

July 24, 2024

The meeting was called to order by Chairman Burr.

The invocation was given by Kelly Andreano.

The Attendance Roll Call disclosed all Legislators present.

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There being no amendments or objections thereto, Chairman Burr noted that the minutes of the June 26, 2024 session stand approved as presented.

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COMMUNICATIONS:

NYS Senator George M. Borrello: Acknowledging receipt of Act 266-2024, Act 267-2024 and Act 268-2024.

Family of Kenneth Marsh: Note of thanks from Legislator Norman Marsh and Charlyn Marsh for the expressions of sympathy in their loss.

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PUBLIC HEARING:

CHAIRMAN BURR announced this is the time and place called for a public hearing on the submission of an application to the New York State Office of Homes and Community Renewal for a **Community Development Block Grant** for the County-wide well, septic and lateral repair or replacement grant program which will repair failed septic systems and contaminated private water supplies, and that anyone wishing to speak regarding the CDBG program may now do so.

There being no one wishing to speak, Chairman Burr declared the public hearing closed.

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ACT NO. 295-2024 by Mr. Benson and Mr. Helmich

**BID ACCEPTANCE FOR DRAINAGE AND PAVEMENT IMPROVEMENT
OF COUNTY ROAD NO. 32 (DEPOT STREET)
(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 drainage and pavement improvement project on County Road No. 32 (Depot Street) located in the Town of Ashford, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was submitted by Milherst Construction, Inc., 10025 County Road, PO Box 430, Clarence Center, New York 14032-0430, in the amount of \$578,300.00, 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, 2024, 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 Milherst Construction, 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.

Forty-Five sets of specifications were sent out.

Four bids were received which met specifications.

Approved by 7 members of the Finance Committee and 5 members of the Public Works Committee.

Adopted July 24, 2024 by voice vote.

ACT NO. 296-2024 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
U.S. DEPARTMENT OF TRANSPORTATION FOR
SAFE STREETS AND ROADS FOR ALL FUNDING AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works)**

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

WHEREAS, Act 294-2023 authorized the Chair to apply for funding through the U.S. Department of Transportation (USDOT) Federal Highway Administration for the Safe Streets and Roads for All (SS4A) grant program, and

WHEREAS, the purpose of the aforementioned grant is to improve roadway safety by significantly reducing or eliminating roadway fatalities and serious injuries through safety action plan development and refinement and implementation focused on all users, including pedestrians, bicyclists, public transportation users, motorists, personal conveyance and micromobility users, and commercial vehicle operators, and

WHEREAS, the County Department of Public Works was awarded \$250,000.00 through the aforementioned grant program, which will be used to develop a Comprehensive Safety Action Plan, as follows:

Federal Share	\$200,000.00
County Share	<u>\$ 50,000.00</u>
Total Grant Program	\$250,000.00,

and

WHEREAS, the Comprehensive Safety Action Plan will identify safety improvements, programs and strategies to reduce by 50% the number of fatal crashes and serious injury crashes by 2050 with an eventual goal of eliminating roadway fatalities and serious injuries, and

WHEREAS, it is necessary to execute grant documents in order to accept, and receive, the aforementioned funding, and

WHEREAS, this grant program is 80% federally funded (CFDA #20.939) with a 20% County match in the amount of \$50,000.00, 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 U.S. Department of Transportation Federal Highway Administration, in order to accept, and receive, the aforementioned USDOT Safe Streets and Roads for All 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, and be it further

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

Increase Estimated Revenue Account:

H.504.5197.5198.27094.4597.05	SS4A Grant	\$200,000.00
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Increase Appropriation Account:

H.504.5197.5198.27094.41603	SS4A Grant	\$200,000.00.
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Approved by 7 members of the Finance Committee and 5 members of the Public Works Committee.

Adopted July 24, 2024 by voice vote.

ACT NO. 297-2024 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE NO-COST TIME EXTENSION WITH
NYS DOT FOR THE STATE-AID PROJECT ADMINISTERED BY THE NYS DOT
(County Road No. 5 / Little Valley Creek Culvert Replacement)**

Pursuant to Title 23 U.S. Code and Section 450 of the County Law.

WHEREAS, Act 117-2019, as amended by Act 147-2023, authorized a contract with the New York State Department of Transportation (NYS DOT) and participation in the State-Aid Project for the replacement of County Road No. 5/Little Valley Creek culvert replacements, in the Town of New Albion,

Cattaraugus County, PIN 5763.01, Comptroller's Contract #D036250 (the "Project"), the term of which expires December 31, 2024, and

WHEREAS, a no-cost time extension to December 31, 2025, has been requested in order to complete the aforementioned Project, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a no-cost time extension with the NYSDOT, on behalf of Cattaraugus County, in order to extend the term of the contract dated February 11, 2019 to December 31, 2025, according to the above-described terms.

Approved by 7 members of the Finance Committee and 5 members of the Public Works Committee.

Adopted July 24, 2024 by voice vote.

ACT NO. 298-2024 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE NO-COST TIME EXTENSION WITH
MDA CONSULTING ENGINEERS, PLLC FOR ENGINEERING SERVICES FOR
COUNTY ROAD NO. 38 DRAINAGE IMPROVEMENTS & OVERLAY PROJECT**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 174-2023 authorized a contract with MDA Consulting Engineers, PLLC, for engineering services for the drainage improvements and overlay project for County Road No. 38 (Mutton Hollow Road) in the Town of Great Valley, the term of which expired April 30, 2024, and

WHEREAS, a no-cost time extension to December 31, 2024, has been requested in order to complete the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a no-cost time extension with MDA Consulting Engineers, PLLC, on behalf of Cattaraugus County, in order to extend the term of the contract dated April 24, 2023 to December 31, 2024, according to the above-described terms.

Approved by 6 members of the Finance Committee and 4 members of the Public Works Committee.

Adopted July 24, 2024 by voice vote. Mr. Boberg abstained from vote.

ACT NO. 299-2024 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COUNTY SOIL & WATER CONSERVATION DISTRICT FOR
2024 STREAMBANK STABILIZATION PROJECTS**

Pursuant to Section 9 of the Soil and Water Conservation
Districts Law and Section 450 of the County Law.

WHEREAS, inspection and technical services are needed for various emergency streambank repair projects for the 2024 Streambank Stabilization Program, and

WHEREAS, the Cattaraugus County Soil & Water Conservation District (SWCD) has agreed to provide the inspection and technical services necessary for various emergency streambank repair projects for the 2024 Streambank Stabilization Program, for an amount not to exceed \$6,875.00, to be paid on a percent-of-completion basis as invoiced:

Projects:

- Site #2 County Road #26 (Gile Hollow Road along Gull Brook)
Town of Hinsdale, streambank protection
- Site #3 County Road #26 (Gile Hollow Road along Gull Brook)
Town of Hinsdale, streambank protection,

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 Cattaraugus County Soil & Water Conservation District, for the provision of the above-described streambank restoration and bank protection inspection and technical services, for a term commencing January 1, 2024 and terminating December 31, 2024, according to the above-described terms.

Approved by 7 members of the Finance Committee and 5 members of the Public Works Committee.

Adopted July 24, 2024 by voice vote.

ACT NO. 300-2024 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
SIGNATURE STRUCTURES, LLC FOR
INSPECTION OF FABRIC STRUCTURES WITH COMPLETE REPORT**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Public Work is desirous of having six (6) salt storage fabric structures inspected, and

WHEREAS, Signature Structures, LLC, 1901 Hay Terrace, Easton, Pennsylvania 18042, has agreed to provide a thorough evaluation of each structure, determine a short- and long-term operational maintenance plan, and provide pricing for the annual plan upon request, for an amount of \$29,000, to be paid as invoiced, and

WHEREAS, in addition, Signature Structures, LLC, will also provide a complete inspection report to include details of required repairs and long-term service recommendations, 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 Signature Structures, LLC, for the provision of the above-described inspection services and report, for a term to commence July 24, 2024 and terminate October 31, 2024, according to the aforementioned terms.

Approved by 7 members of the Finance Committee and 5 members of the Public Works Committee.

Adopted July 24, 2024 by voice vote.

ACT NO. 301-2024 by Mr. Benson, Mr. Burr and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
MCMAHON & MANN CONSULTING ENGINEERING AND GEOLOGY, P.C. FOR
GEOTECHNICAL ENGINEERING SERVICES FOR COUNTY ROAD NO. 12 SLOPE FAILURE AREA
AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Public Works)**

Pursuant to Section 131-b of the Highway Law and
Sections 363, 366 and 450 of the County Law.

WHEREAS, Acts 338-2019 and 509-2020, as amended by Act 214-2022, authorized a contract with McMahon & Mann Consulting Engineering and Geology, P.C., 2495 Main Street, Suite 432, Buffalo, New York 14214, for the provision of geotechnical engineering services to explore the subsurface conditions, install instrumentation, and provide recommendations to address a creeping slope on County Road No. 12 in the Town of New Albion, the term of which expired December 31, 2023, and

WHEREAS, additional services are needed in order to complete further studies to explore the feasibility of realigning the roadway to avoid the effects of the slope on County Road No. 12 in the Town of New Albion, and

WHEREAS, McMahon & Mann Consulting Engineering and Geology, P.C., has agreed to provide the additional services necessary to complete the aforementioned project for an amount of \$79,500.00, to be paid as invoiced, and

WHEREAS, it is necessary to extend the term of the aforementioned contract to December 31, 2025 in order to allow additional time to complete the aforementioned project, and

WHEREAS, various appropriation accounts must be adjusted, 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 McMahon & Mann Consulting Engineering and Geology, P.C., for the provision of the above-described services, to extend the term of the original contract which commenced September 25, 2019 to terminate December 31, 2025, according to the above-described terms, and be it further

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

Decrease Appropriation Account:

H.504.5197.5198.27070 County Road No. 2 \$65,500.00

Increase Appropriation Account:

H.504.5197.5198.27039 County Road No. 12 \$65,500.00.

Approved by 7 members of the Finance Committee and 5 members of the Public Works Committee.

Adopted July 24, 2024 by voice vote.

ACT NO. 302-2024 by Mr. Boberg and Mrs. Hunt

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR PUBLIC DEFENSE SERVICES
AID TO DEFENSE DISCOVERY REFORM AND AID TO DEFENSE SUPPLEMENTAL BLOCK GRANTS
(Public Defender and Assigned Counsel)**

Pursuant to Section 450 of the County Law.

WHEREAS, the County has been awarded two (2) block grants through the New York State Division of Criminal Justice Services (DCJS), each in the amount of \$199,704.00, to support public defense services and expenses incurred by the County, as follows:

- Aid to Defense for Discovery Reform in the amount of \$199,704.00 – funding will be used to support public defense services and expenses related to discovery reform implementation, including but not limited to digital evidence transmission technology, administrative support, computers, hardware and operating software, data connectivity, development of training materials, staff training, additional personnel or increased compensation to reflect additional responsibilities related to discovery, overtime costs, and litigation readiness; and
- Aid to Defense Supplemental in the amount of \$199,704.00 – funding will be used to support public defense services and expenses incurred by government,

and

WHEREAS, the aforementioned block grant funding must be used to help offset the cost of public defense services and expenses related to discovery that Cattaraugus County incurred on or after April 1, 2023, and

WHEREAS, funding is contingent upon the completion and submission (as applicable) for all contractual obligations as well as approval by the NYS Division of Budget and execution of the grant contract by the NYS Office of the State Comptroller, 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 grant documents, on behalf of Cattaraugus County, with the New York State Division of Criminal Justice Services, in order to accept, and receive, the above-described funding, for a term commencing April 1, 2023 and terminating March 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 5 members of the County Operations/
Public Safety Committee.

Adopted July 24, 2024 by voice vote.

ACT NO. 303-2024 by Mr. Boberg

**LOCAL LAW NUMBER 3 - 2024
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW ESTABLISHING FEES FOR CATTARAUGUS COUNTY
REAL PROPERTY TAX SERVICE AGENCY SERVICES AND
REPEALING ACT 593-2010**

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

SECTION 1. Legislative Intent. It is the intent of this Local Law to revise the fee schedule currently in effect for certain services provided by the Cattaraugus County Department of Real Property Tax Services.

SECTION 2. Fee Schedule. Effective January 1, 2025, the following fees shall be charged by the Cattaraugus County Real Property Tax Service Agency:

Tax Maps to General Public	30 x 42	\$12.00 per map
	11 x 17	\$4.00 per map
	8.5 x 11	\$2.00 per map
Digital PDF Tax Maps		\$10.00 per map
GIS Maps	30 x 42	\$20.00 per map
	17 x 22	\$12.00 per map
	11 x 17	\$10.00 per map
	8.5 x 11	\$5.00 per map
Street Maps		\$4.00 per map
Mailing Labels		\$0.06 per label
8.5 x 11 general prints/copies		\$0.50 per page
Digital Parcel Information		\$0.03 per parcel
GIS Parcel Lines with Data		\$0.06 per parcel
GIS County Shapefiles		\$150.00 per shapefile
Files for Escrow Companies		\$3,000.00 per year
Town Tax Roll Processing and Printing		\$1.25 per parcel
Village Tax Roll Processing and Printing		\$1.50 per parcel
School Tax Roll Processing and Printing		\$1.50 per parcel

City of Salamanca Tax Roll Processing and Printing	\$1.25 per parcel
City of Olean Tax Roll Processing and Printing	\$1.00 per parcel
	Plus annual NYS RPS User fee

**All Towns, Village, Cities, Schools, Committees, Boards, and Non For Profits shall be half off of the stated price.

**If a duplicate Village/Town/School Tax Roll must be run due to an error created by the Village/Town/School, an additional \$.50 per parcel will be charged over and above the initial cost per parcel.

**Any special requests for tax bill preparation will have the applicable fee listed above plus an additional \$350.00 fee.

**Any special request for computer data not available on existing programs will be considered on a case-by-case basis for accessibility and be charged the applicable fee listed above plus an additional \$200.00 fee.

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

SECTION 4. Statutory Repeal. Effective January 1, 2025, Act 593-2010, Local Law Number 2-2010 (Intro Number 17-2010) entitled "A Local Law Establishing Fees for Cattaraugus County Real Property Tax Service Agency Services" is hereby repealed.

SECTION 5. Effective Date. This Local Law shall take effect January 1, 2025.

Approved by 7 members of the Finance Committee and 5 members of the County Operations/ Public Safety Committee.

No further action taken at this time.

ACT NO. 304-2024 by Mr. Boberg

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 3-2024

Pursuant to Section 20 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on July 24, 2024, a proposed Local Law entitled "A Local Law Establishing Fees for Cattaraugus County Real Property Tax Service Agency Services and Repealing Act 593-2010", and

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

RESOLVED, that a public hearing shall be held on the proposed local law by this County Legislature on the 28th day of August, at 5:01 p.m. at the Legislature's Chambers, County Office Building,

303 Court Street, Little Valley, New York, and that at least five days' notice of such hearing shall be given by the Clerk by the due posting thereof upon the bulletin board of each County Court House within the County and by publishing such notice at least once in the official newspapers of the County.

Approved by 7 members of the Finance Committee and 5 members of the County Operations/ Public Safety Committee.

Adopted July 24, 2024 by voice vote.

ACT NO. 305-2024 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HEALTHY COMMUNITY ALLIANCE, INC. FOR
HEALTH DEPARTMENT WOMEN INFANT AND CHILDREN (WIC) PROGRAM**

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

WHEREAS, Act 411-2023 authorized a contract with Healthy Community Alliance, Inc., One School Street, Suite 1, Gowanda, New York 14070, for the provision of a nutrition program aide for the Health Department WIC program, the term of which expires September 30, 2024, and

WHEREAS, the County Health Department is desirous of continuing the services of the full-time nutrition program aide, and

WHEREAS, Healthy Community Alliance, Inc., has agreed to provide the aforementioned WIC program components, in accordance with the following:

Nutrition Program Aide (one full-time)

- | | | |
|--|--------------|-------------|
| *to be paid on a monthly basis, as invoiced | Total not to | \$65,026.49 |
| *Approved work-related expenses will be reimbursed, including approved work-related cell phone usage | exceed | |
| *Mileage will be reimbursed at a rate not to exceed the County's rate | | |

and

WHEREAS, this program is 100% funded through the WIC 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 Healthy Community Alliance, Inc., for the provision of the above-described services, for a term commencing October 1, 2024 and terminating September 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 7 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted July 24, 2024 by voice vote.

ACT NO. 306-2024 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ENVIRONMENTAL EDUCATION ASSOCIATES FOR
HEALTH DEPARTMENT LEAD RENOVATOR AND ABATEMENT TRAINING COURSES**

Pursuant to Section 450 of the County Law.

WHEREAS, the Health Department is desirous of providing lead renovator/lead abatement training to local contractors on an as-needed basis, and

WHEREAS, Environmental Education Associates (EEA), 346 Austin Street, Buffalo, New York 14207, is an EPA-Accredited Lead Abatement Training Provider that can provide the requested training courses as follows:

USEPA Lead Abatement Worker Initial Training	\$625.00 per person, minimum of 4 attendees \$312.50 per person, minimum of 8 attendees
USEPA Lead Abatement Worker Refresher Training	\$275.00 per person, minimum of 4 attendees \$137.50 per person, minimum of 8 attendees
USEPA Lead Abatement Supervisor Initial Training	\$1,000.00 per person, minimum of 4 attendees \$500.00 per person, minimum of 8 attendees
USEPA Lead Abatement Supervisor Refresher Training	\$275.00 per person, minimum of 4 attendees \$137.50 per person, minimum of 8 attendees
USEPA Lead Renovator Initial Training	\$275.00 per person, minimum of 4 attendees \$137.50 per person, minimum of 8 attendees
USEPA Lead Renovator Refresher Training	\$225.00 per person, minimum of 4 attendees \$112.50 per person, minimum of 8 attendees,

and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned training 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 Environmental Education Associates (EEA), for the provision of the above-described training services, for a term commencing July 8, 2024 to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

Approved by 7 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted July 24, 2024 by voice vote.

ACT NO. 307-2024 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CORNELL UNIVERSITY FOR HEALTH DEPARTMENT
LEAD RENOVATION TRAINING SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, the Health Department is desirous of providing lead renovation training to local contractors on an as-needed basis, and

WHEREAS, Cornell University's School of Industrial and Labor Relations – Outreach Division, 617 Main Street, Suite 300, Buffalo, New York 14203, can provide workshops for the provision of lead renovation training as follows:

\$1,412.00 for workshop (1-6 trainees)

\$1,862.00 for workshop (7-12 trainees),

and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned training 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 Cornell University, for the provision of the above-described training services, for a term commencing July 8, 2024 and terminating June 30, 2025, according to the above-described terms.

Approved by 7 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted July 24, 2024 by voice vote.

ACT NO. 308-2024 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE OFFICE FOR THE AGING FOR
2024-2025 ADDITIONAL NYS UNMET NEED FUNDING AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Aging)**

Pursuant to Older Americans Act Title III-E and Sections 363, 366 and 450 of the County Law.

WHEREAS, funding in the amount of \$404,400.00 is available through the New York State Office for the Aging for 2024-2025 additional Unmet Needs for the Department of Aging, and

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

WHEREAS, this program is 100% state funded, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to receive the aforementioned 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 for the Aging, in order to apply for, and accept, the aforementioned additional NYS Unmet Need funding, for a term commencing April 1, 2024 and terminating March 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, and be it further

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

Increase Estimated Revenue Account:

A.677.6736.0000.3772.20	State Aid, Programs for Aging Unmet Need	\$404,400.00
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Increase Appropriation Accounts:

A.677.6736.0000.40822	Client Home Modification	\$ 15,000.00
A.677.6736.0000.41603	Contracted Services	\$ 79,061.00
A.677.6736.0000.41220	RN Supervision	\$ 11,813.00
A.677.6736.0000.41633.1	Personal Care Level I	\$ 47,023.00
A.677.6736.0000.41633.2	Personal Care Level II	\$166,718.00
A.677.6736.0000.20006	Computer Equipment/Software	\$ 2,500.00
A.677.6736.0000.47002	Office Supplies	\$ 2,500.00
A.677.6736.0000.47054	Food	\$ 30,000.00
A.677.6736.0000.11000	Full Time Wages	\$ 10,000.00
A.677.6736.0000.45306	Vehicle Lease	\$ 39,785.00.

Approved by 7 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted July 24, 2024 by voice vote.

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MR. SMITH moved, seconded by Mr. Nagle, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 309-2024 through Act No. 320-2024. Carried.

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ACT NO. 309-2024 by Public Works Committee:
Mr. Helmich, Mr. Benson, Mr. Boberg,
Mr. Brisky and Mr. Parker
who ask immediate consideration

**BID ACCEPTANCE FOR MANSFIELD BRIDGE NO. 32 REPLACEMENT PROJECT
(Department of Public Works)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the replacement of Mansfield Bridge No. 32, located on Kent Road over Mansfield Creek in the Town of Mansfield, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications for the aforementioned bridge replacement project was the bid of Hunting Valley Construction, Inc., 825 Rein Road, Cheektowaga, New York 14225, for an amount of \$328,580.00, to be paid as invoiced and as determined by the Department of Public Works, and

WHEREAS, this project is 71% federal and 29% county funded, and

WHEREAS, sufficient ARPA funds are included in the budget to cover the costs of the aforementioned bridge replacement project, now, therefore, be it

RESOLVED, that the bid of Hunting Valley Construction, Inc., be, and the same hereby is, accepted, for a term commencing within ten (10) days of the effective date of the contract, unless otherwise determined by the County, and terminating September 30, 2024, 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.

Three bids were received that met specifications.

Adopted July 24, 2024 by voice vote.

ACT NO. 310-2024 by Mr. Benson and Mr. Helmich
who ask immediate consideration

**BID ACCEPTANCE FOR PURCHASE OF NATURAL GAS
FOR COUNTY BUILDINGS
(Department of Buildings and Grounds)**

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 purchase of natural gas for the County Buildings, according to specifications provided by the Public Works Committee, and

WHEREAS, Energy Enterprises, Inc., energy consultant for the County, has reviewed the bids submitted as well as the performance history of the bidders and has recommended that the County

accept the bid of Energy Mark, LLC, 6653 Main Street, Williamsville, New York 14221, for Method #1 – Firm Index Based Pricing with 1 year Trigger Option (One Year Commitment), as follows:

Basis Pricing shall be the difference between the monthly NYMEX, Henry Hub settlement price, as reported in the Wall Street Journal and the total price to the LDC. Each month this non-changing basis will be added to the appropriate monthly NYMEX settlement figure or the fixed NYMEX upon fixing.

Basis including shrinkage, upstream transportation, margin, etc. \$0.11/Dth

The price can be fixed anytime during the contract term at the current NYMEX + Basis.

Notice will be given to the marketer by noon of the day which the price shall be fixed., now, therefore, be it

RESOLVED, that the bid of Energy Mark, LLC, be, and the same hereby is, accepted for a term commencing September 1, 2024 and terminating August 31, 2025, and be it further

RESOLVED, that the vouchers accordingly certified by the Director of the Department of Buildings and Grounds be audited by the Auditor and paid by the County Treasurer. No State Bid.

Twenty sets of specifications were sent out.

Three bids were received meeting specifications.

Adopted July 24, 2024 by voice vote.

ACT NO. 311-2024 by Mr. Benson
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
UHL VENTURES, LLC d/b/a SERVPRO OF JAMESTOWN/OLEAN FOR
EMERGENCY CLEANING SERVICES AT THE LITTLE VALLEY COUNTY BUILDING
AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Contingent Fund to Little Valley County Center Flood Abatement)**

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

WHEREAS, the County experienced a water line break inside the Little Valley County Building located at 303 Court Street, Little Valley, and

WHEREAS, emergency water extraction and cleanup services were necessary due to the aforementioned water line break, and

WHEREAS, UHL Ventures, LLC d/b/a SERVPRO of Jamestown/Olean, 1376 East 2nd Street, Jamestown, New York 14701, has agreed to provide the labor, materials and equipment necessary to clean and restore the County Building for an amount not to exceed \$40,000.00, to be paid as invoiced, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to cover the cost of the aforementioned cleaning 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 UHL Ventures, LLC d/b/a SERVPRO of Jamestown/Olean, for the provision of the above-described services, for a term commencing July 16, 2024 and terminating July 31, 2024, according to the above-described terms, and be it further

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

Decrease Appropriation Account:		
A.901.1990.0000.40601	Contingent Fund	\$40,000.00
Increase Estimated Revenue Account:		
H.990.9950.0000.5031	Interfund Transfers	\$40,000.00
Increase Appropriation Accounts:		
A.990.9950.0000.90504	Transfer to Capital Project Fund	\$40,000.00
H.504.1620.0000.21055.41603	LV County Center Water Damage Abatement	\$40,000.00.

Adopted July 24, 2024 by voice vote.

ACT NO. 312-2024 by Mrs. Andreano
who asks immediate consideration

**BID ACCEPTANCE FOR FOOD SERVICES FOR
THE PINES HEALTHCARE AND REHABILITATION CENTER-OLEAN CAMPUS
(Department of Nursing Homes)**

Pursuant to 10 NYCRR Section 415.14, 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 food services for the Department of Nursing Homes Dietary Department at The Pines Healthcare & Rehabilitation Center – Olean Campus, according to specifications provided by the Human Services Committee, and

WHEREAS, the lowest bid received meeting specifications was the bid of Good Times of Olean, LLC, 1 Leisure Lane, Olean, New York 14760, as follows:

OPTION A: Traditional Tray Service

<u>Service</u>	<u>Basis</u>	<u>Rate</u>
	Price per Patient Day for Meals Served to In-House Residents, not including those residents requiring Enteral Feeding and NPO*	Per Patient Day
Skilled Nursing Facility Resident Daily Meals	\$27.52	\$27.10
Food for Gratification costs (tube fed residents)	N/A	N/A
Employee/Visitor Meals Cost per Meal	\$6.30	\$6.00

*The vendor will charge only for those meals served. Therefore, the Facility will not be charged for residents who are in the hospital on bed-hold, unoccupied beds, those residents who receive nothing by mouth (NPOs), or those residents on tube-feeding.

OPTION B: Personal Directed Dining

<u>Service</u>	<u>Basis</u> Price per Patient Day for Meals Served to In-House Residents, not including those residents requiring Enteral Feeding and NPO*	<u>Rate</u> Per Patient Day
Skilled Nursing Facility Resident Daily Meals	\$28.32	\$27.90
Food for Gratification costs (tube fed residents)	N/A	N/A
Employee/Visitor Meals Cost per Meal	\$6.30	\$6.00

*The vendor will charge only for those meals served. Therefore, the Facility will not be charged for residents who are in the hospital on bed-hold, unoccupied beds, those residents who receive nothing by mouth (NPOs), or those residents on tube-feeding.,

now, therefore, be it

RESOLVED, that the bid of Good Times of Olean, LLC, for food services for the Dietary Department at The Pines Healthcare & Rehabilitation Center – Olean Campus, be, and the same hereby is, accepted for a term commencing September 1, 2024 and terminating August 31, 2026, with the County's sole option to renew for two (2) additional one-year terms, the last of which will end August 31, 2028, and be it further

RESOLVED, that there is allowed a 2% annual increase in the per patient day price and employee/visitor meal price, with such increases to be effective September 1st after each year this contract remains in effect, making the first increase to be September 1, 2025, and be it further

RESOLVED, that the vouchers accordingly certified by the Controller of the Department of Nursing Homes be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Eleven sets of specifications were sent out.

Two bids were received meeting specifications.

Adopted July 24, 2024 by voice vote.

ACT NO. 313-2024 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**DESIGNATING CERTIFYING OFFICER FOR
ENVIRONMENTAL RESPONSIBILITY CERTIFICATION
(Department of Health – Residential Septic, Well and Lateral Replacement Program)**

Pursuant to Section 153 of the County Law.

WHEREAS, the Cattaraugus County Health Department is applying for the Residential Septic, Well and Lateral Replacement Program (Project), through the New York State Homes and Community Renewal Community Development Block Grant Program (CDBG), and

WHEREAS, the aforementioned grant program requires that a certifying officer be designated for the environmental review process in conjunction with the aforementioned Project, now, therefore, be it

RESOLVED, that Robert Ring, Director of Environmental Health, is hereby designated as the Certifying Officer responsible for all activities associated with the environmental review process to be completed in conjunction with NYS CDBG Residential Septic, Well and Lateral Replacement Program, awarded to Cattaraugus County as grant recipient.

Adopted July 24, 2024 by voice vote.

ACT NO. 314-2024 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**DECLARING NYS COMMUNITY DEVELOPMENT BLOCK GRANT ACTIVITIES
TO BE CLASSIFIED AS TYPE II SEQR ACTIONS**

Pursuant to 6 NYCRR Sections 617.5 and 617.11 and 24 CFR Section 58.35.

WHEREAS, Cattaraugus County Health Department shall act as the lead agency on a grant application provided under the New York State Homes and Community Renewal Community Development Block Grant Program (CDBG) for the Residential Septic, Well and Lateral Replacement Program (Project), and

WHEREAS, the County Health Department has applied for funding through the NYS CDBG for the aforementioned Project, and

WHEREAS, Act 313-2024 designates a Certifying Officer for the environmental review process in conjunction with the aforementioned Project, and

WHEREAS, the Certifying Officer has established an environmental review record with regard to the activities associated with the NYS CDBG for the Project awarded to the Cattaraugus County Health Department, and

WHEREAS, the findings of Cattaraugus County show that the activities proposed in its NYS CDBG Project are Categorically Excluded as defined in 24 CFR 58.35 with some activities being affected by federal environmental statutes and executive orders, and

WHEREAS, activities that are Categorically Excluded under 24 CFR 58.35 are not required to undergo an environmental assessment, public notice, or comment period because they do not typically trigger compliance with any of the related laws and regulations, and

WHEREAS, Categorically Excluded and exempt activities include the rehabilitation of buildings and improvements for residential use where the density is not increased beyond four units, the land use is not changed, and the footprint of the building isn't increased in a floodplain or a wetland, now, therefore, be it

RESOLVED, that the activities proposed for the NYS CDBG Residential Septic, Well and Lateral Replacement Program are classified as a Type II SEQR Action and will not result in a significant impact on the quality of the human environment.

Adopted July 24, 2024 by voice vote.

ACT NO. 315-2024 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HOMECARE & HOSPICE FOR DEPARTMENT OF AGING
HOME CARE SERVICES**

Pursuant to Older Americans Act Title III-E and
Section 450 of the County Law.

WHEREAS, Act 308-2024 authorized a contract with the New York State Office for the Aging for 2024-2025 additional Unmet Need Funding for the Department of Aging, and

WHEREAS, the Department of Aging is in need of home care services, and

WHEREAS, HomeCare & Hospice, 115 East Main Street, Allegany, New York 14706, can provide home care services based on the following fee schedule:

Housekeeping/Chore (Level PC 1)	\$35.95 per hour
Personal Care/Home Care Aide (Level PC 2)	\$36.70 per hour
Aide Supervision/Nursing Supervision visit	\$131.25 per visit, and

WHEREAS, these services are 100% state funded through the 2024-2025 Additional NYS Unmet Need Funding, 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 HomeCare & Hospice, for the provision of the above-described services, for a term commencing August 1, 2024 and terminating July 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.

Adopted July 24, 2024 by voice vote.

ACT NO. 316-2024 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HEALTHY COMMUNITY ALLIANCE, INC. FOR
DEPARTMENT OF AGING CASEWORKER SERVICES**

Pursuant to Older Americans Act Title III-E and
Section 450 of the County Law.

WHEREAS, Act 308-2024 authorized a contract with the New York State Office for the Aging for 2024-2025 additional Unmet Need Funding for the Department of Aging, and

WHEREAS, the Department of Aging is in need of a caseworker, and
WHEREAS, Healthy Community Alliance, Inc., One School Street, Suite 100, Gowanda, New York 14070, can provide a full-time caseworker for a total annual amount of \$79,061.00, to be paid as invoiced, and

WHEREAS, these services are 100% state funded through the 2024-2025 Additional NYS Unmet Need Funding, 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 Healthy Community Alliance, Inc., for the provision of the above-described services, for a term commencing August 1, 2024 and terminating July 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.

Adopted July 24, 2024 by voice vote.

ACT NO. 317-2024 by Mrs. Andreano
who asks immediate consideration

APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND ACCUMEDIC COMPUTER SYSTEMS, INC. FOR DEPARTMENT OF COMMUNITY SERVICES ACCUMED SOFTWARE SYSTEM (Cloud Server)

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

WHEREAS, Act 227-2019 authorized a contract with Accumedic Computer Systems, Inc., for the provision of SaaS Edition on redundant (Cloud) servers for use with the AccuMed Software System, the term of which expired May 23, 2024, and

WHEREAS, the Department of Community Services is desirous of continuing the utilization of the Cloud servers within the AccuMed System in order to maintain access to the older client records that may not migrate to the new software system, and

WHEREAS, Accumedic Computer Systems, Inc., 100 Merrick Road, Rockville Centre, New York 11570, can continue the SaaS Edition on redundant (Cloud) servers for an amount as follows:

- \$4,980.00 per month for the months of June, July and August, plus
- one-time fee for data download in the amount of \$20,000.00, and
- \$2,415.00 per month, starting in September, to be paid as invoiced, and

WHEREAS, the aforementioned services are 50% state and 50% federally funded (CFDA #93.778), now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, between the Cattaraugus County Community Services Board and Accumedic

Computer Systems, Inc., to signify the County's approval, to continue the utilization of Cloud servers, for a term commencing May 24, 2024 and terminating May 23, 2029, 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 July 24, 2024 by voice vote.

ACT NO. 318-2024 by Mr. Boberg, Mr. Brisky, Mr. Helmich and Ms. Schröder
who ask immediate consideration

**SALE OF TAX TITLE PROPERTY
(Second Highest Bidder)**

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 situated in Cattaraugus County, as described below, and

WHEREAS, the property was exposed to bid at public auction as required by Rule 40 of the Rules of Order of the Cattaraugus County Legislature, and

WHEREAS, the highest bidder did not complete the purchase within thirty (30) days, and

WHEREAS, the property has been offered to the second highest bidder at the price listed below, and

WHEREAS, the County Treasurer has determined that it is in the best interest of the County to waive Rule 40.11 of the Rules of Order, now, therefore, be it

RESOLVED, that if the tender by the second highest bidder of the total purchase price is not made within 30 days after the adoption hereof, then the acceptance of that individual's bid shall thereafter be void and of no further effect, as of course, and the bid deposit shall be forfeited pursuant to Rule 40.8 of the Rules of Order, and be it further

RESOLVED, that the County Treasurer be, and hereby is, authorized and directed to execute a County Treasurer's Deed conveying the property to the following individual at the bid price listed below and that Rule 40.11 of the Rules of Order is hereby waived for this sale:

<u>TOWN OF ISCHUA</u>				
PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	HIGH BIDDER AND ADDRESS	BID AMOUNT
263	58.004-1-29	2045 Baxter Mill Rd.	Kim Patrick Saunders 310 E. 49 th Street, #PHC New York, NY 10017	\$30,930.00

Adopted July 24, 2024 by voice vote.

ACT NO. 319-2024 by Mr. Burr
who asks immediate consideration

**APPOINTMENTS TO COMMUNITY SERVICES BOARD
ADDICTIONS SERVICES AND SUPPORTS SUBCOMMITTEE**

Pursuant to Section 41.11 of the Mental Hygiene Law.

RESOLVED, that Mindy Vail is hereby appointed to the Community Services Board Addictions Services and Supports Subcommittee effective May 24, 2024, to replace Galvin Anderson, for a term to expire December 31, 2024, and be it further

RESOLVED, that Brian Pitts is hereby appointed to the Community Services Board Addictions Services and Supports Subcommittee effective May 24, 2024, replacing Derah Black-Day who resigned, for a term to expire December 31, 2027, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Cattaraugus County Community Services Board.

Adopted July 24, 2024 by voice vote.

ACT NO. 320-2024 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

**CONDEMNING THE NEW YORK STATE DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION FOR ITS EXTREME FAILURE TO
SUPERVISE EDWARD KINDT AND DEMANDING NEW YORK STATE PAROLE BOARD
REVOKE THE RELEASE AND REMAND OF EDWARD KINDT TO PRISON**

Pursuant to Section 153 of the County Law.

WHEREAS, Edward M. Kindt was released from prison to parole supervision on March 29, 2023, after pleading guilty, and serving 23 1/2 years, for the brutal murder of Salamanca resident Mrs. Penny Brown, RN/CNM, and

WHEREAS, Penny Brown was brutally raped and murdered on Mother's Day of 1999 while jogging on a trail in the City of Salamanca with her two dogs, and

WHEREAS, Edward Kindt took the innocent life of Penny Brown, a wife, mother of two, and a well-respected nurse-midwife, beloved by the community, and

WHEREAS, Act 104-2024, which is attached hereto, called for the New York State Parole Board to revoke the release of Edward Kindt from prison after he was arrested on November 27, 2023, and held in Dutchess County Jail for violating the terms of his parole, and

WHEREAS, the New York State Parole Board recklessly failed to revoke Kindt's parole, and

WHEREAS, on December 15, 2023, Kindt was released from Dutchess County Jail and has continued his parole under the supervision of New York State Department of Corrections and Community Services, and

WHEREAS, on March 28, 2023, the Seneca Nation of Indians banished and excluded Edward Kindt from the Seneca Nation Territories for a period of one (1) year, citing his threat to the safety and health of the community, subject to reassessment after that year, and

WHEREAS, by Executive Order dated February 29, 2024, the Seneca Nation of Indians continued this period of banishment and exclusion of Kindt from their Territories for an additional period of one (1) year, citing that he continues to pose a danger to the community, and this Order remains in full force and effect, and

WHEREAS, on the very late evening of Tuesday, July 23, 2024, the Cattaraugus County Sheriff's Office was first made aware that Kindt had absconded from parole supervision, and that it was suspected that Kindt was in Cattaraugus County and had been in the Salamanca area since on or before Thursday, July 18, 2024, and

WHEREAS, as a direct result of the swift actions of the Cattaraugus County Sheriff's Office, in the early morning hours of July 24, 2024, Kindt was located in the City of Salamanca on Seneca Nation Territory, the very place he committed his heinous and brutal acts against Penny Brown, and was taken into custody, and

WHEREAS, upon information and belief, Kindt absconded from his jurisdiction of parole and was in Cattaraugus County without appropriate monitoring for approximately **six (6) days** and local law enforcement was not duly notified, subjecting our families and community to extreme risk, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature vehemently condemns the New York State Department of Corrections and Community Services for its severe failure to appropriately supervise Kindt and for failing to notify local law enforcement immediately of Edward Kindt's parole status, and be it further

RESOLVED, that the Cattaraugus County Legislature strongly and vehemently urges the New York State Parole Board to revoke the release and remand Edward Kindt forthwith to New York State Prison to serve the remainder of his life sentence, and be it further

RESOLVED, that the Cattaraugus County Legislature strongly urges Governor Kathy Hochul to initiate an investigation into the colossal failure of supervision over parolee Edward Kindt by the New York State Department of Corrections and Community Supervision, 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 Speaker Carl Heastie*,¹ Assembly Majority Leader Crystal D. Peoples-Stokes, Assembly Minority Leader William Barclay, Senator George Borrello, Assemblyman Joseph Giglio, the New York State Parole Board, *Dutchess County Executive Sue Serino*, *Dutchess County Legislature*, *Dutchess County Sheriff Kirk Imperati*,¹ and all others deemed necessary and proper.

ATTACHMENT TO ACT 320-2024

ACT NO. 104-2024

by Mr. Brisky, Mr. Burr, Mrs. Hunt and Ms. Schröder
who ask immediate consideration

DEMANDING NEW YORK STATE PAROLE BOARD REVOKE THE RELEASE OF EDWARD KINDT FROM PRISON

Pursuant to Section 153 of the County Law.

I. WHEREAS, Act 235-2023, which is attached hereto, called for the immediate resignation of New York State Parole Board Members Caryne Demosthenes and Carlton S. Mitchell for recklessly allowing the release of predator Edward Kindt from prison, and

II. WHEREAS, on November 27, 2023, Edward Kindt was arrested for violating the terms of his parole and booked into the Dutchess County Jail, where he was held until December 15, 2023, and

III. WHEREAS, Kindt has thoroughly demonstrated that he cannot abide by New York State laws, now, therefore, be it

I. RESOLVED, that the Cattaraugus County Legislature vehemently condemns the New York State Parole Board for allowing Edward Kindt to be released from prison, and be it further

II. RESOLVED, that the Cattaraugus County Legislature demands that the Parole Board revoke the release of Edward Kindt and remand him forthwith to New York State Prison to serve the remainder of his life sentence, and be it further

III. RESOLVED, that the Cattaraugus County Legislature specifically condemns and hereby calls for the immediate resignation of the following members of the New York State Parole Board who support liberal ideologues, follow blind progressive policies and acted in a gross miscarriage of justice, by authorizing and supporting the dangerous release of the brutal rapist and murderer Edward Kindt from prison: Caryne Demosthenes and Carlton S. Mitchell, and be it further

IV. RESOLVED, that the Cattaraugus County Legislature commends the sound judgment and proper discretion exercised by the lone dissenter of the three-member parole panel, Joseph Crangle, who responsibly objected to Kindt's release, and be it further

V. 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, Speaker of the Assembly Carl Heastie, Assembly Minority Leader William Barclay, Senator George Borrello, Assemblyman Joseph Giglio, the New York State Parole Board, the family members of Penny Brown, the Legislature of each and every County in the State of New York, and all others deemed necessary and proper, and be it further

VI. RESOLVED, that the Clerk of the Legislature is hereby further directed to forward a certified copy of this resolution to the following Parole Board Members:

Caryne Demosthenes	Carlton S. Mitchell	Darryl C. Towns, Chairman
114 109 th Street, Apt 4C	217-52 100 th Avenue	278 Highland Boulevard
New York, NY 10025	Queens Village, NY 11429	New York, NY 11207

ATTACHMENT TO ACT 104-2024

ACT NO. 235-2023

by Mr. Brisky, Mr. Burr, Ms. Hunt and Ms. Schröder
who ask immediate consideration

**CALLING FOR IMMEDIATE RESIGNATION OF NEW YORK STATE PAROLE BOARD MEMBERS
CARYNE DEMOSTHENES AND CARLTON S. MITCHELL
FOR ALLOWING THE RELEASE OF EDWARD KINDT FROM PRISON**

Pursuant to Section 153 of the County Law.

- I. WHEREAS, Edward Kindt was released from prison on March 30, 2023, after pleading guilty, and serving 23 1/2 years, for the brutal murder of Salamanca resident Mrs. Penny Brown, RN/CNM, and
- II. WHEREAS, Penny Brown was brutally raped and murdered on Mother's Day of 1999 while jogging on a trail in the City of Salamanca with her two dogs, and
- III. WHEREAS, Kindt, who was sentenced to nine-years-to-life in prison, the-then maximum sentence available for a juvenile convicted as an adult of second-degree murder in New York State, has previously been denied parole eight times, and should remain in prison to serve his life sentence, and
- IV. WHEREAS, now, with Penny's Law in place, those individuals now face a maximum sentence of fifteen-years-to-life, and
- V. WHEREAS, pursuant to Executive Law Section 259-i, the Parole Board shall consider the seriousness of the offense and recommendations of the sentencing court, and
- VI. WHEREAS, at sentencing, Edward Kindt was described by the Judge as a sexual predator and "a threat any time [he] is in society," and
- VII. WHEREAS, at sentencing, the Judge further stated that he "hopes and prays" that Kindt is never released from prison, and that "if [Kindt] ever [is] released from prison, someone else will pay for that decision with their life," and
- VIII. WHEREAS, upon information and belief, Edward Kindt engaged in a pattern of deplorable conduct and received multiple disciplinary infractions while incarcerated, including but not limited to making weapons, stalking, multiple instances of lewdness including exposing himself to a female, and repeatedly making and using drugs and alcohol, and
- IX. WHEREAS, Edward Kindt remains a sexual predator, a cold-blooded killer, and a threat to society, and
- X. WHEREAS, we, as a society, must respond justly and appropriately to such heinous brutality, and
- XI. WHEREAS, justice, in this case, required that Kindt spend the rest of his natural life in prison, and
- XII. WHEREAS, Governor Hochul has vapidly touted transparency by stating that "There's no excuse for keeping New Yorkers in the dark on the actions governments take to help their constituents, and we've been committed to greater transparency since Day One," and
- XIII. WHEREAS, Hochul has not shown such transparency in the least, as the Parole Board has still not released its parole decisions regarding Kindt despite the same being duly requested through a Cattaraugus County Legislator's Freedom of Information Law (FOIL) request transmitted to the Parole Board on March 24, 2023, and the Parole Board has since claimed it will allegedly need months to locate and produce Kindt's Parole Board decisions from the past five years and the names of the Parole Board members authoring the Parole Board decision releasing Kindt (yet the County after being told by the Parole Board that it would take months to produce the requested information, located the same through efforts involving private citizens in days and was able to secure a copy of the decision and the names of the Parole Board members releasing Kindt), and
- XIV. WHEREAS, since Hochul became Governor, five people convicted of killing police officers have been released on parole, according to a list maintained by a police union, and
- XV. WHEREAS, there have been countless cases where violent murderers were paroled and afterwards committed recidivist murder again, and

XIV. WHEREAS, given Kindt's violent history, it is very likely another innocent person will lose his or her life by his hands upon his reckless release from incarceration, now, therefore, be it

I. RESOLVED, that the Cattaraugus County Legislature vehemently condemns the New York State Parole Board for allowing Edward Kindt to be released from prison, and be it further

II. RESOLVED, that the Cattaraugus County Legislature specifically condemns and hereby calls for the immediate resignation of the following members of the New York State Parole Board who, support liberal ideologues, follow blind progressive policies and acted in a gross miscarriage of justice, authorized and supported the dangerous release of the brutal rapist and murderer Edward Kindt from prison:

Caryne Demosthenes and Carlton S. Mitchell,

and be it further

III. RESOLVED, that the Cattaraugus County Legislature commends the sound judgment and proper discretion exercised by the lone dissenter of the three-member parole panel, Joseph Crangle, who responsibly objected to Kindt's release, and be it further

IV. RESOLVED, that Cattaraugus County Legislature strongly urges the New York State Parole Board to revoke the release and remand Edward Kindt forthwith to New York State Prison to serve the remainder of his life sentence, and be it further

V. 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, the New York State Parole Board, the family members of Penny Brown, the Legislature of each and every County in the State of New York, and all others deemed necessary and proper.

¹MR. BRISKY moved, seconded by Mrs. Hunt, to amend as follows: In the Fourth Resolved, add: "Assembly Speaker Carl Heastie, Dutchess County Executive Sue Serino, Dutchess County Legislature, Dutchess County Sheriff Kirk Imperati". Carried.

Adopted, as amended, July 24, 2024 by voice vote.

CHAIRMAN BURR read the following statement:

"At approximately 10:30 p.m. on Tuesday, July 23, 2024, the Cattaraugus County Sheriff's Office was first notified that Edward Kindt, parolee, rapist, and murderer of Penny Brown, had absconded from parole supervision. The Sherriff's Department was further notified that upon information and belief, Kindt was in Cattaraugus County and more specifically was believed to be in the Salamanca area since on or before Thursday, July 18, 2024. Within hours of this notification, in the early morning hours of July 24, 2024, the Cattaraugus County Sherriff's Department located Kindt and took him into custody. Kindt was located in the City of Salamanca on Seneca Nation Territory, the very place he committed his heinous and brutal acts against Penny Brown. Upon information and belief, Kindt absconded from his jurisdiction of parole and was in Cattaraugus County without appropriate monitoring for approximately six (6) days and local law enforcement was not duly notified, subjecting our families and community to extreme risk.

Thanks to the swift response by the Cattaraugus County Sherriff Department Deputies and personnel, Kindt was promptly located and apprehended and has been turned over to State authorities. It is appalling and outrageous that this murderer was not appropriately supervised for six (6) days outside of his parole geographical jurisdiction. This is another outrageous example of the irresponsible, reprehensible, delusional, democrat justice system. The criminal justice laws that coddle these criminals are a clear and present danger to every New York State resident. The immoral derelict parole board that allowed his release should resign immediately and be accountable to the public for their heinous decision.

I call on Governor Kathy Hochul to investigate the failure by the New York State Department of Corrections and Community Supervision to properly supervise Edward Kindt and further call on her to remove Caryne Demosthenes and Carlton S. Mitchell, the parole board members responsible for his indefensible release, and the continued erosion of the safety and security of Cattaraugus County Residents.”

CHAIRMAN BURR granted Privilege of the Floor to Undersheriff Eric Butler who briefed the Legislature on the arrest of Kindt. Once notified of the situation, it only took law enforcement three hours to locate and apprehend him. He further conveyed the department’s outrage that law enforcement was not duly notified immediately by the State Department of Corrections and Community Supervision that Kindt had left the transitional housing without supervision and that they did not know of his whereabouts. He further advised that Kindt had been released from the County jail was being transported back to Dutchess County.

CHAIRMAN BURR granted Privilege of the Floor to Assemblyman Joseph Giglio who addressed the Legislature pointing out that the state parole board and DOCCS knew for six days that Kindt was unaccountable and did nothing about it. He felt that they should have called the Sheriff’s Office immediately. Assemblyman Giglio advised that he and Senator Borrello wrote a letter to Governor Hochul and the State Department of Corrections and Community Supervision calling for a full investigation into the incident. The Assemblyman further condemned Governor Hochul and the Democrat-majority led State Senate and Assembly for being soft on crime and not caring enough about the victims.

CHAIRMAN BURR granted Privilege of the Floor to Legislator Timothy Nagle who said that Cattaraugus County residents have not forgotten Penny Brown and her family. He called upon state officials to remember her and all victims of every crime committed after the passage of the bail reform laws.

CHAIRMAN BURR granted Privilege of the Floor to Legislator Ginger Schröder. She was outraged that Kindt was released from prison in 2023. She spoke about the request for information from state agencies and the lack of response. She stated she remains astounded and disgusted by our current justice system and how residents are subjected every day to very dangerous criminals being released into society.

**MOTION TO ADJOURN IN MEMORY OF
JOHN C. “JACK” LUZIER**

WHEREAS, John C. “Jack” Luzier, 67, of Humphrey, passed away unexpectedly on June 22, 2024, at home, and

WHEREAS, Mr. Luzier was appointed as Assistant District Attorney for Cattaraugus County on May 9, 2005, continuing in that capacity until March 7, 2014, and

WHEREAS, Mr. Luzier was then appointed as Assistant Public Defender on May 5, 2014, retiring on August 31, 2017, and

WHEREAS, his dedication to public service extended to his other professional roles as a special education teacher, assistant to the NYS Attorney General and Humphrey Town Justice, and

WHEREAS, Mr. Luzier served as president of the Ellicottville Rotary Club, co-founder of Allegany Nordic, and chairman of the board of the Delaware YMCA, where he organized events such as the Turkey Trot for over two decades, and

WHEREAS, Mr. Luzier is survived by his partner, Sue Wyss; children, Ryan and Arlita; three grandchildren; and three siblings, and

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

MOVE, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of John "Jack" Luzier, and this Motion be seconded by the rest of the Legislature, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, until its next meeting, unless specially convened, in memory of John "Jack" Luzier, and be it further

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

**MOTION TO ADJOURN IN MEMORY OF
SUE A. FRIES**

WHEREAS, Sue A. Fries, 73, of Salamanca, passed away on July 12, 2024, at the Salamanca Rehabilitation & Nursing Center, and

WHEREAS, Ms. Fries began employment with Cattaraugus County as an Election Clerk in the Board of Elections on March 4, 1985, and was appointed Deputy Commissioner in 1989, and

WHEREAS, on December 10, 1997, Ms. Fries was appointed Election Commissioner and held that position until her retirement on January 30, 2016, and

WHEREAS, previous to her employment with the County, Ms. Fries was employed by the Salamanca Press for 15 years, and

WHEREAS, as a member of the New York State Election Commissioners' Association since 1985, she served on the Executive Committee and held the position of Vice Chairman; she also served as Secretary/Treasurer of the ECA for four years, and

WHEREAS, Ms. Fries continued her public service as a school board member for the Salamanca City Central School District from July 1, 2018 to December 14, 2022, and

WHEREAS, Ms. Fries is survived by her brother, William; a niece, Meredith Fries-Isaac and a nephew, William, both of Salamanca; three great-nieces; and a great-great nephew, and

WHEREAS, the loss of her presence will be sadly felt by her many friends and colleagues in Cattaraugus County, now, therefore, Legislators Hunt, Marsh and Nagle hereby

MOVE, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of Sue A. Fries, and this Motion be seconded by the rest of the Legislature, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, until its next meeting, unless specially convened, in memory of Sue A. Fries, and be it further

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

**MOTION TO ADJOURN IN MEMORY OF
GILES B. HAMLIN, MD**

WHEREAS, Giles B. Hamlin, 94, of Olean, passed away on July 13, 2024 at Rutland Regional Medical Center in Rutland, Vermont, and

WHEREAS, Dr. Hamlin was appointed to the Cattaraugus County Board of Health on February 11, 2009, and served as Vice President since October 7, 2015, and

WHEREAS, Dr. Hamlin's dedication to public health in the Olean area spanned over six decades; he was a general surgical partner at the Olean Medical Group from 1961 until his retirement in 1998, and

WHEREAS, after graduating from Harvard Medical School in 1954, Dr. Hamlin completed his training at the Mary Hitchcock Memorial Hospital after which Lieutenant Hamlin was the medical officer on the U.S. Naval ship USS Atka, an icebreaker that was integral to Operation Deep Freeze which set up the McMurdo Station in Antarctica, and

WHEREAS, Dr. Hamlin is survived by his children: Ann Hampshire of Friendship; Janie Hamlin of Breckenridge, Colorado; Elizabeth Hamlin-Volz of Colchester, Vermont; and Giles B. Hamlin, Jr. of Mendon, Vermont; 10 grandchildren; and 12 great-grandchildren, and

WHEREAS, the loss of his presence will be sadly felt by his many friends and colleagues in Cattaraugus County, now, therefore, Legislators Andreano, Higgins, Smith and Teachman hereby

MOVE, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of Dr. Giles B. Hamlin, and this Motion be seconded by the rest of the Legislature, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, until its next meeting, unless specially convened, in memory of Dr. Giles B. Hamlin, and be it further

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

* * * * *

MR. BENSON moved, seconded by Mrs. Andreano, to adjourn until August 28, 2024 at 5:00 p.m. Carried.

Meeting adjourned at 5:43 p.m.

Ann M. Giglio
Journal Clerk