

June 12, 2024

The meeting was called to order by Chairman Burr.

The invocation was given by Kelly Andreano.

The Attendance Roll Call disclosed one Legislator absent - Helmich.

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There being no amendments or objections thereto, Chairman Burr noted that the minutes of the May 22, 2024 session stand approved as presented.

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COMMUNICATIONS:

Yates County Legislature: Resolution No. 294-24, Opposing Senate Bill S8461B, Proposed Shooting Range Restrictions.

Family of Michelle Arrance: Thank you note for the flowers sent in memory of Mrs. Arrance.

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ACT NO. 238-2024 by Mr. Benson and Mr. Helmich

**BID ACCEPTANCE FOR 2024 EMERGENCY STREAMBANK STABILIZATION PROJECTS
(Department of Public Works)**

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 the 2024 Emergency Streambank Stabilization Projects, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications for the following two (2) sites was the bid of Schwab Aggregates, LLC, 10090 Pigeon Hill Road, Delevan, New York 14042, in the total amount of \$54,840.00, as follows, to be paid as invoiced:

County Road No. 26 Gile Hollow Road (Site #2) (Town of Hinsdale)	\$31,434.00
County Road No. 26 Gile Hollow Road (Site #3) (Town of Hinsdale)	<u>\$23,406.00</u>
Total	\$54,840.00,

and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned emergency streambank stabilization services, now, therefore, be it

RESOLVED, that the bid of Schwab Aggregates, LLC, be, and the same hereby is, accepted, for a term commencing within ten (10) days after the effective date of the contract and terminating September 30, 2024, and be it further

RESOLVED, that vouchers submitted in accordance with the provisions of the 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.

Forty-Nine sets of specifications were sent out.

Seven bids were received which met specifications.

Approved by 5 members of the Finance Committee and 3 members of the Public Works Committee.

Adopted June 12, 2024 by voice vote.

ACT NO. 239-2024 by Mr. Benson and Mr. Helmich

**REJECTING CERTAIN DEPARTMENT OF PUBLIC WORKS BIDS FOR
30 CY ROLL-OFF RECYCLING CONTAINERS
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law.

WHEREAS, the Department of Public Works advertised for sealed bids for the purchase of 30 CY Roll-Off Recycling Containers for the Department of Public Works, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, one (1) bid was received, which was opened on May 8, 2024, which did not meet specifications, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby rejects the bid which was received for 30 CY Roll-Off Recycling Containers for the Department of Public Works.

Approved by 5 members of the Finance Committee and 3 members of the Public Works Committee.

Adopted June 12, 2024 by voice vote.

ACT NO. 240-2024 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NYSDOT AND
AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE IN THE FEDERAL-AID PROJECT FOR
BRIDGE WASHING OF 221 BRIDGES AND DECK SEALING OF 30 BRIDGES, VARIOUS LOCATIONS
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works-Comptroller's Contract #D041445)**

Pursuant to Title 23 U.S. Code and Sections 363, 366 and 450 of the County Law.

WHEREAS, the Cattaraugus County Bridge Washing of 221 Bridges and Deck Sealing of 30 Bridges Project in Cattaraugus County, PIN 5764.09 (the "Project"), is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at a ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS, the County desires to advance the above Project by making a commitment of 100% of the costs of the Construction & Construction Inspection phases of the Project, and

WHEREAS, various appropriation and estimated revenue accounts must be adjusted, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby approves the above-described Project, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to pay in the first instance 100% of the federal and non-federal shares of the cost of the Construction & Construction Inspection phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$440,000.00 is hereby appropriated and made available to cover the cost of participation in the above phases of the Project, and be it further

RESOLVED, that in the event the amount required to pay the full federal and non-federal shares of the cost of the Project's Construction & Construction Inspection phases exceeds the amount appropriated above, the County of Cattaraugus shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by NYSDOT, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute all necessary documents, on behalf of Cattaraugus County, with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and be it further

RESOLVED, that this Resolution shall take effect immediately, and be it further

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

Increase Estimated Revenue Account:

D.502.5111.0000.4597.01 Fed Aid, Transp. Capital Projects Bridge Program \$352,000.00

Increase Appropriation Account:

D.502.5111.5111.41603 Contracted Services \$352,000.00.

Approved by 5 members of the Finance Committee and 3 members of the Public Works Committee.

Adopted June 12, 2024 by voice vote.

ACT NO. 241-2024 by Mr. Benson and Mr. Helmich

AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH GREENMAN-PEDERSEN, INC. FOR COLLECTION OF SEEP FOR CHEMICAL ANALYSIS AT FIVE POINTS LANDFILL

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the Department of Public Works is in need of seep sampling for chemical analysis at Five Points Landfill, and

WHEREAS, Greenman-Pedersen, Inc., 403 Main Street, Suite 330, Buffalo, New York 14203, can provide the aforementioned services for an amount not to exceed \$2,850.00, 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 Greenman-Pedersen, Inc., for the provision of the above-described services, for a term commencing June 12, 2024 and terminating July 31, 2024, according to the above-described terms.

Approved by 5 members of the Finance Committee and 3 members of the Public Works Committee.

Adopted June 12, 2024 by voice vote.

ACT NO. 242-2024 by Mr. Boberg and Mrs. Hunt

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
FOR ALTERNATIVES TO INCARCERATION PROGRAM
(Probation Department – Contract C523915)**

Pursuant to Article 13-A of the Executive Law and
Section 450 of the County Law.

WHEREAS, Act 205-2023 authorized a contract with the New York State Division of Probation and Correctional Alternatives for an Alternatives to Incarceration Program for the 2023-2024 program year, the term of which expires June 30, 2024, and

WHEREAS, the County Probation Department is eligible to receive a grant for the Article 13-A Classification/Alternatives to Incarceration Program, which consists of a pre-trial release component with a total program cost of \$34,402.00, with an amount of \$10,308.00 being funded through the New York State Office of Probation and Correctional Alternatives for the contract term of July 1, 2024 through June 30, 2025, and

WHEREAS, the Pre-Trial Release Program provides for the screening and, for those eligible, background evaluation on all individuals admitted to the County jail, provides the courts with sufficient information and recommendations for possible release on recognizance pending resolution of the case in court, helps relieve overcrowding in the jail, and allows the jail to operate with a simplified classification system, and

WHEREAS, this program is 31% state funded and 69% locally 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 the New York State Division of Criminal Justice Services, for the provision of the above-described program, for a term commencing July 1, 2024 and terminating June 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.

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

Adopted June 12, 2024 by voice vote.

ACT NO. 243-2024 by Mr. Boberg and Mrs. Hunt

APPROVING CATTARAUGUS COUNTY EMERGENCY MEDICAL SERVICES MUTUAL AID PLAN

Pursuant to NYCRR Part 800.

WHEREAS, all emergency medical service (EMS) agencies in Cattaraugus County share a common goal of protecting the citizens of the County and providing patients with efficient, quality care, and

WHEREAS, pursuant to New York State Emergency Medical Services Code Section 800.21.p, a mutual aid plan is required to allocate mutual aid resources in an efficient, patient-oriented manner, and

WHEREAS, the proper emergency medical care for the sick and the injured is of primary concern to the EMS agencies in Cattaraugus County, and

WHEREAS, the Cattaraugus County Office of Emergency Services has developed a Mutual Aid Plan for use by the EMS agencies within Cattaraugus County, and

WHEREAS, the proposed Mutual Aid Plan has been approved by the Cattaraugus County Emergency Medical Services Advisory Council, and

WHEREAS, the proposed Mutual Aid Plan must be submitted to the Southwestern Regional EMS Council for approval, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby approves the Cattaraugus County Emergency Medical Services Mutual Aid Plan, a copy of which has been placed on file with the Clerk of the Cattaraugus County Legislature.

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

Adopted June 12, 2024 by voice vote.

ACT NO. 244-2024 by Mr. Boberg**ACCEPTING UPDATED CATTARAUGUS COUNTY ARSON CONTROL PLAN**

Pursuant to 204-c of the General Municipal Law and Section 153 of the County Law.

WHEREAS, arson is a serious problem in Cattaraugus County, and

WHEREAS, the Cattaraugus County Legislature, by Act 404-1981, accepted the original Arson Control Plan for Cattaraugus County, which set forth the policies and procedures to be used in fighting arson crimes, and

WHEREAS, the 1981 Arson Control Plan should be updated to incorporate current laws and regulations, as well as address recent arson trends, and

WHEREAS, each Legislator has received a copy of the updated Arson Control Plan, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby accepts the Cattaraugus County Arson Control Plan dated June 1, 2024.

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

Adopted June 12, 2024 by voice vote.

ACT NO. 245-2024 by Mrs. Andreano

*and Mr. Benson, Mr. Boberg, Mr. Brisky, Mr. Burr,
Mr. Higgins, Mrs. Hunt, Mr. Marsh, Mr. Nagle, Mr. Parker,
Ms. Schröder, Mr. Smith, Mr. Stoltenberg and Mr. Teachman¹*

**AUTHORIZING CONTRACT WITH DUFLO SPRAY-CHEMICAL, INC.
FOR MOSQUITO SPRAYING AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Health Department)**

Pursuant to Sections 363, 365, 366 and 450 of the County Law.

WHEREAS, Act 122-2022 authorized a contract with Duflo Spray-Chemical, Inc., 8369 State Route 812, Lowville, New York 13367, for the provision of aerial application and insect control services, with the option by the County to renew for additional one-year terms, and

WHEREAS, Duflo Spray-Chemical, Inc., as a sole source provider, can provide the aerial application and insect control services, as follows:

Applications - Applied Rates

To Spray Larvicide:

Zoecon Altosid IGR \$20.17/acre x 3,463.44 acres = \$69,857.58

To Spray Adulticide:

Kontrol 30-30 \$4.87/acre x 10,984 acres = \$53,492.08

Permonane 30-30 \$5.10/acre x 10,984 acres = \$56,018.40,

and

WHEREAS, Act 206-2024 authorized contracts with various towns and cities that are participating in the mosquito control program, and

WHEREAS, the aforementioned services are 6% state funded and 94% locally funded, and

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

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Duflo Spray-Chemical, Inc., for the provision of the above-described aerial application and insect control services for a term commencing May 28, 2024 and terminating December 31, 2024, with the option by the County to renew for additional one-year terms under the same rates and conditions, and be it further

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

Increase Estimated Revenue Accounts:

A.401.4090.4068.3401	Insect Control – State Aid, Public Health	\$ 3,092.16
A.401.4090.4068.2280.01	Health Services, Other governments-insect	\$12,768.25

Decrease Appropriation Account:

A.901.1990.0000.40601	Contingency Fund	\$ 5,497.17
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Increase Appropriation Account:

A.401.4090.4068.41421	Mosquito Control Contracted	\$21,357.58.
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Approved by 5 members of the Finance Committee and 4 members of the Human Services Committee.

¹The following Legislators requested their names be listed as additional sponsors: “Mr. Benson, Mr. Boberg, Mr. Brisky, Mr. Burr, Mr. Higgins, Mrs. Hunt, Mr. Marsh, Mr. Nagle, Mr. Parker, Ms. Schröder, Mr. Smith, Mr. Stoltenberg and Mr. Teachman”.

Adopted June 12, 2024 by voice vote.

ACT NO. 246-2024 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR
PUBLIC HEALTH IMMUNIZATION INITIATIVE**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Department of Health has been notified that it has been awarded funding through the New York State Department of Health Public Health Immunization Action Plan (IAP) grant, and

WHEREAS, the IAP program works closely with healthcare providers, day care providers, schools, vulnerable populations, and others to help raise vaccination rates in Cattaraugus County, and

WHEREAS, the County has been awarded an amount of \$38,213.00 per year for a five-year period commencing April 1, 2023 and terminating March 31, 2028, totaling \$191,065.00, and

WHEREAS, a contract (DOH01-C38430GG-3450000) is necessary in order to receive the aforementioned funding, including any supplemental funding, and

WHEREAS, the aforementioned immunization program is 100% federally funded (Assistance Listings Number 93.268), 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 the New York State Department of Health, in order to receive the above-described funding, 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 5 members of the Finance Committee and 4 members of the Human Services Committee.

Adopted June 12, 2024 by voice vote.

ACT NO. 247-2024 by Mrs. Andreano

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
AFFINITY REHABILITATION, LLP c/o HEALTHPRO® HERITAGE FOR
DEPARTMENT OF NURSING HOMES PROFESSIONAL THERAPY SERVICES**

Pursuant to 10 NYCRR Part 415.16 and
Section 450 of the County Law.

WHEREAS, Act 271-2021, authorized a contract with Affinity Rehabilitation, LLP, c/o HealthPRO® Heritage, 307 International Circle, Suite 100, Hunt Valley, Maryland 21030, for the provision of professional occupational therapy, physical therapy and speech/language pathology services for The Pines Healthcare & Rehabilitation Center - Olean and Machias Campuses, the term of which expires June 30, 2024, and

WHEREAS, the County Department of Nursing Homes is desirous of continuing the therapy services at The Pines Healthcare and Rehabilitation Center – Machias Campus, and

WHEREAS, Affinity Rehabilitation, LLP, c/o HealthPRO® Heritage, has agreed to provide the aforementioned professional therapy services at The Pines Healthcare and Rehabilitation Center – Machias Campus, in accordance with the following fee schedule, which includes travel:

		Pricing Summary				
Payor Sources		Option 1	Option 2		Payor Sources	
Please note:						
Medicare A	% of Rehab	31.0%	12.0%	% of Whole	Medicare A	
Managed A/HMO PDPM	% of Rehab	31.0%	12.0%	% of Whole	Managed A/HMO PDPM	
Managed A/HMO RUG	Per Minute	\$0.99	\$0.99	Per Minute	Managed A/HMO RUG	
Managed Levels	Per Minute	\$0.99	\$0.99	Per Minute	Managed Levels	
Medicare B	Fee Screen	56% of FS, No MPPR, No AI	56% of FS, No MPPR, No AI	Fee Screen	Medicare B	
Managed B	Per Minute	\$0.99	\$0.99	Per Minute	Managed B	
Other	Per Minute	\$0.99	\$0.99	Per Minute	Other	

- Option 1 is based on Percentage of Rehab, and Option 2 is Percentage of Whole PDPM rate.
- Pricing Option 2 is a Percentage of the Whole PDPM rate, which also includes up to 10 hours per month of Consulting Support. This option is an innovative shared-risk approach that includes MDS consultative support. Under this model, our seasoned reimbursement experts meet directly with the MDS coordinator. These meetings include proactive chart reviews, pre-transmission review of MDS, proprietary PDPM partner level resources, and tailored training modules with the intention of enhancing the revenue of your short-term rehab population. We understand that each partner’s needs vary, hence our commitment to providing variable support hours based on population and complexity, to ensure tailored assistance to IDTs based on their proficiency with PDPM and workflow requirements.
- Non-therapy days will not be billed.

and

WHEREAS, sufficient funds are included in the budget to cover the costs 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 Affinity Rehabilitation, LLP, c/o HealthPRO® Heritage, for the provision of the above-described professional therapy services, for a term commencing July 1, 2024 and terminating June 30, 2027, with the County's sole option to renew for one (1) additional three-year period at the same rates, terms and conditions, according to the above-described terms.

Approved by 5 members of the Finance Committee and 4 members of the Human Services Committee.

Adopted June 12, 2024 by voice vote.

ACT NO. 248-2024 by Mrs. Andreano

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
PREMIER THERAPY d/b/a EMBRACE PREMIER THERAPY FOR
DEPARTMENT OF NURSING HOMES PROFESSIONAL THERAPY SERVICES**

Pursuant to 10 NYCRR Part 415.16 and
Section 450 of the County Law.

WHEREAS, the Department of Nursing Homes is in need of professional occupational therapy, physical therapy and speech/language pathology services for The Pines Healthcare & Rehabilitation Center – Olean Campus, and

WHEREAS, Premier Therapy d/b/a Embrace Premier Therapy, 110 Central Square Drive, Beaver Falls, Pennsylvania 15010, has agreed to provide the aforementioned professional therapy services at The Pines Healthcare & Rehabilitation Center – Olean Campus, in accordance with the following fee schedule, which includes travel:

- PDPM and Managed PDPM - 33% of therapy component
Day of Admission through Day of Discharge for all therapy residents
- Part B - 70% of the Medicare Part B Fee Schedule
- Managed Care, Managed B and Other at \$1.19 per minute,

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 Premier Therapy d/b/a Embrace Premier Therapy for the provision of the above-described services, for a term commencing July 1, 2024 and terminating June 30, 2026, with the County's sole option to renew for two (2) additional two-year periods, at the same rates, terms and conditions, according to the above-described terms.

Approved by 5 members of the Finance Committee and 4 members of the Human Services Committee.

Adopted June 12, 2024 by voice vote.

ACT NO. 249-2024 by Mrs. Andreano

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT
WITH WESCOM SOLUTIONS, INC. D/B/A
POINTCLICKCARE FOR ELECTRONIC MEDICAL RECORDS SYSTEM
(Infection Prevention & Control Module-Department of Nursing Homes)**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 407-2021 authorized a contract with Wescom Solutions, Inc., d/b/a PointClickCare, 5570 Explorer Drive, Mississauga, Ontario Canada L4W 0C4, for the provision of a cloud-based electronic medical records system for The Pines Healthcare and Rehabilitation Centers-Olean and Machias Campuses, the term of which expires July 31, 2026, and

WHEREAS, the Department of Nursing Homes is desirous of adding an Infection Prevention & Control Module to the current contract for the Machias Campus, and

WHEREAS, Wescom Solutions, Inc., d/b/a PointClickCare, can provide the Infection Prevention & Control Module for the Machias Campus, for an amount of \$457.62 per month, and

WHEREAS, a contract amendment is necessary to cover the aforementioned Infection Prevention & Control Module, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned additional services, 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 Wescom Solutions, Inc., d/b/a PointClickCare, for the provision of the above-described additional services, for a term to commence June 12, 2024 and to terminate July 31, 2026, to coincide with the five (5) year term of the original contract dated August 1, 2021, according to the above-described terms.

Approved by 5 members of the Finance Committee and 4 members of the Human Services Committee.

Adopted June 12, 2024 by voice vote.

ACT NO. 250-2024 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE AFFILIATION AGREEMENTS
WITH STATE UNIVERSITY OF NEW YORK COLLEGE AT ONEONTA FOR
EDUCATIONAL EXPERIENCE PROGRAMS**

Pursuant to Section 450 of the County Law.

WHEREAS, the State University of New York College at Oneonta, 108 Ravine Parkway, Oneonta, New York 13820, offers training and educational programs to students in various curriculums who would benefit from educational experience through various County Departments, and

WHEREAS, the County believes that the value of the presence of such students would add to its operation, and

WHEREAS, the aforementioned programs are conducted at no cost to the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute affiliation agreements, on behalf of Cattaraugus County, with the State University of New York College at Oneonta, for the provision of the above-described education experience programs, for a term commencing July 1, 2024 to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

Approved by 5 members of the Finance Committee and 4 members of the Human Services Committee.

Adopted June 12, 2024 by voice vote.

ACT NO. 251-2024 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR RESIDENTIAL INSTITUTIONAL FOSTER CARE**

Pursuant to 18 NYCRR Part 405 and
Section 450 of the County Law.

WHEREAS, Act 224-2023 authorized contracts with various residential foster care institutions throughout New York State for the provision of residential-therapeutic foster care services in accordance with a New York State-approved fee schedule for the approved listing of residential institutions throughout New York State, the terms of which expire June 30, 2024, and

WHEREAS, the County Department of Social Services has the responsibility of placing children at risk into foster care, and

WHEREAS, the County Department of Social Services is desirous of renewing the aforementioned contracts with various residential foster care institutions in accordance with a New York State fee schedule for the approved listing of residential institutions throughout New York State, 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 contracts, on behalf of Cattaraugus County, with various residential foster care institutions for the provision of the above-described services for a term commencing July 1, 2024 and terminating June 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.

Approved by 5 members of the Finance Committee and 4 members of the Human Services Committee.

Adopted June 12, 2024 by voice vote.

ACT NO. 252-2024 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR DEPARTMENT OF SOCIAL SERVICES
PSYCHOLOGICAL EVALUATIONS AND ASSESSMENTS**

Pursuant to Section 251 of the Family Court Act and
Section 450 of the County Law.

WHEREAS, Act 223-2023 authorized contracts with various entities for psychological evaluation and assessment services, which consist of interviews with clients, consultation with other care providers and case managers, and preparation of reports, including recommendations for placement, treatment or custody/visitation, the terms of which expire June 30, 2024, and

WHEREAS, contracts are needed with various entities for the provision of the above-described services, with a maximum rate based on the current highest acceptable rate within the service area which are as follows:

<u>Position</u>	<u>Rate</u>
Doctor of Psychiatry	Not to Exceed \$185 per session
Doctor of Psychology	Not to Exceed \$175 per session
Licensed Mental Health Counselor	Not to Exceed \$125 per session
Family Counseling	Not to Exceed \$100 per session
Preparation & Court Testimony	Not to Exceed \$175 per hour
Testing	Not to Exceed \$180 per hour,

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 contracts, on behalf of Cattaraugus County, with various entities, for the provision of the

aforementioned court-ordered psychological assessments and evaluations, for a term commencing July 1, 2024 and terminating June 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.

Approved by 5 members of the Finance Committee and 4 members of the Human Services Committee.

Adopted June 12, 2024 by voice vote.

ACT NO. 253-2024 by Mr. Higgins and Mr. Marsh

**AUTHORIZING PUBLIC HEARING ON CLOSEOUT OF
2022 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 280-2022 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 26th day of June, 2024, 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 5 members of the Finance Committee and 3 members of the Development and Agriculture Committee.

Adopted June 12, 2024 by voice vote.

ACT NO. 254-2024 by Mr. Higgins and Mr. Marsh

**AUTHORIZING SECOND PUBLIC HEARING FOR
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING
(Economic Development, Planning & Tourism)**

Pursuant to 24 CFR Section 570.482(e) and
Section 450 of the County Law.

WHEREAS, Cattaraugus County received Community Development Block Grant (“CDBG”) funding from the New York State Office of Community Renewal (Project No. 199ME986-21) to implement the Cattaraugus County Microenterprise Assistance Program (the “Program”), and

WHEREAS, the Cattaraugus County Legislature is required to hold a public hearing to discuss the implementation of the Program and to provide information about the progress of the ongoing CDBG Program and to receive comments related to the effectiveness of administration of the CDBG Program, now, therefore, be it

RESOLVED, that a public hearing be held on June 26, 2024 at 5:02 p.m. at the Cattaraugus County Legislature's Chambers, 303 Court Street, Little Valley, New York, before the Cattaraugus County Legislature, whereat all interested parties shall be heard regarding the implementation of the CDBG program, and be it further

RESOLVED, that the Clerk of the Legislature is directed to prepare a notice of said hearing, to cause the publication of the notice of such hearing to be published in the two (2) papers which have been officially designated by this Legislature to publish “notices”, and to post a copy of said notice on the County website, with both publication and posting to be made at least eight (8) days before the public hearing.

Approved by 5 members of the Finance Committee and 3 members of the Development and Agriculture Committee.

Adopted June 12, 2024 by voice vote.

* * * * *

MR. SMITH moved, seconded by Mr. Stoltenberg, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 255-2024 through Act No. 269-2024. Carried.

* * * * *

ACT NO. 255-2024 by Mr. Benson and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE INTERMUNICIPAL AGREEMENT WITH
COUNTY OF ERIE FOR REHABILITATION OF ASHFORD BRIDGE NO. 37 PROJECT
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works)**

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

WHEREAS, Ashford Bridge No. 37 (Mill Street Bridge over Cattaraugus Creek, BIN 3328370), located on Cattaraugus County Road No. 12 (Edies Road) and Erie County Road No. 82 (Mill Street), is a jointly owned bridge between Erie and Cattaraugus counties in the Town of Concord in Erie County and the Town of Ashford in Cattaraugus County, and

WHEREAS, Cattaraugus County was able to secure a federal aid project which rehabilitated the structure to a safe and durable structure at a total cost of \$1,570,183.90, and

WHEREAS, Cattaraugus County put forth 100% of the initial costs for the federal aid project, and

WHEREAS, the County of Erie needs to reimburse Cattaraugus County 50% of the local share costs, which equates to \$40,679.00, and

WHEREAS, both counties will equally share ownership of the bridge and will equally share maintenance responsibility for the bridge, and

WHEREAS, each county accepts responsibility and liability for each of their own roadways, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned reimbursement from Erie County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an intermunicipal agreement, on behalf of Cattaraugus County, with the County of Erie, to accept the above-described reimbursement, and be it further

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

Increase Estimated Revenue Account:

H.504.5197.5195.25020.2306.03 Other Governments Construction Projects \$40,679.00

Increase Appropriation Account:

H.504.5197.5195.25020.41603 Ashford Bridge No. 37 \$40,679.00.

Adopted June 12, 2024 by voice vote.

ACT NO. 256-2024 by Mr. Boberg and Mrs. Hunt
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE OFFICE OF HOMELAND SECURITY AND EMERGENCY SERVICES
FOR STATE HOMELAND SECURITY PROGRAM GRANT
(Office of Emergency Services and Sheriff's Office)**

Pursuant to Public Law 107-56, Department of Homeland Security
Appropriations Act of 2005, Public Law 108-334 and
Section 450 of the County Law.

WHEREAS, Act 312-2023 authorized the Chairman to execute grant documents through the New York State Office of Homeland Security and Emergency Services for the State Homeland Security Program (SHSP) grant, and

WHEREAS, funding is available to the County in the amount of \$136,570.00, for the period September 1, 2024 through August 31, 2026, for the State Homeland Security Program that, if awarded, will be allocated as follows:

- Cattaraugus County Office of Emergency Services – A Homeland Security Program contract in the amount of \$95,599.00 will be initiated to provide funds to support the implementation of the State Homeland Security Strategy and address the identified planning, equipment, training and exercise needs for acts of terrorism and other catastrophic events;
- Cattaraugus County Sheriff's Office – A Law Enforcement Terrorism Prevention Program contract in the amount of \$40,971.00 will be initiated to provide funds for the law enforcement community to support terrorism prevention and preparedness efforts,

and

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

WHEREAS, this program is 100% federally funded (CFDA #97.067), 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 Homeland Security and Emergency Services, in order to apply for the above-described grant funding, 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 June 12, 2024 by voice vote.

ACT NO. 257-2024 by Mr. Boberg and Mrs. Hunt
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT APPLICATION WITH
NEW YORK STATE EMERGENCY MANAGEMENT OFFICE FOR
EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) PROGRAM
(Office of Emergency Services)**

Pursuant to P.L. 81-920 and Section 450 of the County Law.

WHEREAS, Act 265-2022 authorized a contract with the New York State Emergency Management Office, 1220 Washington Street, Building 22, Suite 101, Albany, New York 12226-2251, for the Emergency Management Performance Grant Program, and

WHEREAS, funding is available to the County in the amount of \$32,121.00 for the period October 1, 2023 through September 30, 2025 from the State Department of Homeland Security and Emergency Services for the Emergency Management Performance 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% federally funded (CFDA #97.042), 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 Emergency Management Office, in order to apply for the above-described Emergency Management Performance Grant Program, 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 June 12, 2024 by voice vote.

ACT NO. 258-2024 by Mr. Boberg, Mrs. Hunt and Ms. Schröder
who ask immediate consideration

**CREATING ONE (1) FULL-TIME POSITION OF DEPUTY SHERIFF IN THE
SHERIFF'S OFFICE AND ESTABLISHING COMPENSATION FOR THE SAME
(Sheriff's Office)**

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

WHEREAS, the Gowanda Central School District has requested the Sheriff's Office provide another resource officer for their district, and

WHEREAS, the Gowanda Central School District will provide funding for this position in terms of wages, benefit costs and supplies at no cost to the County, 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, now, therefore, be it

RESOLVED, that effective August 18, 2024, there is hereby created one (1) position of Deputy Sheriff to be filled on a full-time basis, Cattaraugus County Deputies Association, Pay Grade 23 (\$30.58 per hour), Position No. 311-097-116, and be it further

RESOLVED, that upon termination of 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 12, 2024 by voice vote.

ACT NO. 259-2024 by Mr. Burr
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
FREEDMAXICK CPAS, P.C. FOR
FINANCIAL ANALYSIS CONSULTANT SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, the County is desirous of obtaining financial analysis consultant services, and
WHEREAS, FreedMaxick CPAs, P.C., 424 Main Street, Suite 800, Buffalo, New York 14202, can provide financial analysis consultant services for an amount not to exceed \$20,000.00, 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 FreedMaxick CPAs, P.C., for the provision of the above-described financial analysis consultant services, for a term commencing June 1, 2024 and terminating September 30, 2024, according to the above-described terms.

Adopted June 12, 2024 by voice vote.

ACT NO. 260-2024 by Mr. Burr
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
THE BONADIO GROUP FOR
FINANCIAL ANALYSIS CONSULTANT SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, the County is desirous of obtaining financial analysis consultant services, and
WHEREAS, The Bonadio Group, 171 Sully's Trail, Pittsford, New York 14534, can provide
financial analysis consultant services for an amount not to exceed \$10,000.00, 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 The Bonadio Group, for the provision of the
above-described financial analysis consultant services, for a term commencing June 1, 2024 and
terminating September 1, 2024, according to the above-described terms.

Adopted June 12, 2024 by voice vote.

ACT NO. 261-2024 by Mr. Boberg, Mr. Brisky, Mr. Burr, Mr. Helmich, Mrs. Hunt,
Mr. Marsh, Mr. Nagle, Ms. Schröder and Mr. Stoltenberg
who ask immediate consideration

**SALE OF TAX TITLE PROPERTY TO FORMER OWNERS
(Towns of Ashford, East Otto, Ellicottville, Machias, Mansfield, Persia and Yorkshire)**

Pursuant to Section 215 of the County Law, Rule 33 and Rule 40 of the
Rules of Order of the Cattaraugus County Legislature,
Section 1166 of the Real Property Tax Law, and
Section 72-h of the General Municipal Law.

WHEREAS, Cattaraugus County has tax title to certain property situate in the Towns of
Ashford, East Otto, Ellicottville, Machias, Mansfield, Persia and Yorkshire, and

WHEREAS, the former owners of the properties have offered to tender an amount which
will cover the County's financial involvement in these premises, and

WHEREAS, the cost involved for these 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 County Treasurer's Deeds conveying these properties to the
following individuals:

TOWN OF ASHFORD

PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	FORMER OWNER(S) AND ADDRESS	COUNTY INVOLVEMENT
108	28.002-1-13.1	9449 Dutch Hill Road	Diane M. Haggart 9449 Dutch Hill Road West Valley, NY 14171	\$7,298.55

TOWN OF EAST OTTO

PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	FORMER OWNER(S) AND ADDRESS	COUNTY INVOLVEMENT
176	18.002-1-8	Hammond Hill Road	Edward S. Twaddell Margaret Louise Twaddell 1315 Mount Carmel Church Canton, GA 30114	\$16,305.37

TOWN OF ELICOTTVILLE

PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	FORMER OWNER(S) AND ADDRESS	COUNTY INVOLVEMENT
188	56.002-1-13.1	Clare Valley Road	Mark LeBlanc Terri Ellis 68 Cannon Road Toronto, Ontario, Canada M8Y 1S1	\$1,645.37

TOWN OF MACHIAS

PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	FORMER OWNER(S) AND ADDRESS	COUNTY INVOLVEMENT
296	21.020-4-35.2	9574 Maple Avenue	Estate of Barbara A. Schunk 9574 Maple Avenue Machias, NY 14101	\$5,837.62

TOWN OF MANSFIELD

PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	FORMER OWNER(S) AND ADDRESS	COUNTY INVOLVEMENT
306	37.003-1-54	7721 Otto-Maples Road	Jason Grover 7721 Otto-Maples Road Little Valley, NY 14755	\$5,356.09

TOWN OF PERSIA

PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	FORMER OWNER(S) AND ADDRESS	COUNTY INVOLVEMENT
358	16.028-4-11.1	86 Beech Street	Michael J. Crouse 86 Beech Street Gowanda, NY 14070	\$12,644.82

<u>TOWN OF YORKSHIRE</u>				
PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	FORMER OWNER(S) AND ADDRESS	COUNTY INVOLVEMENT
421	13.001-1-2.3	11321 Weaver Road	David Sink Catherine Sink 11321 Weaver Road Delevan, NY 14042	\$18,242.02

Adopted June 12, 2024 by voice vote.

ACT NO. 262-2024 by Mrs. Andreano
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CITY OF OLEAN FOR USE OF WAR VETERANS PARK FOR
WORLD BREAST FEEDING WEEK PICNIC**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Health is desirous of hosting a picnic for WIC participants who support breastfeeding in our communities, and

WHEREAS, the City of Olean, 101 East State Street, Municipal Building, Olean, New York 14760, has agreed to allow the County Health Department to use a pavilion at War Veterans Park for the World Breast Feeding Week picnic for an amount of \$210.00, to be paid as invoiced, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned expenses, 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 the City of Olean, for use of the above-described pavilion at War Veterans Park, for a term commencing August 1, 2024 and terminating August 1, 2024 according to the above-described terms.

Adopted June 12, 2024 by voice vote.

ACT NO. 263-2024 by Mr. Burr
who asks immediate consideration

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH
NEW YORK STATE DEPARTMENT OF STATE FOR
NY SWIMS LIFEGUARD GRANT PROGRAM
(Department of Health)**

Pursuant to Section 450 of the County Law.

WHEREAS, funding up to \$25,000 is available through the New York State Department of State's Division of Local Government Services (DLGS) to incentivize lifeguard recruitment and retention, and

WHEREAS, the aforementioned funding, if awarded, will be used to address a critical shortage of staff lifeguards available at public locations, including pools and beaches, and

WHEREAS, grant documents are necessary in order to apply for the aforementioned funding, and

WHEREAS, this program is 100% funded through the NY SWIMS Lifeguard Grant Program, 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 NYS Department of State, in order to apply for the NY SWIMS Lifeguard Grant Program, according to the above-described terms, and be it further

RESOLVED, that upon termination of state 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 12, 2024 by voice vote.

ACT NO. 264-2024 by Mrs. Andreano
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
AFFINITY REHABILITATION, LLP FOR
DEPARTMENT OF NURSING HOMES PROFESSIONAL THERAPY SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 271-2021 authorized a contract with Affinity Rehabilitation, LLP, 307 International Circle, Suite #100, Hunt Valley, Maryland 21030, for the provision of professional occupational therapy, physical therapy and speech/language pathology services for The Pines Healthcare & Rehabilitation Center - Olean and Machias Campuses, and

WHEREAS, the County is requesting that the term of the contract be extended for The Pines Healthcare and Rehabilitation Center – Olean campus only, 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 an amended contract, on behalf of Cattaraugus County, with Affinity Rehabilitation, LLP, for the provision of the above-described services, which amends the contract that commenced July 1, 2021 and shall now terminate on July 31, 2024, under the terms, rates and conditions set forth above, according to the above-described terms.

Adopted June 12, 2024 by voice vote.

ACT NO. 265-2024 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
SWEET RIDE DONUT TRUCK FOR OPERATION OF FOOD TRUCK AT
THE PINES HEALTHCARE AND REHABILITATION CENTER-OLEAN CAMPUS**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Sweet Ride Donut Truck has expressed interest in operating its food truck in the parking lot of The Pines Healthcare and Rehabilitation Center-Olean Campus, at 2245 West State Street in the City of Olean, and

WHEREAS, the County agrees to allow Sweet Ride Donut Truck to park its food truck in the parking lot of The Pines-Olean Campus to operate a food service from it, 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 Sweet Ride Donut Truck, to allow the usage of The Pines Healthcare and Rehabilitation Center-Olean Campus parking lot for the purpose of operating a food truck service, subject to such terms and conditions as may be established by the County Attorney upon recommendation of the Director of Buildings & Grounds and the Public Health Director, and be it further

RESOLVED, that the term of such contract shall commence June 12, 2024 and terminate on June 11, 2025, with the option to renew for successive one-year terms.

Adopted June 12, 2024 by voice vote.

ACT NO. 266-2024 by Mr. Benson, Mr. Brisky, Mr. Burr, Mrs. Hunt and Ms. Schröder
*and Mrs. Andreano, Mr. Boberg, Mr. Higgins, Mr. Marsh, Mr. Nagle,
Mr. Parker, Mr. Smith, Mr. Stoltenberg and Mr. Teachman¹*
who ask immediate consideration

**APPLAUDING NRA'S VICTORY IN SCOTUS DECISION
AND CONDEMNING NEW YORK STATE**

Pursuant to Section 153 of the County Law.

WHEREAS, on May 30, 2024, in an outstanding landmark 9-0 decision, the Supreme Court of the United States ruled that the National Rifle Association (NRA) can pursue a claim that New York State official Maria T. Vullo engaged in coercion when she encouraged private entities to end ties with the NRA, and

WHEREAS, in this successful suit by the NRA, it can now move forward with its case under the First Amendment of the Constitution claiming its free speech rights were violated by the conduct and actions of former Superintendent of the New York State Department of Financial Services (DFS), Maria T. Vullo, and

WHEREAS, Vullo, who was appointed by former Governor Andrew M. Cuomo as DFS Superintendent, had significant broad powers over the regulation of insurance companies and financial institutes doing business in New York, including but not limited to referring cases for prosecution, proclaiming civil charges, and entering into consent decrees, and

WHEREAS, following the Parkland Florida High School gun shooting in 2018, DFS Superintendent Maria T. Vullo urged private entities such as insurance companies and banks to reconsider its relationship with gun rights-affiliated groups, and

WHEREAS, the NRA contends that Vullo pressured insurers to cut ties with the organization and went so far as to meet with executives of insurance companies doing business with the NRA to make her position clear, and

WHEREAS, according to the Supreme Court decision, it was alleged that during one meeting Vullo told executives that she wanted to leverage the power of DFS to combat the availability of guns and weaken the NRA, and that she would be less likely to pursue regulatory action against insurers that do not have ties to the NRA, and

WHEREAS, such outright blazon coercion from Vullo shocks the conscience and demonstrates that liberal Democrats occupying governmental positions will stop at nothing to further advance their left-wing agendas in New York State, and

WHEREAS, the NRA received legal assistance on the case from the American Civil Liberties Union (ACLU), which usually supports liberal and left-leaning policies, noting that its decision to represent the NRA "reflects the importance of the First Amendment principles at stake...", and

WHEREAS, said decision is a tremendous victory for all who value our First Amendment freedom and stand against government coercion by liberal state officials such as Maria T. Vullo, whom seek to suppress views and rights such as the Second Amendment right to bear arms, and

WHEREAS, government officials should take this as a warning that there is no tolerance for using their substantial power, position and authority to bully and blacklist political groups they do not like or agree with, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature stands with the NRA in its pursuit for fairness and justice against former Superintendent Vullo, DFS and former Governor Cuomo, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby condemns any and all state officials who support such blatant abuse of power and authority, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to New York State Governor Kathy Hochul, Senator George Borrello, Assemblyman Joseph Giglio, the New York State Association of Counties, and all others deemed necessary and proper.

¹The following Legislators requested their names be listed as additional sponsors: "Mrs. Andreano, Mr. Boberg, Mr. Higgins, Mr. Marsh, Mr. Nagle, Mr. Parker, Mr. Smith, Mr. Stoltenberg and Mr. Teachman".

Adopted June 12, 2024 by voice vote.

ACT NO. 267-2024 by Mr. Benson and Mr. Burr
and Mr. Marsh¹
who ask immediate consideration

**CONDEMNING STATE AND FEDERAL ELECTED OFFICIALS FOR ALLOWING ELECTRIC VEHICLES
TO GO UNTAXED AT THE SAME RATE AS FUEL-POWERED VEHICLES**

Pursuant to Section 153 of the County Law.

WHEREAS, New York State imposes a motor fuel excise tax on motor fuel and diesel motor fuel sold in the state, and

WHEREAS, the tax is jointly administered and collected with the State's petroleum business tax, and

WHEREAS, motor fuel tax is 8.5 cents per gallon (motor fuel excise tax is 8.0 and petroleum testing fee is 0.05), and

WHEREAS, New York charges 17.3 cents per gallon for petroleum business tax, and

WHEREAS, the United States federal excise tax on gasoline is 18.4 cents per gallon and 24.4 cents per gallon for diesel fuel, and the proceeds therefrom are partly used to support federal highway infrastructure, and

WHEREAS, no such tax is imposed by the federal government nor New York State on electric vehicles, and

WHEREAS, a total of approximately 44 cents is not being collected from users of electric vehicles, and

WHEREAS, fuel tax, which makes up the largest share of revenue used for maintenance and repair of our roads, is trending down since the federal government's and New York State's initiative to push green energy, and

WHEREAS, some states have responded to the decline in fuel tax revenue by increasing the fuel tax rates, and

WHEREAS, such increase in tax rates will not solve the issue if it results in a drop in consumption by consumers driving fuel-powered vehicles, and

WHEREAS, more than 30 states across the United States have adopted electric vehicle fees to replace fuel tax revenue losses, and

WHEREAS, those state and federal Representatives that have endorsed and encouraged green energy should consider other options to fairly and appropriately tax electric vehicles, and

WHEREAS, a downstream effect of electric and hybrid vehicle mandates and incentives is the corresponding drop in fuel tax revenue, and

WHEREAS, in the fall of 2022, Governor Hochul announced that she was directing the State's Department of Environmental Conservation to implement the regulations over gasoline powered vehicles and that the intent would be to ban the sale of new gasoline powered vehicles by 2035, and

WHEREAS, such directives and initiatives to push electric vehicles come without any thoughtful or well-considered plan as to how to replace the loss of the State's transportation revenue, and

WHEREAS, the federal government and New York State have made electric vehicles an economic free rider that of which enjoy the benefits of our County's infrastructure but fail to contribute to the sustainability of such infrastructure, and

WHEREAS, while the electric vehicle initiatives continue to be forced upon us by federal and state legislative mandates, the losses to the fuel tax revenue will inflate funding deficits to significant levels, now, therefore, be it

RESOLVED, that Cattaraugus County strongly condemns any and all State and Federal elected officials for allowing electric vehicles to go untaxed at the same rate as fuel powered vehicles, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to New York State Governor Kathy Hochul, Senator George Borrello, Assemblyman Joseph Giglio, U.S. Senators Kirsten Gillibrand and Charles Schumer, Congressman Nicholas Langworthy, the New York State Association of Counties, and all others deemed necessary and proper.

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

Adopted June 12, 2024 by voice vote.

ACT NO. 268-2024 by Mr. Benson, Mr. Brisky, Mr. Burr, Mrs. Hunt and Ms. Schröder
who ask immediate consideration

**URGING NEW YORK STATE PUBLIC SERVICE COMMISSION
TO REJECT NATIONAL GRID'S PROPOSED
RATE INCREASES FOR ELECTRIC AND NATURAL GAS**

Pursuant to Section 153 of the County Law.

WHEREAS, National Grid has submitted a request to the New York State Public Service Commission (NYS PSC) asking for a rate increase of 15% for electricity and 20% for natural gas to take effect April 1, 2025, and

WHEREAS, these rate increases have to go through the NYS PSC for approval, and

WHEREAS, National Grid blames this rate increase on the cost of materials to build and maintain transmission networks, devaluation of the U.S. dollar, and ongoing increases to contractor costs, and

WHEREAS, New York's electricity prices per kilowatt hour are approximately 5.97% higher than the national average, and

WHEREAS, said proposed rate increases are a consequence of the New York liberal democratic green energy policies pushing incentives and mandates which ultimately pass the financial burden onto consumers, and

WHEREAS, New York State is responsible for the conditions that have led to the proposed rate increases with its high-cost and price-insensitive energy policies that are detached from the fiscal realities of the ratepayers and consumers, and

WHEREAS, the higher rates will be burdensome on customers at a time when taxpayers are economically strapped through the high cost of inflation, and

WHEREAS, with the high cost of inflation, Cattaraugus County citizens, including retirees, seniors, those on fixed incomes, not-for-profits and people with disabilities, are living paycheck to paycheck struggling to make ends meet, and

WHEREAS, another increase in another necessity will only create a heavier burden to the burden the citizens are already bearing, and

WHEREAS, this is just another reckless, cost insensitive green energy initiative that is being forced on National Grid by irresponsible New York State energy policies, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby further urges the New York State Public Service Commission to reject the excessive rate increases proposed by National Grid for electric and gas, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby condemns National Grid for its proposed excessive electric and gas rate increases, and be it further

RESOLVED, that the Cattaraugus County Legislature vehemently urges Governor Hochul and the New York State Legislature to protect the citizens of New York State from these proposed excessive rate increases, and be it further

RESOLVED, that a copy of this resolution be forwarded to each county in New York State, encouraging member counties to enact similar resolutions, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader Rob Ortt, Assembly Majority Leader Crystal D. Peoples-Stokes, Assembly Minority Leader William Barclay, Senator George Borrello, Assemblyman Joseph Giglio, New York State Association of Counties, the Inter-County Association of Western New York, National Grid, and all others deemed necessary and proper.

Adopted June 12, 2024 by voice vote.

ACT NO. 269-2024 by Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Brisky, Mr. Burr, Mr. Helmich, Mr. Higgins, Mrs. Hunt, Mr. Marsh, Mr. Nagle, Mr. Parker, Ms. Schröder, Mr. Smith, Mr. Stoltenberg and Mr. Teachman who ask immediate consideration

CONGRATULATING CLASS OF 2024 HIGH SCHOOL VALEDICTORIANS AND SALUTATORIANS

Pursuant to Section 153 of the County Law.

WHEREAS, every year, area schools recognize graduating students who have earned the highest grade point average, and

WHEREAS, these students should be recognized and congratulated for their academic achievements, and

WHEREAS, the hard work and dedication of class valedictorians and salutatorians should be commended by the Cattaraugus County Legislature, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby congratulates the following students as Class of 2024 high school valedictorians and salutatorians:

<u>School</u>	<u>Valedictorian</u>	<u>Salutatorian</u>
Allegany-Limestone Central School	Xavier Hilmey	Sughosh Kondur
Cattaraugus-Little Valley Central School	Brenna Mentley	Adeline Wright
Central Baptist Christian School	Sophia Bookmiller	Lea Tokarczyk
Cuba-Rushford Central School	Julie Bichler	Jacie Carney
Ellicottville Central School	Brooke Butler	Keelin Finn
Forestville Central School	Antonio Patton	Jillian Grupa
Franklinville Central School	Olivia Frank	Tyyetta Herman
Frewsburg Central School	Alexander Pitts	Aleah Bjork
Gowanda Central School	Christina Wilder	Madilyn Pawlak
Hinsdale Central School	Alexandria Goodyear	Caden Miller
Olean City School	Aila Shoup	Riti Anumalasetty
Pine Valley Central School	William Jones	Aidan Moskaluk
Pioneer Central School	Olivia Clouse	Theresa Kolasny
Portville Central School	Gwenyth Mitchell	Jessica Daley
Randolph Central School	Alanna Sluga	Roan Kelly
Salamanca City Central School	Michael Schnauffer	Matthew Schnauffer
Springville-Griffith Institute Central School	Linnea Neureuther	Hannah Baumbartner
West Valley Central School	Nick Peters	RyAnn Turner,

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to the Class of 2024 valedictorians and salutatorians.

Adopted June 12, 2024 by voice vote.

* * * * *

MR. SMITH moved, seconded by Mr. Marsh, to adjourn until June 26, 2024 at 5:00 p.m. Carried.

Meeting adjourned at 5:20 p.m.

Ann M. Giglio
Journal Clerk