

October 9, 2024

The meeting was called to order by Chairman Burr.

The invocation was given by Kelly Andreano.

The Attendance Roll Call disclosed two Legislators absent – Helmich and Marsh.

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There being no amendments or objections thereto, Chairman Burr noted that the minutes of the September 25, 2024 session stand approved as presented.

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COMMUNICATIONS:

Mandy Bushnell, Chair, Cattaraugus County Democratic Committee: Certificate of party recommendation for the appointment of Kevin C. Burluson to the office of Democratic Commissioner of Elections.

Family of Ann Gill DiCerbo: Thank you for donation to Olean General Hospital Foundation in her memory.

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PUBLIC HEARING:

CHAIRMAN BURR announced this is the time and place called for a public hearing on **Local Law Number 4-2024, A Local Law Establishing the Cattaraugus County Animal Abuser Registry and Repealing Local Law No. 2-2021 (Intro No. 3-2021)**, and that anyone wishing to speak regarding the local law may now do so.

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

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PRIVILEGE OF THE FLOOR:

CHAIRMAN BURR granted Privilege of the Floor to Colleen Andhor, Member of the Board of Directors of the S.P.C.A. of Cattaraugus County. Ms. Andhor provided an update on the financial challenges facing the S.P.C.A. in 2025 due to the NYS Companion Animal Care Standards Act, which will take effect December 2025, as well as the costs associated with the TNVR program and unexpected costs which arise each year. She acknowledged the generous donation from Golisano of \$1.5 million to be paid out over four years. Community donations keep their doors open and annual fundraisers are a necessity. They hope to renovate and add a new addition to the facility in 2025 to meet the aforementioned NYS mandate. Ms. Andhor thanked the Legislature for their continued support.

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CHAIRMAN BURR called up **Act No. 381-2024, Local Law Number 4-2024**, A Local Law Establishing the Cattaraugus County Animal Abuser Registry and Repealing Local Law No. 2-2021 (Intro No. 3-2021), and asked that it be read.

CHAIRMAN BURR requested a Roll Call vote on Act No. 381-2024, which disclosed as follows:
 Ayes: Andreano, Benson, Boberg, Brisky, Burr, Higgins, Hunt, Nagle, Parker, Schröder, Smith, Stoltenberg, Teachman -13.
 Nays: none.

Act No. 381-2024, Local Law Number 4-2024, having received a majority vote of the Legislature, was declared Adopted.

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ACT NO. 385-2024 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
 TOWN OF ASHFORD FOR ADMINISTRATION OF
 ASHFORD CULVERT NO. 42 PROJECT**

Pursuant to Section 450 of the County Law.

WHEREAS, the Town of Ashford has been awarded Culvert NY Project funding from the New York State Department of Transportation, and

WHEREAS, the aforementioned award shall provide funding to be used for the replacement of a culvert known as Ashford Culvert No. 42, Folts Road over Tributary to Cattaraugus Creek, in the Town of Ashford, and

WHEREAS, the Town of Ashford has agreed to be the sponsor for the aforementioned funding, and

WHEREAS, the County should act as the liaison for the Town between the NYSDOT, the Consultant, and the Contractor for the aforementioned Culvert NY Project, and

WHEREAS, the County shall perform the administrative duties on behalf of the Town of Ashford, and

WHEREAS, the Town shall reimburse the County for all expenses incurred for the administration of the aforementioned project from funds made available through the Culvert NY Project, 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 Town of Ashford, for the provision of the above-described services, for a term commencing October 2, 2024 and terminating September 30, 2026, according to the above-described terms.

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

Adopted October 9, 2024 by voice vote.

ACT NO. 386-2024 by Mrs. Andreano

AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH THE NURSE CONNECTION STAFFING, INC. FOR HEALTH CARE STAFFING COVERAGE FOR DEPARTMENT OF NURSING HOMES

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Nursing Homes is in need of coverage for licensed practical nurse (LPN) and registered nurse (RN) services, as well as certified nurse aides (CNA), for the residents of The Pines Healthcare and Rehabilitation Centers – Machias and Olean Campuses, and

WHEREAS, The Nurse Connection Staffing, Inc., 1 Computer Drive South, Albany, New York 12205, can provide the aforementioned health care services staffing coverage for an amount as follows:

	<u>Weekday</u>	<u>Weekend</u>
Registered Nurse Supervisor (RNS)	\$64.00/hour	\$66.00/hour
Registered Nurse (RN)	\$59.00/hour	\$61.00/hour
Licensed Practical Nurse (LPN)	\$49.00/hour	\$51.00/hour
Certified Nurse Aide (CNA)	\$34.00/hour	\$36.00/hour
Home Health Aide (HHA)	\$28.00/hour	\$29.00/hour

- Above rates are up to and including 40 hours worked in a client facility Sunday through Saturday. All hours worked after 40 hours will be billed at one and one half of the applicable rate.
- Time and one half will be charged for the following holidays: New Year's Eve (evening & night shifts), New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Eve (evening & night shifts) and Christmas Day.
- Weekend rate begins Saturday 7am until Monday 7am.
- Holiday rate begins 11-7 the night before through and including 7-3 & 3-11 the day of the Holiday.
- The maximum rates billed or charged include those set forth in Section C of the Staffing Agreement entitled Compensation and those set forth in this Fees/Rates Schedule. Note: The Fees/Rates Schedule and maximum rates herein are subject to (and do not include) CLIENT initiated enhanced payments.
- Rates are subject to change with thirty (30) days' notice to the Facility,

and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with The Nurse Connection Staffing, Inc., for the provision of the above-described health care coverage services, for a term commencing October 10, 2024 to continue in full force and effect, subject to the terms and conditions of the contract, until either party terminates, according to the above-described terms.

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

Adopted October 9, 2024 by voice vote.

ACT NO. 387-2024 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS-ALLEGANY BOCES FOR
DEPARTMENT OF AGING MEALS ON WHEELS PROGRAM VOLUNTEERS**

Pursuant to Section 450 of the County Law.

WHEREAS, Cattaraugus-Allegany BOCES has developed a Career Development and Occupational Studies Work-Based Learning Program through its RISE Academy, located at 644 Main Street, Olean, New York 14760, and

WHEREAS, work-based learning is an educational program that connects real-life work experiences with academic and technical knowledge to support high school students in exploring their interests, skills and abilities, and

WHEREAS, the Department of Aging is in need of assistance in its Meals on Wheels Program, and

WHEREAS, Cattaraugus-Allegany BOCES, through its RISE Academy, has agreed to provide volunteers for the County Department of Aging Meals on Wheels Program, at no cost to the County, and

WHEREAS, the aforementioned volunteers may be assigned to the Kitchen site or any of the SWAN sites, on an as-needed basis, and

WHEREAS, it is beneficial to the County Department of Aging to enter into this contract with Cattaraugus-Allegany BOCES for the provision of the aforementioned volunteers, 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-Allegany BOCES, for the provision of the above-described volunteer services, for a term commencing October 1, 2024 and terminating September 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 October 9, 2024 by voice vote.

ACT NO. 388-2024 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE OFFICE OF ADDICTION SERVICES AND SUPPORTS
FOR ELECTRONIC MEDICAL RECORDS STATEWIDE IMPLEMENTATION AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

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

WHEREAS, Act 290-2024 authorized the Chair to apply for funding through the New York State Office of Addiction Services and Supports (OASAS) to support obtaining and/or enhancing automated electronic medical records (EMR), and

WHEREAS, the Department of Community Services has been awarded funding in the amount

of \$22,088.00 for the purchase and customization of an automated system with a selected EMR vendor, and WHEREAS, a contract is necessary in order to accept, and receive, the aforementioned funding, 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 Office of Addiction Services and Supports in order to accept, and receive, the aforementioned funding, 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, and be it further

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

Increase Estimated Revenue Account:		
A.431.4335.2100.3492.013S	Continual 100% State Aid	\$22,088.00
Increase Appropriation Account:		
A.431.4335.2100.45203	Software Licenses & Maintenance	\$22,088.00.

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

Adopted October 9, 2024 by voice vote.

ACT NO. 389-2024 by Mr. Burr

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
PETRUZZI INSURANCE AGENCY, LLC FOR BROKER OF RECORD SERVICES
FOR COUNTY INSURANCE PROGRAM**

Pursuant to Sections 52 and 78 of the General Municipal Law and Sections 215 and 450 of the County Law.

WHEREAS, Act 444-2023 authorized a contract with Petruzzi Insurance Agency, LLC, 825 East State Street, Olean, New York 14760, for the provision of brokerage services for the County's Commercial Property, Boiler & Machinery, Commercial Crime, Excess Workers' Compensation & Employer's Liability, Excess Public Entity Liability 1st Layer, Excess Public Entity Liability 2nd Layer, Cyber Security Liability Policy, Nursing Home Policy Renewal, and Marina Coverages, as well as Risk Management Consulting services, the term of which expires December 31, 2024, and

WHEREAS, the County Attorney's Office, Risk Management Division, is desirous of renewing the aforementioned contract for the provision of brokerage services, and

WHEREAS, Petruzzi Insurance Agency, LLC, can provide brokerage services for the County's Commercial Property, Boiler & Machinery, Commercial Crime, Excess Workers' Compensation & Employer's Liability, Excess Public Entity Liability 1st Layer, Excess Public Entity Liability 2nd Layer, Cyber Security Liability Policy, Nursing Home Policy Renewal, and Marina Coverages, as well as Risk Management Consulting services, for an annual amount of \$70,000.00, minus a 5% discount, for a total contract amount of \$66,500.00 per year, to be paid as invoiced, 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 Petruzzi Insurance Agency, LLC, for the provision of the above-described brokerage 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, with a second year option for the term commencing January 1, 2026 and terminating December 31, 2026, according to the above-described terms.

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

Adopted October 9, 2024 by voice vote.

ACT NO. 390-2024 by Mr. Boberg

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NTS DATA SERVICES, LLC FOR BOARD OF ELECTIONS
IMAGING SOFTWARE SYSTEM MAINTENANCE AND SUPPORT**

Pursuant to Sections 5-708(5.a) and 8-304 of the Election Law
and Section 450 of the County Law.

WHEREAS, Act 556-2021 authorized a contract with NTS Data Services, LLC, for maintenance and support services for the Team-2000 Voter Information Software system, Sign-it, "IMAGE-IT! Full Document Imaging" software system, and IMS software applications, the term of which expires December 31, 2024, and

WHEREAS, due to changes in the Election Law, NTS has upgraded the software system to the APEX/IMS, Workflow (Multi-Folder) and Pacets software applications system, and

WHEREAS, the Board of Elections is desirous of continuing maintenance and support services on the above-described upgraded software systems, and

WHEREAS, NTS Data Services, LLC, 2079 Sawyer Drive, Niagara Falls, New York 14304, can continue to provide the APEX/IMS, Workflow (Multi-Folder) and Pacets software applications, for an amount in accordance with the following schedule:

January 15, 2025	\$54,931.32
January 15, 2026	\$58,227.20
January 15, 2027	\$61,720.83
January 15, 2028	\$65,424.08
January 15, 2029	\$69,349.52,

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 NTS Data Services, LLC, 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, 2029, according to the above-described terms.

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

Adopted October 9, 2024 by voice vote.

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MR. SMITH moved, seconded by Mrs. Hunt, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 391-2024 through Act No. 400-2024. Carried.

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ACT NO. 391-2024 by Mrs. Hunt, Mr. Marsh and Mr. Nagle
who ask immediate consideration

**AUTHORIZING SALE OF CERTAIN TAX TITLE PROPERTY AND
WAIVING RULE 40 OF THE RULES OF ORDER
(Town of Napoli)**

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

WHEREAS, Cattaraugus County has tax title to certain property located in the Town of Napoli, Enchanted Lake Subdivision, described as Tax Map No. 62.046-3-20, and

WHEREAS, pursuant to subdivision law, this property is too small to inhabit and develop as stand-alone property, and

WHEREAS, it is in the County’s best interest to offer for sale the subject property to the adjacent landowner, who will combine this parcel with their existing property, for an amount of \$471.05, which amount will cover the County’s involvement in this parcel, now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized to accept \$471.05 for the aforementioned parcel known as Tax Map Number 62.046-3-20 located in the Enchanted Lake Subdivision in the Town of Napoli from the adjacent landowner, and be it further

RESOLVED, that Rule 40 of the Rules of Order of the Cattaraugus County Legislature is hereby waived for this sale.

Adopted October 9, 2024 by voice vote.

ACT NO. 392-2024 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING SECOND PUBLIC HEARING FOR
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING
(Health Department)**

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

WHEREAS, Cattaraugus County received Community Development Block Grant (“CDBG”) funding from the New York State Office of Community Renewal (Project No. 199WS309-22) to implement the Cattaraugus County Well & Septic Repair/Replacement Program (the “Program”), and

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

RESOLVED, that a public hearing be held on October 23, 2024 at 5:01 p.m. at the Cattaraugus County Legislature's Chambers, 303 Court Street, Little Valley, New York, before the Cattaraugus County Legislature, whereat all interested parties shall be heard regarding the implementation of the CDBG program, and be it further

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

Adopted October 9, 2024 by voice vote.

ACT NO. 393-2024 by Mr. Benson and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
NEW YORK STATE INDUSTRIES FOR THE DISABLED, INC. FOR
JANITORIAL SERVICES FOR DEPARTMENT OF COMMUNITY SERVICES
PROS AND CARE MANAGEMENT FACILITIES**

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

WHEREAS, Act 472-2023 authorized a contract with New York State Industries for the Disabled, Inc., 11 Columbia Circle Drive, Albany, New York 12203, for the provision of janitorial services for the Department of Community Services PROS and Care Management Facilities, the term of which expires December 31, 2024, and

WHEREAS, the New York State Department of Labor has increased the prevailing wage schedule effective July 1, 2024, which results in an amendment to the aforementioned contract, and

WHEREAS, the New York State Industries for the Disabled, Inc., through Intandem d/b/a Cattaraugus Rehabilitation Center, Inc., has agreed to provide janitorial services for the aforementioned facilities, as follows:

PROS Facility	January 1, 2024 – June 30, 2024	\$1,710.07/month
203 Laurens Street	July 1, 2024 – December 31, 2024	\$1,799.83/month
Olean, New York 14760	(subject to increase based upon NYSDOL Prevailing Wage Rates)	
Care Management Facility	January 1, 2024 – June 30, 2024	\$994.79/month
212 Laurens Street	July 1, 2024 – December 31, 2024	\$1,039.67/month
Olean, New York 14760	(subject to increase based upon NYSDOL Prevailing Wage Rates),	

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 New York State Industries for the Disabled, Inc., through Intandem d/b/a Cattaraugus Rehabilitation Center, Inc., for the provision of the above-described services, to amend the contract which commenced January 1, 2024 and terminates December 31, 2024, 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.

Adopted October 9, 2024 by voice vote.

ACT NO. 394-2024 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
ALZHEIMER'S DISEASE AND RELATED DISORDERS ASSOCIATION, INC.
FOR ALZHEIMER'S DISEASE CAREGIVER SUPPORT INITIATIVE**

Pursuant to Section 450 of the County Law.

WHEREAS, funding is available through the Alzheimer's Disease and Related Disorders Association, Inc., d/b/a Alzheimer's Association, for the Alzheimer's Disease Caregiver Support Initiative, and

WHEREAS, the County Department of the Aging has been awarded grant funding in an amount not to exceed \$125,000.00 for the period July 1, 2024 through June 30, 2025, which is the third year of a five (5) year renewable grant, and

WHEREAS, grant documents must be executed in order to accept the aforementioned funding, and

WHEREAS, the grant for the Alzheimer's Disease Caregiver Support Initiative is 100% state funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the Alzheimer's Disease and Related Disorders Association, Inc., d/b/a Alzheimer's Association, in order to accept the aforementioned grant

funding, 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.

Adopted October 9, 2024 by voice vote.

ACT NO. 395-2024 by Mr. Boberg and Mrs. Hunt
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE GOVERNOR'S TRAFFIC SAFETY COMMITTEE FOR
SHERIFF'S DEPARTMENT TRAFFIC SAFETY PARTNERSHIP PROGRAM**

Pursuant to Section 1229-c of the Vehicle and
Traffic Law and Section 450 of the County Law.

WHEREAS, Act 439-2023 authorized the Chairman to execute grant documents for the receipt of funding through the New York State Governor's Traffic Safety Committee for a Traffic Safety Enforcement Program for the 2023-2024 program year, and

WHEREAS, the Sheriff's Office has been awarded funding in the amount of \$17,020.00 through the New York State Governor's Traffic Safety Committee for a Traffic Safety Enforcement Program for the 2024-2025 program year, for the following components:

Child Passenger Safety Program	\$3,000.00
Police Traffic Services Program	\$8,520.00
Traffic Safety Education Program	\$5,500.00,

and

WHEREAS, a contract is necessary in order to receive the aforementioned funding, and

WHEREAS, this program includes federal funding (CFDA #20.600 and #20.616) and State funding from the New York State Governor's Traffic Safety Committee, 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 Governor's Traffic Safety Committee, in order to receive the aforementioned funding, 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.

Adopted October 9, 2024 by voice vote.

ACT NO. 396-2024 by Mr. Higgins and Mr. Marsh
who ask immediate consideration

**AMENDING ACT 364-2024 REGARDING THE EXECUTION OF LOAN DOCUMENTS
WITH TURBO MACHINING, LLC FOR THE PURCHASE OF MACHINERY**

Pursuant to Section 99-h of the State Finance Law and Section 450 of the County Law.

WHEREAS, Act 364-2024 authorized the Chair to execute loan documents with Turbo Machining, LLC for the purchase of machinery, and

WHEREAS, it is necessary to add loan forgiveness terms in the aforementioned loan documents, and

WHEREAS, the Third Whereas of Act 364-2024 should be amended to include the following loan forgiveness terms:

"Loan Forgiveness:

- Turbo Machining is eligible for up to \$25,000 loan principal forgiveness after sixty (60) consecutive, on-time monthly payments;
- In addition, loan forgiveness eligibility will require Turbo Machining to provide documentation to verify at least 2.5 FTE employees hired within six (6) months of loan closing, and an additional 2.5 FTE employees hired within three (3) years of loan closing, for a total of at least five (5) FTE employees hired within five years for the maximum loan forgiveness of \$25,000;
- Principal loan forgiveness can be prorated to \$12,500 after sixty (60) payments if at least 2.5 FTE employees are hired within three years;
- Upon receipt of Turbo Machining's sixtieth (60th) principal and interest payment, loan forgiveness shall be calculated to a maximum of \$25,000;
- Notwithstanding any other provision of this Agreement, Lender shall not be obligated to forgive any portion of the Loan pursuant to this Section 1.02 if an "Event of Default" as defined at Section 6 of this Agreement shall have occurred and be continuing;
- Lender's forgiveness of any portion of the Loan pursuant to this Section 1.02 shall be affected by Lender's written notification to Turbo Machining, such written notification to be provided no less than thirty (30) business days after the applicable provisions of Section 1.02 have been met, and shall not be unreasonably withheld by Lender."

now, therefore, be it

RESOLVED, that Act 364-2024 be, and hereby is, amended as described above.

Adopted October 9, 2024 by voice vote.

ACT NO. 397-2024 by Mr. Higgins and Mr. Marsh
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
LAMAR COMPANIES FOR ADVERTISING SERVICES ON DIGITAL BILLBOARDS**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Economic Development, Planning and Tourism is desirous of promoting Cattaraugus County and the Amish Trail through the use of advertisements on digital billboards, and

WHEREAS, Lamar Companies, 8235 Oliver Road, Erie, Pennsylvania 16509, can provide advertising services to promote Cattaraugus County and the Amish Trail through the use of digital billboards for an amount of \$11,290.00, to be paid as invoiced, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Lamar Companies, for the provision of the above-described services, for a term commencing September 30, 2024 and terminating November 3, 2024, according to the above-described terms.

Adopted October 9, 2024 by voice vote.

ACT NO. 398-2024 by Mr. Burr
who asks immediate consideration

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Buildings and Grounds)**

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

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

WHEREAS, it is beneficial to the residents of Cattaraugus County to use American Rescue Plan Act (ARPA) funds to provide funding to cover improvement projects, and

WHEREAS, the County is desirous of using ARPA funds to cover the costs of various projects at the Little Valley County Center, and

WHEREAS, various appropriation and revenue accounts must be adjusted to cover the costs associated with various projects, now, therefore, be it

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

<i>2nd Flood at the LV Building</i>		
Increase Estimated Revenue Account:		
CV.901.0000.0000.4089.06	Federal Aid, ARPA Funds	\$35,977.09
Increase Appropriation Account:		
CV.504.1620.0000.21055.41603	Water Damage Abatement	\$35,977.09

Air Quality Testing at the LV Building

Increase Estimated Revenue Account:		
CV.901.0000.0000.4089.06	Federal Aid, ARPA Funds	\$ 6,800.00
Increase Appropriation Account:		
CV.504.1620.0000.21015.41603	Building Improvements	\$ 6,800.00

Leak Detection System at the LV Building

Increase Estimated Revenue Account:		
CV.901.0000.0000.4089.06	Federal Aid, ARPA Funds	\$71,100.00
Increase Appropriation Account:		
CV.504.1620.0000.21015.41603	Building Improvements	\$71,100.00.

Adopted October 9, 2024 by voice vote.

ACT NO. 399-2024 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 DEMOCRATIC ELECTION COMMISSIONER

Pursuant to Section 3-203 of the Election Law.

WHEREAS, the certificate of Mandy Bushnell, Chair of the Cattaraugus County Democratic Party, has been filed with the Clerk of the Legislature recommending the appointment of Kevin C. Burleson as Democratic Election Commissioner for a term of four (4) years, effective January 1, 2025, now, therefore, be it

RESOLVED, that Kevin C. Burleson be, and hereby is, appointed the Democratic 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 Kevin C. Burleson 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 Kevin C. Burleson shall be filed in the Cattaraugus County Clerk's Office.

Adopted October 9, 2024 by voice vote.

ACT NO. 400-2024 by Mr. Boberg and Mrs. Hunt
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE INDUSTRIES FOR THE DISABLED, INC. AND INTANDEM
D/B/A CATTARAUGUS REHABILITATION CENTER, INC. FOR
JANITORIAL SERVICES FOR PUBLIC DEFENDER'S OFFICE**

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

WHEREAS, Act 410-2023 authorized a contract with the New York State Industries for the Disabled, Inc., 11 Columbia Circle Drive, Albany, New York 12203, through Intandem d/b/a Cattaraugus Rehabilitation Center, Inc., for the provision of janitorial services for the County Public Defender's Office, the term of which expires February 28, 2025, and

WHEREAS, the New York State Department of Labor has increased the prevailing wage schedule effective July 1, 2024, which results in an amendment to the aforementioned contract, and

WHEREAS, the New York State Industries for the Disabled, Inc., through Intandem d/b/a Cattaraugus Rehabilitation Center, Inc., has agreed to provide janitorial services for the Public Defender's Office, for an amount as follows:

10/1/2023 – 6/30/2024	\$1,140.45/month x 17 months = \$19,387.65
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7/1/2024 – 2/28/2025	\$1,314.97/month x 8 months = \$10,519.76
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(subject to increase based upon NYSDOL Prevailing Wage Rates),

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 a contract, on behalf of Cattaraugus County, with New York State Industries for the Disabled, Inc., through Intandem d/b/a Cattaraugus Rehabilitation Center, 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.

Adopted October 9, 2024 by voice vote.

* * * * *

MR. BRISKY moved, seconded by Mrs. Hunt, to adjourn until October 23, 2024 at 5:00 p.m.
Carried.

Meeting adjourned at 5:30 p.m.

Ann M. Giglio
Journal Clerk