

September 25, 2024

The meeting was called to order by Chairman Burr.

The invocation was given by Richard Helmich.

The Attendance Roll Call disclosed one Legislator absent - Marsh.

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There being no amendments or objections thereto, Chairman Burr noted that the minutes of the September 11, 2024 session stand approved as presented.

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**COMMUNICATIONS:**

New York State Department of State: Acknowledging receipt of Local Law Number 3-2024 and the filing of the same on September 5, 2024.

\* \* \* \* \*

**APPOINTMENTS:**

**FISH AND WILDLIFE MANAGEMENT BOARD**

*Two-year term to expire December 31, 2024*  
Kurt Nalbach, *filling the unexpired term of William Lindbergh*

*Two-year term to expire December 31, 2025*  
Jim McAndrews, *filling the unexpired term of Thomas Vanderbosch.*

\* \* \* \* \*

**ACT NO. 366-2024** by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE NO-COST TIME EXTENSION WITH  
COLLIERS ENGINEERING & DESIGN, INC. F/K/A BERGMANN ASSOCIATES, INC.  
FOR GENERAL DESIGN SERVICES FOR HIGHWAY RELATED PROJECTS**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 64-2022, as amended by Acts 333-2022 and 354-2023, authorized a contract with Colliers Engineering & Design, Inc. f/k/a Bergmann Associates, Inc. for the provision of general design services for highway related projects, 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 continue to provide the aforementioned services, and

WHEREAS, Colliers Engineering & Design, Inc. f/k/a Bergmann Associates, 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 Colliers Engineering & Design, Inc. f/k/a Bergmann Associates, Inc., on behalf of Cattaraugus County, in order to extend the term of the contract dated March 8, 2022 to December 31, 2025, according to the above-described terms.

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

Adopted September 25, 2024 by voice vote.

**ACT NO. 367-2024** by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATHOLIC CHARITIES OF WESTERN NEW YORK, INC., FOR  
DEPARTMENT OF SOCIAL SERVICES KINSHIP PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 392-2023 authorized a contract with Catholic Charities of Western New York, Inc., 2636 West State Street, Suite 301, Olean, New York 14760, for the provision of a Kinship Program for grandparents or other relatives who obtain custody of children, the term of which expires September 30, 2024, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned program, and

WHEREAS, the Kinship Program will serve approximately 55 participants and is for those children who are placed with relatives in lieu of foster care, and

WHEREAS, Catholic Charities of Western New York, Inc., can provide the aforementioned Kinship Program for a total amount not to exceed \$68,179.00, to be paid 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 Catholic Charities of Western New York, Inc., for the provision of the above-described 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 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 5 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted September 25, 2024 by voice vote.

**ACT NO. 368-2024** by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
MELISSA BALL D/B/A MW MENTAL HEALTH COUNSELING SERVICES  
FOR FAMILIES WITH CHILDREN AT RISK OF PLACEMENT  
PSYCHOLOGICAL ASSESSMENTS**

Pursuant to 42 USC Sections 672 and 675a, Section 409-h of the Social Services Law and Section 450 of the County Law.

WHEREAS, effective October 1, 2021, New York State regulations required the County Department of Social Services to conduct psychological assessments for children who are placed in a qualified residential treatment program, so that the Family Court Judge can ensure that the level of care is sufficient to meet the needs of the child, and

WHEREAS, Act 393-2023 authorized a contract with Melissa Ball d/b/a MW Mental Health Counseling Services, 5659 West Shore Road, Cuba, New York 14727, for the provision of the aforementioned psychological assessments for children, the term of which expires September 30, 2024, and

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

WHEREAS, Melissa Ball d/b/a MW Mental Health Counseling Services has agreed to provide the aforementioned psychological assessments for children for an amount not to exceed \$50,000.00, to be paid as invoiced, and

WHEREAS, this program is 62% state and 38% County funded, however, without the aforementioned psychological assessment services, the Department of Social Services will not be eligible for Title IV-E reimbursement, 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 Melissa Ball d/b/a MW Mental Health Counseling Services, for the provision of the above-described 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 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 5 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted September 25, 2024 by voice vote.

**ACT NO. 369-2024** by Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COMMUNITY ACTION, INC. D/B/A  
CONNECTING COMMUNITIES IN ACTION FOR  
DEPARTMENT OF SOCIAL SERVICES TRUANCY PREVENTION PROGRAM**

Pursuant to Public Law 104-193 and Section 450 of the County Law.

WHEREAS, Act 394-2023 authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, for the implementation of a truancy prevention program in Cattaraugus County, in an attempt to reduce the percentage of poor attendance and chronic absenteeism in area school districts, the term of which expires September 30, 2024, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned services, and

WHEREAS, Cattaraugus Community Action, Inc., d/b/a Connecting Communities in Action has agreed to provide a truancy prevention program in Cattaraugus County for an amount not to exceed \$186,206.00, to be paid on a monthly basis for services provided during the preceding month, as invoiced, and

WHEREAS, this program is 62% state funded and 38% county funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Cattaraugus Community Action, Inc., d/b/a Connecting Communities in Action, for the provision of the above-described 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 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 5 members of the Finance Committee and 4 members of the Human Services Committee.

Adopted September 25, 2024 by voice vote. Mrs. Andreano abstained from vote.

**ACT NO. 370-2024** by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
PARENT EDUCATION PROGRAM FOR DEPARTMENT OF SOCIAL SERVICES  
FAMILY GROUP CONFERENCING PROGRAM**

Pursuant to 18 NYCRR Parts 405 and 423 and  
Section 450 of the County Law.

WHEREAS, Act 395-2023 authorized a contract with Parent Education Program, 234 North Union Street, Olean, New York 14760, for a family group conferencing program in Cattaraugus County, the term of which expires September 30, 2024, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned services, and

WHEREAS, Parent Education Program has agreed to provide family group conferencing program services, for a total annual program amount not to exceed \$26,000.00, to be paid as invoiced, and

WHEREAS, this program is 62% state funded and 38% County funded, 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 Parent Education Program, for the provision of the above-described 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 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 5 members of the Finance Committee and 5 members of the Human Services Committee.

Adopted September 25, 2024 by voice vote.

**ACT NO. 371-2024** by Mrs. Andreano and Mr. Helmich  
*and Mr. Smith and Mr. Teachman*<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
THE YMCA OF THE TWIN TIERS FOR YMCA MEMBERSHIPS FOR  
FAMILIES WITH CHILDREN AT RISK OF PLACEMENT**

Pursuant to 9 NYCRR Sections 771.6 and 771.7,  
Public Law 104-193 and Section 450 of the County Law.

WHEREAS, Act 396-2023 authorized a contract with the Olean YMCA, Inc., 1011 Wayne Street, Olean, New York 14760, for the provision of YMCA memberships for family activities for at-risk youth and families in an effort to reduce at-risk factors and out-of-home placement, the term of which expires September 30, 2024, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned services, and

WHEREAS, the YMCA of the Twin Tiers, f/k/a Olean YMCA, Inc., has agreed to continue the provision of the above-described services for a total amount not to exceed \$16,000.00 to be paid on a monthly basis for memberships provided during the preceding month, 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 YMCA of the Twin Tiers, for the provision of the above-described 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 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 5 members of the Finance Committee and 5 members of the Human Services Committee.

<sup>1</sup>The following Legislators requested their names be listed as additional sponsors: "Mr. Smith and Mr. Teachman".

Adopted September 25, 2024 by voice vote.

**ACT NO. 372-2024** by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COMMUNITY ACTION, INC., D/B/A CONNECTING COMMUNITIES IN ACTION  
FOR YOUTH PLACEMENT PREVENTION PROGRAMMING (FAST)**

Pursuant to 9 NYCRR Subpart 165-1, Section 501 of the Executive Law,  
and Section 450 of the County Law.

WHEREAS, Act 226-2023 authorized a contract with Cattaraugus Community Action, Inc., d/b/a Connecting Communities in Action, 25 Jefferson Street, Salamanca, New York 14779, through its "Families and Schools Together (FAST) Program", for the provision of a placement prevention program to reduce the number of Cattaraugus County youth that are court-ordered to placement due to a history of PINS and/or juvenile delinquency behavior, the term of which expired June 30, 2024, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned program, and

WHEREAS, Cattaraugus Community Action, Inc., d/b/a Connecting Communities in Action, through its "Families and Schools Together (FAST) Program", will target specific school districts mutually agreed upon by both parties and has agreed to continue the aforementioned services, for an amount not to exceed \$155,505.00 to be paid on a monthly basis for services provided during the preceding month, as invoiced, and

WHEREAS, this program is 62% state and 38% county funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Cattaraugus Community Action, Inc., d/b/a Connecting Communities in Action, for the provision of the above-described Youth Placement Prevention Programming, 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 July 1, 2024 and terminating June 30, 2025, according to the above-described terms, and be it further

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

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

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

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

Adopted September 25, 2024 by voice vote.

**ACT NO. 373-2024** by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COMMUNITY ACTION, INC. D/B/A CONNECTING COMMUNITIES IN ACTION  
FOR DEPARTMENT OF SOCIAL SERVICES  
SHELTER AND TRANSITIONAL SERVICES FOR HOMELESS INDIVIDUALS**

Pursuant to Article 2-A of the Social Services Law and  
Section 450 of the County Law.

WHEREAS, Act 502-2023 authorized a contract with Cattaraugus Community Action, Inc., d/b/a Connecting Communities in Action, 25 Jefferson Street, Salamanca, New York 14779, for the provision of shelter and transitional services for homeless individuals, the term of which expires December 31, 2024, and

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

WHEREAS, Cattaraugus Community Action, Inc., d/b/a Connecting Communities in Action can provide homeless shelter and transitional services on an as-needed basis in accordance with the following rate schedule:

Shelter Services	\$100.00 per day
Single Residence Occupancy	\$200.00 per month,

and

WHEREAS, the above-described services are 29% State and 71% County funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Cattaraugus Community Action, Inc., d/b/a Connecting Communities in Action, for the provision of the above-described 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, and be it further

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

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

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

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

Adopted September 25, 2024 by voice vote.

**ACT NO. 374-2024** by Mrs. Andreano

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH ERIE 1 BOCES TECHNOLOGY SERVICES  
FOR CLEARTRACK COUNTY MEDICAID MODULE**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 300-2023 authorized a contract with Erie 1 BOCES Technology Services, 355 Harlem Road, West Seneca, New York 14224, for the access to the ClearTrack County Medicaid Module for the Special Needs Pre-K Program for the 2023-2024 school year, the term of which expired June 30, 2024, and

WHEREAS, Erie 1 BOCES can provide access to the ClearTrack County Medicaid Module, for an amount not to exceed \$6,198.50 for the 2024-2025 school year, to be paid as invoiced, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned module, 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 Erie 1 BOCES Technology Services 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.

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

Adopted September 25, 2024 by voice vote.

**ACT NO. 375-2024** by Mr. Higgins and Mr. Marsh

**AUTHORIZING APPLICATION FOR TOURISM PROMOTION AND  
DESIGNATING GRANT ADMINISTRATOR**

Pursuant to Section 164 of the Economic Development Law.

WHEREAS, Act 424-2023 authorized an application for tourism promotion and designated the grant administrator, and

WHEREAS, the New York State Tourist Promotion Act provides that the Commissioner of Economic Development may, upon application, match the funds expended by tourist promotion agencies and provide other assistance to local organizations for the promotion of tourist travel, resorts, and vacation businesses of the State of New York, and

WHEREAS, before an application for matching funds for the promotion of tourism can be submitted, it is required that the Cattaraugus County Legislature designate a tourist promotion agency to make such application and to receive grants for the purposes specified in the law, and

WHEREAS, Cattaraugus County should contribute a local share of \$70,000.00 in Fiscal Year 2025 to leverage additional funds from the New York State I Love New York Matching Funds Program, now, therefore, be it

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism is hereby authorized and directed to submit all the required applications and other documents, on behalf of Cattaraugus County, necessary for the purpose of receiving these funds, and be it further

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism is hereby authorized and directed to receive grants from the State of New York for, and on behalf of, Cattaraugus County for the purposes herein specified, and be it further

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism is hereby designated as the administrator of these funds, and be it further

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism is authorized to apply for state matching funds up to \$500,000.00 for the program year January 1, 2025 through December 31, 2025, and be it further

RESOLVED, that if the application for such funding is approved, then the Cattaraugus County Department of Economic Development, Planning and Tourism shall submit the grant agreement to the Legislature for approval and appropriation prior to the commencement of any work, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Commissioner of Economic Development of the State of New York and the Marketing Manager, Matching Funds, New York State Department of Economic Development, and be it further

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

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

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

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

Adopted September 25, 2024 by voice vote.

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MRS. HUNT moved, seconded by Mr. Benson, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 376-2024 through Act No. 384-2024. Carried.

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**ACT NO. 376-2024** by Mr. Burr and Mr. Higgins  
*and Mrs. Andreano, Mr. Smith and Mr. Teachman*<sup>1</sup>  
 who ask immediate consideration

**APPOINTMENT OF MEMBER TO THE CHAUTAUQUA, CATTARAUGUS,  
 ALLEGANY AND STEUBEN SOUTHERN TIER EXTENSION RAILROAD AUTHORITY**

Pursuant to Section 2642-C(4) of the Public Authorities Law.

RESOLVED, that Keri L. Kerper shall be a Cattaraugus County voting member on the Chautauqua, Cattaraugus, Allegany and Steuben Southern Tier Extension Railroad Authority for a three-year term to expire 9/12/2027, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Chautauqua, Cattaraugus, Allegany and Steuben Southern Tier Extension Railroad Authority.

<sup>1</sup>The following Legislators requested their names be listed as additional sponsors: “Mrs. Andreano, Mr. Smith and Mr. Teachman”.

Adopted September 25, 2024 by voice vote.

**ACT NO. 377-2024** by Mr. Benson and Mr. Helmich  
 who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
 NEW YORK STATE UNIFIED COURT SYSTEM FOR  
 AREA CLEANING SERVICES, REPAIRS AND MAINTENANCE AND  
 ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
 (Department of Buildings and Grounds)**

Pursuant to Chapter 686 of the Laws of 1996, 22 NYCRR Part 34.1  
 and Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 293-2023 authorized a contract with the NYS Unified Court System for the cleaning of court facilities as well as repairs and maintenance, for a five (5) year term of which expires March 31, 2028, and

WHEREAS, Chapter 686 of the Laws of 1996, as amended, gives the State of New York the fiscal responsibility of managing the interior cleaning of court facilities and the performance of minor and emergency repairs, and authorizes the New York State Unified Court System to provide reimbursement for the cleaning of court facilities, repairs and maintenance on an annual basis, and

WHEREAS, the New York State Unified Court System shall reimburse the County an amount of \$147,392.00 for the cleaning of court facilities, repairs and maintenance for the period April 1, 2024 through March 31, 2025, and

WHEREAS, various appropriation and revenue accounts must be adjusted, 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 Unified Court System for

the provision of the above-described services and to accept reimbursement funds for the 2024 – 2025 term of the five (5) year contract, 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 or extensions when needed for this program, in order to accept the maximum reimbursement for services provided during the five (5) year contract term, 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.504.1620.0000.21061.3021	State Aid, Court Facilities	\$5,250.00
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Increase Appropriation Account:

H.504.1620.0000.21061.41603	Court Facilities Renovation	\$5,250.00.
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Adopted September 25, 2024 by voice vote.

**ACT NO. 378-2024** by Mr. Benson and Mr. Helmich  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENT WITH  
CATTARAUGUS-LITTLE VALLEY CENTRAL SCHOOL DISTRICT FOR  
USE OF SPACE FOR COUNTY OFFICES  
(County Attorney's Office – Risk Management Division)**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the County Attorney's Office is in need of office space for its Risk Management Division, and

WHEREAS, Act 413-2023 authorized a lease agreement with the Cattaraugus-Little Valley Central School District (CLVCS), 25 North Franklin Street, Cattaraugus, New York 14719, for the following office space, which includes Room Nos. 209-209B and 211 and associated common spaces (including hallways, bathrooms [one male and one female], entranceways, etc.), the term of which expires September 30, 2024, and

WHEREAS, the County Attorney is also desirous of leasing Room 210 for Risk Management personnel, and

WHEREAS, CLVCS has agreed to lease the following space for the County Attorney's Office, Risk Management Division:

<u>Leased Rooms</u>	<u>Square Feet</u>	<u>2024 Annual Cost</u>	<u>2025 Annual Cost</u> <u>(including 2% increase)</u>
Rooms 209-209B and Room 211	1268	\$9,078.84	\$9,260.40
Room 210	<u>540</u>	<u>\$3,789.48</u>	<u>\$3,865.20</u>
Total	1,808	\$12,868.32	\$13,125.60

\*\* Subject to a 2% increase on the anniversary date each year  
and

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

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

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a lease agreement, on behalf of Cattaraugus County, with the Cattaraugus-Little Valley Central School District, for the leasing of the above-described space in the Little Valley Campus building, contingent upon and subject to inclusion in the 2025 budget of sufficient funds to cover the costs of the aforementioned leased space, for a term commencing October 1, 2024 and terminating September 30, 2025, with the option to renew for two (2) additional one-year terms, according to the above-described terms.

Adopted September 25, 2024 by voice vote.

**ACT NO. 379-2024** by Mrs. Andreano and Mr. Helmich  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
FIELD OF DREAMS FOR HEALTH DEPARTMENT  
HOMECARE SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Field of Dreams, 3260 7<sup>th</sup> Street, Allegany, New York 14706, is desirous of receiving homecare services for its residents through the County Health Department, and

WHEREAS, the aforementioned homecare services are required to be provided through a Certified Home Health Agency, and

WHEREAS, the Cattaraugus County Health Department is a Certified Home Health Agency through which homecare services can be provided, and

WHEREAS, the County Health Department has agreed to provide certified homecare services to the Field of Dreams, in accordance with the following rate limits and terms:

RN                                 \$185.00/visit  
PT/OT/PTA/COTA             \$150.00/hour,

and

WHEREAS, the provision of such services will create revenue for the County, 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 Field of Dreams, for the provision of the above-described certified homecare services, for a term commencing September 11, 2024 to continue in full force and effect until terminated by either party hereto upon thirty (30) days' written notice under the same rates, terms and conditions, according to the above-described terms.

Adopted September 25, 2024 by voice vote.

**ACT NO. 380-2024** by Mr. Boberg and Mrs. Hunt  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
BEAVER HOLLOW CONFERENCE CENTER FOR  
SHERIFF'S OFFICE EMPLOYEE WELLNESS TRAINING AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Sheriff's Office)**

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

WHEREAS, Act 41-2024 authorized the acceptance of funding through the New York State Office of Mental Health (OMH) for The CARES UP Initiative (Changing the Conversation, Awareness, Resilience, Empower Peers, Skills Building/Suicide Prevention for Uniformed Personnel), and

WHEREAS, the Sheriff's Office has been awarded an additional \$18,000 through OMH for The CARES UP Initiative to cover the cost of wellness training for Sheriff's Office employees, and

WHEREAS, Beaver Hollow Conference Center, 1083 Pit Road, Java Center, New York 14082, can provide the facility and wellness training for up to 200 Sheriff's Office employees for an amount of \$150 per day not to exceed an amount of \$18,000.00, which includes the following:

- Training and Training Materials
- Main Meeting Room and breakouts as requested at time of contract
- Audio Visual Package of: Screen, Proxima Projector and Two Flip Charts in each Meeting Room
- Continuous Beverages of Coffee (regular & decaf), Tea (hot & iced), Lunch and continuous healthy snacks throughout each day of training
- Trainings will be held on October 15, 16, 22, 23, 29 & 30 from 8:00 am to 5:00 pm,

and

WHEREAS, funds are included in the budget through the CARES UP grant to cover the cost of the aforementioned facility and wellness training, 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 a contract, on behalf of Cattaraugus County, with Beaver Hollow Conference Center, for the provision of wellness training for Sheriff's Office employees, for a term commencing October 15, 2024 and terminating October 31, 2024, according to the above-described terms, and be it further

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

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

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

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

Increase Estimated Revenue Account:

A.311.3110.3120.3389.21	State Aid, CARES UP Grant	\$18,000.00
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Increase Appropriation Account:

A.311.3110.3120.46106	Training	\$18,000.00.
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Adopted September 25, 2024 by voice vote.

**ACT NO. 381-2024** by Mr. Burr, Mr. Nagle and Ms. Schröder  
who ask immediate consideration

**LOCAL LAW NUMBER 4 - 2024**  
**COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW ESTABLISHING THE CATTARAUGUS COUNTY ANIMAL ABUSER REGISTRY  
AND REPEALING LOCAL LAW NO. 2-2021 (INTRO NO. 3-2021)**

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

SECTION 1. Intent. It is the intent of this local law to establish a registry of individuals in Cattaraugus County who have abused animals.

SECTION 2. Legislative Findings. Cruelty is a serious problem resulting in the abuse of many animals each year, and while the State of New York has criminalized the cruel treatment of animals, animal abuse and cruelty continues to occur in Cattaraugus County and throughout New York State. Studies show that people who have abused animals in the past are likely to do so in the future and that there is a near 100% recidivism rate for certain types of abuse, such as animal hoarding. It has also been documented that individuals who abuse animals are statistically more likely to commit violent acts against humans, and there has been a strong correlation established linking individuals who abuse animals with incidents of domestic violence. Animals need to be protected from potential abusers, and there should be a mechanism to prevent such abusers from obtaining animals after they have been found guilty of animal abuse and/or neglect. The Cattaraugus County Legislature hereby finds and determines that it is in the best interest of the residents of Cattaraugus County and their animals that an online registry be established identifying individuals residing in Cattaraugus County who have been convicted of animal abuse crimes in order to prevent these individuals from adopting, purchasing, being in possession of, or otherwise obtaining animals from any person, animal shelter, pet seller, or other entity involved in the exchange of animals by adoption, sale or other means.

SECTION 3. Definitions. As used in this local law, the following terms shall have the meanings indicated:

3.1 "Animal Abuse Crime" - Any of the following crimes:

- a) A Violation of any of the following provisions of the NYS Agriculture Markets Law (AML) Article 26:
- Section 351 - Prohibition of animal fighting
  - Section 353 - Torturing and injuring animals; failure to provide proper sustenance
  - Section 353-A - Aggravated cruelty to animals
  - Section 355 - Abandonment of animals
  - Section 356 - Failure to provide proper food and drink to impounded animals
  - Section 359 - Carrying animal in a cruel manner
  - Section 360 - Poisoning or attempting to poison animals
  - Section 361 - Interference with or injury to certain domestic animals
  - Section 362 - Throwing substance injurious to animals in public place
  - Section 365 - Clipping or cutting the ears of dogs
  - Section 366 - Companion animal stealing
  - Section 366-A - Removing, seizing or transporting dogs for research purposes
- b) Sexual misconduct with an animal in violation of NYS Penal Law (PL) §130.20(a)
- c) Harming a service animal in violation of PL §242.10 and PL §242.15
- d) Killing or injuring a police animal in violation of PL §195.06
- e) Harming an animal trained to aid a person with a disability in violation of PL §195.12.
- 3.2 "Animal" - Any living mammal (except a human being), bird, reptile, amphibian or fish.
- 3.3 "Animal Abuse Offender" - Any person eighteen (18) years of age or older, convicted of an Animal Abuse Crime, except youthful offenders whose convictions or adjudications include sealed records. Animal Abuse Offender can also include any person that agrees to a Voluntary Placement Agreement on the Animal Abuser Registry as a part of or ancillary to a legal case.
- 3.4 "Animal Abuser Registry" - The online registry established by this Local Law for registering any person residing in Cattaraugus County convicted of an Animal Abuse Crime or any person who agrees to a Voluntary Placement Agreement to be placed on the Animal Abuser Registry.
- 3.5 "Animal Shelter" - Any publicly or privately owned organization including, but not limited to, any duly incorporated humane society, pound, animal protective association or animal rescue group which maintains buildings, structures or other property for the purpose of harboring animals which may be stray, unwanted, lost, abandoned or abused and seeks to find appropriate temporary or permanent homes for such animals.
- 3.6 "Conviction" - An adjudication of guilt by any court of competent jurisdiction whether upon verdict after trial, plea of guilty or nolo contendere plea.
- 3.7 "Voluntary Placement Agreement" shall mean any time a person agrees to plead guilty to a lesser offense and agrees to be placed on the Animal Abuse Registry, or when a person as part of a legal case agrees to be placed on the Animal Abuse Registry.
- 3.8 "Pet Seller" - Any individual, person, partnership, firm, corporation or other entity which offers animals for sale or is engaged in the sale, exchange or other transfer of ownership of animals.
- 3.9 "Service Animal" - Any animal that has been individually trained to do work or perform tasks for people with disabilities as defined under the ADA (Americans with Disabilities Act).

**SECTION 4. Establishing an Animal Abuser Registry.** The Cattaraugus County Sheriff, or his/her designee, is hereby authorized, empowered and directed to establish an online Animal Abuser Registry that shall contain the names and residence information, the nature of, and date of conviction of all Animal Abuse Offenders living in Cattaraugus County who are convicted of an animal abuse crime or who agree to a Voluntary Placement Agreement on or after the effective date of this law. Further, the online Registry will be maintained by the Cattaraugus County Sheriff's Office and shall be listed on the Cattaraugus County

official website within the Cattaraugus County Sheriff's Office webpage. The online Animal Abuser Registry shall also contain links to other county Animal Abuser Registries that are available, or as they become available in the future, in the State of New York, with such other county registries to be used as informational resources by Animal Shelters, Pet Sellers or other persons or entities located in Cattaraugus County when they shall sell, exchange or otherwise transfer the ownership of any animal. The Registry shall contain the required information about each Animal Abuse Offender for a period of twenty (20) years following his or her release from incarceration or, if not incarcerated, from the date of the judgment of conviction or the date of agreement to a Voluntary Placement Agreement. Any currently or previously registered Animal Abuse Offender convicted of a subsequent Animal Abuse Crime shall be placed on the Animal Abuser Registry for life following the second conviction. Upon notification to the Cattaraugus County Sheriff's Office of a successful appeal of a conviction of an Animal Abuse Crime by an individual that has been required to register pursuant to this local law, the registration information for that individual shall be removed from the Cattaraugus County Animal Abuse Registry within five (5) days following the notification.

**SECTION 5. Registry Requirements.**

5.1 All Animal Abuse Offenders who reside in Cattaraugus County and who are convicted of an Animal Abuse Crime or who agree to a Voluntary Placement Agreement, on or after the effective date of this article must register with the Cattaraugus County Animal Abuser Registry within five (5) days of their release from incarceration or, if not incarcerated, from the date of the rendering of judgment or from the date of the Voluntary Placement Agreement.

5.2 When a person is convicted of an Animal Abuse Crime, or agrees to a Voluntary Placement Agreement, the court shall forward to the Sheriff's Office the name and address of the person along with the name of the Animal Abuse Crime the person was convicted of (or a copy of the Voluntary Placement Agreement) thereby notifying the Sheriff's Office that the person is required to register with the Animal Abuser Registry.

5.3 Each person required to register with the Animal Abuser Registry shall submit to the Cattaraugus County Sheriff's Office on a form prepared by the Sheriff's Office, the following:

- a) Their name and any aliases they may be known by,
- b) Their residence address,
- c) Their date of birth, and
- d) A photograph of the front of their head and shoulders not less than 2" by 3" or a digital image commonly known as a digital photograph of the front of their head and shoulders.

5.4 Every person required to register with the Animal Abuser Registry shall update their registry information within five (5) days of any change of residence address and/or upon any official change of name.

5.5 Every person required to register with the Animal Abuser Registry shall pay a fee of One Hundred Twenty-Five Dollars (\$125.00) to the Cattaraugus County Sheriff's Office at the time of Registration. All such fees shall be used to help pay the administrative and maintenance costs of maintaining the Registry.

5.6 The Cattaraugus County Sheriff is hereby authorized and empowered to promulgate such rules and regulations as may be necessary to implement the Animal Abuser Registry.

5.7 The County shall cause to be mailed to the fifty (50) closest landholders to the residence of the Animal Abuse Offender, and the address of the location where the abuse occurred, if different from the residence of the Animal Abuse Offender, a notice informing such landholders of the Animal Abuse Offender's place of residence, their established convictions, their placement on the Animal Abuse Registry, and the requirements of this local law.

SECTION 6. Prohibited Acts and Required Registry Checks.

6.1 No Animal Abuse Offender shall possess, own, adopt or purchase an animal.

6.2 No Animal Shelter, Pet Seller, or other person or entity located in Cattaraugus County shall sell, exchange or otherwise transfer the ownership of any animal to any person having resided in Cattaraugus County and listed as an Animal Abuse Offender on the Animal Abuse Registry, nor shall such Animal Abuse Offender be allowed to retain possession of any currently owned animals.

6.3 Prior to the sale, exchange or other transfer of ownership of any animal, the Animal Shelter, Pet Seller or other person or entity is required to examine the Animal Abuser Registry to confirm that the name of the potential owner of the animal is not listed.

6.4 This section shall not apply to Service Animals for people with disabilities.

SECTION 7. Penalties.

7.1 Any Animal Abuse Offender required to register with the Animal Abuse Registry who fails to so register shall be guilty of a misdemeanor punishable by incarceration for a period of not more than one (1) year and/or a fine not to exceed Five Thousand Dollars (\$5,000.00).

7.2 Any Animal Abuse Offender who violates the prohibition against possession, owning, adopting or purchasing an animal, except for Service Animals for people with disabilities, shall be guilty of a misdemeanor punishable by incarceration for a period of not more than one (1) year and/or a fine not to exceed Ten Thousand Dollars (\$10,000.00).

7.3 Any Animal Shelter, Pet Seller or other individual or entity that knowingly or with reckless indifference, violates Section 6 of this Local Law shall be guilty of a violation and subject to a fine not to exceed Five Thousand Dollars (\$5,000.00). It shall not be a violation of this law if the Animal Shelter, Pet Seller, or other individual or entity checked with the Cattaraugus County Animal Abuser Registry and the name did not appear thereon.

SECTION 8. Severability. If any clause, sentence, paragraph, section, subdivision or other part of this Local Law or its applications shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this Local Law which shall remain in full force and effect except as limited by such order or judgment.

SECTION 9. Effective Date. This Local Law shall take effect as provided by the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

SECTION 10. Repeal. Local Law No. 2-2021 (Intro No. 3-2021) is hereby repealed.

No further action taken at this time.

**ACT NO. 382-2024** by Mr. Burr, Mr. Nagle and Ms. Schröder  
who ask immediate consideration

**AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 4 - 2024**

Pursuant to Section 10 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on September 25, 2024, a proposed Local Law entitled "A Local Law Establishing the Cattaraugus County Animal Abuser Registry and Repealing Local Law No. 2-2021 (Intro No. 3-2021)", 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 9<sup>th</sup> day of October, 2024, at 5:02 p.m. at the Legislature's Chambers, Cattaraugus County Center, 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.

Adopted September 25, 2024 by voice vote.

**ACT NO. 383-2024** by Mr. Burr  
*and Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Brisky,  
 Mr. Helmich, Mr. Higgins, Mrs. Hunt, Mr. Nagle, Mr. Parker,  
 Ms. Schröder, Mr. Smith, Mr. Stoltenberg and Mr. Teachman<sup>1</sup>*  
 who ask immediate consideration

**CONDEMNING ADMINISTRATIVE LAW JUDGE MICHAEL MARASA FOR  
 NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION,  
 DIVISION OF PAROLE, FOR THE RELEASE OF  
 EDWARD KINDT BACK INTO SOCIETY AND  
 DEMANDING NEW YORK STATE PAROLE BOARD  
 REVOKE THE RELEASE AND REMAND 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, Act 320-2024, which is attached hereto, called for the New York State Parole Board to revoke the release of Edward Kindt from prison after he violated his parole for a second time by absconding from parole supervision, returned to the Salamanca area where he is banned, and was later found and taken into custody by the Cattaraugus County Sheriff's Office, and

WHEREAS, Kindt's parole revocation hearing was the result of his recent escape from parole supervision and transitional housing in Dutchess County and violation of parole by returning to Salamanca in July, and his violation of a Seneca Nation order banning him from their territory, which is the second time Kindt has violated his parole since being released in March of 2023, and

WHEREAS, on August 15, 2024, Administrative Law Judge Michael Marasa released Kindt back to Dutchess County and back into society after serving a seven-day sentence, and

WHEREAS, Kindt is a rapist and a murderer, has committed two (2) parole violations, including absconding from parole supervision, and was written up while incarcerated for exposing himself to female correction officers and for drug use and possessing contraband, and should have never been granted parole in the first place, and

WHEREAS, prior to the release of Kindt back into society at the hands of Administrative Law Judge Marasa, the Cattaraugus County Legislature:

- condemned the NYS Department of Corrections and Community Services for its severe failure to appropriately supervise Kindt and for failing to notify local law enforcement immediately of Kindt's escape,

- strongly and vehemently urged the NYS Parole Board to revoke the release and remand Kindt back to prison for the remainder of his life sentence,
- strongly urged Governor Hochul to initiate an investigation into the colossal failure of supervision over Kindt by the NYS Department of Corrections and Community Supervision, and
- has called for the resignation of the members of the NYS Parole Board,

now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature vehemently condemns Administrative Law Judge Michael Marasa for rendering the decision of only a seven-day sentence and releasing rapist and murderer Edward Kindt back into society and supervised transitional housing, and be it further

RESOLVED, that the Cattaraugus County Legislature vehemently urges Administrative Law Judge Michael Marasa to re-examine this case, revoke his decision, and remand Edward Kindt back to prison to serve the remainder of his life sentence before he absconds again and murders someone else, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader Rob Ortt, Assembly Majority Leader Crystal D. Peoples-Stokes, Assembly Minority Leader William Barclay, Senator George Borrello, Assemblyman Joseph Giglio, the New York State Parole Board, Administrative Law Judge Michael Marasa, and all others deemed necessary and proper.

## **ATTACHMENT TO ACT 383-2024**

**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 Majority Leader Crystal D. Peoples-Stokes, Assembly Minority Leader William Barclay, Senator George Borrello, Assemblyman Joseph Giglio, the New York State Parole Board, 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.

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

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

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

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

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

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

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

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

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 <sup>th</sup> Street, Apt 4C	217-52 100 <sup>th</sup> 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.

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

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, 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

WHEREAS, now, with Penny's Law in place, those individuals now face a maximum sentence of fifteen-years-to-life, and

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

WHEREAS, at sentencing, Edward Kindt was described by the Judge as a sexual predator and "a threat any time [he] is in society," and

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

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

WHEREAS, Edward Kindt remains a sexual predator, a cold-blooded killer, and a threat to society, and

WHEREAS, we, as a society, must respond justly and appropriately to such heinous brutality, and

WHEREAS, justice, in this case, required that Kindt spend the rest of his natural life in prison, and

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

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

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

WHEREAS, there have been countless cases where violent murderers were paroled and afterwards committed recidivist murder again, and

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

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

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

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

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

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.

<sup>1</sup>The following Legislators requested their names be listed as additional sponsors: "Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Brisky, Mr. Helmich, Mr. Higgins, Mrs. Hunt, Mr. Nagle, Mr. Parker, Ms. Schröder, Mr. Smith, Mr. Stoltenberg and Mr. Teachman".

Adopted unanimously September 25, 2024 by voice vote.

**ACT NO. 384-2024** by Mr. Benson  
and Mrs. Andreano, Mr. Boberg, Mr. Brisky, Mr. Burr,  
Mr. Helmich, Mr. Higgins, Mrs. Hunt, Mr. Nagle, Mr. Parker,  
Ms. Schröder, Mr. Smith, Mr. Stoltenberg and Mr. Teachman<sup>1</sup>  
who ask immediate consideration

**URGING DELAY OF ENFORCEMENT OF  
ADVANCED CLEAN TRUCK RULE**

Pursuant to Section 153 of the County Law.

WHEREAS, in 2019, the Climate Leadership and Community Protection Act (CLCPA) was signed into law to require New York to reduce economy-wide greenhouse gas emissions 40 percent by 2030 and no less than 85 percent by 2050 from 1990 levels, and

WHEREAS, the CLCPA directs the development of performance-based standards for sources of greenhouse gas (GHG) emissions, including the transportation sector, by reducing GHG emissions from motor vehicles, and

WHEREAS, New York State adopted California's Advanced Clean Trucks (ACT) Rule in December 2021 that requires applicable medium and heavy-duty (M/HD) vehicle manufacturers to sell a percentage of their total sales in New York as zero-emission vehicles (ZEVs) starting in model year (MY) 2025 with increasing ZEV sales through MY 2035, and

WHEREAS, the cost of transitioning the state and local highway departments' utility and construction vehicles, snowplows and equipment to run on battery power, as mandated by ACT and other

state strategies, is at this juncture incalculable, but expected to exceed the ability to be financed without substantial sources of new revenues directed strictly for the retrofit or procurement of such ZEVs and equipment, and

WHEREAS, as commercial production of M/HD large-scale, electric construction vehicles is today a nascent industry, the ability of local highway departments to plan for this transition, with its concomitant mandates that fuel and electricity charging sources be carbon-free, is of tremendous concern considering that the transportation system at all levels of New York government is significantly underfunded, and

WHEREAS, while ACT regulations do not require M/HD fleets, owners, operators, or dealerships to purchase ZEVs, the sales mandates on vehicle manufacturers are expected to lead to shortages in supply of not only complying electric vehicles but of traditional gasoline and diesel vehicles as well, and

WHEREAS, alarmingly, some M/HD vehicle dealerships have notified highway departments that, due to manufacturers' need to plan for the sales mandates adopted by New York and some other states, many orders for trucks are being delayed or canceled, and

WHEREAS, notably, Maine, North Carolina and Connecticut among other states recently stepped back from adopting ACT regulations citing concerns over the availability of heavy-duty vehicle charging stations and the high cost of zero-emission trucks, and

WHEREAS, in July 2024, the New York State Comptroller released an audit on the State's progress in meeting Climate Act goals and noted several deficiencies including the need to increase communication with stakeholders and provide more accurate cost estimates; the audit goes on to add that the lack of cost estimates jeopardizes the chances of success in meeting climate goals; and the Comptroller urges the State to clarify for key stakeholders, especially energy ratepayers, the extent to which ratepayers will be responsible for Climate Act implementation costs, and

WHEREAS, New York's climate goals must be implemented in a way that is affordable while assuring adequate supplies of these specialized vehicles and functional highway construction equipment that meet state specifications, estimated to increase the cost of a new truck by about one-third, and

WHEREAS, the rush to introduce electric vehicles in New York can be counter-productive to the environment as the bulk of the power generation used to charge new vehicle batteries is produced by fossil fuels and is a reason to move more slowly to sync with the pace of the transition to a zero-emission electric grid by 2040, and

WHEREAS, recognizing these potential impacts on the ability of local governments to continue to deliver necessary transportation services and facilities to the traveling public, it is vital that state elected representatives and agencies assist county highway departments in developing strategies, funding sources and realistic timelines for achieving these aggressive GHG emissions reduction goals in the face of market and fiscal barriers to the transition, and

WHEREAS, all levels of government need to work together throughout the regulatory process to assure strategies and mandates put in place to meet the CLCPA goals for the transportation sector are realistic and achievable and will benefit the environment, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby strongly urges Governor Hochul, NYS Department of Transportation (NYSDOT), NYS Department of Environmental Conservation (NYSDEC), NYS Energy Research and Development Authority (NYSERDA), Public Service Commission (PSC), Commissioners, and Legislative leaders to commit to providing support for addressing these concerns in the regulatory and implementation process and to dedicate the funding necessary to fully cover the County's costs of complying with the state mandates under the CLCPA, and be it further

RESOLVED, that Governor Hochul consider a pause or suspension of the implementation of ACT until there is strong evidence that New York State has in place the necessary direct financial

assistance and incentives and charging infrastructure necessary, and can definitively determine that vehicle manufacturers are prepared to effectively supply the New York market without disruption to the critical work needed to maintain the state's vast and aging infrastructure, and be it further

RESOLVED, that the State recognize that highway construction, maintenance vehicles, and equipment are critical to governments' mission to maintain a safe and functional transportation system by designating these municipally owned vehicle and equipment as a category among "transit buses, motor coaches, and emergency vehicles," and thus exempt from ACT regulation, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader Rob Ortt, Assembly Majority Leader Crystal D. Peoples-Stokes, Assembly Minority Leader William Barclay, Senator George Borrello, Assemblyman Joseph Giglio, the Commissioners of NYSDOT, NYSDEC, NYSEDA, PSC, and all others deemed necessary and proper.

<sup>1</sup>The following Legislators requested their names be listed as additional sponsors: "Mrs. Andreano, Mr. Boberg, Mr. Brisky, Mr. Burr, Mr. Helmich, Mr. Higgins, Mrs. Hunt, Mr. Nagle, Mr. Parker, Ms. Schröder, Mr. Smith, Mr. Stoltenberg and Mr. Teachman".

Adopted September 25, 2024 by voice vote.

\* \* \* \* \*

MR. BRISKY moved, seconded by Mr. Stoltenberg, to adjourn until October 9, 2024 at 5:00 p.m.  
Carried.

Meeting adjourned at 5:13 p.m.

Ann M. Giglio  
Journal Clerk