

May 22, 2019

The meeting was called to order by the Chairman Snyder.

The invocation was given by County Administrator Jack Searles.

The Attendance Roll Call disclosed three Legislators absent – Giardini, Hastings and Labuhn.

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CHAIRMAN SNYDER noted that the minutes of the May 8, 2019 session stand approved as presented.

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COMMUNICATIONS:

New York State Department of State: Acknowledging Receipt of Local Law Number 6-2019 (Intro Number 4-2019) and the filing of the same on May 3, 2019.

Joseph M. Giglio, NYS Member of the Assembly: Letter providing information regarding the CHIPS and PAVE-NY aid distributions for Cattaraugus County as contained in the 2019-2020 State Budget.

Cattaraugus County Republican Committee: Election Commissioner Certification recommending the appointment of Cortney L. Spittler to the office of Republican Commissioner of Elections.

Madison County Board of Supervisors: Resolution No. 19-258, Opposing Senate Bill S1747 and Assembly Bill A3675.

Schuyler County Legislature: Resolution No. 139, Resolution Calling Upon the New York State Comptroller to Audit Western New York Off Track Betting Corp (OTB) and Calling on OTB to Honor Freedom of Information Law (FOIL) Requests – Legislature.

Wyoming County Board of Supervisors: Resolution No. 19-232, Request to Amend Real Property Tax Law Section 483-A to Include Potato Storage Facilities and Shipping Facilities.

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PROCLAMATIONS:

CHAIRMAN SNYDER proclaimed the month of May 2019 as **Older Americans Month** in Cattaraugus County. Chairman Snyder presented the proclamation to Cathy Mackay, Director of the Department of Aging.

CHAIRMAN SNYDER proclaimed the month of May 2019 as **Mental Health Month** in Cattaraugus County. Chairman Snyder presented the proclamation to Mary O'Leary, Director of the Department of Community Services.

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ACT NO. 233-2019 by Mr. Giardini and Mr. Helmich

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Olean Court Room Renovations Project- Court Rooms 1 and 2)
(Fund Balance – Court Room Renovations)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, an additional \$500,000.00 is needed from Fund Balance in order to cover the expected expenses related to the Olean Court Room Renovations Project involving Court Rooms 1 and 2, and

WHEREAS, various appropriation and revenue accounts must be adjusted to cover the cost of the aforementioned project, and

WHEREAS, upon receipt of reimbursement from New York State for the aforementioned Project, such funds shall be placed back into the Undesignated Fund Balance Account A.909.0000, now, therefore, be it

RESOLVED, that the County Administrator is hereby directed to appropriate \$500,000.00 from Undesignated Fund Balance Account A.909.0000 and make the following budgetary changes:

Increase Appropriation Accounts:

H.504.1623.0000.21061.41603	Olean Court Facilities Renovations	\$500,000.00
A.990.9950.0000.90504	Transfer to Capital Projects Fund	\$500,000.00

Increase Revenue Account:

H.990.9950.0000.5031	Interfund Transfer	\$500,000.00.
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Approved by 7 members of the Finance Committee and 6 members of the Public Works Committee.

Adopted May 22, 2019 by voice vote.

ACT NO. 234-2019 by Mr. Giardini and Mr. Helmich

**BID ACCEPTANCE FOR CATTARAUGUS COUNTY COURT ROOM RENOVATIONS
OLEAN COURT ROOMS 1 AND 2
(General Construction and Electrical)**

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 General Construction and Electrical Services for the Olean County Court Room Renovations Project – Olean Court Rooms 1 and 2, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications for the General Construction portion of the project was the bid of Duggan & Duggan General Contractors, Inc., 85 West Main Street, P.O. Box 5, Allegany, New York 14706, for an amount of \$214,360.00, to be paid on a percent-of-completion basis, as invoiced and approved by the Department of Public Works, and

WHEREAS, the lowest bid received meeting specifications for the Electrical portion of the project was the bid of Ahlstrom Schaeffer Electrical Corp., 49 Hopkins Avenue, Jamestown, New York 14701, for an amount of \$71,500.00, to be paid on a percent-of-completion basis, as invoiced and approved by the Department of Public Works, and

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

RESOLVED, that the bid of Duggan & Duggan General Contractors, Inc., be, and the same hereby is, accepted, for a term commencing within five (5) days of the Notice to Proceed, and terminating 210 days thereafter, with the project being completed no later than December 31, 2019, and be it further

RESOLVED, that the bid of Ahlstrom Schaeffer Electrical Corp., be, and the same hereby is, accepted, for a term commencing within five (5) days of the Notice to Proceed, and terminating 210 days thereafter, with the project being completed no later than December 31, 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.

General Construction Portion

Four sets of specifications were sent out.

Two bids were received meeting specifications.

Electrical Portion

One set of specifications was sent out.

One bid was received.

Approved by 7 members of the Finance Committee and 6 members of the Public Works Committee.

Adopted May 22, 2019 by voice vote.

ACT NO. 235-2019 by Mr. Giardini and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
GHD CONSULTING SERVICES, INC. FOR FARWELL AND FIVE POINTS LANDFILLS
GROUNDWATER MONITORING VARIANCE REQUESTS**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 113-2018 authorized a contract with GHD Consulting Services, Inc., 285 Delaware Avenue, Suite 500, Buffalo, New York 14202, for a review of the monitoring data and the development of a separate groundwater monitoring variance request for the Farwell and Five Points Landfills, the term of which expired December 31, 2018, and

WHEREAS, a contract extension to December 31, 2019 is necessary in order to complete the review and obtain a groundwater monitoring variance, at no additional cost to the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with GHD Consulting Services, Inc., for the provision of the above-described services, to extend the term of the original contract which commenced March 1, 2018 to terminate December 31, 2019, according to the above-described terms.

Approved by 7 members of the Finance Committee and 6 members of the Public Works Committee.

Adopted May 22, 2019 by voice vote.

ACT NO. 236-2019 by Mr. Boberg, Mr. Helmich, Mr. Snyder, Jr.,
Mr. Giardini and Mr. Koch

**AUTHORIZING PERMANENT EASEMENT WITH
TOWN OF ASHFORD FOR SALT/SAND BUILDING**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the Department of Public Works is desirous of constructing a new salt/sand building and access on property owned by the Town of Ashford, and

WHEREAS, the Town of Ashford, 9377 Route 240, West Valley, New York 14171, has agreed to allow the County to construct, repair and maintain, use and remove a salt/sand building and all appurtenances therein in, under and across said easement on its property, and

WHEREAS, a permanent non-exclusive easement with the Town of Ashford is necessary for the construction, repair and maintenance of, and access to, the salt/sand building, at no cost to the County, and

WHEREAS, the permanent easement shall be described as follows:

PARCEL WVBARN

ALL THAT PARCEL OF LAND situate in the Town of Ashford, County of Cattaraugus, State of New York, being part of Lot 49, Town 6, Range 6 of the Holland Land Company's survey bounded and described as follows:

BEGINNING at the intersection of the southerly bounds of Cattaraugus County as described in a deed recorded in the Cattaraugus County Clerk's Office in Liber 915 Page 952 and northerly and easterly bounds of the Town of Ashford as described in a deed recorded in the Cattaraugus County Clerk's Office in Liber 504 Page 267. Said point also lying at a distance of 452.69± feet, measured radially, from station 3+76.76± of the centerline of Fox Valley Road as established by the Cattaraugus County Department of Public Works for the right, privilege, and authority to construct, reconstruct, locate and relocate, operate, repair and maintain, use and remove a salt/sand building and all appurtenances thereto in, under and across said easement;

THENCE southeasterly along the easterly bounds of the Town of Ashford, 479.30± feet to the centerline of Fox Valley Road. Said point located at station 0+38.33± of said centerline;

THENCE southwesterly along the centerline of Fox Valley Road, 186.19± feet to a point located at station 2+24.52± of said centerline;

THENCE northwesterly through the lands of the Town of Ashford (reputed owner) and parallel to the easterly bounds of the Town of Ashford (reputed owner) as described in a deed recorded in the Cattaraugus County Clerk's Office in Liber 504 Page 267, 435.72± feet to the southerly bounds of Cattaraugus County. Said point is located 334.75± feet, measured at right angles northerly, from station 5+16.26± of said centerline;

THENCE northeasterly along the southerly bounds of Cattaraugus County as described in a deed recorded in the Cattaraugus County Clerk's Office in Liber 915 Page 952, 178.56± feet to the POINT OF BEGINNING, containing 83133.08± square feet (1.91± acres) of land, more or less.,

and

WHEREAS, the County and the Town of Ashford shall share jointly the salt/sand facility, as well as, the maintenance of such facility and the purchase and storage of salt and sand materials in such facility, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a lease agreement, on behalf of Cattaraugus County, with the Town of Ashford, for the

construction, repair and maintain of a salt/sand building, for a term on the date the Easement Agreement is fully executed and continuing in full force and effect until terminated by the parties hereto, according to the above-described terms, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute all documents deemed necessary to create a permanent easement in favor of the County across, over and through the above-described property for the purpose of construction, repair and maintain of a salt/sand building.

Approved by 7 members of the Finance Committee and 6 members of the Public Works Committee.

Adopted May 22, 2019 by voice vote.

ACT NO. 237-2019 by Mr. Giardini and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CLEAN HARBORS ENVIRONMENTAL SERVICES, INC. FOR
HOUSEHOLD HAZARDOUS WASTE PROGRAM**

Pursuant to Sections 226-b and 450 of the County Law.

WHEREAS, Act 237-2017, as amended by Act 287-2018, authorized a contract with Clean Harbors Environmental Services, Inc., 42 Longwater Drive, Norwell, Massachusetts 02061, for the collection, transportation and disposal of household hazardous waste for Cattaraugus County residents, the term of which expires May 31, 2019, and

WHEREAS, the County Department of Public Works has solicited proposals from four (4) companies for the provision of the above-described disposal services, and

WHEREAS, the County Department of Public Works is desirous of conducting one (1) Household Hazardous Waste Collection day per year for the collection of limited quantities of non-usable oil-based paint, select nonchlorinated solvents, corrosives, pesticides and miscellaneous other home chemicals, such as chemistry sets, pool chemicals and photograph chemicals, and

WHEREAS, Clean Harbors Environmental Services, Inc., has been recommended to provide for the collection, transportation and disposal of household hazardous waste for Cattaraugus County residents, for an estimated amount of \$20,000.00 per year based on estimated quantities, in accordance with the following rate schedule:

Based on 200 vehicles participating in each event

<u>Operations</u>	<u>Price</u>
Site Set-up Fee - This fee shall include all contractor costs associated with the operation of each event, such as personnel, equipment, supplies, analytical, emergency response fee, and document preparation charge	\$3,920.00 Flat fee per event

<u>Item for Disposal (includes Transportation)</u>	<u>Contractor's Estimated Generation</u>	<u>Minimum Weight of Filled Container</u>	<u>Price Rate/Unit</u>
Processable Paints & Varnishes LPTP	5 Flex Bins	675 Minimum pounds Per Flex Bin	\$375.00/cu.yd.box
	1 55 gal. Drums	180 Minimum pounds Per 55 gal. Drums	\$168.00/55 Drum

Flammable Resins & Adhesives LPTN	2 Flex Bins	675 Minimum pounds Per Flex Bin	\$705.00/cu.yd.box
	0 55 gal. Drums	180 Minimum pounds Per 55 gal. Drums	\$205.00/55 Drum
Organic Liquids, Flammable FB1	0 Flex Bins	N/B Minimum pounds Per Flex Bin	N/A /55 Drum
Liquids and Solvents (other than 55 gal. Drum, indicate size)	5 55 gal. Drums	350 Minimum pounds Per 55 gal. Drums	\$118.00 /55 Drum
Aerosols	1 Flex Bins	675 Minimum pounds Per Flex Bin	\$980.00/cu.yd.box
LCCRQ	1 55 gal. Drums	180 Minimum pounds Per 55 gal. Drums	\$297.00/55 Drum
Chemicals: Oxidizers, Acids and Bases	5 55 gal. Drums	180 Minimum pounds Per 55 gal. Drums	\$297.00/55 Drum
	0 30 gal. Drums	100 Minimum pounds Per 30 gal. Drums	\$223.00/30 Drum
LCCR	1 5 gal. Drums	25 Minimum pounds Per 5 gal. Drums	\$89.00/5 Drum
Pesticides – Liquid & Solid LCCR	5 55 gal. Drums or N/A Pounds	180 Minimum pounds Per 55 gal. Drums N/A	\$297.00/55 Drum or N/A / Pound
Pesticides – Dioxin Precursors LCCRC	1 5 gal. Drum	*if HHW Exempt	\$89.00*/5 gal. Drum
Antifreeze B35	2 55 gal. Drums	350 Minimum pounds Per 55 gal. Drums	\$140.00/55 Drum
Mercury LCHG2	1 5 gal. Drum	25 Minimum pounds Per 55 gal. Drums	\$420.00/5 Drum

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 Clean Harbors Environmental Services, Inc., for the provision of the above-described services, for a term commencing June 1, 2019 and terminating May 31, 2020, with the mutual option to renew for two (2) additional one (1) year periods, under the same terms, rates and conditions, according to the above-described terms.

Approved by 7 members of the Finance Committee and 6 members of the Public Works Committee.

Adopted May 22, 2019 by voice vote.

ACT NO. 238-2019 by Mr. Giardini and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH BERGMANN ASSOCIATES FOR
LEON BRIDGE NO. 40 ENGINEERING DESIGN SERVICES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the County Department of Public Works is in need of engineering design services for the Leon Bridge No. 40 Replacement Project, located on Dredge Road over Conewango Creek in the Town of Leon, and

WHEREAS, Bergmann Associates, 40 LaRiviere Drive, Suite 150, Waterfront Village Center, Buffalo, New York 14202, can provide the aforementioned engineering design services for a total amount not to exceed \$224,745.00, to be paid on a percent-of-completion basis, as invoiced and approved by the Department of Public Works, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned engineering design 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 Bergmann Associates, for the provision of the above-described engineering design services, for a term commencing May 9, 2019 and terminating April 30, 2021, according to the above-described terms.

Approved by 7 members of the Finance Committee and 6 members of the Public Works Committee.

Adopted May 22, 2019 by voice vote.

ACT NO. 239-2019 by Mr. Giardini and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH WATTS ARCHITECTURE & ENGINEERING FOR
LEON BRIDGE NO. 8 ENGINEERING DESIGN SERVICES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the County Department of Public Works is in need of engineering design services for the Leon Bridge No. 8 Replacement Project, located on County Road No. 6 over Mud Creek in the Town of Leon, and

WHEREAS, Watts Architecture & Engineering, 95 Perry Street, Suite 300, Buffalo, New York 14203, can provide the aforementioned engineering design services for a total amount not to exceed \$217,216.00, to be paid on a percent-of-completion basis, as invoiced and approved by the Department of Public Works, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned engineering design 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 Watts Architecture & Engineering, for the provision of the above-described engineering design services, for a term commencing May 9, 2019 and terminating October 30, 2020, according to the above-described terms.

Approved by 7 members of the Finance Committee and 6 members of the Public Works Committee.

Adopted May 22, 2019 by voice vote.

ACT NO. 240-2019 by Mr. Giardini and Mr. Helmich

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

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the County Department of Public Works is in need of engineering design services for the New Albion Culvert No. 46 Replacement Project, located on County Road No. 5 over Little Valley Creek in the Town of New Albion, and

WHEREAS, the County Department of Public Works is also in need of engineering design services for the New Albion Culvert No. 47 Replacement Project, located on County Road No. 5 over Unnamed Branch Little Valley Creek in the Town of New Albion, and

WHEREAS, Erdman, Anthony and Associates, Inc., 8608 Main Street, Buffalo, New York 14221, can provide the aforementioned engineering design services for a total amount not to exceed \$203,700.00, to be paid on a percent-of-completion basis, as invoiced and approved by the Department of Public Works, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Erdman, Anthony and Associates, Inc., for the provision of the above-described engineering design services, for a term commencing May 9, 2019 and terminating October 30, 2020, according to the above-described terms.

Approved by 7 members of the Finance Committee and 6 members of the Public Works Committee.

Adopted May 22, 2019 by voice vote.

ACT NO. 241-2019 by Public Works Committee:
Mr. Giardini, Mr. Helmich, Mr. Boberg, Mr. Breton,
Mr. Klancer, Mr. Snyder, Jr. and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH TETRA TECH, INC. FOR
ASSISTANCE IN EMERGENCY PLANNING, TRAINING AND EXERCISES
(Hazard Mitigation Plan)**

Pursuant to Section 450 of the County Law and
Section 103 (3) of the General Municipal Law.

WHEREAS, Act 73-2014 authorized the adoption of the Cattaraugus County Multi-Jurisdictional Hazard Mitigation Plan, and

WHEREAS, the aforementioned Hazard Mitigation Plan must be updated no less than every five (5) years, and

WHEREAS, the Department of Public Works is desirous of updating the Cattaraugus County Multi-Jurisdictional Hazard Mitigation Plan, and

WHEREAS, pursuant to Section 103(3) of the General Municipal Law, the County is desirous of piggybacking on a contract between Warren County and Tetra Tech, Inc., for the provision of assistance and support, on an as-needed basis, to the Cattaraugus County Department of Public Works with Disaster/Emergency planning activities, training, exercises program development and support, and

WHEREAS, Tetra Tech, Inc., 240 Continental Drive, Suite 200, Newark, Delaware 19713, can provide the aforementioned professional services in accordance with the proposal RFP# WC 11-16 submitted to Warren County on April 7, 2016, for an amount of \$112,000.00, to be paid on a percent-of-completion basis, in accordance with the following schedule, as invoiced:

<u>Task</u>	<u>Cost</u>
Task 1: Organize the Resources	\$12,000.00
Task 2: Risk Assessment	\$24,000.00
Task 3: Mitigation Strategy	\$50,500.00
Task 4: Plan Maintenance	\$ 4,000.00
Task 5: Draft and Final Plans	\$21,500.00,

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 Tetra Tech, Inc., for the provision of the above-described services pursuant to the terms and provisions of the proposal submitted to Warren County, for a term commencing May 22, 2019 and terminating May 31, 2020, according to the above-described terms.

Approved by 7 members of the Finance Committee.

Adopted May 22, 2019 by voice vote.

ACT NO. 242-2019 by Mr. Breton, Mr. Hale, Mr. Higgins,
Ms. Vickman, Ms. Hastings and Mrs. Labuhn

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN MEDICAL GROUP FOR BABY & ME-TOBACCO FREE PROGRAM
AND TRANSFER OF FUNDS
(Contingent Fund – Community Health Nursing)¹**

Pursuant to Sections 363, 365 and 450 of the County Law.¹

WHEREAS, the Baby & Me-Tobacco Free Program is a smoking cessation program created to reduce the tobacco use by pregnant and post-partum women, and

WHEREAS, the above-described program is strictly for moms who are pregnant or post-delivery and it "rewards" new moms by giving them a year supply of diapers if they stop smoking, and

WHEREAS, the Olean Medical Group, 535 Main Street, Olean, New York 14760, currently offers the Baby & Me-Tobacco Free program to women in Cattaraugus County, and

WHEREAS, the County is desirous of providing \$6,000.00 to the Olean Medical Group to assist with the operation of the Baby & Me-Tobacco Free Program in Cattaraugus County, and

WHEREAS, *a transfer of funds is necessary*¹ to cover the cost of the aforementioned services, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Olean Medical Group, for the provision of the above-described Baby & Me-Tobacco Free Program, for a term commencing June 1, 2019 and terminating May 31, 2020, 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	\$6,000.00
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Increase Appropriation Account:

A.401.4017.4034.41603	Community Health Nursing-Contracted Services	\$6,000.00. ¹
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Approved by 7 members of the Finance Committee and 6 members of the Human Services Committee.

¹MR. BURR moved, seconded by Mr. Hale, to make the following changes: In the Title, add: "AND TRANSFER OF FUNDS (Contingent Fund – Community Health Nursing)"; Change the legal authority to read: "Pursuant to Sections 363, 365 and 450 of the County Law"; In the Fifth Whereas, delete: "sufficient funds are included in the budget", and replace with: "a transfer of funds is necessary"; At the end of the First Resolved, add: ", 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	\$6,000.00
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Increase Appropriation Account:

A.401.4017.4034.41603	Community Health Nursing-Contracted Services	\$6,000.00."
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Carried.

Adopted, as amended, May 22, 2019 by voice vote.

ACT NO. 243-2019 by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENT WITH
CITY OF OLEAN FOR DEPARTMENT OF AGING
SENIOR WELLNESS AND NUTRITION PROGRAM SITE**

Pursuant to Section 95-a of the General Municipal Law, Title III-C
of the Older Americans Act of 1965, as amended and
Sections 215 and 450 of the County Law.

WHEREAS, Act 215-2017 authorized a lease agreement with the City of Olean, 101 East State Street, P.O. Box 668, Olean, New York 14760, for a County Department of Aging Senior Wellness and Nutrition (SWAN) Program site, the term of which expires May 31, 2019, and

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

WHEREAS, the City of Olean has agreed to lease approximately 2,211 square feet of space, located in the John J. Ash Community Center, to the County for a SWAN Program site for an amount of \$5,304.60 per year to be paid on a quarterly basis at an amount of \$1,326.15 per quarter, and

WHEREAS, this program is 90% federal (CFDA #93.045) and 10% county funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a lease agreement, on behalf of Cattaraugus County, with the City of Olean, for the leasing of a Senior Wellness and Nutrition Program site, for a term commencing June 1, 2019 and terminating May 31, 2021, according to the above-described terms, and be it further

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

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

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

Approved by 7 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted May 22, 2019 by voice vote.

ACT NO. 244-2019 by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
VNA HOMECARE OPTIONS, LLC D/B/A NASCENTIA HEALTH OPTIONS FOR
PROVISION OF HOME DELIVERED AND/OR CONGREGATE MEALS**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 201-2015 authorized a contract with VNA Homecare Options, LLC, 1050 West Genesee Street, Syracuse, New York 13204, for the provision of home delivered meals and congregate meals for eligible patients, and

WHEREAS, a contract amendment is necessary due to an increase in the rate per meal for home delivered meals, and

WHEREAS, the Department of Aging can provide home delivered meals and congregate meals for an amount of \$8.00 per meal, 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 VNA Homecare Options, LLC, d/b/a Nascentia Health Options, to allow for an increase in the home delivered and/or congregate meals, for a term commencing June 1, 2019 to continue in full force and effect until terminated by either party hereto.

Approved by 7 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted May 22, 2019 by voice vote.

ACT NO. 245-2019 by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
NEW YORK STATE CATHOLIC HEALTH PLAN, INC. D/B/A
FIDELIS CARE NEW YORK FOR PROVISION OF
HOME DELIVERED AND/OR CONGREGATE MEALS**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 366-2011 authorized a contract with New York State Catholic Health Plan, Inc., d/b/a Fidelis Care New York, 480 CrossPoint Parkway, Getzville, New York 14068, for the provision of home delivered meals and/or congregate meals for eligible patients, and

WHEREAS, a contract amendment is necessary due to an increase in the rate per meal for home delivered meals, and

WHEREAS, the Department of Aging can provide home delivered meals and/or congregate meals for the Managed Medicaid and Managed Long Term Care Programs and the Health and Recovery Plan Program (HARP) for an amount as follows:

<u>HCPCS</u>	<u>Description</u>	<u>Rate</u>
S5170	Home Delivered Meals	\$8.00 per meal
S9977	Congregate Meals	\$8.00 per meal
	Combined 2 Daily Meals	\$16.00 per day,

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 Catholic Health Plan, Inc., d/b/a Fidelis Care New York, to allow for an increase in the home delivered and/or congregate meals, for a term commencing June 1, 2019 to continue in full force and effect until terminated by either party hereto.

Approved by 7 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted May 22, 2019 by voice vote.

ACT NO. 246-2019 by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
iCIRCLE OF THE FINGER LAKES, INC. FOR PROVISION OF
HOME DELIVERED MEALS AND/OR CONGREGATE MEALS AND
NUTRITION COUNSELING**

Pursuant to Section 450 of the County Law.

WHEREAS, iCircle of the Finger Lakes, Inc., 860 Hard Road, Webster, New York 14580, is in need of nutrition counseling, home delivered meals and congregate meals for eligible patients, and

WHEREAS, the Department of Aging can provide the aforementioned services to eligible patients at the following rates:

Home Delivered & Congregate Meals	\$8.50/meal
Registered Dietician Counseling/Home Visit	\$60.00 per visit,

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 iCircle of the Finger Lakes, Inc., for the provision of the above-described meals and nutrition counseling, for a term commencing June 1, 2019 to continue in full force and effect until terminated by either party hereto.

Approved by 7 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted May 22, 2019 by voice vote.

ACT NO. 247-2019 by Mr. Snyder, Sr.

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

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

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

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

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

WHEREAS, in March, 2019, Sunny Olean LLC, a New York State limited liability company (the "Company") submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, which Application requested that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in an approximately 5,500 square foot parcel of land located at 106-108 W. State Street (currently Tax ID #94.253-1-26.2) in the City of Olean, Cattaraugus County, New York (the "Land"), together with an approximately 11,300 square foot building located thereon (the "Facility"), (2) the renovation and reconstruction of the Facility, and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property, including without limitation, tenant improvement and finish (collectively, the "Equipment") (the Land, the Facility, and the Equipment being collectively referred to as the "Project Facility"); all of the foregoing to

constitute a retail and market rate apartment facility and any other directly and indirectly related uses; (B) the granting of certain other “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency, and

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

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

WHEREAS, by resolution adopted by the members of the Agency on March 19, 2019 (the “Public Hearing Resolution”), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Project, and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Executive Director of the Agency (A) caused notice of public hearing of the Agency (the “Public Hearing”) pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the Financial Assistance being contemplated by the Agency with respect to the Project, to be mailed on March 21, 2019 to the chief executive officers of the county and of each city, town, village and school district in which the Project is or is to be located, (B) caused notice of the Public Hearing to be posted on March 21, 2019 (1) on a bulletin board located at the Agency offices located at 9 East Washington Street in the Town of Ellicottville, Cattaraugus County, New York, (2) on a bulletin board located at the Olean Municipal Building located at 101 E. State Street in the City of Olean, Cattaraugus County, New York, and (3) on the Agency’s website, (C) caused notice of the Public Hearing to be published on March 22, 2019 in the Olean Times Herald, a newspaper of general circulation available to the residents of City of Olean, Cattaraugus County, New York, (D) conducted the Public Hearing on April 9, 2019 at 11:30 a.m., local time in Conference Room #119 of the Olean Municipal Building located at 101 East State Street in the City of Olean, Cattaraugus County, New York, and (E) prepared a report of the Public Hearing (the “Hearing Report”) which fairly summarized the views presented at said Public Hearing and distributed same to the members of the Agency, and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations (the “Regulations”) adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, “SEQRA”), by resolution adopted by the members of the Agency on March 19, 2019 (the “Preliminary SEQR Resolution”), the Agency (A) determined (1) that the Project involves more than one “involved agency”, and (2) that, although the Project may constitute an “unlisted action”, and coordinated review and notification of other involved agencies is strictly optional with respect to the Project, the Agency wished to investigate the advisability of undertaking a coordinated review with respect to the Project, and (B) authorized the Executive Director of the Agency to contact all other “involved agencies” for the purpose of ascertaining whether such “involved agencies” were interested in undertaking a coordinated review of the Project and, if so, designating a “lead agency” with respect to the Project (as such quoted terms are defined in SEQRA), and

WHEREAS, further pursuant to SEQRA, by resolution adopted by the members of the Agency on April 30, 2019 (the "Final SEQR Resolution"), Agency determined that the Project constitutes a "Type II Action" (as such quoted term is defined under SEQRA), and therefore that no further action with respect to the Project was required under SEQRA, and

WHEREAS, by further resolution adopted by the members of the Agency on April 30, 2019 (the "Commercial/Retail Finding Resolution"), the Agency (A) determined that the Project constituted a "commercial project" within the meaning of the Act, (B) found that although the Project Facility appears to constitute a project where facilities or properties that are primarily used in making the retail sales of goods or services to customers who personally visit such facilities may constitute more than one-third of the costs of the Project, the Agency is authorized to provide financial assistance in respect of the Project pursuant to Section 862(2)(a) of the Act because the Project Facility is located in census tract 9617, which is considered to be a distressed census tract and, therefore, is in a "highly distressed area", as that term is defined in Section 854(18) of the Act, (C) determined, following a review of the Hearing Report, that the Project would serve the public purposes of the Act by preserving permanent private sector jobs in the State of New York, and (D) determined that the Agency would proceed with the Project and the granting of the Financial Assistance; provided however, that no financial assistance would be provided to the Project by the Agency unless and until the County Legislature of Cattaraugus County, as chief executive officer of Cattaraugus County, New York, pursuant to Section 862(2)(c) of the Act, confirmed the proposed action of the Agency with respect to the Project, and

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

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

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

RESOLVED, that this resolution shall take effect immediately.

Approved by 7 members of the Finance Committee and 6 members of the Development & Agriculture Committee.

Adopted May 22, 2019 by voice vote.

ACT NO. 248-2019 by Mr. VanRensselaer and Mr. Koch
and Mr. Padlo¹

**AUTHORIZING PUBLIC HEARING ON
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION
(Ellicottville Brewery-Little Valley Project)**

Pursuant to Section 10 of the Municipal Home Rule Law.

WHEREAS, Acts 445-2016 and 426-2018 authorized public hearings to consider citizen comments regarding the Community Development Block Grant (“CDBG”) application to the New York State Office of Community Renewal for funding to support the development of a brewery that will include bottling operations, a restaurant and a museum to be located at 202 Second Street in the Village of Little Valley, New York (the “Project”), and

WHEREAS, the County is required to hold subsequent public hearings on the Ellicottville Brewery-Little Valley project to give an update on the progress of the project, now, therefore, be it

RESOLVED, that a public hearing shall be held by this County Legislature to give an update on the progress of the bottling operations, a restaurant and a museum to be located at 202 Second Street in the Village of Little Valley, New York, on the 12th day of June, 2019, at 4:01 p.m. at the Legislature's Chambers, County Center, 303 Court Street, Little Valley, New York, and that at least ten (10) 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 7 members of the Finance Committee and 6 members of the Development & Agriculture Committee.

¹The following Legislator requested his name be listed as an additional sponsor: “Mr. Padlo”.

Adopted May 22, 2019 by voice vote.

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MR. MARSH moved, seconded by Mr. Higgins, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 249-2019 through Act No. 255-2019, inclusive. Carried.

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ACT NO. 249-2019 by Mr. Klancer
who asks immediate consideration

APPOINTMENT OF ELECTION COMMISSIONER

Pursuant to Section 3-203 of the Election Law.

WHEREAS, the certificate of Robert C. Keis, Chairman of the Cattaraugus County Republican Party, has been filed with the Clerk of the Legislature recommending the appointment of Cortney L. Spittler as Republican Election Commissioner to fill the vacancy created by the resignation of Michael M. Brisky effective April 12, 2019, now, therefore, be it

RESOLVED, that Cortney L. Spittler, 9296 Route 98, Franklinville, New York 14737, be, and she hereby is, appointed the Republican Election Commissioner for a term commencing May 22, 2019 and terminating December 31, 2020, at such annual salary as heretofore, or may hereafter be established, and be it further

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

Adopted May 22, 2019 by voice vote. Mr. Koch and Mr. Padlo voting No.

ACT NO. 250-2019 by Mr. Snyder, Sr. and Ms. Vickman
who ask immediate consideration

**APPOINTING SUPERVISING ADMINISTRATOR AND ADMINISTRATOR OF RECORD
FOR THE PINES HEALTHCARE AND REHABILITATION CENTER-OLEAN CAMPUS
AND ESTABLISHING COMPENSATION FOR THE SAME**

Pursuant to Sections 204 and 205 of the County Law.

WHEREAS, the Administrator of The Pines-Olean Campus has left County employment effective May 17, 2019, and

WHEREAS, Tammy Schmidt, 13389A Route 39, Chaffee, New York 14030, is currently the Nursing Home Administrator of The Pines-Machias Campus and should be appointed to act as the Supervising Administrator and Administrator of Record of the Olean Campus of The Pines Healthcare and Rehabilitation Center until such time as a permanent appointment is made, and

WHEREAS, it is necessary to establish a salary for the Supervising Administrator and Administrator of Record for The Pines-Olean Campus of the Department of Nursing Homes, now, therefore, be it

RESOLVED, that effective May 17, 2019, Tammy Schmidt, the current Nursing Home Administrator of The Pines-Machias Facility shall be appointed and act as the Supervising Administrator and Administrator of Record of The Pines-Olean Facility, and will be paid a weekly stipend of \$600.00 per week until such time as a permanent Director/Administrator shall be appointed, and be it further

RESOLVED, that effective upon the permanent appointment of a Director/Administrator of The Pines-Olean Facility, the stipend provided for herein shall cease.

Adopted May 22, 2019 by voice vote.

ACT NO. 251-2019 by Mr. Breton, Mr. Higgins, Mr. Snyder, Sr., Ms. Vickman,
Mr. Giardini, Ms. Hastings and Mr. Padlo
who ask immediate consideration

**SALE OF TAX TITLE PROPERTY TO FORMER OWNERS
(City of Olean and Towns of Carrollton, Franklinville and Machias)**

Pursuant to Section 215 of the County Law and Rule 40 of the
Rules of Order of the Cattaraugus County Legislature.

WHEREAS, Cattaraugus County has tax title to certain properties situate in the City of Olean and the Towns of Carrollton, Franklinville and Machias, and

WHEREAS, the former owners of the properties have offered to purchase the same at a cost which will cover the County's financial involvement in these premises, and

WHEREAS, the costs involved for these premises have been tendered to the County Treasurer's Office, now, therefore, be it

RESOLVED, that the County Treasurer be, and hereby is, authorized and directed, on behalf of Cattaraugus County, to execute County Treasurer's Deeds conveying these properties to the following individuals:

CITY OF OLEAN

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
14	94.073-7-7	Robert Besok	707 Front Street Olean, NY 14760	\$4,291.78

TOWN OF CARROLLTON

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
139	101.079-1-4.2	Frank Ponikvar	100 Kasson Road Smethport, PA 16749	\$3,857.13
140	101.001-1-39	Frank Ponikvar	100 Kasson Road Smethport, PA 16749	\$2,526.51

TOWN OF FRANKLINVILLE

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
223	40.063-5-14	Daniel Gann Bobbie Gann	24 Howard Street Franklinville, NY 14737	\$16,056.82

TOWN OF MACHIAS

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
327	40.001-1-31.2	Gregory Lyons	106 Gray Buck Road Franklinville, NY 14737	\$2,570.34

Adopted May 22, 2019 by voice vote.

ACT NO. 252-2019 by Mr. Boberg, Mr. Breton, Mr. Burr, Mr. Hale, Mr. Helmich, Mr. Higgins, Mr. Klancer, Mr. Marsh, Mr. Snyder, Jr., Mr. Snyder, Sr., Mr. VanRensselaer, Ms. Vickman, Mr. Giardini, Ms. Hastings, Mr. Koch, Mrs. Labuhn and Mr. Padlo who ask immediate consideration

SALE OF TAX TITLE PROPERTIES

Pursuant to Section 215 of the County Law and Rule 40 of the Rules of Order of the Cattaraugus County Legislature.

WHEREAS, Cattaraugus County has tax title to certain properties situate in Cattaraugus County, as described below, and

WHEREAS, the properties were exposed to bid at public auction as required by Rule 40 of the Rules of Order of the Cattaraugus County Legislature, and

WHEREAS, the highest bids received for the properties are the bids listed below, now, therefore, be it

RESOLVED, that if the tender by the high bidder of the total purchase price is not made within 30 days after the adoption hereof, then the acceptance of that individual's bid shall thereafter be

void and of no further effect, as of course, and the bid deposit shall be forfeited pursuant to Rule 40.8 of the Rules of Order, and be it further

RESOLVED, that the County Treasurer be, and hereby is, authorized and directed to execute County Treasurer's Deeds conveying the properties to the following individuals at the bid prices listed:

PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	CITY OF OLEAN		COUNTY INVOLVEMENT	BID AMOUNT
			HIGH BIDDER AND ADDRESS			
1	94.064-13-67	115 S. Seventh St.	Jody S. Peterson 210 S. 8 th Street Olean, NY 14760		\$11,119.76	\$150.00
3	94.039-4-40	617 Homer St.	Bennie Baskin 53 Rawlins Street Buffalo, NY 14211		\$1,043.93	\$375.00
18	94.065-9-33	111 S. Second St.	Howard W. Miles 115 S. Second Street Olean, NY 14760		\$11,917.17	\$5,250.00
24	94.056-8-29	329 N. Fifth St.	Renee S. Williams 325 N. 5 th Street Olean, NY 14760		\$6,972.00	\$50.00
27	94.033-2-42	561 Erie St.	Bartz, LLC 3210 Morgan Hollow Allegany, NY 14706		\$5,207.71	\$14,500.00
28	94.065-5-15	304 East Ave.	Bennie Baskin 53 Rawlins Street Buffalo, NY 14211		\$337.41	\$25.00
39	94.059-6-8	717 Queen St.	Matthew James Parmelee 2939 W. River Road Olean, NY 14760		\$11,082.19	\$10,750.00
61	94.065-11-28	136 S. Third St.	Clar D. Anderson 1102 Delaware Avenue Olean, NY 14760		\$11,067.09	\$8,000.00
70	94.055-2-1	320 N. Nineteenth St.	Paul D. Minor 15 Kamper Avenue #2 Buffalo, NY 14210		\$419.78	\$225.00
88	94.056-2-43	405 N. Eleventh St.	Theresa R. Smeltzer 8440 Lakemont Drive East Amherst, NY 14051		\$7,078.02	\$10,500.00
91	94.066-4-1	120 Front St.	Theresa R. Smeltzer 8440 Lakemont Drive East Amherst, NY 14051		\$5,017.63	\$10,500.00

94	94.075-2-47	147 Grossman Ave.	Andrew C. Fadale Melissa DeLong 3575 Route 16 N. Hinsdale, NY 14743	\$14,293.67	\$28,000.00
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TOWN OF ASHFORD

PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	HIGH BIDDER AND ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
116	11.004-2-33.1	10521 Beech Tree Rd.	Teaseleman Jackson-McCarty 10536 Beech Tree Road West Valley, NY 14171	\$2,011.43	\$3,000.00
118	29.011-1-16	9297 NYS Rte. 240	Expert Contracting of WNY 1711 Union Road West Seneca, NY 14224	\$11,463.22	\$18,000.00
119	20.004-1-39	Felton Hill Rd.	Michael J. Pinnavaia 32 Potter Road Machias, NY 14101	\$1,518.34	\$1,150.00
120	20.003-1-2.1	Thornwood Dr.	AOE Properties & Holdings 5291 Twin Pond Springville, NY 14141	\$2,187.62	\$25,000.00

TOWN OF CARROLLTON

PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	HIGH BIDDER AND ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
128	101.071-2-18	5824 North St.	Ralph J. Bottone 690 Main Street Limestone, NY 14753	\$1,366.91	\$525.00
133	92.003-1-24	1375 N. Main St. (Off)	Jay R. Little 5460 Nichols Run Limestone, NY 14753	\$1,235.29	\$1,400.00
137	101.080-1-3.1	5725 Church St.	Chelsea A. Clark 3865 Main Street, Apt. 2 Hinsdale, NY 14743	\$4,294.32	\$7,100.00
145	100.004-1-16.1	6340 Limestone Run Rd.	Eric J. Doud 4241 Ford Hollow Allegany, NY 14706	\$3,792.80	\$14,000.00

TOWN OF COLDSRING

PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	HIGH BIDDER AND ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
147	88.002-2-4.1/5	Oldro Rd.	Gabrial J. Giddy 10799 Oldro Road Randolph, NY 14772	\$679.34	\$25.00

<u>TOWN OF CONEWANGO</u>					
PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	HIGH BIDDER AND ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
152	60.020-1-8	4568 Brown Rd.	David Z. Custard Jarosz Jenna Witczak 3075 Lyth Road Buffalo, NY 14218	\$2,978.45	\$5,700.00

<u>TOWN OF DAYTON</u>					
PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	HIGH BIDDER AND ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
167	33.033-6-35	123 Oak St.	Victor Santarelli III 121 Oak Street South Dayton, NY 14138	\$658.96	\$100.00
171	33.033-3-8	127 Cherry St.	Bennie Baskin 53 Rawlins Street Buffalo, NY 14211	\$9,231.08	\$8,400.00
172	16.003-1-23	9735 Allen St.	John A. Gibbs Joshua Gibbs 8488 Route 353 Gowanda, NY 14070	\$8,512.89	\$13,000.00
172A	33.033-3-22	420 Pine St.	Minnie Hansen Jake Hansen-Ivett 9424 Route 62 Gowanda, NY 14070	\$12,153.14	\$23,500.00

<u>TOWN OF EAST OTTO</u>					
PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	HIGH BIDDER AND ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
177	18.002-1-21	Meyers Rd.	Arthur J. Oleszkowski 9399 Sisson Highway Eden, NY 14057	\$1,283.45	\$2,000.00

<u>TOWN OF FARMERSVILLE</u>					
PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	HIGH BIDDER AND ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
214	31.004-1-19	NYS Route 98	Gerald C. Harlach 67 Peinkoffer Drive Cheektowaga, NY 14225	\$1,828.59	\$4,200.00
215	31.002-1-6	Laidlaw Rd.	William C. Dalton Tina Dalton 732 Garden Avenue Olean, NY 14760	\$1,444.69	\$1,750.00

216A	31.004-1-17.2	NYS Route 98	Darrel D. Tingue 8383 Kingsbury Hill Franklinville, NY 14737	\$0	\$22,000.00
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TOWN OF FRANKLINVILLE

PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	HIGH BIDDER AND ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
232	49.001-1-50.4	7245 Cadiz Rd.	Andy W. Shetler 1469 Winchell Road Franklinville, NY 14737	\$15,444.57	\$41,500.00
245	57.002-2-7	3251 Co. Rd. 18 (Humphrey Rd.)	Teresa M. Franklin 4004 Crescent Drive North Tonawanda, NY 14120	\$1,389.55	\$600.00
246	48.004-2-3.1	7058 Crofoot/ Hillibrant Rd.	Christopher T. Vega 5745 Broadway Lancaster, NY 14086	\$2,043.27	\$10,250.00

TOWN OF GREAT VALLEY

PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	HIGH BIDDER AND ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
262	74.004-1-7.2	3954 Lewis Rd.	John J. Cahill, Jr. 3933 Lewis Road Great Valley, NY 14741	\$3,911.83	\$10,250.00
268	64.004-1-27.3	US Route 219 (Off)	Robert A. Kimball Jamie Miller 220 Independence Avenue Niagara Falls, NY 14301	\$3,444.19	\$150.00
270	73.002-1-20	US Route 219	Great Valley Vol. Fire Dept. PO Box 142, 6035 Depot Street Great Valley, NY 14741	\$2,659.76	\$15,000.00

TOWN OF HINSDALE

PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	HIGH BIDDER AND ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
283	76.004-2-20.6	Pennsylvania Rd.	Scott E. Hunter 9469 E. Eden Road Eden, NY 14057	\$1,877.00	\$5,000.00
289	77.001-1-59	1228 Congress Rd.	Timothy A. Wing 1199 Congress Road Hinsdale, NY 14743	\$1,137.40	\$6,000.00
295	77.004-3-13.1	Hedden Hollow Rd.	Valeria J. Fiorello 314 Ideal Street Buffalo, NY 14206	\$1,225.61	\$650.00

297	76.004-2-9	3996 Gile Hollow Rd.	William H. See 4863 Hardscramble Road Hinsdale, NY 14743	\$1,245.80	\$900.00
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TOWN OF HUMPHREY

PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	HIGH BIDDER AND ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
300	66.002-1-21	3404 Cooper Hill Rd.	Beatrice M. Leveille Gerard Leveille 3246 Cooper Hill Road Hinsdale, NY 14743	\$1,078.38	\$7,750.00

TOWN OF LYNDON

PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	HIGH BIDDER AND ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
317A	59.001-1-56.3	6229 Shady Lane	William D. Steffenhagen 6211 Shady Lane Franklinville, NY 14737	\$7,115.37	\$9,000.00

TOWN OF MACHIAS

PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	HIGH BIDDER AND ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
323	21.060-1-16	3246 Zoulko Rd.	Paul M. King 3310 Martin Road Delevan, NY 14042	\$1,392.50	\$16,000.00
330	31.001-1-7	3111 Beamer Rd.	Randy R. Skellen 9603 Main Street Machias, NY 14101	\$4,836.47	\$14,500.00
333	22.013-3-35	Middle Rd.	Karla L. Chorny 9969 Upper Hill Road Delevan, NY 14042	\$733.70	\$300.00

TOWN OF NAPOLI

PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	HIGH BIDDER AND ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
340	62.039-1-4	Enchanted Lake	Brenda L. Hitchcock Matthew Hitchcock 50 Summervale Drive Randolph, NY 14772	\$411.08	\$700.00
345	62.054-2-18	Enchanted Lake	Randy J. Marsh Susan Marsh 12 S. Kings Highway Randolph, NY 14772	\$469.41	\$925.00

347	62.038-3-9	Enchanted Lake	Brenda L. Hitchcock Matthew Hitchcock 50 Summervale Drive Randolph, NY 14772	\$397.96	\$600.00
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TOWN OF NEW ALBION

PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	HIGH BIDDER AND ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
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356	35.082-3-13	135 Waverly St.	William D. Steffenhagen 6211 Shady Lane Franklinville, NY 14737	\$869.82	\$500.00
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357	35.082-5-7	Waverly St.	David A. Smith 59 South Street Cattaraugus, NY 14719	\$1,556.94	\$3,750.00
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TOWN OF OLEAN

PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	HIGH BIDDER AND ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
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378	94.076-1-19	1722 Butler Ave.	Renald Dyal 121 S. Barry Street Olean, NY 14760	\$1,768.56	\$800.00
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TOWN OF PERRYSBURG

PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	HIGH BIDDER AND ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
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395A	7.002-1-23.3	Mackinaw Rd-R	Hale Cobado 3251 Durham Road Hamburg, NY 14075	\$3,523.47	\$7,300.00
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TOWN OF PORTVILLE

PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	HIGH BIDDER AND ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
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411	104.057-1-32	8 Colwell St.	Renald Dyal 121 S. Barry Street Olean, NY 14760	\$7,400.69	\$8,500.00
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415	104.005-1-6.1	1354 Portville-Olean Rd.	James J. Hammond Cynthia L. Hammond 2085 Wolf Creek Road Cuba, NY 14727	\$7,774.78	\$3,500.00
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416	113.002-3-23	Portville-Ceres Rd.	Lawrence A. Douglas 363 Prosser Road Portville, NY 14770	\$376.67	\$450.00
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426	104.010-1-74	1109 Portville-Olean Rd.	Clar D. Anderson 1102 Delaware Avenue Olean, NY 14760	\$8,206.41	\$7,700.00
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426A	113.002-1-10	Portville-Ceres Rd.	William D. Steffenhagen 6211 Shady Lane Franklinville, NY 14737	\$2,405.45	\$25.00
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426B	95.004-1-33	Yubadam Rd.	Jody L. Joseph 1105 Olean-Portville Road Olean, NY 14760	\$334.59	\$25.00
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TOWN OF RANDOLPH

PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	HIGH BIDDER AND ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
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446	70.072-2-29.2	Main St.	ROCH RE, Inc. 3900 Buffalo Road Rochester, NY 14626	\$1,580.24	\$2,500.00
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450	70.071-2-20	28 Sheldon St.	James C. Rogers 52 Vega Street Jamestown, NY 14701	\$7,734.19	\$9,100.00
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TOWN OF SALAMANCA

PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	HIGH BIDDER AND ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
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458	73.003-1-23	4003 Erie St.	Karen Quattrone 4020 Newton Street Salamanca, NY 14779	\$5,631.93	\$2,900.00
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TOWN OF YORKSHIRE

PARCEL NO.	TAX MAP NO.	PROPERTY ADDRESS	HIGH BIDDER AND ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
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470	12.004-1-14.1	Gooseneck Rd.	Michael Bialecki 5411 Riley Road West Valley, NY 14171	\$734.55	\$2,000.00
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472	13.045-1-18.3	11 South St.	Michael Tingue 11644 Worden Road Delevan, NY 14042	\$7,239.18	\$30,000.00
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482	13.001-2-17.8	South St.	Valeria J. Fiorello 314 Ideal Street Buffalo, NY 14206	\$2,309.15	\$1,600.00
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			Total	\$262,843.99	\$463,400.00
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			Total Profit	\$200,556.01	
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¹MR. BURR moved, seconded by Mr. Hale, to amend as follows: In the Second Resolved, delete Parcel No. 6; delete under Total: "\$262,843.99", and replace with: "\$262,457.35"; delete: "\$463,400.00",

and replace with: "\$459,900.00"; delete under Total Profit: "\$200,556.01", and replace with: "\$197,442.65". Carried.

Adopted, as amended, May 22, 2019 by voice vote.

ACT NO. 253-2019 by Ms. Vickman and Ms. Hastings
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CARRIER COMMERCIAL SERVICE FOR
HVAC MAINTENANCE FOR CHILLER AT
THE PINES HEALTHCARE AND REHABILITATION CENTER-MACHIAS CAMPUS**

Pursuant to Section 450 of the County Law.

WHEREAS, the Carrier chiller at The Pines Healthcare and Rehabilitation Center-Machias Campus is in need of repair and maintenance, and

WHEREAS, Carrier Commercial Service, 2 Townline Circle, Rochester, New York 14623, can provide the necessary HVAC maintenance for the Carrier Water-Cooled Chiller 19XR and Cooling Tower located at The Pines Healthcare and Rehabilitation Center-Machias Campus, for an amount of \$7,191.67 per year for a five-year contract amount of \$35,958.33, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned maintenance, 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 Carrier Commercial Service, for the provision of the above-described HVAC maintenance, for a five-year term commencing May 20, 2019 and terminating May 19, 2024, according to the above-described terms.

Adopted May 22, 2019 by voice vote.

ACT NO. 254-2019 by Ms. Vickman and Ms. Hastings
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR
DRINKING WATER SUPPLY PROTECTION PROGRAM**

Pursuant to 10 NYCRR Part 53, 21 NYCRR Part 2604 and
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 284-2015, as amended, authorized a contract with the New York State Department of Health for the provision of a drinking water supply protection program, the term of which expired March 31, 2018, and

WHEREAS, there is funding available in the amount of \$132,009.00 through the New York State Department of Health, Center for Environmental Health, Division of Environmental Protection,

Bureau of Public Water Supply Protection, Flanigan Square, 547 River Street, Troy, New York 12180-2216, for the drinking water supply protection program 2018-2019 allocation, and

WHEREAS, the County Health Department has been notified that an additional amount of \$25,428.00 has been allocated for the 2018-2019 program year, for a new total in the amount of \$157,437.00, and

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

WHEREAS, the program is 100% state funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the New York State Department of Health for the aforementioned grant, for a term commencing April 1, 2018 and terminating March 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 Account:

A.401.4090.0000.3450.07	State Aid, PH, Other Drinking Water Enhancement	\$25,428.00.
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Adopted May 22, 2019 by voice vote.

ACT NO. 255-2019 by Mr. Helmich, Mr. Higgins, Mr. Snyder, Sr., Mr. Koch and Mrs. Labuhn and Mr. Boberg, Mr. Breton, Mr. Burr, Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. Snyder, Jr., Mr. VanRensselaer, Ms. Vickman and Mr. Padlo¹ who ask immediate consideration

**RESOLUTION URGING GOVERNOR CUOMO AND THE NEW YORK STATE
LEGISLATURE TO OPPOSE THE FARMWORKERS FAIR LABOR PRACTICES ACT
(S.2837 and A.2750)**

Pursuant to Section 153 of the County Law.

WHEREAS, Senator Ramos of Queens, New York and Assemblymember Nolan of Long Island have introduced the Farmworkers Fair Labor Practices Act (S.2837 and A.2750) which would make drastic changes to the farming industry that will lead to much higher labor costs for family farms, and

WHEREAS, according to the U.S. Department of Agriculture, 98% of New York State farms are family-owned small businesses that are the backbone of our communities, and providers of fresh, local dairy, meats, fruits, and vegetables, and

WHEREAS, Cattaraugus County farmers are a critical component of our county and region's economy, producing critical food items which are sold locally and regionally across the northeast, and creating farming jobs for many, and

WHEREAS, farming is a highly regulated and competitive industry which operates twenty-four hours a day, every day of the year, and

WHEREAS, family farming in Cattaraugus County continues to suffer as a result of declines in market pricing and the ever-increasing costs, including labor, and

WHEREAS, while our family farms are local, they must face and compete with global agricultural markets and prices which cannot be passed on to consumers, and

WHEREAS, enactment of the proposed Farmworkers Fair Labor Practices Act will have the effect of driving Cattaraugus County farm families out of business as a result of these increased costs, and

WHEREAS, according to *Farm Credit East*, the cost of overtime, combined with the rising minimum wage would raise labor costs on New York farms by nearly \$300 Million, thereby reducing net farm income by 23.4%, and placing New York farmers at an even greater competitive disadvantage with farmers in neighboring states that already have much lower labor costs, and

WHEREAS, New York State farmers pay competitive wages, workers compensation costs and unemployment insurance, some even provide housing and transportation, and comply with laws that govern the workplace, and

WHEREAS, imposing collective bargaining, overtime, and mandatory time off, and other changes would dramatically increase labor costs and cause difficulties in scheduling work that is dictated by weather, maintenance of crops, and animal care which could hurt the health of animals and jeopardize a seasonal crop, and

WHEREAS, dairy farmers in New York have no ability to pass on additional costs of production to dairy processors because those prices are set by Federal Milk Marketing Orders which cross state lines where those farmers have much lower labor costs, and

WHEREAS, the passage of the Farmworkers Fair Labor Practices Act will likely have a devastating effect on the remaining farms in Cattaraugus County, and

WHEREAS, the Cattaraugus County Legislature hereby opposes the Farmworkers Fair Labor Practices Act that is being considered by the New York State Legislature because of the irreversible, negative impact it will have on our family farmers, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature opposes enactment of Senate Bill S.2837 and Assembly Bill A.2750, known as the Farmworkers Fair Labor Practices Act, which would grant collective bargaining rights, workers' compensation and unemployment benefits to farm workers, and be it further

RESOLVED, that the Clerk of the Cattaraugus County Legislature is hereby authorized and directed to send a certified copy of this resolution to Governor Cuomo, the Majority and Minority Leaders of the New York State Legislature, Senator Ramos of Queens, New York, Assemblymember Catherine Nolan of Long Island, Assemblymember Giglio, New York State Association of Counties, and all others deemed necessary and proper.

¹The following Legislators requested their names be listed as additional sponsors: "Mr. Boberg, Mr. Breton, Mr. Burr, Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. Snyder, Jr., Mr. VanRensselaer, Ms. Vickman and Mr. Padlo".

Adopted May 22, 2019 by voice vote.

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MR. VANRENSELAER moved, seconded by Mr. Boberg, to adjourn until June 12, 2019 at 4:00 p.m.
Carried.

Meeting adjourned at 4:45 p.m.

Ann M. Giglio
Journal Clerk