u>
Grand Total			\$35,014.48

and

WHEREAS, sufficient funds are included in the 2024 Capital budget to cover the cost of the aforementioned bathing tubs, 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 ARJO, Inc., for the provision of two (2) bathing tubs, installation and maintenance services, for a term commencing April 24, 2024 and terminating five (5) years after installation and acceptance of the aforementioned bathing tubs, according to the above-described terms.

Adopted April 24, 2024 by voice vote.

ACT NO. 201-2024 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
WESTERN GOVERNORS UNIVERSITY FOR
EDUCATIONAL CLINICAL EXPERIENCE PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Western Governors University, on behalf of its Leavitt School of Health, 4001 South 700 East, Suite 700, Salt Lake City, Utah 84107, is desirous of implementing field experience courses for students enrolled in their Bachelor of Science Nursing program (RN-BSN), and

WHEREAS, the Department of Nursing Homes is desirous of working collaboratively with Western Governors University for training and educational field experience programs to nursing students who would benefit from placement experience at The Pines Healthcare and Rehabilitation Centers – Machias and Olean Campuses, and

WHEREAS, the Department of Nursing Homes has agreed to allow the courses to be completed at the Department's facilities at no cost to the County, and

WHEREAS, in the event other County departments are desirous of participating in a field experience program with Western Governors University, then additional contracts may be entered into pursuant to this act, 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 Western Governors University, for the provision of the above-described educational field experience program, for a term commencing May 1, 2024 to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

Adopted April 24, 2024 by voice vote.

ACT NO. 202-2024 by Mrs. Andreano
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COMMUNITY ACTION, INC.,
D/B/A CONNECTING FAMILIES IN ACTION FOR
THIRD-PARTY REVIEWER SERVICES FOR
DEPARTMENT OF SOCIAL SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 225-2023 authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, for the provision of Third-Party Reviewer services, the term of which expires April 30, 2024, and

WHEREAS, the Third-Party Reviewer facilitates meetings between birth parents of children in foster care, the department caseworker, attorneys, foster parents, and service providers to assess the efforts and progress made by the Department and the birth parents to achieve the goal of safely returning the child to the birth parents' care, and

WHEREAS, the Department of Social Services is desirous of renewing the aforementioned contract, and

WHEREAS, Cattaraugus Community Action, Inc., d/b/a Connecting Families in Action, can provide the aforementioned Third-Party Reviewer services for an amount not to exceed \$35,082.00 to be paid on a monthly basis, as invoiced, and

WHEREAS, this program is 62% state and 38% county funded, 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 Community Action, Inc., d/b/a Connecting Families in Action, for the provision of the above-described services, for a term commencing May 1, 2024 and terminating April 30, 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.

Adopted April 24, 2024 by voice vote.

ACT NO. 203-2024 by Mr. Burr
who asks immediate consideration

**ADOPTION OF CATTARAUGUS COUNTY
ACTIVE SHOOTER GUIDANCE**

Pursuant to Section 153 of the County Law.

WHEREAS, active shooter situations are unpredictable and evolve quickly, and
WHEREAS, individuals need to be mentally and physically prepared to deal with this type
of situation should it arise, and

WHEREAS, the U. S. Department of Homeland Security, along with other law enforcement
agencies, have developed recommended protocols for citizens to follow if confronted by an active
shooter, and

WHEREAS, these protocols involve the run, hide, fight approach, and

WHEREAS, Cattaraugus County recognizes the seriousness of keeping employees and
members of the public safe while in County Facilities, and is therefore adopting suggested guidance to be
followed should an incident occur, now, therefore, be it

RESOLVED, that the U.S. Department of Homeland Security Active Shooter Event Quick
Reference Guide be, and hereby is, adopted by the Cattaraugus County Legislature, and such guidance
shall be available on the County's website and in the Cattaraugus County Administrator's Office forthwith.

Adopted April 24, 2024 by voice vote.

* * * * *

PRIVILEGE OF THE FLOOR:

CHAIRMAN BURR granted Privilege of the Floor to Joseph Sempolinski, former Congressman and
former chief of staff to Assemblyman Giglio, who commented on the recently adopted NYS 2024-2025
Budget and thanked the Legislators for their service to Cattaraugus County.

* * * * *

MR. BOBERG moved, seconded by Mr. Helmich, to adjourn until May 8, 2024 at 5:00 p.m. Carried.

Meeting adjourned at 5:11 p.m.

Ann M. Giglio
Journal Clerk