

July 24, 2019

The meeting was called to order by the Chairman Snyder.

The invocation was given by Gerald Zimmerman.

The Attendance Roll Call disclosed one Legislator absent – Hastings.

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CHAIRMAN SNYDER noted that the minutes of the June 26, 2019 session stand approved as presented.

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**APPOINTMENTS:**

**YOUTH BUREAU BOARD OF DIRECTORS**

*Indefinite Terms*

Ethan Dean, Youth Representative  
1657 Portville-Obi Road  
Portville, New York 14770

Dominic Pascucci, Youth Representative  
13 Riley Road  
Portville, New York 14770

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**PRIVILEGE OF THE FLOOR:**

CHAIRMAN SNYDER presented retired Deputy Sheriff Pete Budzinski with a Proclamation honoring his 50 years of service to the residents of Cattaraugus County. Chairman Snyder then granted Privilege of the Floor to Sheriff Timothy Whitcomb who spoke regarding Deputy Budzinski’s career and unveiled a bronze plaque of retired Deputy Sheriff Pete Budzinski which will be placed on the Sheriff’s Office building exterior recognizing his 50 years of service to the Sheriff’s Office.

CHAIRMAN SNYDER granted Privilege of the Floor to Michael Sharbaugh, Probation Director, who thanked the Legislature for their support of his appointment.

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**ACT NO. 308-2019** by Mr. Giardini and Mr. Helmich

**BID ACCEPTANCE FOR 2019 STREAMBANK STABILIZATION PROJECTS AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and  
Sections 363, 366, 408 and 408-a of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for 2019 streambank stabilization projects, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications for the following three (3) sites was the bid of D & H Excavating, Inc., 11939 Route 98 South, Arcade, New York 14009, in the total amount of \$69,040.00, as follows, to be paid as invoiced:

County Road No. 14 (Town of East Otto)	\$30,585.00
County Road No. 6 (Town of New Albion)	\$30,890.00
County Road No. 12 (Town of New Albion)	\$ 7,565.00,

and

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

RESOLVED, that the bid of D & H Excavating, Inc., be, and the same hereby is, accepted, for a term commencing within ten (10) days after the effective date of the contract and terminating October 31, 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:

Decrease Appropriation Accounts:

D.502.5110.0000.47061	Road Materials	\$14,040.00
A.990.9901.0000.90502	Transfer to County Road Fund	\$14,040.00

Increase Appropriation Account:

A.871.8745.0000.40810	Emergency Streambank Restoration	\$14,040.00
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Decrease Estimated Revenue Account:

D.990.9901.0000.5031	Interfund Transfer	\$14,040.00.
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No State bid.

Seven sets of specifications were sent out.

Five bids were received.

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

Adopted July 24, 2019 by voice vote.

**ACT NO. 309-2019** 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  
WENDEL WD, ARCHITECTURE, ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.  
FOR ENGINEERING SERVICES FOR HANDICAP ACCESSIBILITY ACTION PLAN  
(Olean Office Facility – Information Technology Room Improvements)**

Pursuant to Sections 215 and 450 of the County Law and  
the Americans with Disabilities Act.

WHEREAS, the Department of Public Works is desirous of providing improvements for the Information Technology (IT) room, as well as investigating cooling issues in other miscellaneous rooms at the Olean Office Facility, and

WHEREAS, Wendel WD can provide design phase services for the Olean Office Facility and IT room improvements for an amount of \$22,000.00, plus reimbursable expenses not to exceed \$1,700.00, to be paid on a percent-of-completion basis, 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 Wendel WD, Architecture, Engineering, Surveying & Landscape Architecture, P.C., for the provision of the above-described engineering services, for a term commencing July 1, 2019 and terminating December 31, 2019, according to the above-described terms.

Approved by 7 members of the Finance Committee.

Adopted July 24, 2019 by voice vote.

**ACT NO. 310-2019** by Mr. Giardini and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH  
NUSSBAUMER & CLARKE, INC. FOR CONSTRUCTION INSPECTION SERVICES FOR  
RECONSTRUCTION AND OVERLAY OF COUNTY ROAD NO. 32 (NYS ROUTE 240)**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 376-2018 authorized a contract with Nussbaumer & Clarke, Inc., 3556 Lake Shore Road – Suite 500, Buffalo, New York 14219, for the provision of construction inspection services for the reconstruction and overlay of County Road No. 32 in the Town of Ashford, the term of which expired November 30, 2018, and

WHEREAS, it is necessary to extend the term of the aforementioned contract to September 1, 2019, at no additional cost to the County, in order to allow for time to complete the aforementioned project, 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 Nussbaumer & Clarke, Inc., for the provision of the above-described construction inspection services, to extend the term of the original contract which commenced August 22, 2018 to terminate September 1, 2019, according to the above-described terms.

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

Adopted July 24, 2019 by voice vote.

**ACT NO. 311-2019** by Mr. Giardini and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH  
LABELLA ASSOCIATES, D.P.C. FOR ENGINEERING SERVICES FOR  
COUNTY COURT ENTRANCE AND WAITING AREA RENOVATIONS PROJECT**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 619-2017 authorized a contract with Labella Associates, D.P.C., 300 State Street, Suite 201, Rochester, New York 14614, for the provision of design phase services, bidding, and construction administration services for renovations to the second floor public waiting areas, attorney's room, library and hearing room, for the County Court located in the Olean Office Facility, the term of which expired March 30, 2019, and

WHEREAS, it is necessary to extend the term of the aforementioned contract to August 31, 2019, at no additional cost to the County, in order to allow for time to complete the aforementioned project, 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 Labella Associates, D.P.C., for the provision of the above-described engineering services, to extend the term of the original contract which commenced January 1, 2018 to terminate August 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 July 24, 2019 by voice vote.

**ACT NO. 312-2019** by Mr. Marsh and Mr. VanRensselaer

**SALE OF TAX TITLE PROPERTY  
(Second Highest Bidder)**

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 property situated in Cattaraugus County, as described below, and

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

WHEREAS, Act 252-2019 authorized the sale of the following described property to the highest bidder, and

WHEREAS, the highest bidder did not complete the purchase within thirty (30) days, and  
WHEREAS, the property has been offered to the second highest bidder at the highest bid price, and

WHEREAS, the highest bid received for the property was the bid 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 a County Treasurer’s Deed conveying the property to the following individual at the bid price listed:

**TOWN OF RANDOLPH**

PARCEL NO.	TAX MAP NO.	2 <sup>nd</sup> HIGH BIDDER	ADDRESS	COUNTY INVOLVEMENT	BID AMOUNT
450	70.071-2-20	Willard Palmer	21 Sheldon Street Randolph, NY 14772	\$7,734.19	\$9,100.00

Approved by 7 members of the Finance Committee and 6 members of the County Operations/ Public Safety Committee.

Adopted July 24, 2019 by voice vote.

**ACT NO. 313-2019** by Mr. Klancer and Mr. Padlo

**APPROVING DUES FOR PROFESSIONAL ORGANIZATION AND  
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS  
(District Attorney)**

Pursuant to Sections 203(1), 363 and 366 of the County Law.

WHEREAS, the District Attorney's Office has been a member of the New York Prosecutors Training Institute for several years at no cost to the County, and

WHEREAS, the New York Prosecutors Training Institute is now requiring an annual membership fee, and

WHEREAS, it is beneficial for the District Attorney to continue its membership with the New York Prosecutors Training Institute, and

WHEREAS, there is a reasonable connection between the activities of this organization and the official duties of the officers or employees whose membership dues will be paid therein, and

WHEREAS, annual dues in the amount of \$845.74 are due, and

WHEREAS, various appropriation accounts must be adjusted to cover the cost of the aforementioned dues, now, therefore, be it

RESOLVED, that effective January 1, 2019, Cattaraugus County authorizes membership and the payment of dues to the New York Prosecutors Training Institute, and be it further

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

Increase Appropriation Account:		
A.116.1165.0000.48002	Dues	\$845.74
Decrease Appropriation Account:		
A.116.1165.0000.48204	Witnesses	\$845.74.

Approved by 7 members of the Finance Committee and 6 members of the County Operations/  
Public Safety Committee.

Adopted July 24, 2019 by voice vote.

**ACT NO. 314-2019** by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE PRICE ADJUSTMENT  
WITH ECOLAB, INC. FOR  
DEPARTMENT OF AGING DISHWASHER**

Pursuant to the Older Americans Act Title III C-1, Wellness in Nutrition  
and Sections 215 and 450 of the County Law.

WHEREAS, Act 329-2017 authorized the execution of a lease agreement and related financing documents for a dishwasher at the Senior Wellness and Nutrition site in Olean which is operated by the Department of Aging, for a base rate of \$84.82 per month, and

WHEREAS, Ecolab, Inc., Ecolab Center, St. Paul, Minnesota 55102, has adjusted the base rate of the aforementioned dishwasher to \$87.36 per month commencing February 16, 2019, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a price adjustment, on behalf of Cattaraugus County, with Ecolab, Inc., for the provision of the above-described equipment, with the option to continue from year-to-year at the same rates, according to the above-described terms.

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

Adopted July 24, 2019 by voice vote.

**ACT NO. 315-2019** by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH  
VARIOUS ENTITIES FOR RESPITE SERVICES**

Pursuant to Older Americans Act Title III-E and  
Section 450 of the County Law.

WHEREAS, the Department of Aging is desirous of providing respite services for the families and caregivers of the elderly citizens of Cattaraugus County, on an as-needed basis, and

WHEREAS, contracts are necessary with various entities for the provision of the aforementioned respite services for an amount based on the level of care needed, and

WHEREAS, this 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 contracts, on behalf of Cattaraugus County, with various entities, for the provision of respite

services, for a term commencing upon contract execution to continue in full force and effect until terminated by either party hereto, 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 7 members of the Human Services Committee.

Adopted July 24, 2019 by voice vote.

**ACT NO. 316-2019** by Ms. Vickman and Ms. Hastings

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Health)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, the New York State Department of Health (NYSDOH) has notified the County Health Department that, based upon its submission of documentation to the Performance Incentive Initiative and full PHAB accreditation, it will receive an award in the amount of \$22,000.00 to be used to support continued costs associated with Article 6 eligible services (chronic disease prevention), and

WHEREAS, various accounts must be adjusted in order to accommodate this additional NYSDOH funding, now, therefore, be it

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

Increase Estimated Revenue Accounts:

A.401.0000.0000.3401	State Aid, Public Health	\$15,500.00
A.401.4017.4034.3401	State Aid, Public Health	\$ 3,250.00
A.401.4017.4035.3401	State Aid, Public Health	\$ 3,250.00

Increase Appropriation Accounts:

A.401.4090.0000.20008	Tools and Equipment	\$15,380.00
A.401.4090.0000.41603	Contracted Services	\$ 120.00
A.401.4017.4034.20002	Building/Building Improvements	\$ 3,250.00
A.401.4017.4035.20002	Building/Building Improvements	\$ 3,250.00.

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

Adopted July 24, 2019 by voice vote.

**ACT NO. 317-2019** by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
WESTERN REGION HEALTH CORP. D/B/A WILLCARE, INC.  
FOR HEALTH DEPARTMENT  
HOME CARE SERVICES PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Western Region Health Corp. d/b/a Willcare, Inc., c/o LHC Group, Inc., 901 Hugh Wallis Road South, Lafayette, Louisiana 70508, is desirous of providing home care services to the Tanglewood Group for its new assisted living facility located in the Town of Allegany known as the Field of Dreams, and

WHEREAS, the aforementioned home care services are required to be provided by a Certified Home Health Agency, and

WHEREAS, Willcare, Inc., is desirous of contracting with the County Health Department, which is a Certified Home Health Agency, for the provision of home care services to Tanglewood's Field of Dreams Assisted Living Facility, and

WHEREAS, the Cattaraugus County Health Department is able to provide the aforementioned home care services for Willcare, Inc., to the Field of Dreams Assisted Living Facility for an amount as follows:

RN	\$175.00/visit	LPN/LVN	\$175.00/visit
PT/OT/SLP	\$125.00/visit	PTA/COTA	\$125.00/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 Western Region Health Corp. d/b/a Willcare, Inc., for the provision of the above-described home care services, for a term commencing July 5, 2019 and terminating July 4, 2020, according to the above-described terms.

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

MS. VICKMAN moved, seconded by Mr. Burr, to refer Act No. 317-2019 back to the Finance Committee and the Human Services Committee. Carried.

**ACT NO. 318-2019** by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
SUSAN K. YOWELL, M.S., CCC-SLP FOR  
HEALTH DEPARTMENT SPEECH THERAPY SERVICES**

Pursuant to 10 NYCRR 763.3, Section 3602 of the Public Health Law  
and Section 450 of the County Law.

WHEREAS, the County Health Department is in need of speech therapy services for the patients of the Health Department Home Health Care Program, and



WHEREAS, Susan K. Yowell, M.S., CCC-SLP, 713 Gleason Hollow Road, Portville, New York 14770, has agreed to provide the aforementioned speech therapy services to Cattaraugus County Health Department patients at the rate of \$72.83 per visit, and

WHEREAS, this program is funded through a variety of sources, including, but not limited to, state and federal funding, private pay, private and third-party insurance and the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Susan K. Yowell, M.S., CCC-SLP, for the provision of the above-described services, for a term commencing July 1, 2019 and terminating June 30, 2020, 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 7 members of the Human Services Committee.

Adopted July 24, 2019 by voice vote.

**ACT NO. 319-2019** by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENT AND  
RELATED FINANCING DOCUMENTS WITH STERIS LIFE SCIENCE FOR  
HEALTH DEPARTMENT SMALL STERILIZER SYSTEM**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the Health Department is desirous of replacing the small sterilizer located in the laboratory, and

WHEREAS, Steris Life Science, 5960 Heisley Road, Mentor, Ohio 44060, through First Financial Healthcare Solutions, has agreed to lease a Steris AMSCO 250LS Small Sterilizer System to the County for an amount not to exceed \$50,000.00 plus \$1 buyout at the end of the 60-month lease, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a lease agreement and related financing documents, on behalf of Cattaraugus County, with Steris Life Science and First Financial Healthcare Solutions, for the provision of the above-described laboratory equipment, for a term of 60 months commencing once the equipment has been installed, is operational, and accepted by the County Health Department, according to the above-described terms.

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

Adopted July 24, 2019 by voice vote.

**ACT NO. 320-2019** by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
eSOLUTIONS, INC. FOR THIRD-PARTY REPORTING SOFTWARE  
FOR DEPARTMENT OF NURSING HOMES**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Nursing Homes is desirous of obtaining a Third-Party Reporting software system to work with the current EMR software, and

WHEREAS, eSolutions, Inc., 8215 West 108<sup>th</sup> Terrace, Overland Park, Kansas 66210, can provide Third-Party Reporting software to include the following:

- MedicareSAM: Daily review of all client-specific Medicare suspense accounts & reporting;
- MedicareACE: Web interface for researching, correcting and billing Medicare claims;
- MedicareASAP: Medicare Secondary Payer Reporting: Daily analysis and reporting of Secondary Payer data;
- Titan: Web interface for reporting and analysis on Electronic Remittance Advice files;
- MAVEN: Web interface for automated ADR, audit and denial management,

and

WHEREAS, eSolutions, Inc. can provide the aforementioned third-party reporting software system for an amount in accordance with the following fee schedule:

<u>Service</u>	<u>Activation Fee</u>	<u>Monthly Fee</u>	<u>Notes</u>
MedicareSAM	\$300	\$125	
MedicareACE	\$300	\$110	
MedicareASAP	\$250	\$80	Requires MedicareSAM to remain active at all times
<u>Denial Management</u>	\$450	\$225	
Titan+			
MAVEN			
<u>Discount Description</u>	<u>Activation Fee</u>	<u>Monthly Fee</u>	
	<u>Discount</u>	<u>Discount</u>	
Enterprise Package: In order to receive this discount, the following products must remain active: MedicareSAM, MedicareACE and MVP Live	\$100	\$30	

and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned Third-Party Reporting software system, 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 eSolutions, Inc., for the provision of the above-described Third-Party Reporting software system, for a term commencing upon installation, live operation

and acceptance by the County and terminating two (2) years thereafter, with the County's option to renew for one-year terms under the same rates and conditions, according to the above-described terms.

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

Adopted July 24, 2019 by voice vote.

**ACT NO. 321-2019** by Ms. Vickman and Ms. Hastings

**AUTHORIZING CHARGE-OFFS OF CERTAIN ACCOUNTS  
RECEIVABLE IN THE DEPARTMENT OF COMMUNITY SERVICES**

Pursuant to Section 153 of the County Law.

WHEREAS, the Department of Community Services has accounts receivable related to the Mental Health Clinic which have been deemed to be uncollectable, and

WHEREAS, the Cattaraugus County Community Services Board has recommended that the County remove these bad debts from the records of the Department of Community Services, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the removal of the debts from the accounts receivable records of the Department of Community Services in an amount of \$997.86.

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

Adopted July 24, 2019 by voice vote.

**ACT NO. 322-2019** by Ms. Vickman and Ms. Hastings  
*and Mr. Breton, Mr. Higgins and Mr. Padlo<sup>1</sup>*

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
DONALD A. PROTO, DDS AND DANIEL O. PROTO, DDS FOR  
DEPARTMENT OF NURSING HOMES DENTAL SERVICES**

Pursuant to 10 NYCRR Section 415.17 and  
Section 450 of the County Law.

WHEREAS, Act 139-2015, as extended, authorized a contract with Donald A. Proto, DDS, and Daniel O. Proto, DDS, 418 West State Street, Olean, New York 14760, for the provision of dental services for the patients/residents at The Pines Healthcare & Rehabilitation Center—Olean and Machias Campuses, the term of which expires July 31, 2019, and

WHEREAS, the County Department of Nursing Homes is desirous of continuing the provision of dental services for the patients/residents at The Pines Healthcare & Rehabilitation Centers, and

WHEREAS, Donald A. Proto, DDS, and Daniel O. Proto, DDS, 418 West State Street, Olean, New York 14760, have agreed to provide a credentialed dentist and dental assistant for 52 dental service sessions of three (3) hours each per year per facility for an amount as follows:

Olean Facility

August 1, 2019 – July 31, 2021	\$32,400.00 per year
August 1, 2021 – July 31, 2022	\$33,372.00 per year
August 1, 2022 – July 31, 2023	\$34,374.00 per year

Machias Facility

August 1, 2019 – July 31, 2021	\$32,400.00 per year
August 1, 2021 – July 31, 2022	\$33,372.00 per year
August 1, 2022 – July 31, 2023	\$34,374.00 per year

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 Donald A. Proto, DDS, and Daniel O. Proto, DDS, for the provision of the above-described services, for a term commencing August 1, 2019 and terminating July 31, 2021, with the option to renew for two (2) additional one year periods, according to the above-described terms.

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

<sup>1</sup>The following Legislators requested their names be listed as additional sponsors: “Mr. Breton, Mr.Higgins and Mr. Padlo”.

Adopted July 24, 2019 by voice vote.

**ACT NO. 323-2019** by Ms. Vickman and Ms. Hastings  
and Mr. Padlo<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENT WITH  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND OLEAN MEDICAL GROUP, LLP  
FOR DEPARTMENT OF COMMUNITY SERVICES OFFICE SPACE**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 112-2018 authorized a lease agreement with the Olean Medical Group, LLP, 535 Main Street, Olean, New York 14760, for the leasing of general medical office space and access to common area space in its facility for individual counseling services to children, adolescents and adults at the Olean Medical Group, the term of which expires February 28, 2020, and will be superseded by a new lease, and

WHEREAS, the 240 square feet of general medical space presently leased by the County and the access to approximately 1,260 square feet of common area space is insufficient, and

WHEREAS, additional medical office space is needed thereby increasing the lease amount from \$4,800.00 per year to \$7,200.00 per year commencing September 1, 2019, and

WHEREAS, the Olean Medical Group, LLP, shall lease approximately 360 square feet of general medical space and grant access to approximately 1,890 square feet of common area space in its facility to the Cattaraugus County Community Services Board for an amount of \$600.00 per month, for a total of \$7,200.00 for twelve months, to be paid on a monthly basis, as invoiced, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a lease agreement, between the Cattaraugus County Community Services Board and Olean Medical Group, LLP, to signify the County's approval, for the provision of the above-described leased space, for a term commencing September 1, 2019 and terminating August 31, 2020, with the option to extend the lease for one (1) additional year to August 31, 2021 at the same rates, if acceptable to both parties, according to the above-described terms.

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

<sup>1</sup>The following Legislator requested his name be listed as an additional sponsor: "Mr. Padlo".

Adopted July 24, 2019 by voice vote.

**ACT NO. 324-2019** by Ms. Vickman and Ms. Hastings

**APPROVING AMENDED CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND CATTARAUGUS COMMUNITY ACTION, INC. FOR DEPARTMENT OF COMMUNITY SERVICES THERAPY AND SUPPORT SERVICES FOR MENTAL HEALTH CLINIC, PROS PROGRAM, AFTER HOURS ON-CALL SERVICES AND MOBILE TRANSITIONAL SUPPORT TEAM**

Pursuant to Section 41.13(a)(6) of the Mental Hygiene Law and Section 450 of the County Law.

WHEREAS, 629-2018 authorized a contract with Cattaraugus Community Action, Inc., for the provision of various therapy and support services for Department of Community Services mental health clinic, PROS Program, including after hours on-call crisis services and mobile transitional services, the term of which expires December 31, 2019, and

WHEREAS, the Cattaraugus County Community Services Board is desirous of amending the aforementioned contract to include additional staff, and

WHEREAS, Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, will provide one (1) additional Clinician to perform in the capacity of Social Worker/Mental Health Therapist in the Mental Health Clinic commencing September 1, 2019, and

WHEREAS, there is no additional cost in 2019 for the new Clinician due to vacancies and absences throughout the year, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, between the Cattaraugus County Community Services Board and Cattaraugus Community Action, Inc., to signify the County's approval, for the provision of the above-described services, which commenced January 1, 2019 and terminates December 31, 2019, according to the above-described terms.

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

Adopted July 24, 2019 by voice vote.

**ACT NO. 325-2019** by Ms. Vickman and Ms. Hastings

**ADJUSTING VARIOUS APPROPRIATION AND ESTIMATED REVENUE ACCOUNTS  
DUE TO CHANGE IN FUNDING SOURCE  
(Department of Community Services)**

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

WHEREAS, the State Aid Funding Authorization (SAFA) for Cattaraugus County has been revised to reflect a half-year funding shift from Federal Substance Abuse Prevention and Treatment (SAPT) Block grant funding to State General Fund for certain programs, and

WHEREAS, due to the change in funding sources for Programs 3570 and 5520 from 100% federal to 50% federal and 50% state, various accounts must be adjusted, and

WHEREAS, this program is 29.2% federal (CFDA #93.959), 68.4% state and 2.4% County funded, now, therefore, be it

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

Decrease Appropriation Accounts:

A.433.4322.3570.42019.013F	CARES OASAS Federal Local Assistance	\$134,908.00
A.433.4322.5520.42019.013F	CARES OASAS Federal Local Assistance	\$186,802.00

Increase Estimated Revenue Accounts:

A.433.4322.3570.3492.013S	State Aid, OASAS Continual 100% State Aid	\$134,908.00
A.433.4322.5520.3492.013S	State Aid, OASAS Continual 100% State Aid	\$186,802.00

Increase Appropriation Accounts:

A.433.4322.3570.42019.013S	CARES OASAS State Local Assistance	\$134,908.00
A.433.4322.5520.42019.013S	CARES OASAS State Local Assistance	\$186,802.00

Decrease Estimated Revenue Accounts:

A.433.4322.3570.4492.013F	Federal Aid, OASAS Continual 100% Federal Aid	\$134,908.00
A.433.4322.5520.4492.013F	Federal Aid, OASAS Continual 100% Federal Aid	\$186,802.00

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

Adopted July 24, 2019 by voice vote.

**ACT NO. 326-2019** by Mr. VanRensselaer and Mr. Koch  
and Mr. Higgins and Mr. Padlo<sup>1</sup>

**AUTHORIZING THE CONTRIBUTION OF A GRANT MATCH  
TO THE CITY OF OLEAN FOR EMPIRE STATE DEVELOPMENT  
ENGINEERING PLANNING GRANT**

Pursuant to Section 450 of the County Law.

WHEREAS, the City of Olean is desirous of applying for the Empire State Development Engineering Planning Grant for a Water Distribution System Plan, which requires a \$20,000.00 match, and

WHEREAS, the City of Olean lacks the funds available to cover the match and has requested assistance from Cattaraugus County in the amount of \$20,000.00, and

WHEREAS, the Cattaraugus County Legislature created a Municipal Grant Program to provide support to municipalities who are applying for state, federal or Foundation funding and need assistance with securing required matching funds, and

WHEREAS, it serves a County purpose to assist with the development of opportunities within Cattaraugus County, and

WHEREAS, in the event that the City of Olean is awarded a funding in the amount of \$20,000.00, then Cattaraugus County shall provide up to \$20,000.00 to the City of Olean to assist with the matching contributions requirement, and

WHEREAS, in the event that the City of Olean is not awarded the aforementioned funding, then the County will not contribute any amount to the City of Olean, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature shall provide up to \$20,000.00 as a grant match to the City of Olean, so that the City may apply for funding for the above-described Project.

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

<sup>1</sup>The following Legislators requested their names be listed as additional sponsors: “Mr. Higgins and Mr. Padlo”.

Adopted July 24, 2019 by voice vote.

**ACT NO. 327-2019** by Mr. VanRensselaer and Mr. Koch  
*and Mr. Breton, Mr. Helmich, Ms. Vickman and Mr. Padlo<sup>1</sup>*

**AUTHORIZING THE CONTRIBUTION OF A GRANT MATCH  
TO THE TOWN OF FRANKLINVILLE FOR BOAT LAUNCH PROJECT**

Pursuant to Section 450 of the County Law.

WHEREAS, the Town of Franklinville is desirous of revitalizing the waterfront and increasing access to outdoor recreation opportunities in the Town by developing boat launch sites in locations to be determined by the Town, and

WHEREAS, the Town of Franklinville, while applying for funding for the aforementioned Project, is required to provide a \$18,498.00 match, and

WHEREAS, the Town of Franklinville lacks the funds available to cover the match and has requested assistance from Cattaraugus County, in the amount of \$18,498.00, and

WHEREAS, the Cattaraugus County Legislature created a Municipal Grant Program to provide support to municipalities who are applying for state, federal or Foundation funding and need assistance with securing required matching funds, and

WHEREAS, it serves a County purpose to assist with the development of recreational opportunities within Cattaraugus County, and

WHEREAS, in the event that the Town of Franklinville is awarded a funding, then Cattaraugus County shall provide up to \$18,498.00 to the Town of Franklinville to assist with the matching contributions requirement, and

WHEREAS, in the event that the Town of Franklinville is not awarded the aforementioned funding, then the County will not contribute any amount to the Town of Franklinville, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature shall provide up to \$18,498.00 as a grant match to the Town of Franklinville, so that the Town may apply for funding for the above-described Boat Launch Project.

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

<sup>1</sup>The following Legislators requested their names be listed as additional sponsors: "Mr. Breton, Mr. Helmich, Ms. Vickman and Mr. Padlo".

Adopted July 24, 2019 by voice vote.

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MR. BURR moved, seconded by Mr. Marsh, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 328-2019 through Act No. 335-2019, inclusive. Carried.

\* \* \* \* \*

**ACT NO. 328-2019** by Mr. Boberg, Mr. Breton, Mr. Helmich, Mr. Snyder, Jr.,  
Mr. Giardini and Mr. Koch  
who ask immediate consideration

**BID ACCEPTANCE FOR FREEDOM BRIDGE NO. 4 DECK REPLACEMENT AND  
INTERSECTION RECONSTRUCTION OF COUNTY ROAD NOS. 36 AND 21  
(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 deck replacement of Freedom Bridge No. 4 and the intersection reconstruction of County Road No. 36 and County Road No. 21, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications was the bid of Union Concrete & Construction Corp., 435 Meyer Road, P.O. Box 410, West Seneca, New York 14224, for the deck replacement of Freedom Bridge No. 4 and the intersection reconstruction of County Road No. 36 and County Road No. 21, for an amount of \$826,826.00, 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 services, now, therefore, be it

RESOLVED, that the bid of Union Concrete & Construction Corp., be, and the same hereby is, accepted, for a term commencing within ten (10) days after the effective date of the contract and terminating October 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.

Five sets of specifications were sent out.

Four bids were received which met specifications.

Adopted July 24, 2019 by voice vote.

**ACT NO. 329-2019** by Mr. Boberg, Mr. Breton, Mr. Helmich, Mr. Klancer,  
Mr. Snyder, Jr. and Mr. Giardini  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
GREENMAN-PEDERSEN, INC. FOR  
CONSTRUCTION INSPECTION SERVICES FOR FREEDOM BRIDGE NO. 4  
DECK REPLACEMENT AND INTERSECTION RECONSTRUCTION OF  
COUNTY ROAD NOS. 36 AND 21 PROJECT**

Pursuant to Section 450 of the County Law.

WHEREAS, construction inspection services are now necessary for the Freedom Bridge No. 4 Deck Replacement and Intersection Reconstruction of County Road Nos. 36 and 21 Project, and

WHEREAS, Greenman-Pedersen, Inc., 4950 Genesee Street, Suite 100, Buffalo, New York 14225, can provide the necessary construction inspection services for the construction phase for an amount not to exceed \$82,000.00 to be paid periodically 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 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 construction inspection services for the construction phase, for a term commencing July 24, 2019 and terminating December 31, 2019, according to the above-described terms.

Adopted July 24, 2019 by voice vote.

**ACT NO. 330-2019** by Mr. Higgins and Mr. Padlo  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CITY OF OLEAN  
FOR OLEAN MUNICIPAL AIRPORT**

Pursuant to Section 119-s of the General Municipal Law and  
Section 450 of the County Law.

WHEREAS, the City of Olean has requested funding in an amount not to exceed \$34,972.00 for capital improvements at the Olean Municipal Airport, and

WHEREAS, the City of Olean proposes to use the aforementioned funding to offset crack filling and the replacement of the existing Av gas fuel pump with a new Av gas dispensing system, and

WHEREAS, the 2019 County budget provides for the payment of \$34,972.00 to the City of Olean for the aforementioned costs from Account A.561.5610.0000.42002, 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 City of Olean, for payment to the City of Olean of an amount not to exceed \$34,972.00, for a term commencing January 1, 2019 and terminating December 31, 2019, according to the above-described terms.

Adopted July 24, 2019 by voice vote.

**ACT NO. 331-2019** by Labor Relations Committee:

Ms. Vickman, Mr. Breton, Mr. Higgins,  
Mr. Marsh and Mr. Giardini

and Human Services Committee:

Ms. Vickman, Ms. Hastings, Mr. Breton, Mr. Burr,  
Mr. Helmich, Mr. Higgins and Mr. Marsh  
who ask immediate consideration

**AUTHORIZING ANNUAL LEAVE FOR NURSING HOME ADMINISTRATOR  
(The Pines - Olean)**

Pursuant to Section 7.2 of the Benefit Manual for Managerial and Confidential Officers and Employees of Cattaraugus County and Section 205 of the County Law.

WHEREAS, Tammy Reynolds has been provisionally hired for the competitive position of Nursing Home Administrator (Olean) pending successful completion of the civil service examination for the position, and

WHEREAS, Ms. Reynolds should be credited with ten (10) days of vacation time upon her start date of August 5, 2019, now, therefore, be it

RESOLVED, that effective August 5, 2019, Tammy Reynolds be credited with ten (10) days of vacation time and shall receive all benefits in such compensation and benefit package as established for Managerial and Confidential Officers and Employees.

Adopted July 24, 2019 by voice vote.

**ACT NO. 332-2019** by Ms. Vickman  
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
ALL AMERICAN HEALTHCARE SERVICES, INC. FOR  
HEALTH CARE STAFFING COVERAGE FOR  
DEPARTMENT OF NURSING HOMES**

Pursuant to Section 450 of the County Law.

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

WHEREAS, All American Healthcare Services, Inc., 494 Broad Street, Suite 302, Newark, New Jersey 07102, can provide the aforementioned health care services staffing coverage for an amount as follows:

<u>Position</u>	<u>Weekday</u>	<u>Weekend</u>
RN Supervisor	\$62.00/hour	\$62.00/hour
RN	\$53.00/hour	\$55.00/hour
LPN	\$43.00/hour	\$45.00/hour
CNA	\$25.00/hour	\$26.00/hour,

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 All American Healthcare Services, Inc., for the provision of the above-described health care services, for a term commencing July 25, 2019 to continue in full force and effect at the same rates until amended or terminated by either party hereto, according to the above-described terms, and be it further

RESOLVED, that upon reduction or termination of either state or federal funding for this program, then this program shall be automatically abolished.

Adopted July 24, 2019 by voice vote.

**ACT NO. 333-2019** by Ms. Vickman and Ms. Hastings  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
TRACIE BROWN FOR  
HEALTH DEPARTMENT OFFICE/CLINIC SPACE**

Pursuant to 10 NYCRR 763.3, Section 3602 of the Public Health Law and Sections 215 and 450 of the County Law.

WHEREAS, Act 360-2018 authorized a contract with Salamanca Housing Authority for the rental of office space in Hillview Homes in the City of Salamanca for Health Department office/clinic space, at the rate of \$1,000.00 per month on a month-to-month basis, the term of which expires October 31, 2021, and

WHEREAS, the Health Department is desirous of terminating the aforementioned rental contract and moving the Salamanca Health Department office/clinic to a different location, and

WHEREAS, Tracie Brown, 493 Broad Street, Salamanca, New York 14779, has agreed to rent office/clinic space for the Health Department located at 465 Broad Street in the City of Salamanca, for an amount as follows:

July 1, 2019 – December 31, 2019	\$8,280.00 up front to cover internal build
January 1, 2020 – December 31, 2020	\$1,380.00 per month
January 1, 2021 – December 31, 2021	\$1,421.40 per month
January 1, 2022 – December 31, 2022	\$1,464.04 per month

January 1, 2023 – December 31, 2023 \$1,507.96 per month  
 January 1, 2024 – December 31, 2024 \$1,553.20 per month,

and

WHEREAS, the office space rental is partially funded through state aid and generated revenues, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a rental contract, on behalf of Cattaraugus County, with Tracie Brown, for the provision of the above-described services, for a term commencing July 1, 2019 and terminating December 31, 2024, according to the above-described terms, and be it further

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

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

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

Adopted July 24, 2019 by voice vote.

**ACT NO. 334-2019** by Mr. Breton, Mr. Hale, Mr. Higgins, Ms. Vickman,  
 Ms. Hastings and Mrs. Labuhn  
 who ask immediate consideration

**TRANSFER OF FUNDS  
 (Community Health Nursing - Contingent Fund)**

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

WHEREAS, Act 242-2019 authorized a contract with the Olean Medical Group for the provision of the Baby & Me-Tobacco Free smoking cessation program and a transfer of funds from the Contingent Fund, and

WHEREAS, the Olean Medical Group is no longer going to offer the Baby & Me-Tobacco Free program, and

WHEREAS, the funds which were transferred for this program should now be returned to the Contingent Fund, and

WHEREAS, a transfer of funds is necessary due to the aforementioned reasons, now, therefore, be it

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

Increase Appropriation Account:

A.901.1990.0000.40601	Contingent Fund	\$6,000.00
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Decrease Appropriation Account:

A.401.4017.4034.41603	Community Health Nursing-Contracted Services	\$6,000.00.
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Adopted July 24, 2019 by voice vote.

**ACT NO. 335-2019** by Ms. Vickman and Ms. Hastings  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
WESTERN REGION HEALTH CORP. D/B/A WILLCARE, INC.  
FOR HEALTH DEPARTMENT  
CERTIFIED HOME CARE SERVICES PROGRAM  
(Field of Dreams Assisted Living Facility)**

Pursuant to Section 450 of the County Law.

WHEREAS, Western Region Health Corp. d/b/a Willcare, Inc., c/o LHC Group, Inc., 901 Hugh Wallis Road South, Lafayette, Louisiana 70508, is desirous of providing home care services to the Tanglewood Group for its new assisted living facility located in the Town of Allegany known as the Field of Dreams, and

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

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

WHEREAS, Willcare, Inc., is not a certified provider within Cattaraugus County and is desirous of contracting, through the Cattaraugus County Health Department Certified Home Health Agency, for the provision of certified home health care services to be provided to the Field of Dreams Assisted Living Facility, in accordance with the following rate limits and terms:

RN	\$155.00/visit	LPN/LVN	\$110.00/visit
PT/OT/SLP	\$160.00/visit	PTA/COTA	\$120.00/visit,

and

WHEREAS, the Cattaraugus County Health Department shall provide case management services for the contracted staff provided by Willcare, and

WHEREAS, the Cattaraugus County Health Department shall also provide billing services for the patients at the Field of Dreams to which Willcare's staff have provided services, and

WHEREAS, the provision of such services will create revenue for the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Western Region Health Corp. d/b/a Willcare, Inc., for the provision of the above-described certified home care services, for a term commencing July 5, 2019 and terminating July 4, 2020, according to the above-described terms.

Adopted July 24, 2019 by voice vote.

\* \* \* \* \*

MR. BURR moved, seconded by Mr. Marsh, to adjourn until August 28, 2019 at 4:00 p.m. Carried.

Meeting adjourned at 4:30 p.m.

Ann M. Giglio  
Journal Clerk