

August 28, 2024

The meeting was called to order by Chairman Burr.

The invocation was given by Richard Helmich.

The Attendance Roll Call disclosed three Legislators absent – Benson, Marsh, Stoltenberg.

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There being no amendments or objections thereto, Chairman Burr noted that the minutes of the July 24, 2024 session stand approved as presented.

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COMMUNICATIONS:

Mark Henry Heberling, Chairman, Cattaraugus County Republican Committee: Certificate of party recommendation for the appointment of Cortney L. Spittler to the office of Republican Commissioner of Elections.

Olean General Hospital Foundation: Acknowledgment of donation in memory of Ann Gill DiCerbo.

Family of Mary Whitcomb Pietrylo: Note of thanks for the beautiful flowers in her memory.

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PROCLAMATION:

CHAIRMAN BURR proclaimed the week of September 8-14, 2024 as **National Suicide Prevention Week** in Cattaraugus County. The proclamation was present to Mary O’Leary, Director of the Department of Community Services.

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PUBLIC HEARING:

CHAIRMAN BURR announced this is the time and place called for a public hearing on **Local Law Number 3-2024, A Local Law Establishing Fees for Cattaraugus County Real Property Tax Service Agency Services and Repealing Act 593-2010**, 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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CHAIRMAN BURR called up **Act No. 303-2024, Local Law Number 3-2024**, A Local Law Establishing Fees for Cattaraugus County Real Property Tax Service Agency Services and Repealing Act 593-2010, and asked that it be read.

CHAIRMAN BURR requested a Roll Call vote on Act No. 303-2024, which disclosed as follows:
Ayes: Andreano, Boberg, Brisky, Burr, Helmich, Higgins, Hunt, Nagle, Parker, Schröder, Smith, Teachman -12.

Nays: none.

Act No. 303-2024, Local Law Number 3-2024, having received a majority vote of the Legislature, was declared Adopted.

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ACT NO. 321-2024 by Mr. Brisky and Mr. Burr
*and Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Helmich,
Mr. Higgins, Mrs. Hunt, Mr. Nagle, Mr. Parker,
Ms. Schröder, Mr. Smith and Mr. Teachman¹*

APPOINTMENT OF DIRECTOR OF INFORMATION SERVICES

Pursuant to Sections 204 and 205 of the County Law.

RESOLVED, that Dawn Pezzimenti be, and hereby is, appointed Director of Information Services for a term of four (4) years commencing October 15, 2024 and terminating October 14, 2028, at a bi-weekly salary, which has heretofore, or may hereafter, be established for the position of Director of Information Services, in accordance with Salary Table MCDHO, Grade 7, Step 5, and be it further

RESOLVED, that Dawn Pezzimenti be afforded all benefits in such compensation and benefit package as established for Managerial and Confidential Officers and Employees.

Approved by 6 members of the Finance Committee, 4 members of the Labor Relations Committee, and 5 members of the County Operations/Public Safety Committee.

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

Adopted August 28, 2024 by voice vote.

ACT NO. 322-2024 by Mr. Benson and Mr. Helmich

AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS FOR PETROLEUM PRODUCT QUALITY PROGRAM

Pursuant to Section 179 of the Agriculture and Markets Law,
1 NYCRR Section 224.16 and Section 450 of the County Law.

WHEREAS, Act 209-2019 authorized a contract with the New York State Department of Agriculture and Markets for the Petroleum Product Quality Program, the term of which expired March 31, 2024, and

WHEREAS, the County has been awarded funding in the amount of \$19,525.00 for the period April 1, 2024 through March 31, 2029, and

WHEREAS, a contract is necessary 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 a contract, on behalf of Cattaraugus County, with the New York State Department of Agriculture and Markets, in order to accept, and receive, funding for the Petroleum Product Quality Program, for a term commencing April 1, 2024 and terminating March 31, 2029 according to the above-described terms.

Approved by 6 members of the Finance Committee and 5 members of the Public Works Committee.

Adopted August 28, 2024 by voice vote.

ACT NO. 323-2024 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT
WITH ERDMAN, ANTHONY AND ASSOCIATES, INC. FOR
NEW ALBION CULVERT NOS. 46 AND 47 ENGINEERING DESIGN SERVICES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 240-2019, as amended by Acts 415-2020, 512-2021, 467-2022 and 379-2023, authorized a contract with Erdman, Anthony and Associates, Inc., 8608 Main Street, Buffalo, New York 14221, for the provision of engineering design services for the New Albion Culvert No. 46 Replacement Project, located on County Road No. 5 (New Albion Road) over Little Valley Creek in the Town of New Albion, and the New Albion Culvert No. 47 Replacement Project, located on County Road No. 5 (New Albion Road) over Unnamed Branch Little Valley Creek in the Town of New Albion, the term of which expires December 31, 2024, and

WHEREAS, construction support and record plans preparation are required in order to complete the aforementioned projects, and

WHEREAS, Erdman, Anthony and Associates, Inc., can provide the construction support and preparation of record plans services for an amount of \$23,200.00, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the 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 Erdman, Anthony and Associates, Inc., for the provision of the above-described services, to amend and extend the term of the original contract which commenced May 9, 2019 to terminate December 31, 2025, according to the above-described terms.

Approved by 6 members of the Finance Committee and 5 members of the Public Works Committee.

Adopted August 28, 2024 by voice vote.

ACT NO. 324-2024 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE NO-COST TIME EXTENSION WITH
GREENMAN-PEDERSEN, INC. FOR COLLECTION OF SEEP
FOR CHEMICAL ANALYSIS AT FIVE POINTS LANDFILL**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 241-2024 authorized a contract with Greenman-Pedersen, Inc., for seep sampling for chemical analysis at Five Points Landfill, the term of which expired July 31, 2024, and

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

WHEREAS, Greenman-Pedersen, Inc., has agreed to the aforementioned contract extension at no additional cost to the County, 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 Greenman-Pedersen, Inc., on behalf of Cattaraugus County, in order to extend the term of the contract dated June 12, 2024 to December 31, 2024, according to the above-described terms.

Approved by 6 members of the Finance Committee and 5 members of the Public Works Committee.

Adopted August 28, 2024 by voice vote.

ACT NO. 325-2024 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE NO-COST TIME EXTENSION WITH
GREENMAN-PEDERSEN, INC. FOR CONSULTANT DESIGN SERVICES FOR
MANSFIELD CULVERT NO. 45 FEDERAL-AID REPLACEMENT PROJECT**

Pursuant to Section 131-b of the Highway Law and
Section 450 of the County Law.

WHEREAS, Act 256-2022, as amended by Act 430-2023, authorized a contract with Greenman-Pedersen, Inc., 403 Main Street, Suite 330, Buffalo, New York 14225, for the provision of consultant design services for the Mansfield Culvert No. 45 federal-aid replacement project, located on County Road No. 14 (Toad Hollow Road) over unnamed tributary of Mansfield Creek, PIN 5763.84, in the Town of Mansfield, and

WHEREAS, the term of the aforementioned contract expired June 30, 2024 and should be extended to December 31, 2024, and

WHEREAS, Greenman-Pedersen, Inc., has agreed to the aforementioned contract extension at no additional cost to the County, 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, on behalf of Cattaraugus County, with Greenman-Pedersen, Inc., for the provision of the above-described services, to extend the term of the contract which commenced June 8, 2022 to terminate December 31, 2024, according to the above-described terms.

Approved by 6 members of the Finance Committee and 5 members of the Public Works Committee.

Adopted August 28, 2024 by voice vote.

ACT NO. 326-2024 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE NO-COST TIME EXTENSION WITH
WENDEL WD ARCHITECTURE, ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.
FOR ENGINEERING DESIGN SERVICES FOR ELEVATOR IMPROVEMENTS**

Pursuant to Sections 215 and 450 of the County Law and
the Americans with Disabilities Act.

WHEREAS, Act 241-2022, authorized a contract with Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C. (Wendel WD), 375 Essjay Road, Suite 200, Williamsville, New York 14221, for the provision of providing improvements to the existing elevator, as well as installing a new elevator in the empty shaft in the Little Valley County Center, and

WHEREAS, the term of the aforementioned contract expired December 31, 2023 and should be extended to March 31, 2025, and

WHEREAS, Wendel WD has agreed to provide the aforementioned contract extension at no additional cost to the County, 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, on behalf of Cattaraugus County, with Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C., for the provision of the above-described services, to extend the term of the contract which commenced May 25, 2022 to terminate March 31, 2025, according to the above-described terms.

Approved by 6 members of the Finance Committee and 5 members of the Public Works Committee.

Adopted August 28, 2024 by voice vote.

ACT NO. 327-2024 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE NO-COST TIME EXTENSION WITH
WENDEL WD ARCHITECTURE, ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.
FOR ENGINEERING DESIGN SERVICES FOR ADA ACCESSIBILITY IMPROVEMENTS
(Little Valley County Center Improvements)**

Pursuant to Sections 215 and 450 of the County Law and
the Americans with Disabilities Act.

WHEREAS, Act 587-2019, as amended by Acts 410-2020, 444-2022 and 173-2023, authorized a contract with Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C. (Wendel WD), Centerpointe Corporate Park, 375 Essjay Road, Suite 200, Williamsville, New York 14221, for the provision of engineering services necessary to provide an Accessibility Action Plan for the Little Valley County Center for compliance with the Americans with Disabilities Act (ADA), and

WHEREAS, the term of the aforementioned contract expired April 30, 2024 and should be extended to December 31, 2024, and

WHEREAS, Wendel WD has agreed to provide the aforementioned contract extension at no additional cost to the County, 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, on behalf of Cattaraugus County, with Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C., for the provision of the above-described engineering services, to extend the term of the original contract that commenced January 18, 2019 to terminate December 31, 2024, according to the above-described terms.

Approved by 6 members of the Finance Committee and 5 members of the Public Works Committee.

Adopted August 28, 2024 by voice vote.

ACT NO. 328-2024 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
OTIS ELEVATOR COMPANY FOR ELEVATOR MAINTENANCE
SERVICES FOR STONE HOUSE MUSEUM**

Pursuant to Section 215 of the County Law and
Section 450 of the County Law.

WHEREAS, Act 288-2019 authorized a contract with Otis Elevator Company, 354 Sonwil Drive, Buffalo, New York 14225, for the provision of maintenance services on the elevator at the Stone House Museum in Machias, the term of which expired July 31, 2024, and

WHEREAS, the County Department of Buildings & Grounds is desirous of continuing the aforementioned maintenance services, and

WHEREAS, Otis Elevator Company shall provide maintenance services on the elevator at the Stone House Museum for an amount of \$609.67 per month, which became effective August 1, 2024, and to be paid as invoiced, and

WHEREAS, the contract price will be adjusted on the effective date of any labor rate adjustment under Otis' contract with the International Union of Elevator Constructors to reflect increases or decreases in material and labor costs, 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 an amended contract, on behalf of Cattaraugus County, with Otis Elevator Company, which amends the contract which commenced August 1, 2019, and now terminates July 31, 2029, according to the above-described terms.

Approved by 6 members of the Finance Committee and 5 members of the Public Works Committee.

Adopted August 28, 2024 by voice vote.

ACT NO. 329-2024 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
OTIS ELEVATOR COMPANY FOR ELEVATOR MAINTENANCE SERVICES FOR
THE PINES HEALTHCARE & REHABILITATION CENTER – MACHIAS CAMPUS**

Pursuant to Section 215 of the County Law and
Section 450 of the County Law.

WHEREAS, Act 287-2019 authorized a contract with Otis Elevator Company, 354 Sonwil Drive, Buffalo, New York 14225, for the provision of maintenance services on two elevators at The Pines Healthcare & Rehabilitation Center – Machias Campus, the term of which expires August 31, 2024, and

WHEREAS, the County Department of Buildings & Grounds is desirous of continuing the aforementioned maintenance services, and

WHEREAS, Otis Elevator Company shall provide maintenance services on the elevators at the nursing home for an amount of \$649.48 per month, to become effective September 1, 2024, to be paid as invoiced, and

WHEREAS, the contract price will be adjusted on the effective date of any labor rate adjustment under Otis' contract with the International Union of Elevator Constructors to reflect increases or decreases in material and labor costs, 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 an amended contract, on behalf of Cattaraugus County, with Otis Elevator Company, which amends the contract which commenced September 1, 2019, and now terminates August 31, 2029, according to the above-described terms.

Approved by 6 members of the Finance Committee and 5 members of the Public Works Committee.

Adopted August 28, 2024 by voice vote.

ACT NO. 330-2024 by Mr. Boberg and Mrs. Hunt

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
NEW YORK STATE INDUSTRIES FOR THE DISABLED FOR
DELEVAN DEPARTMENT OF MOTOR VEHICLES OFFICES JANITORIAL SERVICES**

Pursuant to Section 162 of the State Finance Law
and Sections 215 and 450 of the County Law.

WHEREAS, Act 587-2023 authorized a contract with New York State Industries for the Disabled, Inc., for the provision of janitorial services for the Delevan Department of Motor Vehicles Offices located at 46 North Main Street, Delevan, New York, the term of which expires February 28, 2025, and

WHEREAS, the County has been advised that the New York State Department of Labor has increased the prevailing wage schedule effective July 1, 2024, and

WHEREAS, the New York State Industries for the Disabled, Inc., through Suburban Adult Services, Inc., has agreed to provide janitorial services for the aforementioned offices for an amount of \$6,053.46 per year (subject to increase based upon NYSDOL Prevailing Wage Rates), commencing July 1, 2024, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned janitorial 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 New York State Industries for the Disabled, through Suburban Adult Services, Inc., for the provision of the above-described janitorial services, for a term commencing July 1, 2024 and terminating February 28, 2025, according to the above-described terms, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, further authorized and directed to execute contract amendments, upon notification of price adjustments due to increases in the prevailing wage for these services.

Approved by 6 members of the Finance Committee and 5 members of the Public Works Committee.

Adopted August 28, 2024 by voice vote.

ACT NO. 331-2024 by Mr. Boberg

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
NEW YORK STATE BOARD OF ELECTIONS FOR
ELECTIONS CYBERSECURITY REMEDIATION GRANT PROGRAM
(Board of Elections – Contract Number BOE01-C004235-1110000)**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 554-2021 authorized a contract with the New York State Board of Elections to accept funding for the Elections Cybersecurity Remediation Grant Program, the term of which expired December 31, 2023, and

WHEREAS, the New York State Board of Elections has extended the eligible expense period to March 31, 2025, to provide local Boards of Elections sufficient time to complete the required grant administration and expend their remaining contract funds, and

WHEREAS, a contract extension is needed to extend the aforementioned contract to March 31, 2025, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with the New York State Board of Elections, in order to extend the term of the contract which commenced December 21, 2019 to terminate March 31, 2025, with automatic one-year extension periods until the grant funds have been expended, according to the above-described terms.

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

Adopted August 28, 2024 by voice vote.

ACT NO. 332-2024 by Mr. Boberg

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

Pursuant to Section 450 of the County Law.

WHEREAS, Act 376-2022, as amended by Act 574-2023, authorized a contract with the New York State Board of Elections for the acceptance of the Absentee Ballot Pre-Paid Postage Grant in the amount of \$45,625.15, the term of which expired March 31, 2024, and

WHEREAS, the State Board of Elections is desirous of extending the term of the aforementioned contract to March 31, 2025, and

WHEREAS, a contract extension is needed to extend the aforementioned contract to March 31, 2025, and

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with the New York State Board of Elections, in order to extend the term of the contract which commenced January 28, 2023 to terminate March 31, 2025, with automatic one-year extension periods until the grant funds have been expended, according to the above-described terms.

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

Adopted August 28, 2024 by voice vote.

ACT NO. 333-2024 by Mr. Boberg

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

Pursuant to Section 450 of the County Law.

WHEREAS, Act 369-2021, as amended by Act 573-2023, authorized a contract with the New York State Board of Elections for the 2021 Technology Innovation and Election Resource (TIER) Grant in the amount of \$141,775.41, the term of which expired March 31, 2024, and

WHEREAS, the State Board of Elections is desirous of extending the term of the aforementioned contract to March 31, 2025, and

WHEREAS, this funding was established to reimburse County Boards of Elections for actual expenses related to upgrades of software, technology updates and equipment, and will apply to services purchased between April 7, 2021 and March 31, 2025, and

WHEREAS, a contract extension is needed to extend the aforementioned contract to March 31, 2025, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with the New York State Board of Elections, in order to extend the term of the contract which commenced April 7, 2021 to terminate March 31, 2025, with automatic one-year extension periods until the grant funds have been expended, according to the above-described terms.

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

Adopted August 28, 2024 by voice vote.

ACT NO. 334-2024 by Mr. Benson and Mr. Parker

**SALE OF TAX TITLE PROPERTY TO FORMER OWNERS
(Town of Allegany)**

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 Town of Allegany, and

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

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

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

<u>TOWN OF ALLEGANY</u>				
PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	FORMER OWNER(S) AND ADDRESS	COUNTY INVOLVEMENT
79	111.002-1-28./11	248 NYS Route 16	Kinley Corporation 2383 West Five Mile Road Allegany, NY 14706	\$2,584.17

Approved by 6 members of the Finance Committee.

Adopted August 28, 2024 by voice vote.

ACT NO. 335-2024 by Mr. Brisky and Mr. Burr

AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH SYSTEMS EAST, INC. FOR APPLICATION SOFTWARE AND SUPPORT SERVICES FOR REAL PROPERTY TAX MANAGEMENT

Pursuant to Section 450 of the County Law.

WHEREAS, Act 326-2023 authorized a contract with Systems East, Inc., 50 Clinton Avenue, Cortland, New York 13045, for the provision of application maintenance and support services for the Total Collection Solution (TCS.web), the term of which expires December 31, 2024, and

WHEREAS, the Treasurer's Office is desirous of continuing annual application maintenance and support services, and

WHEREAS, Systems East, Inc., can provide application maintenance and support services for an amount of \$2,063.00 per month for a total contract amount of \$24,756.00, for the period January 1, 2025 through December 31, 2025, 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 Systems East, Inc., for the provision of the above-described application maintenance and support services, contingent upon and subject to inclusion in the 2025 budget of sufficient funds to cover the costs of the aforementioned services, for a term commencing January 1, 2025 and terminating December 31, 2025, according to the above-described terms.

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

Adopted August 28, 2024 by voice vote.

ACT NO. 336-2024 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH
FOR EARLY INTERVENTION RESPITE ALLOCATION**

Pursuant to 10 NYCRR Part 69 and Section 450 of the County Law.

WHEREAS, the 2024-2025 State Budget provides an allocation for respite services for families of eligible children in the Early Intervention Program, and

WHEREAS, the allocation for Cattaraugus County for the period April 1, 2024 through March 31, 2025, will be \$2,649.29, and

WHEREAS, a contract is necessary with the New York State Department of Health in order to accept, and receive, the aforementioned Early Intervention respite 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 the New York State Department of Health, for the provision of the above-described Early Intervention respite 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.

Approved by 6 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted August 28, 2024 by voice vote.

ACT NO. 337-2024 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
QUEST DIAGNOSTICS CLINICAL LABORATORIES, INC. FOR
HEALTH DEPARTMENT SUBSTANCE ABUSE TESTING SERVICES**

Pursuant to 10 NYCRR Part 763 and Section 450 of the County Law.

WHEREAS, Act 414-2023 authorized a contract with Quest Diagnostics Clinical Laboratories, Inc., 875 Greentree Road, Four Parkway Center, Pittsburgh, Pennsylvania 15220, for the provision of substance abuse testing services for the County Health Department, and

WHEREAS, Quest Diagnostics Clinical Laboratories, Inc., has revised its rate schedule effective May 1, 2024, and

WHEREAS, Quest Diagnostics Clinical Laboratories, Inc., can provide the aforementioned substance abuse testing services in accordance with the following rate schedule:

PRICING FOR "LAB BASED" TESTING AND SERVICES

<u>Description</u>	<u>Test Code</u>	<u>Client Test Code</u> <u>Price</u>
Blood SAP	1861B	\$200.50
Ethanol (Blood) .01%	443N	\$26.75
Quest Blood Collection Fee	22549N	\$12.25
Preferred Blood Collection Fee	22552N	\$23.95
MRO Fee Full	8746N	\$5.55
Quest Hair Collection Fee	21671N	\$16.70
Preferred Hair Collection Fee	22553N	\$23.95
Quest Urine Collection Fee	8766N	\$12.25
Preferred Urine Collection Fee	35499N	\$17.25
Hair-5	37000N (old panel 19870N)	\$39.00
Substance Abuse Panel 10-	35190N	\$17.80
Hair Kit w/o Shipping Supplies	POC0050	\$0.00
Hair Kit with Shipping Supplies	POC0051	\$0.00
Hair-5 (expanded OP)	37001N (old panel 26220N)	\$41.20
SAP 10-50/2000 W/TS + Fentanyl	59387N	\$32.25
SAP 10-50/2K+ALC W/TS + Fentanyl	59573N	\$33.35

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 Quest Diagnostics Clinical Laboratories, Inc., for the provision of the above-described services, for a term commencing May 1, 2024 to continue in full force and effect under the same rates, terms and conditions, until terminated by either party hereto, according to the above-described terms.

Approved by 6 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted August 28, 2024 by voice vote.

ACT NO. 338-2024 by Mrs. Andreano and Mr. Helmich

AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR DEPARTMENT OF AGING RETIRED & SENIOR VOLUNTEER PROGRAM

Pursuant to Title III of the Older Americans Act of 1965, as amended, Section 95-a of the General Municipal Law and Section 450 of the County Law.

WHEREAS, funding in the amount of \$167,645.00 per program year is available through the Corporation for National and Community Service (CNCS), 250 E Street NW, Washington, D.C. 20525, for the Retired and Senior Volunteer Program (RSVP), and

WHEREAS, the Department of Aging is desirous of applying for the aforementioned funding to help support the efforts of RSVP volunteers in Cattaraugus County, and

WHEREAS, this program is 70% federal, 4% state and 26% County funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a grant application, on behalf of Cattaraugus County, with the Corporation for National and Community Service, to apply for the aforementioned grant funding for the fiscal year commencing April 1, 2025 and terminating March 31, 2028, 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 6 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted August 28, 2024 by voice vote.

ACT NO. 339-2024 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
TOTAL SENIOR CARE, INC. FOR
PACE AND DAYBREAK PROGRAM HOME DELIVERED AND CONGREGATE MEALS**

Pursuant to Section 95-a of the General Municipal Law and
Section 450 of the County Law.

WHEREAS, Act 357-2023 authorized a contract with Total Senior Care, Inc., 519 North Union Street, Olean, New York 14760, to purchase home delivered meals and congregate meals from the County Department of Aging for PACE and DayBreak Program participants as part of a comprehensive program of services to participants, the term of which expires August 31, 2024, and

WHEREAS, the County Department of Aging is desirous of renewing the aforementioned contract, and

WHEREAS, the Department of Aging has agreed to provide the aforementioned meals through its Senior Nutrition Program to PACE and DayBreak Program participants at a rate of \$9.50 per home delivered and/or congregate meal, and¹

WHEREAS, Total Senior Care, Inc., has agreed to purchase home delivered meals and congregate meals from the County Department of Aging for PACE and DayBreak Program participants at the above-described rate, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Total Senior Care, Inc., for the provision of the above-described meals and meal services, for a term commencing September 1, 2024 and terminating August 31, 2025, according to the above-described terms.

Approved by 6 members of the Finance Committee and 5 members of the Human Services Committee.

¹MRS. ANDREANO moved, seconded by Mr. Helmich, to amend as follows: delete the fourth Whereas: "Whereas, in the event meals are not cancelled at least 24 hours prior to the attempted delivery, Total Senior Care, Inc. shall be responsible for the payment of meals prepared by the Department of Aging, whether the participant is home at the time of delivery or not, and". Carried.

Adopted, as amended, August 28, 2024 by voice vote.

ACT NO. 340-2024 by Mr. Boberg and Mrs. Hunt

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

Pursuant to Section 153 of the County Law.

WHEREAS, the Probation Department has accounts receivable related to administrative, supervision, and drug test fees which have been deemed to be uncollectable from 2018, and

WHEREAS, civil judgments for these accounts have not been issued, and

WHEREAS, it has been recommended that the County remove these bad debts from the records of the Probation Department, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the removal of the debts from the accounts receivable records of the Probation Department in an amount of \$8,295.00.

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

Adopted August 28, 2024 by voice vote.

ACT NO. 341-2024 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH LEVANT WESLEYAN CHURCH
FOR FATHERS SUPPORT/PARENTING GROUP**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 337-2023 authorized a contract with the Levant Wesleyan Church for the provision of a weekly support/parenting group for fathers who are currently working with, or under the supervision of, the Department of Social Services to focus on family, child and service engagement, the term of which expires August 31, 2024, and

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

WHEREAS, the purpose of the aforementioned program is to reduce re-involvement with Child Protective Services, the Support Collection Unit, and Family Court, and

WHEREAS, the Levant Wesleyan Church, 1670 Lundquist Drive, Falconer, New York 14733, can provide a weekly two-hour support/parenting group for male residents of Cattaraugus County who are involved with the Department of Social Services through Child Protective Services, the Child Welfare Unit, Adult Protection Unit, Support Collection Unit, and as parents to youth involved in the juvenile justice/probation system by providing education, parenting services and support, and

WHEREAS, the Levant Wesleyan Church can provide the aforementioned services for a total amount not to exceed \$18,900.00, to be paid on a monthly basis, as invoiced, and

WHEREAS, this program is 100% federally funded (CFDA #93.558), 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 Levant Wesleyan Church, for the provision of the above-described services, for a term commencing September 1, 2024 and terminating August 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 6 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted August 28, 2024 by voice vote.

ACT NO. 342-2024 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD, INC.
FOR WIOA CAREER SERVICES**

Pursuant to P.L. 105-220, Workforce Investment Act of 1998,
20 USC 9201 and Section 450 of the County Law.

WHEREAS, Act 335-2023 authorized a contract with the Cattaraugus-Allegany Workforce Investment Board, Inc., One Blue Bird Square, Lower Level, Olean, New York 14760, (CAWIB), for the operation of the WIOA One-Stop Career Services program, the term of which expired June 30, 2024, and

WHEREAS, the County Department of Social Services is desirous of continuing the One Stop Operator Career Services program, and

WHEREAS, the CAWIB will pay the County for the administration of the above-described program the sum of \$356,707.00 for the program year July 1, 2024 through June 30, 2025, to be paid on a monthly basis, as invoiced, and as follows:

Adult	\$163,132.00
Dislocated Worker	\$193,575.00,

and

WHEREAS, this program is 100% federally funded (CFDA #17.250), 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-Allegany Workforce Investment Board, Inc., 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 6 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted August 28, 2024 by voice vote.

ACT NO. 343-2024 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD, INC.
FOR YEAR-ROUND YOUTH PROGRAMS (2024-2025)**

Pursuant to Workforce Innovation and Opportunity Act (Public Law 113-128)
and Section 450 of the County Law.

WHEREAS, Act 336-2023 authorized a contract with the Cattaraugus-Allegany Workforce Investment Board, Inc. (CAWIB), for the provision of services necessary to operate year-round youth programs, the term of which expired June 30, 2024, and

WHEREAS, the County Department of Social Services is desirous of continuing the provision of services to youth and can make available all necessary qualified personnel, licenses, facilities and expertise to perform, or have performed, the services required, and

WHEREAS, the CAWIB will pay to the County an amount not to exceed \$200,613.00 for the provision of the above-described youth services for the period July 1, 2024 through June 30, 2025, and

WHEREAS, this program is 100% federally funded (CFDA# 17.250), 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-Allegany Workforce Investment Board, Inc., 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 6 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted August 28, 2024 by voice vote.

ACT NO. 344-2024 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ALCOHOL MONITORING SYSTEMS, INC. FOR
YOUTH BUREAU YOUTH PLACEMENT
PREVENTION ELECTRONIC MONITORING PROGRAM**

Pursuant to Section 65.10 of the Penal Law and
Section 450 of the County Law.

WHEREAS, Act 131-2021 authorized the Chair to execute documents with BI, Inc., for the provision of electronic monitoring devices for the Youth Bureau Youth Placement Prevention Electronic Monitoring Program, the term of which expires September 3, 2024, and

WHEREAS, the Youth Bureau is in need of electronic monitoring services for youths in need of placement, and

WHEREAS, Alcohol Monitoring Systems, Inc., 1241 West Mineral Avenue, Suite 200, Littleton, Colorado 81020-5687, has agreed to provide the following monitoring equipment and services for an amount in accordance with the following fee schedule, not to exceed a total of \$25,000.00 per year, as follows:

Purchased Equipment				
<u>Equipment Type</u>	<u>Price Per Unit</u>	<u>Monitoring Fee per Unit, per Day</u>		
GPS Bracelet	\$599.84	\$2.48		
GPS Beacon	\$417.47	\$0.45		
GPS On-Body Charger	\$120.60	NA		
Rental Equipment				
<u>Equipment Type</u>	<u>Daily Rental Equipment Fee per Unit, per Day</u>	<u>Daily Service Fee per Unit, per Day</u>	<u>Total Daily Rental per Unit, per Day</u>	<u>Shelf Fee</u>
GPS Bracelet	\$0.84	\$2.48	\$3.32	\$0.97
GPS Beacon	\$0.05	\$0.45	\$0.50	NA

and

WHEREAS, sufficient funds are included in the budget to cover the costs of the aforementioned monitoring equipment and 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 Alcohol Monitoring Systems, Inc., for the provision of the above-described services, for a term commencing September 1, 2024 and terminating August 31, 2025, with one-year renewals thereafter, at the sole option of the County, at the same rates as listed above, according to the above-described terms.

Approved by 6 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted August 28, 2024 by voice vote.

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MR. BRISKY moved, seconded by Mrs. Andreano, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 345-2024 through Act No. 356-2024. Carried.

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ACT NO. 345-2024 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

APPOINTMENT OF REPUBLICAN ELECTION COMMISSIONER

Pursuant to Section 3-203 of the Election Law.

WHEREAS, the certificate of Mark Henry Heberling, Chairman of the Cattaraugus County Republican Party, has been filed with the Clerk of the Legislature recommending the appointment of Cortney L. Spittler as Republican Election Commissioner for a term of four (4) years, effective January 1, 2025, now, therefore, be it

RESOLVED, that Cortney L. Spittler be, and hereby is, appointed the Republican Election Commissioner for a term commencing January 1, 2025 and terminating December 31, 2028, at a bi-weekly salary, which has heretofore, or may hereafter, be established for the position of Election Commissioner, in accordance with Salary Table MCDHO, Grade 2A, Step 3, and be it further

RESOLVED, that Cortney L. Spittler be afforded all benefits in such compensation and benefit package as established for Managerial and Confidential Officers and Employees, and be it further

RESOLVED, that the certificate of appointment of Cortney L. Spittler shall be filed in the Cattaraugus County Clerk's Office.

Adopted August 28, 2024 by voice vote.

ACT NO. 346-2024 by Mr. Burr
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 - Little Valley County Center Flood Abatement)**

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

WHEREAS, the County experienced a water pipe break inside the Little Valley County Building located at 303 Court Street, Little Valley, on August 26, 2024, 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 \$25,000.00, 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 August 26, 2024 and terminating September 15, 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	\$25,000.00
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Increase Estimated Revenue Account:

H.990.9950.0000.5031	Interfund Transfers	\$25,000.00
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Increase Appropriation Accounts:

A.990.9950.0000.90504	Transfer to Capital Project Fund	\$25,000.00
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H.504.1620.0000.21055.41603	LV County Center Water Damage Abatement	\$25,000.00.
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Adopted August 28, 2024 by voice vote.

ACT NO. 347-2024 by Mr. Benson and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ERDMAN, ANTHONY AND ASSOCIATES, IN C. FOR CONSULTANT DESIGN SERVICES
FOR MANSFIELD BRIDGE NO. 37 REPLACEMENT PROJECT 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, consultant design services are necessary for the Mansfield Bridge No. 37 replacement project, located on County Road No. 14 (Toad Hollow Road) over Eddyville Creek, PIN 5764.82, in the Town of Mansfield, and

WHEREAS, Erdman, Anthony and Associates, Inc., 8608 Main Street, Buffalo, New York 14221, can provide the necessary consultant design services for the Mansfield Bridge No. 37 replacement project for an amount not to exceed \$287,800.00, to be paid periodically on a percent-of-completion basis as invoiced, and as determined by the Department of Public Works, and

WHEREAS, various appropriation accounts must be adjusted 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 Erdman, Anthony and Associates, Inc., for the provision of the above-described consultant design services for the above-described replacement project, for a term commencing August 29, 2024 and terminating December 31, 2026, according to the above-described terms, and be it further

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

Increase Appropriation Account:

H.504.5197.5195.25109.41603 Mansfield Bridge No. 37 \$17,800.00

Decrease Appropriation Account:

H.504.5197.5198.25103.41603 Mansfield Bridge No. 32 \$17,800.00.

Adopted August 28, 2024 by voice vote.

ACT NO. 348-2024 by Mr. Burr
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
BONADIO & CO., LLP FOR PROFESSIONAL SERVICES FOR
AUDIT OF CONSOLIDATED FINANCIAL REPORTS AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS**

Pursuant to Sections 210, 363, 366 and 450 of the County Law.

WHEREAS, the County is desirous of obtaining professional services for the audit of the Consolidated Financial Reports (CFR) for years ending December 31, 2020, 2021, 2022 and 2023 for the Department of Community Services and various contracted agencies, and

WHEREAS, Bonadio & Co., LLP, 171 Tully’s Trail, Pittsford, New York 14534, can provide aforementioned auditing services of the Consolidated Financial Reports in an amount not to exceed \$75,000.00, to be paid as invoiced, and

WHEREAS, various appropriation and revenue accounts must be adjusted 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 Bonadio & Co., LLP, for the provision of the above-described services, for a term commencing August 28, 2024 and terminating October 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:

Increase Estimated Revenue Account:

A.431.4310.0890.4401.10	Federal Aid, Public Health DSRIP	\$75,000.00
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Increase Appropriation Account:

A.901.1910.0000.41208	Adult Services Contracted	\$75,000.00.
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Adopted August 28, 2024 by voice vote.

ACT NO. 349-2024 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
AMERIGROUP IPA OF NEW YORK, LLC (HEALTHNOW NEW YORK, INC.,
D/B/A BLUE CROSS & BLUE SHIELD OF WESTERN NEW YORK)
FOR HOME HEALTH SERVICES**

Pursuant to Article 44 of the Public Health Law and Section 450 of the County Law.

WHEREAS, Act 543-1999, as amended by Acts 340-2009 and 291-2013, authorized a contract with HealthNow New York, Inc., d/b/a/ Blue Cross & Blue Shield of Western New York, Inc., for the provision of home health services, and

WHEREAS, Amerigroup IPA of New York, LLC is affiliated with HealthNow New York, Inc., d/b/a/ Blue Cross & Blue Shield of Western New York, Inc., and

WHEREAS, the County Health Department needs to provide additional services which have not heretofore been covered, and

WHEREAS, that effective September 1, 2024, the aforementioned contract is hereby amended to add the following services:

Flu Clinics/Immunization Services	100% of the NY Medicaid Fee Schedule
Primary Care Physician or Primary Care Provider (PCP)	100% of the NY Medicaid Fee Schedule
Specialty Physician Group	100% of the NY Medicaid Fee Schedule
Independent Laboratory (LAB)	80% of the Medicare Clinical Laboratory Fee Schedule

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 Amerigroup IPA of New York, LLC (Health Now New York, Inc., d/b/a Blue Cross & Blue Shield of Western New York), for the provision of the above-described services, for a term commencing September 1, 2024 to continue in full force and effect until terminated or otherwise amended thereto, according to the above-described terms.

Adopted August 28, 2024 by voice vote.

ACT NO. 350-2024 by Mrs. Andreano
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE LEASE DOCUMENTS WITH
DYNAMIC CLEANING SYSTEMS, INC. FOR DISH MACHINE EQUIPMENT AT THE
PINES HEALTHCARE AND REHABILITATION CENTER-OLEAN CAMPUS**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Nursing Homes is in need of new dish machine equipment for The Pines Healthcare and Rehabilitation Center – Olean Campus, and

WHEREAS, Dynamic Cleaning Systems, Inc., 131 North America Drive, West Seneca, New York 14224, can provide, through a lease, and install one (1) new ADS 66" left to right High Temperature Conveyor Dish Machine at The Pines Healthcare and Rehabilitation Center - Olean Campus, for a total amount of \$32,716.80 over a five-year period, and

WHEREAS, the aforementioned lease will be for a term of sixty (60) months commencing November 1, 2024, with the County's option to buyout for \$1.00 at the end of the lease, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute lease documents, on behalf of Cattaraugus County, with Dynamic Cleaning Systems, Inc., to lease the above-described dish machine equipment, for a term commencing November 1, 2024 and terminating October 31, 2029, according to the above-described terms.

Adopted August 28, 2024 by voice vote.

ACT NO. 351-2024 by Mrs. Andreano
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE LEASE DOCUMENTS WITH
DYNAMIC CLEANING SYSTEMS, INC. FOR DISH MACHINE EQUIPMENT AT THE
PINES HEALTHCARE AND REHABILITATION CENTER- MACHIAS CAMPUS**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Nursing Homes is in need of new dish machine equipment for The Pines Healthcare and Rehabilitation Center – Machias Campus, and

WHEREAS, Dynamic Cleaning Systems, Inc., 131 North America Drive, West Seneca, New York 14224, can provide, through a lease, and install dish machine equipment at The Pines Healthcare and Rehabilitation Center – Machias Campus, for a total amount of \$65,990.40 over a five-year period, as follows:

- One (1) new ADS 44" left to right Conveyor Dish Machine with Side Loader, and
- Four (4) new ETAF Low Temperature Under Counter Dish Machines, and

WHEREAS, the lease will be for a term of sixty (60) months with a \$1.00 buyout for the dish machines at the end of the lease, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute lease documents, on behalf of Cattaraugus County, with Dynamic Cleaning Systems, Inc., to lease the above-described dish machines, for a term commencing December 1, 2024 and terminating November 30, 2029, according to the above-described terms.

Adopted August 28, 2024 by voice vote.

ACT NO. 352-2024 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE DEPARTMENT OF LABOR AND THE
NEW YORK STATE OFFICE OF MENTAL HEALTH FOR THE
NEW YORK SYSTEMS CHANGE AND INCLUSIVE OPPORTUNITIES NETWORK GRANT**

Pursuant to 2 CFR Part 200 and Section 450 of the County Law.

WHEREAS, Acts 165-2022 and 103-2023 authorized the acceptance of funding for the New York Systems Change and Inclusive Opportunities Network (NY SCION) Program through the Cattaraugus-Allegany Workforce Investment (WIOA) Board, and

WHEREAS, the County has been awarded additional funding for the NY SCION Program through the New York State Office of Mental Health (OMH) in the amount of \$30,000.00, and

WHEREAS, the NY SCION Program is now a dual-funded program with both WIOA funds and OMH funds, and

WHEREAS, the purpose of this grant is to improve employment outcomes for individuals with disabilities, ages 18 and older, using existing training, career pathways, Integrated Resource Teams (IRTs) Ticket to Work (TTW) and asset development, and

WHEREAS, in accordance with Technical Advisory (TA) #21-06.02, NY SCION funds can be used for the hiring and support of a Disability Resource Coordinator to work with partner agencies to build a team to assess the needs of area employers, as well as provide training for individuals with disabilities to succeed in the workforce, and

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

WHEREAS, the aforementioned program is 100% federally funded (CFDA #17.278-NY SCION), 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 Department of Labor and the New York State Office of Mental Health, in order to accept and receive the aforementioned grant, for a term commencing January 1, 2024 and terminating December 31, 2028, 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 August 28, 2024 by voice vote.

ACT NO. 353-2024 by Mr. Boberg, Mr. Brisky, Mr. Burr and Mrs. Hunt who ask immediate consideration

AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH TRINITY SERVICES GROUP, INC. FOR FOOD PROCUREMENT MANAGEMENT SERVICES FOR COUNTY JAIL

Pursuant to Section 450 of the County Law.

WHEREAS, the Sheriff's Office is desirous of contracting for the provision of food procurement management services for the County Jail, and

WHEREAS, Trinity Services Group, Inc., 477 Commerce Boulevard, Oldsmar, Florida 34677, can provide purchasing services and dietary and food management advisement services for an amount not to exceed \$170,000.00 per year, which shall include the following:

- provision of a standard menu, religious meal menus and medical diet menus designed and approved by a Registered Dietitian;
- the purchase and supply of the food necessary to fulfill the requirements of the approved menus;
- assistance with inventory and production management controls;
- \$50,000 worth of food and ancillary items for the establishment of an annual Staff Dining Fund at no additional cost to the County, which shall decline as utilized; and
- provision of a \$10,000 one-time capital investment for equipment, seating, tables, etc., for the staff dining room,

and

WHEREAS, Trinity Services Group, Inc., will invoice the number of meals served during the preceding week based on the approved menu and the following Price Per Meal scale:

Population Sliding Scale

<u>Quantity of Meals</u>	<u>Price per meal</u>
60 – 69	\$2.907
70 – 79	\$2.682
80 – 89	\$2.514
90 – 99	\$2.383
100 – 109	\$2.278
110 – 119	\$2.192
120 – 129	\$2.121
130 – 139	\$2.060
140 – 149	\$2.019
150 – 159	\$1.983

Kosher/Hallah meals will be billed at the following rates:

\$3.50 per meal for Boil-n-bag type

\$6.95 per meal for shelf-stable type

\$6.95 per meal for frozen entrée type

Meal prices may be annually adjusted effective on the anniversary of the contract by an amount equal to the change in the Consumer Price Index, Food Away from Home, or due to an increase in prevailing wages,

and

WHEREAS, sufficient funds are included in the budget to cover the aforementioned food procurement management 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 Trinity Services Group, Inc., for the provision of the above-described food procurement management services, for a term commencing September 16, 2024 and terminating September 15, 2027, with an option to renew for two (2) additional one-year periods under the same terms and conditions, according to the above-described terms.

Adopted August 28, 2024 by voice vote.

ACT NO. 354-2024 by Mr. Boberg, Mrs. Hunt and Ms. Schröder
who ask immediate consideration

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

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

WHEREAS, Act 568-2022 authorized the acceptance and receipt of funding through the New York State Office of Indigent Legal Services for the 2nd Upstate Family Defense (Child Welfare) Quality Improvement and Caseload Reduction Grant aimed at alleviating excessive caseloads in upstate public defender offices and improving the quality of parental representation in child welfare matters, and

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

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

WHEREAS, sufficient funds through the aforementioned ILS Grant are included in the Public Defender's Office budget for this position, now, therefore, be it

RESOLVED, that effective immediately, there is hereby created one (1) position of Assistant Public Defender in the Public Defender's Office to be filled on a full-time basis, Managerial & Confidential Officers and Employees, Salary Table MCDHO Grade 4, bi-weekly salary of \$3,267.19, Position No. 117-017-017, and be it further

RESOLVED, that upon termination or reduction of funding through the ILS Grant or Indigent Legal Defense Services for this position, this position will be abolished immediately.

Adopted August 28, 2024 by voice vote.

ACT NO. 355-2024 by Mr. Burr
who asks immediate consideration

**RESOLUTION AUTHORIZING THE CHAIR OF THE LEGISLATURE TO APPROVE THE
PROPOSED ACTION BY THE COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY
IN CONNECTION WITH A CERTAIN COMMERCIAL PROJECT FOR
OLEAN TOWN CENTRE, LLC**

Pursuant to Section 862 of the General Municipal Law.

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

WHEREAS, pursuant to Article 18-A of the General Municipal Law of the State of New York and Chapter 536 of the 1971 Laws of New York (collectively, the "Act"), the Legislature of Cattaraugus County (the "County Legislature") has heretofore appointed the members of County of Cattaraugus Industrial Development Agency (the "Agency") and has duly caused to be filed in the office of the Secretary of the State of New York the certificates required by Section 856 of the General Municipal Law of the State of New York, and

WHEREAS, pursuant to the Act, the Agency is authorized and empowered to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and recreation facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration, and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct and install one or more "projects" (as defined in the Act), or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase, and

WHEREAS, Olean Town Centre, LLC, submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, requesting the Agency to undertake a certain project (the "Project") consisting of the provision of a sales and use tax exemption benefit, a mortgage recording tax exemption benefit, and a real property tax abatement benefit (collectively, the "Financial Assistance") for (i) the acquisition by the Agency of a leasehold interest in certain property located at 400-459 North Union Street in the City of Olean, Cattaraugus County, New York, and all other lands in the City of Olean where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land"); (ii) partial demolition of the former Bon-Ton facility and reconstruction and/or renovation of approximately 20,500 sq. ft. for one or more retail related uses, the construction of three 3,000 sq. ft. single-use buildings, construction of an approximately 35,000 sq. ft. podium style facility (the "Improvements"); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility"), and

WHEREAS, pursuant to Section 862(2)(a) of the Act, no Financial Assistance of the Agency shall be provided in respect of any project where facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities constitute more than one-third of the total project cost, unless certain exceptions apply, one of which is that the Project is located in a highly distressed area, and

WHEREAS, in addition, pursuant to Section 862(2)(c) of the Act, the Agency may not provide Financial Assistance to the Project unless the Agency shall, after satisfaction of the public hearing requirements of Section 859 of the Act, make a finding that undertaking the Project will serve the public purposes of the Act by preserving permanent, private sector jobs in the State or increasing the overall number of permanent, private sector jobs in the State, and

WHEREAS, pursuant to Section 859 of the Act, the Agency conducted the Public Hearing on August 20, 2024 at 9:00 a.m., local time in the City of Olean, Olean City Municipal Building, 101 East State Street, Conference Room 101, Cattaraugus County, New York, and

WHEREAS, by resolution adopted by the members of the Agency on August 22, 2024, the Agency resolved and determined, amongst other items, that: (i) the Project will include facilities or property that are primarily used in making retail sales, as defined within Section 862 of the Act, to customers who personally visit the Facility, (ii) the Project is located within a "highly distressed area" as such term is defined in Section 854(18) of the Act, (iii) the Project will serve the public purposes of the Act by preserving permanent, private sector jobs and/or increasing the overall number of permanent, private sector jobs in the City of Olean, Cattaraugus County, and the State of New York, and (iv) determined that the Agency would proceed with the Project and the granting of the Financial Assistance; provided however, that no Financial Assistance would be provided to the Project by the Agency unless and until the chief executive officer of Cattaraugus County, New York, pursuant to Section 862(2)(c) of the Act, confirmed the proposed action of the Agency with respect to the Project, and

WHEREAS, for the sole purpose of allowing the Agency to proceed with the Project, this Legislature desires to empower the Chairman of this Legislature, as the chief executive officer of Cattaraugus County, to confirm the proposed action of the Agency with respect to the Project, pursuant to Section 862(2)(c) of the Act, and

WHEREAS, Section 870 of the General Municipal Law of the State of New York specifically provides that any obligation of the Agency shall not be a debt of Cattaraugus County, New York, nor shall Cattaraugus County, New York, be liable thereon, now, therefore, be it

RESOLVED, that, for the sole purpose of allowing the Agency to proceed with the Project and the granting of the Financial Assistance described in the notice of the Public Hearing, the County Legislature hereby authorizes the Chairman of this County Legislature, as the chief executive officer of Cattaraugus County, New York, to either confirm or refuse to confirm the proposed action of the Agency with respect to the Project, pursuant to Section 862(2)(c) of the Act, and be it further

RESOLVED, that this resolution shall take effect immediately.

Adopted August 28, 2024 by voice vote.

ACT NO. 356-2024 by Mr. Burr
 who asks immediate consideration

**BID ACCEPTANCE FOR FOOD SERVICES FOR
 THE PINES HEALTHCARE AND REHABILITATION CENTER-MACHIAS 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 – Machias 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> 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	\$28.52	\$28.10
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	\$29.35	\$28.95
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 – Machias Campus, be, and the same hereby is, accepted for a term commencing January 1, 2025 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 August 28, 2024 by voice vote.

MOTION TO ADJOURN IN MEMORY OF TIMOTHY T. LEXER

WHEREAS, Timothy T. Lexer, 60, of East Otto, passed away on July 29, 2024, tragically as the result of a motor vehicle collision, and

WHEREAS, Mr. Lexer was appointed as an Emergency Services Dispatcher with the Sheriff's Office on February 19, 2008, and was promoted to Senior Emergency Services Dispatcher on October 11, 2020, and

WHEREAS, Mr. Lexer was a 42-year member of the East Otto Volunteer Fire Department, currently serving as Assistant Fire Chief and an EMT, and was a past Fire Chief for 11 years; he was also a member of the East Otto Community Church; and further supported his community through 4-H fundraising as well as assisting a local school's drama club with his woodworking hobby, and

WHEREAS, Mr. Lexer is survived by his wife of 32 years, Barbara; a son, Sean of East Otto; four daughters, Jessica Chapman of Freedom, Heather Kagelmacher, Bethany Lexer and Gretchen Lexer, all of East Otto; two sisters, Debbie Golley and Tina Brooks; six grandchildren; and several nieces and nephews, and

WHEREAS, the loss of his presence will be sadly felt by his many friends and colleagues in Cattaraugus County, now, therefore, Legislators Boberg, Brisky, Helmich and Schröder hereby

MOVE, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of Timothy T. Lexer, 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 Timothy T. Lexer, and be it further

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

* * * * *

MR. BRISKY moved, seconded by Mr. Parker, to adjourn until September 11, 2024 at 5:00 p.m.
Carried.

Meeting adjourned at 5:25 p.m.

Ann M. Giglio
Journal Clerk