



CATTARAUGUS COUNTY

John R. Searles, County Administrator

303 Court Street
Little Valley, New York 14755

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Contingent Fund Balance: \$76,566

The following committees will meet on **Wednesday, September 18, 2019**, at the County Center in Little Valley, New York, at the indicated times:

Labor Relations	4:00 p.m.
Public Works	4:15 p.m.
Human Services	5:00 p.m.
County Operations/Public Safety	5:15 p.m.
Development & Agriculture	5:30 p.m.
Finance	5:45 p.m.

ACT NO.

PREFILED RESOLUTIONS

- 393-19 Mr. Giardini and Mr. Helmich
AUTHORIZING THE CHAIR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 2 WITH NYSDOT AND AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE IN THE FEDERAL-AID PROJECT ADMINISTERED BY THE NYSDOT AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Contract No. D024765 - Department of Public Works)
- 394-19 Mr. Giardini and Mr. Helmich
AUTHORIZING THE CHAIR TO EXECUTE AGREEMENT WITH NYSDOT AND AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE IN THE FEDERAL-AID PROJECT ADMINISTERED BY THE NYSDOT (Bridge Armor Joint Repairs - Comptrollers Contract #D040006)
- 395-19 Mr. Giardini and Mr. Helmich
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH U & S SERVICES, INC. FOR HVAC CONTROL SYSTEM MAINTENANCE AND FIRE ALARM INSPECTION
- 396-19 Mr. Giardini and Mr. Helmich
AUTHORIZING THE CHAIR TO EXECUTE EXTENSION OF INTERMUNICIPAL AGREEMENT WITH CHAUTAUQUA COUNTY AND ERIE COUNTY FOR PARTICIPATION IN LAKE ERIE WATERSHED PROTECTION ALLIANCE
- 397-19 Mr. Giardini and Mr. Helmich
GRANTING USE OF COUNTY-OWNED PROPERTY TO VILLAGE OF LITTLE VALLEY FOR SUMMER CONCERT SERIES
- 398-19 Mr. Helmich, Mr. Higgins, Mr. Koch and Mrs. Labuhn
AUTHORIZING TRANSFER OF TAX FORECLOSURE PROPERTY TO CATTARAUGUS COUNTY LAND BANK CORPORATION

399-19

Ms. Vickman and Ms. Hastings

AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH STEVEN GUTSIN, DPM FOR DEPARTMENT OF NURSING HOMES PODIATRY SERVICES

Committee Referrals September 18, 2019 Committee Meetings						
Act #	Finance	County Ops/Pub Safety	DPW	Human Services	Dev & Ag	Labor Relations
393	X		X			
394	X		X			
395	X		X			
396	X		X	X		
397	X		X			
398	X				X	
399	X			X		
TOTAL	7	0	5	2	1	0

**AUTHORIZING THE CHAIR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 2 WITH
NYS DOT AND AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE
IN THE FEDERAL-AID PROJECT ADMINISTERED BY THE NYS DOT AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Contract No. D024765 – Department of Public Works)**

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

I. WHEREAS, Act 259-2006, as amended by Act 268-2018, authorized a contract with New York State Department of Transportation (NYS DOT) for the replacement of the Tannery Street Bridge (New Albion Bridge No. 35) over Tributary South Branch Cattaraugus Creek, BIN 3-32281-0, in the Town of New Albion, Cattaraugus County, PIN 5757.33, (the "Project"), and

II. WHEREAS, the aforementioned project is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds, and

III. WHEREAS, the County desires to advance the above project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Engineering (Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition and Construction/Construction Inspection phases of the Project, and

IV. WHEREAS, a Supplemental Agreement No. 2 supersedes Supplemental Agreement No. 1 to the original contract, which had a total value of \$415,600.00 by adding the Construction/Construction Inspection phase and extending the contract end date to December 31, 2022, now, therefore, be it

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

II. RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition and Construction/Construction Inspection phases of the Project, or portions thereof, and be it further

III. RESOLVED, that the sum of \$3,318,600.00 is hereby appropriated which includes \$415,600.00 previously appropriated for the project's Preliminary Engineering and Right-of-Way Incidentals phases via County Resolution No. 268-2018 adopted on June 13, 2018, and made available to cover the cost of participation in the above phases of the project, and be it further

IV. RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition phases exceeds the amount appropriated, the County of Cattaraugus shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYS DOT thereof, and be it further

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

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

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

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

Increase Estimated Revenue Accounts:

H.504.5197.5195.4597.02	Federal Aid, Transportation Capital Projects	\$1,962,400.00
H.504.5197.5195.25019.3591	State Aid, Highway	\$ 490,600.00

Increase Appropriation Account:

H.504.5197.5195.25019.41603	New Albion Bridge No. 35	\$2,453,000.00.
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Resolution Referred to:

Finance	<input checked="" type="checkbox"/>	Human Services	<input type="checkbox"/>
DPW	<input checked="" type="checkbox"/>	Develop. & Ag	<input type="checkbox"/>
Labor Relations	<input type="checkbox"/>	Strategic Planning	<input type="checkbox"/>
Co. Operations/Public Safety	<input type="checkbox"/>		<input type="checkbox"/>

**AUTHORIZING THE CHAIR TO EXECUTE AGREEMENT WITH
NYSDOT AND AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE
IN THE FEDERAL-AID PROJECT ADMINISTERED BY THE NYSDOT
(Bridge Armor Joint Repairs-Comptrollers Contract #D040006)**

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

- I. WHEREAS, bridge armor joint repairs on three (3) bridges located in the Towns of Allegany, Freedom and Olean in Cattaraugus County, PIN 5762.50, are eligible for funding under Title 23 U.S. Code, as amended, through administered by the New York State Department of Transportation ("NYSDOT"), and
- II. WHEREAS, the aforementioned Federal Aid Local project is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds, and
- III. WHEREAS, the County desires to advance the above project by making a commitment of 100% of the non-federal share of the costs of the Construction/Construction Inspection phase of the Project, now, therefore, be it
 - I. RESOLVED, that the Cattaraugus County Legislature hereby approves the above-described Project, and be it further
 - II. RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to pay in the first instance 100% of the federal and non-federal shares of the cost of the Construction & Construction Inspection phase of the Project or portions thereof, and be it further
 - III. RESOLVED, that the sum of \$200,000.00 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project, and be it further
 - IV. RESOLVED, that in the event the amount required to pay the full federal and non-federal shares of the cost of the Project's Construction/Construction Inspection phase exceeds the amount appropriated above, the County of Cattaraugus shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by NYSDOT, and be it further
 - V. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute all necessary documents, on behalf of Cattaraugus County, with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid project costs and all Project costs within appropriations therefor that are not so eligible, and be it further
 - VI. RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and be it further
 - VII. RESOLVED, that this Resolution shall take effect immediately.

Resolution Referred to:

- | | | | |
|------------------------------|-------------------------------------|--------------------|--------------------------|
| Finance | <input checked="" type="checkbox"/> | Human Services | <input type="checkbox"/> |
| DPW | <input checked="" type="checkbox"/> | Develop. & Ag | <input type="checkbox"/> |
| Labor Relations | <input type="checkbox"/> | Strategic Planning | <input type="checkbox"/> |
| Co. Operations/Public Safety | | | <input type="checkbox"/> |

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
U & S SERVICES, INC. FOR HVAC CONTROL SYSTEM MAINTENANCE
AND FIRE ALARM INSPECTION**

Pursuant to Sections 215 and 450 of the County Law.

I. WHEREAS, Act 650-2015 authorized a contract for inspection, testing and maintenance of HVAC controls for the following County buildings: Public Works Facility, Little Valley County Center, Olean Office Facility, The Pines Healthcare & Rehabilitation Center – Olean and Machias Campuses and the Stone House, the term of which expires December 31, 2019, and

II. WHEREAS, the County is desirous of continuing the aforementioned services, and

III. WHEREAS, the County is also in need of fire alarm inspection and testing services at The Pines Healthcare and Rehabilitation Center – Olean Campus, and

IV. WHEREAS, U & S Services, Inc., 95 Stark Street, Tonawanda, New York 14150, can provide maintenance services for the HVAC control system at the Public Works Facility, the Little Valley County Center, the Olean Office Facility, The Pines Healthcare & Rehabilitation Center – Olean and Machias Campuses, and the Stone House, and fire alarm inspection and testing services for The Pines Healthcare and Rehabilitation Center – Olean Campus (includes annual inspection of CO sensors at The Pines in Olean), for an amount as follows:

<u>Facility</u>	<u>2016 - 2019</u>	<u>2020 - 2023</u>
Public Works Facility	\$ 4,978.00/year	\$ 5,360.33/year
The Pines – Machias	\$ 5,335.00/year	\$ 5,735.33/year
The Pines – Olean (includes annual inspection of CO sensors)	\$ 4,262.00/year	\$ 4,608.33/year
LV County Center	\$ 8,678.00/year	\$10,205.33/year
Stone House	\$ 4,378.00/year	\$ 4,730.35/year
Olean Office Building	\$ 8,708.00/year	\$ 9,276.33/year

and

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

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with U & S Services, Inc., for the provision of the above-described services, contingent upon and subject to inclusion in the 2020 budget of sufficient funds to cover the costs of the aforementioned services, for a term commencing January 1, 2020 and terminating December 31, 2023, according to the above-described terms.

Resolution Referred to:

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|------------------------------|-------------------------------------|--------------------|--------------------------|
| Finance | <input checked="" type="checkbox"/> | Human Services | <input type="checkbox"/> |
| DPW | <input checked="" type="checkbox"/> | Develop. & Ag | <input type="checkbox"/> |
| Labor Relations | <input type="checkbox"/> | Strategic Planning | <input type="checkbox"/> |
| Co. Operations/Public Safety | | | <input type="checkbox"/> |

**AUTHORIZING THE CHAIR TO EXECUTE EXTENSION OF INTERMUNICIPAL AGREEMENT
WITH CHAUTAUQUA COUNTY AND ERIE COUNTY FOR
PARTICIPATION IN LAKE ERIE WATERSHED PROTECTION ALLIANCE**

Pursuant to Section 450 of the County Law.

I. WHEREAS, Act 86-2015 authorized an Intermunicipal Agreement with Chautauqua County and Erie County for participation in Lake Erie Watershed Protection Alliance, the term of which expires December 31, 2019, and

II. WHEREAS, the Member Municipalities recognize the regional benefits of working collaboratively to save time, money, and energy in order to achieve the common goal of improved water quality and flood control of Lake Erie, and are desirous of extending the term of the aforementioned Agreement, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an extension of the Intermunicipal Agreement with the County of Erie and the County of Chautauqua for one additional five (5) year term to terminate December 31, 2024, under the same terms and conditions.

Resolution Referred to:

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|------------------------------|-------------------------------------|--------------------|-------------------------------------|
| Finance | <input checked="" type="checkbox"/> | Human Services | <input checked="" type="checkbox"/> |
| DPW | <input checked="" type="checkbox"/> | Develop. & Ag | <input type="checkbox"/> |
| Labor Relations | <input type="checkbox"/> | Strategic Planning | <input type="checkbox"/> |
| Co. Operations/Public Safety | | | <input type="checkbox"/> |

**GRANTING USE OF COUNTY-OWNED PROPERTY TO
VILLAGE OF LITTLE VALLEY FOR SUMMER CONCERT SERIES**

Pursuant to Section 215 of the County Law.

I. WHEREAS, the Village of Little Valley is hosting a Summer Concert Series next summer in the Village and is desirous of utilizing the County's empty lot located at the corner of Park Place and Erie Street during the concerts, and

II. WHEREAS, the lot would be used to hold vendors and portable bathrooms, now, therefore, be it

I. RESOLVED, that the use of the County-owned lot located at the corner of Park Place and Erie Street be, and the same hereby is, granted to the Village of Little Valley from June 1, 2020 through July 29, 2020, for the purpose of a summer concert series, subject to such terms and conditions as may be established by the County Attorney upon recommendation of the Commissioner of Public Works.

Resolution Referred to:

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|------------------------------|-------------------------------------|--------------------|--------------------------|
| Finance | <input checked="" type="checkbox"/> | Human Services | <input type="checkbox"/> |
| DPW | <input checked="" type="checkbox"/> | Develop. & Ag | <input type="checkbox"/> |
| Labor Relations | <input type="checkbox"/> | Strategic Planning | <input type="checkbox"/> |
| Co. Operations/Public Safety | | | <input type="checkbox"/> |

**AUTHORIZING TRANSFER OF TAX FORECLOSURE PROPERTY TO
CATTARAUGUS COUNTY LAND BANK CORPORATION**

Pursuant to Section 450 of the County Law.

I. WHEREAS, pursuant to Act 679-2014, as amended, Cattaraugus County established the Cattaraugus County Land Bank Corporation, which is now an authorized land bank corporation in New York State, and

II. WHEREAS, the Cattaraugus County Land Bank Corporation is able to acquire properties through a variety of means, which include properties obtained through the in rem tax foreclosure process, as well as donated properties, now, therefore, be it

I. RESOLVED, the Chairman of the Legislature, upon approval of the County Treasurer, is hereby authorized to transfer the County-owned properties listed below to the Cattaraugus County Land Bank Corporation for rehabilitation:

Locations:

109 Seventh Street, Village of Little Valley
(known as Tax Map No. 54.071-3-16)

19 Empire Street, Village of Franklinville
(known as Tax Map No. 40.062-3-30)

266 Main Street, Randolph
(known as Tax Map No. 70.070-1-16)

1 Empire Street, Village of Franklinville
(known as Tax Map No. 40.062-3-25)

808 Union Street, City of Olean
(known as Tax Map No. 94.049-2-47)

316 N. Ninth Street, City of Olean
(known as Tax Map No. 94.056-6-58)

139 N. Seventh Street, City of Olean
(known as Tax Map No. 94.064-8-49)

121 N. Seventh Street, City of Olean
(known as Tax Map No. 94.064-8-55)

326 S. Barry Street, City of Olean
(known as Tax Map No. 94.073-6-30.2)

22 Cobb Avenue, Village of Delevan
(known as Tax Map No. 13.037-2-6)

20 North Main Street, Village of Delevan
(known as Tax Map No. 13.029-1-17)

108 Mill Street, Village of South Dayton
(known as Tax Map No. 33.034-3-12)

88 First Avenue, Village of South Dayton
(known as Tax Map No. 33.033-6-40)

27 Temple Street, Village of Portville
(known as Tax Map No. 104.057-2-34)

16 South Main Street, Village of Franklinville
(known as Tax Map No. 40.071-2-1),

and be it further

II. RESOLVED, that the Cattaraugus County Treasurer hereby agrees to waive any and all taxes, liens or other fees that may be due on the properties being transferred to the Cattaraugus County Land Bank, and be it further

III. RESOLVED, that the Cattaraugus County Clerk is hereby authorized and directed to waive all recording fees and transfer taxes for properties transferred to the Cattaraugus County Land Bank Corporation.

Resolution Referred to:

- | | | | |
|------------------------------|-------------------------------------|--------------------|-------------------------------------|
| Finance | <input checked="" type="checkbox"/> | Human Services | <input type="checkbox"/> |
| DPW | <input type="checkbox"/> | Develop. & Ag | <input checked="" type="checkbox"/> |
| Labor Relations | <input type="checkbox"/> | Strategic Planning | <input type="checkbox"/> |
| Co. Operations/Public Safety | <input type="checkbox"/> | | <input type="checkbox"/> |

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
STEVEN GUTSIN, DPM, FOR DEPARTMENT OF
NURSING HOMES PODIATRY SERVICES**

Pursuant to Section 450 of the County Law.

I. WHEREAS, the County Department of Nursing Homes is desirous of providing podiatry services for the residents at The Pines Healthcare and Rehabilitation Center-Olean and Machias Campuses, and

II. WHEREAS, Steven Gutsin, DPM, 41 Bender Drive, Orchard Park, New York 14127, has agreed to provide the aforementioned podiatry services at The Pines Healthcare & Rehabilitation Centers for an amount as follows:

<u>Facility</u>	<u>Fee Per Visit</u>	<u># of Residents able to see in one hour</u>
Machias	\$300.00 per visit	8 – room to room
	\$75.00 per hour - emergency session	10 – communal space w/individual partitions
Olean	\$1,200.00 per visit	8 – room to room
	\$75.00 per hour - emergency session	10 – communal space w/individual partitions

and

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

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Steven Gutsin, DPM, for the provision of the above-described services, for a term commencing August 1, 2019 and terminating July 31, 2020, with the option to renew for two (2) one-year terms at the same rate, according to the above-described terms.

Resolution Referred to:

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|------------------------------|-------------------------------------|--------------------|-------------------------------------|
| Finance | <input checked="" type="checkbox"/> | Human Services | <input checked="" type="checkbox"/> |
| DPW | <input type="checkbox"/> | Develop. & Ag | <input type="checkbox"/> |
| Labor Relations | <input type="checkbox"/> | Strategic Planning | <input type="checkbox"/> |
| Co. Operations/Public Safety | <input type="checkbox"/> | | <input type="checkbox"/> |