

March 13, 2019

The meeting was called to order by the Chairman Snyder.

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed one Legislator absent – VanRensselaer.

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CHAIRMAN SNYDER noted that the minutes of the February 27, 2019 session stand approved as presented.

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COMMUNICATIONS:

New York State Department of State: Acknowledgment of receipt of Local Law 1-2019 (Intro Number 1-2019) and the filing of the same on February 19, 2019.

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PUBLIC HEARING:

CHAIRMAN SNYDER announced this is the time and place called for a public hearing on **Act No. 96-2019, Local Law Number 3-2019**, entitled “A Local Law Establishing Fee Schedule for Onoville Marina Boating and Camping Activities”, and that anyone wishing to speak for or against this local law may now do so.

There being no one wishing to speak, CHAIRMAN SNYDER declared the public hearing closed.

CHAIRMAN SNYDER announced this is the time and place called for a public hearing on **Act No. 107-2019, Local Law Number 4-2019**, entitled “A Local Law Establishing Salaries for Certain County Officers”, and that anyone wishing to speak for or against this local law may now do so.

There being no one wishing to speak, CHAIRMAN SNYDER declared the public hearing closed.

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CHAIRMAN SNYDER called up **Act No. 96-2019, Local Law Number 3-2019**, A Local Law Establishing Fee Schedule for Onoville Marina Boating and Camping Activities, and asked that it be read.

CHAIRMAN SNYDER requested a Roll Call vote on Act No. 96-2019, which disclosed as follows:
Ayes: Boberg, Breton, Burr, Giardini, Hastings, Hale, Helmich, Higgins, Labuhn, Koch, Marsh, Padlo, Snyder, Jr., Snyder, Sr., Vickman - 16.

Nays: none.

Act No. 96-2019, Local Law Number 3-2019, having received a two-thirds vote of the Legislature, was declared Adopted.

CHAIRMAN SNYDER called up **Act No. 107-2019, Local Law Number 4-2019**, A Local Law Establishing Salaries for Certain County Officers, and asked that it be read.

CHAIRMAN SNYDER requested a Roll Call vote on Act No. 96-2019, which disclosed as follows:

Ayes: Boberg, Breton, Burr, Giardini, Hastings, Hale, Helmich, Higgins, Labuhn, Koch, Marsh, Padlo, Snyder, Jr., Snyder, Sr., Vickman - 16.

Nays: none.

Act No. 107-2019, Local Law Number 4-2019, having received a two-thirds vote of the Legislature, was declared Adopted.

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ACT NO. 112-2019 by Mr. Giardini and Mr. Helmich

**BID ACCEPTANCE FOR ROAD STRIPING
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and Sections 408 and 408-a of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for road striping for the period commencing May 1, 2019 and terminating April 30, 2020, according to specifications provided by the Public Works Committee, and

WHEREAS, road striping was bid in the following two formats:

- Method 1 – successful bidder doing the striping and supplying the paint and glass beads;
- Method 2 – successful bidder doing the striping but the County supplying the paint and glass beads,

and

WHEREAS, the lowest bid received meeting specifications for Method 1, striping and supplying the paint and glass beads, was the bid of Accent Stripe, Inc., 3275 N. Benzing Road, Orchard Park, New York 14127, as follows:

METHOD #1:

FAST DRY ACRYLIC WATERBORNE PAINT

	<u>Estimated</u>	<u>2019 Rate</u>
	<u>Units</u>	
<u>Centerline Applications (Double Line)</u>		
➤ 33 gallon restripe/net mile and 210 lbs. of beads/net mile (Approximately 300 net miles) Per Mile	300	\$299.00
➤ 44 gallon New Asphalt/net mile and 210 lbs. of beads/net mile (Approximately 30 net miles) Per Mile	30	\$309.00
➤ 66 gallon Stone Surface/net mile and 210 lbs. of beads/net mile (Approximately 100 net miles) Per Mile	100	\$350.00
<u>Acrylic Edgeline Applications</u>		
➤ 33 gallon restripe/net mile and 210 lbs. of beads/net mile (Approximately 300 net miles) Per Mile	300	\$190.00 (per side)

➤ 44 gallon New Asphalt/net mile and 210 lbs. of beads/net mile) (Approximately 30 net miles)	Per Mile	30	\$200.00 (per side)
➤ 66 gallon Stone Surface/net mile and 210 lbs. of beads/net mile) (Approximately 100 net miles)	Per Mile	100	\$220.00 (per side)

Additional Items

No. 3 glass beads per pound			\$.32
Survey of passing & no passing zones		10	\$ 100.00
Field-Indexing passing zones per mile		100	\$ 50.00
Intersection Stop Bar (acrylic waterborne w/beads-30 mil)	Per Stop Bar	110	\$ 30.00
Railroad Crossing (acrylic waterborne w/beads-30 mil)	Per Crossing	30	\$ 200.00

Additional Paint Prices

Yellow Acrylic Waterborne traffic line paint	Per Gallon		\$ 9.50
White Acrylic Waterborne traffic line paint	Per Gallon		\$ 9.50

Price Adjustment: If the contractor uses less than the amounts of materials that bids are based on for centerline and edgeline application, then the County Department of Public Works shall require that those amounts be deducted from the final billing. Should the contractor use more material, it shall be taken into account on the final billing. Contractor prices which are bid for paint and beads shall be used for any price adjustment., and

WHEREAS, the lowest bid received meeting specifications for Method 2, striping but the County supplying the paint and glass beads, was the bid of Seneca Pavement Marking, Inc., 3526 Watkins Road, Horseheads, New York 14845, as follows:

METHOD #2:

FAST DRY ACRYLIC WATERBORNE PAINT

		<u>Estimated</u>	<u>2019 Rate</u>
		<u>Units</u>	
<u>Centerline Applications (Double Line)</u>			
➤ 33 gallon restripe/net mile and 210 lbs. of beads/net mile) (Approximately 300 net miles)	Per Mile	300	\$ 110.00
➤ 44 gallon New Asphalt/net mile and 210 lbs. of beads/net mile) (Approximately 30 net miles)	Per Mile	30	\$ 110.00
➤ 66 gallon Stone Surface/net mile and 210 lbs. of beads/net mile) (Approximately 100 net miles)	Per Mile	100	\$ 110.00
<u>Edgeline Applications</u>			
➤ 33 gallon restripe/net mile and 210 lbs. of beads/net mile) (Approximately 100 net miles)	Per Mile	300	\$ 95.00 (per side)
➤ 44 gallon New Asphalt/net mile and 210 lbs. of beads/net mile) (Approximately 25 net miles)	Per Mile	30	\$ 95.00 (per side)
➤ 66 gallon Stone Surface/net mile and 210 lbs. of beads/net mile) (Approximately 25 net miles)	Per Mile	100	\$ 95.00 (per side)

Additional Items

Intersection Stop Bar (acrylic waterborne w/beads-30 mil)	Per Stop Bar	110	\$ 1.00
Railroad Crossing (acrylic waterborne w/beads-30 mil)	Per Crossing	30	\$ 5.00

now, therefore, be it

RESOLVED, that the bids of Accent Stripe, Inc., and Seneca Pavement Marking, Inc., be, and the same hereby are, accepted, and be it further

RESOLVED, that vouchers submitted in accordance with the provisions of the General Municipal Law §106-b and certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Five sets of specifications were sent out.

Two bids were received.

Approved by 5 members of the Finance Committee and 4 members of the Public Works Committee.

Adopted March 13, 2019 by voice vote.

ACT NO. 113-2019 by Mr. Giardini and Mr. Helmich
and Mr. Boberg¹

**BID ACCEPTANCE FOR 2019 BUILDING ENVELOPE IMPROVEMENT
(Department of Public Works)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the 2019 Building Envelope Improvement at The Pines Healthcare and Rehabilitation Center-Machias Campus, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications for the aforementioned improvement project was the bid of Duggan & Duggan General Contractor, Inc., 85 West Main Street, Allegany, New York 14706, for an amount of \$295,755.00, to be paid as invoiced and as determined by the Department of Public Works, and

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

RESOLVED, that the bid of Duggan & Duggan General Contractor, Inc., be, and the same hereby is, accepted, for a term commencing within ten (10) days of the effective date of the contract with project completion on or before September 13, 2019, and be it further

RESOLVED, that vouchers submitted in accordance with the provisions of General Municipal Law §106-b and certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Three sets of specifications were sent out.

Three bids were received.

Approved by 5 members of the Finance Committee and 4 members of the Public Works Committee.

¹The following Legislator requested his name be listed as an additional sponsor: "Mr. Boberg".

Adopted March 13, 2019 by voice vote.

ACT NO. 114-2019 by Mr. Giardini and Mr. Helmich

**BID ACCEPTANCE FOR ELECTRONIC WASTE COLLECTION AND RECYCLING SERVICES
(Department of Public Works)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for electronic waste collection and recycling services, according to specifications provided by the Public Works Committee, and

WHEREAS, SunnKing, Inc., 4 Owens Road, Brockport, New York 14420, submitted the lowest bid meeting specifications for the provision of electronic waste collection and recycling services, for an amount based on the following:

<u>Item</u>	<u>Charge/Pound</u>
CRT Electronics	\$.290/lb
Non-CRT Electronics	-
CRT Televisions/Monitors which contain broken glass or bare CRT Tubes and	\$.500/lb

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

RESOLVED, that the bid of SunnKing, Inc., be, and the same hereby is, accepted, for a term commencing March 1, 2019 and terminating February 28, 2021, with the option to renew for two additional one-year periods at the same rates, and be it further

RESOLVED, that the vouchers submitted in accordance with the provisions of General Municipal Law §106-b and certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Ten sets of specifications were sent out.

Two bids were received which met specifications.

Approved by 5 members of the Finance Committee and 4 members of the Public Works Committee.

Adopted March 13, 2019 by voice vote.

ACT NO. 115-2019 by Mr. Giardini and Mr. Helmich
and Mr. Boberg¹

**BID ACCEPTANCE FOR DEMOLITION AND REMOVAL OF MULTIPLE STRUCTURES
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and
Sections 215, 363 and 366 of the County Law.

WHEREAS, the County has title to certain parcels of property that need to be demolished, and upon completion of the demolition, the County shall transfer the titles to the properties to the Cattaraugus County Land Bank Corporation (Land Bank), and

WHEREAS, pursuant to Act 353-2017, the Land Bank shall reimburse the County for all costs associated with the demolition of the subject properties, and

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the demolition and removal of multiple structures on seven (7) lots within Cattaraugus County, New York, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest responsible bids received meeting specifications for the demolition and removal of structures on two (2) lots within Cattaraugus County was the bid of H. H. Rauh Contracting Co., LLC, 2930 Route 394, Ashville, New York 14710, with a mailing address of P.O. Box 28, Lakewood, New York 14750, in the amount of \$24,500.00, to be paid as invoiced, as follows:

Location:	5 Dean Street, Town of Randolph (known as Tax Map No. 70.071-3-5)	\$ 8,150.00
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Location:	3081 Coldspring Road, Town of Randolph (known as Tax Map No. 79.002-1-18.5),	\$16,350.00
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and

WHEREAS, the lowest responsible bid received meeting specifications for the demolition and removal of structures on three (3) lots within Cattaraugus County was the bid of Geiter Done of WNY, Inc., 300 Greene Street, Buffalo, New York 14206, in the amount of \$46,800.00, to be paid as invoiced, as follows:

Location:	713 West Sullivan Street, City of Olean (known as Tax Map No. 94.064-4-1)	\$19,000.00
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Location:	1506 West Henley Street, City of Olean (known as Tax Map No. 94.063-6-33)	\$13,800.00
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Location:	3069 NYS Route 39, Town of Yorkshire (known as Tax Map No. 5.009-3-5),	\$14,000.00
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and

WHEREAS, the lowest responsible bid received meeting specifications for the demolition and removal of a structure on one (1) lot within Cattaraugus County was the bid of Davis Concrete & Excavating, 1263 Blockville Road, Ashville, New York 14710, in the amount of \$20,500.00, to be paid as invoiced, as follows:

Location:	1 Pine Street, Village of Franklinville (known as Tax Map No. 40.063-4-5),	\$20,500.00
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and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the bid of H. H. Rauh Contracting Co., LLC, be, and the same hereby is, accepted, for a term commencing upon the Notice to Proceed and terminating upon completion of the work on or before April 30, 2019, and be it further

RESOLVED, that the bid of Geiter Done of WNY, Inc., be, and the same hereby is, accepted, for a term commencing upon the Notice to Proceed and terminating upon completion of the work on or before April 30, 2019, and be it further

RESOLVED, that the bid of Davis Concrete & Excavating be, and the same hereby is, accepted, for a term commencing upon the Notice to Proceed and terminating upon completion of the work on or before April 30, 2019, and be it further

RESOLVED, that vouchers submitted in accordance with the provisions of the General Municipal Law §106-b and certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer, and be it further

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

Increase Estimated Revenue Account:

A.132.1364.0000.1051	Gain from Sale of Tax Acquired Properties	\$91,800.00
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Increase Appropriation Account:

A.132.1364.0000.44401	Building/Repair Maintenance	\$91,800.00.
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No State Bid.

Twelve sets of specifications were sent out.

Four bids were received that met specifications.

Approved by 5 members of the Finance Committee and 4 members of the Public Works Committee.

¹The following Legislator requested his name be listed as an additional sponsor: "Mr. Boberg".

Adopted March 13, 2019 by voice vote.

ACT NO. 116-2019 by Mr. Giardini and Mr. Helmich
and Mr. Boberg¹

**BID ACCEPTANCE FOR WEST VALLEY SALT/SAND STORAGE BUILDING
CONTRACT B SUPERSTRUCTURE AND ROOFING SYSTEM
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and
Sections 215 and 450 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the West Valley Salt/Sand Storage Building – Contract B–Superstructure and Roofing System, for the Cattaraugus County Department of Public Works, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications was the bid of A & B Construction, LTD, 30810 200th Street, Harper, Iowa 52231, for the West Valley Salt/Sand Storage Building – Contract B–Superstructure and Roofing System for the Cattaraugus County Department of Public Works, for an amount of \$120,120.00, to be paid as invoiced, and

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

RESOLVED, that the bid of A & B Construction, LTD, be, and the same hereby is, accepted, for a term commencing ten calendar days after the date of the Notice of Award and terminating September 11, 2019, and be it further

RESOLVED, that the vouchers accordingly certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Four sets of specifications were sent out.

Two bids were received.

Approved by 5 members of the Finance Committee and 4 members of the Public Works Committee.

¹The following Legislator requested his name be listed as an additional sponsor: "Mr. Boberg".

Adopted March 13, 2019 by voice vote.

ACT NO. 117-2019 by Mr. Giardini and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT 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
(County Road No. 5 / Little Valley Creek Culvert Replacement – Bridge NY Funds)**

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

WHEREAS, a project for the replacement of County Road No. 5 / Little Valley Creek culvert replacements, in the Town of New Albion, Cattaraugus County, PIN 5763.01, Comptroller's Contract #D036250 (the "Project"), is eligible for reimbursement of qualified costs from Bridge NY funding that calls for the post-reimbursement apportionment of the qualified costs to be borne at the ratio of 100% Bridge NY funds and 0% non-Bridge NY funds, and

WHEREAS, the County will design, let and administer all phases of the Project, and

WHEREAS, the County desires to advance the above Project by making a commitment of 100% 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, PIN 5763.01, and

WHEREAS, various appropriation and revenue accounts must be adjusted, now, therefore, be it

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

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to pay 100% 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, with the understanding that qualified costs will be reimbursed from Bridge NY funding, and be it further

RESOLVED, that the sum of \$1,236,250.00 is hereby appropriated and made available to cover the cost of participation in the Preliminary Engineering (Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition, and Construction & Construction Inspection phases of the Project, and be it further

RESOLVED, that the Cattaraugus County Legislature hereby agrees that the County of Cattaraugus shall be responsible for all costs of the project which exceed the amount of reimbursement available from the Bridge NY funding awarded to the County of Cattaraugus, and be it further

RESOLVED, that in the event the costs of the Project exceed the amount appropriated above (\$1,236,250.00), the County of Cattaraugus shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof, and be it further

RESOLVED, that the County of Cattaraugus hereby commits that construction of the Project shall begin no later than twenty-four (24) months after award and that the construction phase of the Project shall be completed within thirty (30) months of commencing construction, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute all necessary documents, certifications or reimbursement requests with the NYSDOT for State Aid and/or Bridge NY funding, on behalf of Cattaraugus County, in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's funding of the Project costs, and be it further

RESOLVED, that the County of Cattaraugus will be responsible for all maintenance of the Project, and be it further

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

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

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

Increase Estimated Revenue Account:

H.504.5197.5195.4597.02	Federal Aid, Transportation Capital Projects	\$1,236,250.00
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Increase Appropriation Account:

H.504.5197.5195.23084.41603	New Albion Culvert Nos. 46 & 47	\$1,236,250.00.
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Approved by 5 members of the Finance Committee and 4 members of the Public Works Committee.

Adopted March 13, 2019 by voice vote.

ACT NO. 118-2019 by Mr. Giardini and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
GREENMAN-PEDERSEN, INC. FOR
ENGINEERING CONSULTANT SERVICES FOR
2020 BRIDGE PAINTING PROGRAM – DESIGN SERVICES AND
TRANSFER OF FUNDS
(Contingent Fund – Bridge Painting)**

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

WHEREAS, the County Department of Public Works is in need of engineering consultant services for the 2020 Bridge Painting Program-Design Services, and

WHEREAS, Greenman-Pedersen, Inc., 403 Main Street, Buffalo, New York 14203, can provide the aforementioned engineering consultant services for an amount not to exceed \$34,000.00, to be paid periodically on a percent-of-completion basis as determined by the Department of Public Works, and

WHEREAS, a transfer from contingent fund is necessary to cover the costs of the aforementioned design services for the 2020 Bridge Painting Program, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Greenman-Pedersen, Inc., for the provision of the above-described engineering design services, for a term commencing March 1, 2019 and terminating December 31, 2019, according to the above-described terms, and be it further

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

Decrease Appropriation Account:

A.901.1990.0000.40601	Contingent Fund	\$34,000.00
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Increase Appropriation Account:

D.502.5111.5112.41213.NR	Bridge Painting, Engineering Serv Non-Reimbursable	\$34,000.00.
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Approved by 5 members of the Finance Committee and 4 members of the Public Works Committee.

Adopted March 13, 2019 by voice vote.

ACT NO. 119-2019 by Mr. Klancer

**BID ACCEPTANCE FOR DRY CLEANING SERVICES
(Sheriff's Office)**

Pursuant to Section 103 of the General Municipal Law and Sections 408 and 408-a of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the provision of dry cleaning services for the Sheriff's Office for the period covering March 1, 2019 through February 28, 2021, with the option to renew for two (2) additional one (1) year periods at the prices specified in the bid, according to specifications provided by the Public Safety Committee, and

WHEREAS, the only bid received meeting specifications was the bid of Anderson Cleaners, 5 Hunt Road, Jamestown, New York 14701, according to the following fee schedule:

<u>Items</u>	<u>Projected Annual Volume</u>	<u>Unit Bid</u>
<u>Dry Clean</u>		
Uniform-All Season Jacket	100 per year	\$8.15/Jacket
Investigators' Trousers	250 per year	\$5.95/Trouser
Investigators' Suit Coats	125 per year	\$7.60/Coat
Ties	25 per year	\$3.25/Tie
Sweaters	20 per year	\$5.15/Sweater
Skirts	10 per year	\$5.25/Skirt
Dresses	5 per year	\$8.80/Dress
Women's Slacks	10 per year	\$5.95/Slacks
Women's Blouses	10 per year	\$5.25/Blouse

Launder/Press

Uniform Trousers	1,000 per year	\$5.95/Trouser
Uniform Shirt	1,000 per year	\$3.40/Shirt

now, therefore, be it

RESOLVED, that the bid of Anderson Cleaners be, and the same hereby is, accepted, and be it further

RESOLVED, that the vouchers accordingly certified by the Sheriff be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Thirteen sets of specifications were sent out.

One bid was received.

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

Adopted March 13, 2019 by voice vote.

ACT NO. 120-2019 by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH
ROBERT WOOD JOHNSON FOUNDATION FOR
NATIONAL CENTER FOR HEALTH HOUSING
2019 LEAD POISONING PREVENTION GRANT**

Pursuant to Section 450 of the County Law.

WHEREAS, funding up to \$25,000.00 is available through the Robert Wood Johnson Foundation, Route 1 & College Road East, P.O. Box 2316, Princeton, New Jersey 08543-2316, for the 2019 Lead Poisoning Prevention Program, and

WHEREAS, the Lead Poisoning Prevention Program will help communities in building local capacity and advancing evidence-based lead poisoning prevention efforts, and

WHEREAS, competitive solicitation for the Lead Poisoning Prevention Program is being led by the National Center for Healthy Housing, and

WHEREAS, the Health Department is desirous of applying for the aforementioned grant, and

WHEREAS, this grant is 100% funded through the Robert Wood Johnson Foundation, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a grant application, on behalf of Cattaraugus County, with the National Center for Health Housing to apply for funding provided through the Robert Wood Johnson Foundation, for the Lead Poisoning Prevention Program, according to the above-described terms.

Approved by 5 members of the Finance Committee and 4 members of the Human Services Committee.

Adopted March 13, 2019 by voice vote.

ACT NO. 121-2019 by Ms. Vickman and Ms. Hastings

**APPROVING AMENDED CONTRACT BETWEEN
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND
COUNCIL ON ADDICTION RECOVERY SERVICES, INC. FOR
SUBSTANCE ABUSE PROGRAM FUNDS AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

Pursuant to Articles 1, 19, 23 and 25 of the Mental Hygiene Law
and Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 632-2018 authorized approval of a contract with Council on Addiction Recovery Services, Inc., for the provision of a substance abuse program in the County, the term of which expires December 31, 2019, and

WHEREAS, New York State has awarded additional funds to implement jail-based substance abuse disorder and treatment transition services in Cattaraugus County in an amount of \$60,000.00 for the period January 1, 2019 through December 31, 2019, and

WHEREAS, an amended contract is necessary in order to accept, and receive, the aforementioned additional funding, and

WHEREAS, this program is 58.4% federally (CFDA #93.959), 39.2% state and 2.4% county funded, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate 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 for the year 2019 between the Cattaraugus County Community Services Board and the Council on Addiction Recovery Services, Inc., to signify the County's approval, for the provision of the above-described services, for a term commencing January 1, 2019 and terminating December 31, 2019, 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 award, for the allocation of additional state aid funding or cost of living adjustments (COLAs) for this program, 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 Accounts:

A.433.4322.4778.3492.013S	State Aid, OASAS Jail Based Services	\$60,000.00
A.433.4322.3520.3492.013M	State Aid, OASAS MH Local Assistance	\$ 8,206.00

Decrease Appropriation Accounts:

A.433.4322.3078.42019.013M	Cares, OASAS MH Local Assistance	\$30,669.00
A.433.4322.5520.42019.013F	Cares, OASAS Federal Local Assistance	\$ 1,155.00

Increase Appropriation Accounts:

A.433.4322.4778.42019.013S	Cares, OASAS Jail Based State Aid	\$60,000.00
A.433.4322.3520.42019.013M	Cares, OASAS MH Local Assistance	\$ 8,206.00

Decrease Estimated Revenue Accounts:

A.433.4322.3078.3492.013M	State Aid, OASAS MH Local Assistance	\$30,669.00
A.433.4322.5520.4492.013F	Federal Aid, OASAS Continual 100% Fed	\$ 1,155.00.

Approved by 5 members of the Finance Committee and 4 members of the Human Services Committee.

Adopted March 13, 2019 by voice vote.

ACT NO. 122-2019 by Mr. VanRensselaer and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
AGRICULTURAL & COMMUNITY DEVELOPMENT SERVICES, LLC FOR
UPDATE OF COUNTY AGRICULTURE AND FARMLAND PROTECTION PLAN**

Pursuant to Article 25AAA of the Agriculture and Markets Law and
Section 450 of the County Law.

WHEREAS, Act 605-2018 authorized a contract with the NYS Department of Agriculture and Markets to accept, and receive, a \$40,000.00 farmland protection planning grant to be used to update the Agricultural and Farmland Protection Plan for Cattaraugus County (the "Plan"), and

WHEREAS, it is in the best interests of Cattaraugus County and its agricultural community to update the Agricultural and Farmland Protection Plan, and

WHEREAS, Agricultural & Community Development Services, LLC, ("ACDS"), P.O. Box 6666, Columbia, Maryland 21045, can assist the County in the development of the updated Plan for an amount of \$49,975.00, 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 Agricultural & Community Development Services, LLC, for the provision of the above-described services, for a term commencing March 1, 2019 and terminating February 29, 2020, according to the above-described terms.

Adopted by 5 members of the Finance Committee and 7 members of the Development and Agriculture Committee.

Adopted March 13, 2019 by voice vote.

ACT NO. 123-2019 by Mr. VanRensselaer and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH CHAUTAUQUA - ALLEGHENY REGION
FOR 2019 MATCHING FUNDS PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 236-2018 authorized a contract with the Chautauqua - Allegheny Region, P.O. Box 1441, Chautauqua, New York 14722, for the management of the matching funds program and the promotion of tourism for the Region, the term of which expired December 31, 2018, and

WHEREAS, Cattaraugus and Allegany Counties provide matching funds for the Chautauqua - Allegheny Region, and

WHEREAS, Cattaraugus County's portion of the 2019 Matching Funds Program is \$11,580.00, and

WHEREAS, sufficient funds are included in the budget to cover the County's portion of the aforementioned matching funds program, which is 50% NYS Matching Funds and 50% County funds, 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 Chautauqua - Allegheny Region, for the provision of the above-described services, for a term commencing January 1, 2019 and terminating December 31, 2019, according to the above-described terms.

Approved by 5 members of the Finance Committee and 7 members of the Development and Agriculture Committee.

Adopted March 13, 2019 by voice vote.

ACT NO. 124-2019 by Mr. VanRensselaer

**ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Olean Farmers' Market)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, Act 310-2017, as amended by Act 644-2018, authorized a contract with the City of Olean for the development of a public farmers' market, the term of which expires December 31, 2019, and

WHEREAS, various appropriation accounts must be adjusted to cover the cost of the County's portion of the project, now, therefore, be it

RESOLVED, that the payment of \$200,000.00 to the City of Olean will be paid upon completion of the project, and be it further

RESOLVED, that the County Administrator is hereby directed to appropriate \$200,000.00 from the Fund Balance Account A.909.0000 and make the following budgetary changes:

Increase Appropriation Account:

A.298.6420.0000.42054	Farmers' Market-City of Olean	\$200,000.00.
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Approved by 5 members of the Finance Committee and 7 members of the Development and Agriculture Committee.

Adopted March 13, 2019 by voice vote.

ACT NO. 125-2019 by Mr. Helmich, Mr. Higgins, Mr. Koch and Mrs. Labuhn

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT
WITH CATTARAUGUS COUNTY LAND BANK CORPORATION
FOR REIMBURSEMENT OF DEMOLITION AND REHABILITATION EXPENSES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 353-2017 authorized a contract with the Cattaraugus County Land Bank Corporation for the reimbursement to the County for all costs associated with the demolition of certain tax title properties, and

WHEREAS, the aforementioned contract should be amended to include reimbursement to the County for all costs associated with the rehabilitation of certain tax title properties, and

WHEREAS, the Department of Public Works shall contract with an entity for such rehabilitation services, and

WHEREAS, the Cattaraugus County Land Bank Corporation (Land Bank) shall reimburse the County for all costs associated with either the rehabilitation or the demolition of the subject properties, and

WHEREAS, upon completion of such rehabilitation or demolition, the County shall transfer title of the property to the Land Bank, 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 the Cattaraugus County Land Bank Corporation, which amends the contract dated August 24, 2017, for the provision of rehabilitation or demolition services, according to the above-described terms.

Approved by 5 members of the Finance Committee and 7 members of the Development and Agriculture Committee.

Adopted March 13, 2019 by voice vote.

ACT NO. 126-2019 by Mr. Koch and Mrs. Labuhn

**LOCAL LAW NUMBER 5 - 2019
COUNTY OF CATTARAUGUS, NEW YORK**

**A LOCAL LAW REQUIRING CATTARAUGUS COUNTY CLERK TO OBTAIN
COUNTER SIGNATURES FROM CITY OF SALAMANCA PRIOR TO RECORDING OF DEEDS**

Pursuant to Section 10 of the General Municipal Law.

Section 1. Legislative Intent. It is the intent of this local law to require the Cattaraugus County Clerk to obtain a counter signature from the City of Salamanca on each and every deed conveying real property located within the City of Salamanca. Such requirement is needed because the City has no other means available to identify or track property transfers, including transfers to tax exempt individuals or entities.

Section 2. Counter Signature. A counter signature on a deed, transfer or conveyance of land in the City of Salamanca ensures the following:

- that there are no delinquent taxes owed on properties within the City limits before the transfer of property is recorded at the County Clerk's Office; and
- that the purchaser has completed the necessary paperwork associated with the Seneca Nation of Indians lease and tendered payment (if required).

Section 3. County Clerk to Obtain Counter Signature. The Cattaraugus County Clerk shall not record any deed, transfer or conveyance of land for property located within the City of Salamanca, unless such deed contains a counter signature from the City of Salamanca.

Section 4. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not effect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its specific application.

Section 5. Effective Date. This Local Law shall become effective as provided in Municipal Home Rule Law Section 27.

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

No further action taken at this time.

ACT NO. 127-2019 by Mr. Koch and Mrs. Labuhn

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 5 - 2019

Pursuant to Section 20 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on March 13, 2019, a proposed Local Law entitled "A Local Law Requiring Cattaraugus County Clerk to Obtain Counter Signatures from City of Salamanca Prior to Recording of Deeds", 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 (5) 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 27th day of March, 2019, at 4:01 p.m. at the Legislature's Chambers, County Office Building, 303 Court Street, Little Valley, New York, and that at least five (5) days' notice of such hearing shall be given by the Clerk by the due posting thereof upon the bulletin board of each County Court

House within the County and by publishing such notice at least once in the official newspapers of the County.

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

Adopted March 13, 2019 by voice vote.

ACT NO. 128-2019 by Mr. Snyder, Sr.

**AUTHORIZATION TO EMPLOY OUTSIDE COUNSEL
FOR FAMILY COURT MATTERS**

Pursuant to Section 501 of the County Law.

WHEREAS, the County Attorney's Office is desirous of obtaining legal counsel in relation to Family Court matters, on an as-needed basis, and

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

RESOLVED, that the County Attorney's Office be, and hereby is, authorized, on behalf of Cattaraugus County, to employ outside counsel, on an as-needed basis, to represent the County in Family Court, with preference given to attorneys in Cattaraugus County.

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

Adopted March 13, 2019 by voice vote.

* * * * *

MR. KOCH moved, seconded by Mrs. Labuhn, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 129-2019 through Act No. 135-2019, inclusive. Carried.

* * * * *

ACT NO. 129-2019 by Mr. Hale, Mr. Snyder, Sr., Ms. Vickman and Mrs. Labuhn and Mr. Boberg, Mr. Breton, Mr. Burr, Mr. Helmich, Mr. Higgins, Mr. Klancer, Mr. Marsh, Mr. Snyder, Jr., Mr. Giardini, Ms. Hastings, Mr. Koch and Mr. Padlo¹ who ask immediate consideration

APPOINTMENT OF COUNTY ATTORNEY

Pursuant to Sections 204, 205 and 501 of the County Law.

WHEREAS, the County Attorney has tendered his resignation, and

WHEREAS, in order to provide for an effective and seamless succession in the Office of the County Attorney and in order to prepare for other personnel changes in such office, it is necessary that the Legislature appoint the incumbent's successor as soon as possible, now, therefore, be it

RESOLVED, that Thomas C. Brady, Esq., 6894 Woodland Drive, Great Valley, New York 14741, be and hereby is, appointed County Attorney to fill the unexpired term of the resigning County Attorney, commencing March 17, 2019 and terminating December 31, 2019, at a bi-weekly salary of \$4,879.05, or such other salary as may hereafter be established, and be it further

RESOLVED, that Thomas C. Brady shall be credited with twenty (20) days of annual leave time on the effective date of his appointment and with any and all other benefits provided for in such compensation and benefit package as is established for Managerial and Confidential Officers and Employees, and shall be entitled to receive retiree health coverage as provided in Section 17.3 of such benefit manual at the time he leaves County employment.

¹The following Legislators requested their names be listed as additional sponsors: "Mr. Boberg, Mr. Breton, Mr. Burr, Mr. Helmich, Mr. Higgins, Mr. Klancer, Mr. Marsh, Mr. Snyder, Jr., Mr. Giardini, Ms. Hastings, Mr. Koch and Mr. Padlo".

Adopted March 13, 2019 by voice vote.

ACT NO. 130-2019 by Mr. Snyder, Sr.
who asks immediate consideration

**APPOINTMENT TO LAKE ERIE WATERSHED PROTECTION ALLIANCE
REPRESENTING CATTARAUGUS COUNTY**

Pursuant to Section 153 of the County Law.

RESOLVED, that the following individual is hereby appointed to represent Cattaraugus County on the Lake Erie Watershed Protection Alliance replacing voting member Robert J. Barber, Jr., who resigned, for a term expiring December 31, 2020:

Bradley Hurley Town of Mansfield, Local municipal representative
7802 Watson Road
Salamanca, New York 14779,

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Watershed Coordinator, Erie County Environment & Planning, 95 Franklin Street, Room 1080, Buffalo, New York 14202.

Adopted March 13, 2019 by voice vote.

ACT NO. 131-2019 by Public Works Committee:
Mr. Giardini, Mr. Helmich, Mr. Boberg, Mr. Breton,
Mr. Klancer, Mr. Snyder, Jr. and Mr. Koch
who ask immediate consideration

**BID ACCEPTANCE AND AUTHORIZING THE CHAIR TO
EXECUTE CONTRACT FOR SALE OF TIMBER
(Bone Run - Town of South Valley)**

Pursuant to Sections 219 and 450 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the sale of timber from the Cattaraugus County Bone Run Timber Tract, located in the Town of South Valley, according to specifications provided by Generations Forestry, and

WHEREAS, the highest bid received meeting specifications for the sale of marked timber from the Bone Run Timber Tract was the bid of RAM Forest Products, Inc., 1716 Honeoye Road, Shinglehouse, Pennsylvania 16748, in the amount of \$111,105.00, and

WHEREAS, Generations Forestry, the County's Forest Manager, has indicated that the price offered is fair and reasonable and should therefore be accepted, and

WHEREAS, RAM Forest Products, Inc., will complete the harvest and cleanup/restoration of the property within two (2) years from the date the contract is signed between RAM Forest Products, Inc., and the County, now, therefore, be it

RESOLVED, that the bid of RAM Forest Products, Inc., be, and the same hereby is, accepted, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with RAM Forest Products, Inc., for the above-described sale of timber.

Thirty sets of specifications were sent out.

Five bids were received meeting specifications.

Adopted March 13, 2019 by voice vote.

ACT NO. 132-2019 by Mr. Snyder, Sr.
who asks immediate consideration

**LOCAL LAW NUMBER 6 - 2019
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Chapter 98 of the Laws of 2009 and Section 253-x of the Tax Law.

**A LOCAL LAW IMPOSING AN ADDITIONAL MORTGAGE RECORDING TAX
WITHIN THE COUNTY OF CATTARAUGUS AND RESCINDING ACT 65-2019**

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

SECTION 1. Legislative Intent. It is the intent of this Local Law to impose an additional mortgage recording tax.

SECTION 2. Imposition of Tax. Effective December 1, 2018 and terminating December 1, 2021, there is hereby imposed, in the County of Cattaraugus, a tax of 25 cents for each \$100 and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within Cattaraugus County and recorded on or after December 1, 2018, and a tax of 25 cents on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than \$100.

SECTION 3. Applicability. The taxes imposed under the authority of this section shall be administered and collected in the same manner as the taxes imposed under Section 253(1) and Section 255(1)(b) of the Tax Law. Except as otherwise provided in this section, all the provisions of the Tax Law relating to or applicable to the administration and collection of the taxes imposed by such subdivisions shall apply to the taxes imposed under the authority of this section with such modifications as may be necessary to adapt such language to the tax so authorized. Such provisions shall apply with the same force and effect as if those provisions had been set forth in full in this section except to the extent that any provision is either inconsistent with a provision of this section or not relevant to the tax authorized by this section. For purposes of this section, any reference in the Tax Law to the tax or taxes imposed by the Tax Law shall be deemed to refer to a tax imposed pursuant to this section, and any reference to the phrase "within this state" shall be read as "within Cattaraugus County", unless a different meaning is clearly required.

SECTION 4. Real Property Located in More than One County. Where the real property covered by the mortgage subject to the tax imposed pursuant to the authority of this section is situated in this state but within and without the county imposing such tax, the amount of such tax due and payable to such county shall be determined in a manner similar to that prescribed in the first undesignated paragraph of Section 260 of the Tax Law which concerns real property situated in two or more counties. Where such property is situated both within such county and without the state, the amount due and payable to such county shall be determined in the manner prescribed in the second undesignated paragraph of such Section 260 which concerns property situated within and without the state. Where real property is situated within and without the county imposing such tax, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed pursuant to this section.

SECTION 5. Additional Taxes. A tax imposed pursuant to the authority of this section shall be in addition to the taxes imposed by Section 253 of the Tax Law.

SECTION 6. Disposition of Taxes. Notwithstanding any provision of the Tax Law to the contrary, the balance of all moneys paid to the recording officer of the County of Cattaraugus during each month upon account of the tax imposed pursuant to the authority of this section, after deducting the necessary expenses of his or her office as provided in Section 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of this section or Section 260 of the Tax Law are first to be apportioned by the commissioner, shall be paid over by such officer on or before the 10th day of each succeeding month to the treasurer of Cattaraugus County and, after the deduction by such treasurer of the necessary expenses of his or her office provided in Section 262 of the Tax Law shall be deposited in the general fund of the County of Cattaraugus. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of this section or Section 260 of the Tax Law are first to be

apportioned by the commissioner, shall be paid over by the recording officer receiving the same as provided by the determination of the commissioner.

SECTION 7. Payment of Taxes. The tax imposed pursuant to this Local Law will be payable on the recording of each mortgage or real property subject to taxes thereunder. The tax will be paid to the recording officer of the county in which the real property or any part thereof is situated, except where real property is situated within and without the county, the recording officer of the county in which the mortgage is first recorded will collect the tax imposed by this Local Law. It will be the duty of the recording officer to endorse upon each mortgage a receipt for the amount paid. Any mortgage so endorsed may thereupon or thereafter be recorded by any recording officer and the receipt of the tax endorsed upon each mortgage will be recorded therewith. The record of the receipt will be conclusive proof that the amount of the tax stated therein has been paid upon the mortgage.

SECTION 8. Effective Date. This local law shall take effect immediately.

SECTION 9. Rescind Act. Act 65-2019 is hereby rescinded.

CHAIRMAN SNYDER requested a Roll Call vote on Act No. 132-2019, which disclosed as follows:

Ayes: Boberg, Breton, Burr, Giardini, Hale, Hastings, Helmich, Higgins, Koch, Labuhn, Marsh, Padlo, Snyder, Jr., Snyder, Sr., Vickman - 16.

Nays: none.

Act No. 132-2019, Local Law Number 6-2019, having received a two-thirds vote of the Legislature, was declared Adopted.

ACT NO. 133-2019 by Mr. Snyder, Sr.
who asks immediate consideration

**CANCELING CERTAIN TAX LIENS
(Town of South Valley)**

Pursuant to Section 558 of the Real Property Tax Law.

WHEREAS, Act 61-2019 authorized the conveyance of certain tax title property located in the Town of South Valley to the State of New York, and

WHEREAS, it is necessary and prudent for the Cattaraugus County Legislature to cancel the unpaid taxes where the lien of such taxes is unenforceable, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby cancels the lien of taxes on the County-owned property listed below:

<u>City/Town</u>	<u>Tax Map No.</u>	<u>Property Address</u>	<u>County Involvement</u>
South Valley	97.001-1-12	Bone Run Road (Off)	\$ 2,234.38

Adopted March 13, 2019 by voice vote.

ACT NO. 134-2019 by Mr. Snyder, Sr.
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
NOVA HEALTHCARE ADMINISTRATORS, INC., SUBSIDIARY OF INDEPENDENT HEALTH
FOR THIRD-PARTY ADMINISTRATION OF CATTARAUGUS COUNTY HEALTH PLAN,
MEDICARE D AND VISION SERVICE PLAN BENEFITS**

Pursuant to Section 92-a of the General Municipal
Law and Section 450 of the County Law.

WHEREAS, Act 122-2016, as amended by Act 653-2016, authorized a contract with Nova Healthcare Administrators, Inc., a subsidiary of Independent Health, for the third-party administration of employee health benefits, the term of which expires December 31, 2019, and

WHEREAS, the County is desirous of obtaining administration services for Second Level Appeals, and

WHEREAS, NOVA Healthcare Administrators, Inc., a subsidiary of Independent Health, shall administer Second Level Appeals if requested by a plan participant covered under the County's employee health benefit program for a fee of \$1.00 PEPM, 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 NOVA Healthcare Administrators, Inc., a subsidiary of Independent Health, for the provision of the above-described additional services, which amends the original contract which commenced June 1, 2016 and terminates December 31, 2019, according to the above-described terms.

Adopted March 13, 2019 by voice vote.

ACT NO. 135-2019 by Ms. Vickman and Ms. Hastings
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE DIVISION OF HOMES AND COMMUNITY RENEWAL
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND
AUTHORIZING PUBLIC HEARING ON APPLICATION FOR
COUNTY-WIDE WELL, SEPTIC AND LATERAL REPAIR OR REPLACEMENT GRANT
(Health Department)**

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

WHEREAS, Act 463-2018 authorized the Chairman to apply for funding for the Small Cities Community Development Block Grant Program (the "CDBG") administered by the NYS Division of Homes and Community Renewal's Office of Community Renewal (the "OCR"), for the County-wide well, septic and lateral repair or replacement grant program (the "Project"), and

WHEREAS, federal funding is available through the CDBG Program for the aforementioned Project (CFDA# 14.228), and

WHEREAS, the County Health Department is desirous of submitting a Community Development Block Grant application to the New York State Office of Homes and Community Renewal for funding to repair failed septic systems and contaminated private water supplies, and

WHEREAS, the application will seek a grant in the amount of \$400,000.00 for the aforementioned Project, and

WHEREAS, there is no requirement that any County dollars be committed as a condition of receiving the grant, and

WHEREAS, the Program requires that a municipal corporation act as the lead agency and the recipient of the grant funds, and

WHEREAS, Cattaraugus County Health Department is willing to serve as the lead agency, and

WHEREAS, the County is required to hold a public hearing to provide information to the public and to consider citizen comments regarding the CDBG program and the Project prior to submitting an application for CDBG funding, and

WHEREAS, a public hearing will be conducted as part of the grant process, now, therefore, be it

RESOLVED, that a public hearing shall be held by this County Legislature on the submission of an application to the New York State Office of Homes and Community Renewal for Community Development Block Grant funding to repair failed septic systems and contaminated private water supplies on the 10th day of April, 2019, at 4:01 p.m. at the Legislature's Chambers, County Center, 303 Court Street, Little Valley, New York, and that at least five (5) 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, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, to apply for a \$400,000.00 grant through the New York State Homes and Community Renewal Community Development Block Grant Program, according to the above-described terms.

Adopted March 13, 2019 by voice vote.

**MOTION TO ADJOURN IN MEMORY OF
DONALD G. MILLIGAN**

WHEREAS, Donald G. Milligan, 81, formerly of Perrysburg, passed away on March 5, 2019, and

WHEREAS, Mr. Milligan served on the Cattaraugus County Legislature from 1982–1983 representing District #1, and

WHEREAS, on May 14, 1986, Mr. Milligan was appointed Cattaraugus County Democratic Election Commissioner and held that position until his retirement on January 26, 1996, and

WHEREAS, Mr. Milligan was a past board member for the Town of Perrysburg and a former Chairman of the Cattaraugus County Democratic Party, and

WHEREAS, Mr. Milligan was a U.S. Navy veteran and a member of St. Joseph's Roman Catholic Church, American Legion Post 409, the Slovenian Club, Ancient Order of Hibernians, Elections

Commissioners' Association of the State of New York, the Tin Can Sailors Association, and a 50-year member of the Loyal Order of the Moose Lodge 1382, and

WHEREAS, Mr. Milligan is survived by his wife Joan; his children, Timothy of The Woodlands, Texas, Maureen of Buffalo, and Thomas of Getzville; and five grandchildren, and

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

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

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

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

* * * * *

MR. KLANCER moved, seconded by Mr. Higgins, to adjourn until March 27, 2019 at 4:00 p.m. Carried.

Meeting adjourned at 4:25 p.m.

Ann M. Giglio
Journal Clerk