

August 28, 2019

The meeting was called to order by the Chairman Snyder.

The invocation was given by Rev. LeFeber.

The Attendance Roll Call disclosed three Legislators absent – Breton, Klancer and Padlo.

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CHAIRMAN SNYDER noted that the minutes of the July 24, 2019 session stand approved as presented.

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COMMUNICATIONS:

New York State Department of State: Acknowledging receipt of Local Law 7-2019 and Local Law 8-2019 and the filing of the same on July 1, 2019.

Franklin County Legislature: Resolution No. 228, Urging the Governor and the New York State Legislature to Improve the Early Intervention Program to Better Serve Children and Families, Through Reforms that Address the Lack of Available Providers in Many Areas of the State.

Madison County Board of Supervisors: Resolution No. 19-398, Resolution in Support of Federal Legislation to Repeal the Medicaid Inmate Exclusion Policy (MIEP) for Pre-Trial Inmates.

Schoharie County Board of Supervisors: Resolution No. 72, Requesting State Relief from Mandatory Recycling Regulations at a Time of Continuing Crisis.

Peter Budzinski: Thank you note for recognition of service to Cattaraugus County.

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ACT NO. 336-2019 by Mr. Giardini and Mr. Helmich
and Mr. Breton¹

**BID ACCEPTANCE FOR FIRE ALARM SYSTEM UPGRADES AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(The Pines Healthcare and Rehabilitation Center-Machias Campus)**

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 the provision of fire alarm system upgrades at The Pines Healthcare and Rehabilitation Center-Machias Campus, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications for the aforementioned fire alarm system upgrades was the bid of Ahlstrom Schaeffer Electrical Corp., 49 Hopkins Avenue, Jamestown, New York 14701, for a Base Bid amount of \$206,600.00, plus Alternate #1 in the amount of \$14,000.00, for a total contract amount of \$220,600.00, to be paid on a percent-of-completion basis, as invoiced and approved by the Department of Public Works, and

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

RESOLVED, that the bid of Ahlstrom Schaeffer Electrical Corp., be, and the same hereby is, accepted, for a term commencing within ten (10) days of the effective date of the contract, and terminating 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, and be it further

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

Decrease Appropriation Account:

El.453.4530.1224.20002	Parking Lot – Building Improvements	\$150,000.00
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Increase Appropriation Account:

El.453.4530.1225.20002	Fire Alarm System – Building Improvements	\$150,000.00.
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No State Bid.

Four sets of specifications were sent out.

Three bids were received that met specifications.

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

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

Adopted August 28, 2019 by voice vote.

ACT NO. 337-2019 by Mr. Giardini and Mr. Helmich
and Mr. Breton¹

**BID ACCEPTANCE FOR 2019 PARKING LOT IMPROVEMENTS AT
THE PINES HEALTHCARE AND REHABILITATION CENTER-MACHIAS CAMPUS
(Department of Public Works)**

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

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

WHEREAS, the lowest responsible bid received meeting specifications for the aforementioned parking lot improvement project was the bid of D & H Excavating, Inc., 11939 Route 98 South, Arcade, New York 14009, in the amount of \$128,136.50, to be paid as invoiced, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned parking lot improvement project, 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 of the effective date of the contract and terminating on or before October 1, 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.

No State Bid.

Three sets of specifications were sent out.

Two bids were received that met specifications.

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

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

Adopted August 28, 2019 by voice vote.

ACT NO. 338-2019 by Mr. Burr, Mr. Helmich, Mr. Klancer and Mr. Giardini

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
MCMAHON & MANN CONSULTING ENGINEERING AND GEOLOGY, P.C.
FOR GEOTECHNICAL ENGINEERING SERVICES FOR
COUNTY ROAD NO. 12 SLOPE FAILURE AREA**

Pursuant to Section 131-b of the Highway Law and
Section 450 of the County Law.

WHEREAS, the Department of Public Works is desirous of obtaining geotechnical engineering services to explore the subsurface conditions, install instrumentation and provide recommendations to address a creeping slope on County Road No. 12 in the Town of New Albion, and

WHEREAS, McMahon & Mann Consulting Engineering and Geology, P.C., 2495 Main Street, Suite 432, Buffalo, New York 14214, can provide the aforementioned geotechnical engineering services for an amount not to exceed \$50,575.00, to be paid as invoiced, 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 McMahon & Mann Consulting Engineering and Geology, P.C., for the provision of the above-described services, for a term commencing August 29, 2019 and terminating December 31, 2020¹, according to the above-described terms.

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

¹MR. BURR moved, seconded by Mr. Snyder, Jr., to amend as follows: In the Resolved, delete: "2019", and replace with: "2020". Carried.

Adopted, as amended, August 28, 2019 by voice vote.

ACT NO. 339-2019 by Mr. Helmich, Mr. Snyder, Sr. and Mr. Giardini

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
WENDEL WD ARCHITECTURE, ENGINEERING, SURVEYING & LANDSCAPE
ARCHITECTURE, P.C. FOR HEALTH DEPARTMENT SPACE PLANNING**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the County Health Department is relocating its health clinic, which it operates in the City of Salamanca, and

WHEREAS, assistance in planning the space at the health clinic is needed, and

WHEREAS, Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C., Centerpointe Corporate Park, 375 Essjay Road, Suite 200, Williamsville, New York 14221, can provide clinic space planning services for the leased space located at 465 Broad Street in the City of Salamanca, for a total amount of \$8,900.00, which includes reimbursable expenses, 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 clinic space planning services, for a term commencing August 1, 2019 and terminating November 1, 2019, according to the above-described terms.

Approved by 6 members of the Finance Committee, 6 members of the Human Services Committee and 6 members of the Public Works Committee.

Adopted August 28, 2019 by voice vote.

ACT NO. 340-2019 by Mr. Giardini and Mr. Helmich
and Mr. Breton¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NYSDOT AND
AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE IN
FEDERAL-AID PROJECT ADMINISTERED BY THE NYSDOT AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Bridge Painting-Department of Public Works)**

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

WHEREAS, the Cattaraugus County Bridge Painting Project: four (4) bridges located within Cattaraugus County, BIN 3323210, 3321310, 3360260 and 3320960, PIN 5761.99, (the "Project"), is

eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS, the County desires to advance the above Project by making a commitment of 100% of the non-federal share of the costs of the Construction & Construction Inspection phase of the Project, PIN 5761.99, now, therefore, be it

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

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County of Cattaraugus to pay in the first instance 100% of the federal and non-federal shares of the cost of the Construction & Construction Inspection phase of the Project, or portions thereof, and be it further

RESOLVED, that the sum of \$375,000.00 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project, and be it further

RESOLVED, that in the event the amount required to pay the full federal and non-federal shares of the cost of the Project's Construction & Construction Inspection phase exceeds the amount appropriated above, the County of Cattaraugus shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof, and be it further

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

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

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

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

Increase Estimated Revenue Account:

D.502.0000.0000.3589.01	State Aid, Other Transportation	\$45,000.00
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Increase Appropriation Account:

D.502.5111.5112.41425	Bridge Painting Contracted	\$45,000.00.
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Approved by 6 members of the Finance Committee and 6 members of the Public Works Committee.

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

Adopted August 28, 2019 by voice vote.

ACT NO. 341-2019 by Mr. Giardini and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
GREENMAN-PEDERSEN, INC. FOR
FRANKLINVILLE BRIDGE NO. 22 REPLACEMENT PROJECT
CONSTRUCTION INSPECTION SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 454-2018 authorized a contract with Greenman-Pedersen, Inc., 4950 Genesee Street, Suite 100, Buffalo, New York 14225, for the provision of construction inspection services for the Franklinville Bridge No. 22 replacement project, located on Five Mile Road (County Road No. 19) over Ischua Creek, and

WHEREAS, additional inspection services are necessary to complete the aforementioned project, and

WHEREAS, Greenman-Pedersen, Inc., can provide the necessary additional construction inspection services for the construction phase of the aforementioned project for an additional amount of \$44,450.00 not to exceed a total amended contract price of \$195,450.00 to be paid periodically on a cost-plus basis as determined 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 an amended contract, on behalf of Cattaraugus County, with Greenman-Pedersen, Inc., for the provision of the above-described construction inspection services for the construction phase of the above-described replacement project, to amend the contract which commenced October 10, 2018 and terminates December 31, 2019, according to the above-described terms.

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

Adopted August 28, 2019 by voice vote.

ACT NO. 342-2019 by Mr. Giardini and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION
WITH GENERATIONS FORESTRY, INC.
FOR FORESTRY MANAGEMENT SERVICES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 651-2016 authorized a contract with Generations Forestry, Inc., P.O. Box 319, 26 Paynes Road, Kane, Pennsylvania 16735, for the provision of forestry management services, the term of which expires November 30, 2019, and

WHEREAS, the County Department of Public Works is desirous of extending the term of the aforementioned contract to November 30, 2021, and

WHEREAS, Generations Forestry, Inc., has agreed to extend the term of the aforementioned contract at the same terms, rates and conditions, 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 Generations Forestry, Inc., for the provision of the above-described forestry management services, to extend the contract which commenced January 1, 2017, to terminate November 30, 2021, according to the above-described terms.

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

Adopted August 28, 2019 by voice vote.

ACT NO. 343-2019 by Mr. Higgins, Mr. Snyder, Sr., Mr. Koch, Mrs. Labuhn and Mr. Padlo

**SALE OF TAX TITLE PROPERTY TO FORMER OWNERS
(City of Olean and Town of Great Valley)**

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 Town of Great Valley, 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
21	94.072-1-19.2	Joshua B. Dulmus Rebecca C. Dulmus	1121 W. Henley Street Olean, NY 14760	\$1,803.16

TOWN OF GREAT VALLEY

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
269	64.004-1-27.1	Russell Ulmer	7135 Cadiz Road Franklinville, NY 14737	\$5,764.17

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

Adopted August 28, 2019 by voice vote.

ACT NO. 344-2019 by Mr. Klancer, Mr. Snyder, Sr. and Ms. Vickman

APPOINTMENT OF DIRECTOR OF REAL PROPERTY TAX SERVICES

Pursuant to Section 201 of the County Law and
Section 1530 of the Real Property Tax Law.

RESOLVED, that Daniel T. Martonis, 10095 Route 242, Little Valley, New York 14755, be, and hereby is, appointed Director of Real Property Tax Services for a six-year term commencing October 1, 2019 and terminating September 30, 2025, at such salary which has heretofore been, or may hereafter be, established.

Approved by 6 members of the Finance Committee, 4 members of the Labor Relations Committee and 6 members of the County Operations/ Public Safety Committee.

Adopted August 28, 2019 by voice vote.

ACT NO. 345-2019 by Mr. Klancer and Mr. Padlo

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE BOARD OF ELECTIONS FOR
ELECTRONIC POLL BOOKS CAPITAL GRANT PROJECT AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Board of Elections – Contract No. BOE01-C004013-1110000)**

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

WHEREAS, reimbursement is available through the New York State Board of Elections Electronic Poll Books Capital Grant Project to County Boards for local dollars spent to further implement capital purchase of e-poll books and associated software, on-demand ballot printers and related cybersecurity software, and

WHEREAS, the Cattaraugus County Board of Elections is eligible to receive reimbursement in the amount of \$69,509.96 for the Electronic Poll Books Capital Grant Project, and

WHEREAS, a contract is necessary with the New York State Board of Elections in order to receive the aforementioned reimbursement grant, and

WHEREAS, the aforementioned program is 100% state funded, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the New York State Board of Elections, in order to receive the aforementioned Electronic Poll Books Capital Grant Project funding, for a term commencing April 1, 2019 and terminating December 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:

Increase Estimated Revenue Account:

H.145.1450.0000.21088.3089.04	State Aid, Other – E-Poll Books Grant	\$69,509.96
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Increase Appropriation Account:
 H.145.1450.0000.21088.41603 Contracted Services \$69,509.96.

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

Adopted August 28, 2019 by voice vote.

ACT NO. 346-2019 by Mr. Breton and Ms. Vickman

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
 BPAS (FORMERLY HARBRIDGE CONSULTING GROUP, LLC)
 FOR GASB 75 ACTUARIAL, CONSULTING AND ADMINISTRATIVE
 SERVICES FOR POST-RETIREMENT HEALTH CARE BENEFITS**

Pursuant to Section 1860D-22 of the Social Security Act, 42 CFR Section 423.880,
 42 USC Section 1395w-101 and Section 450 of the County Law.

WHEREAS, Act 341-2017 authorized a contract with BPAS (formerly Harbridge Consulting Group, LLC), 706 North Clinton Street, Suite 200, Syracuse, New York 13204, for the provision of GASB 75 actuarial, consulting and administrative services for post-retirement health care benefits valuations for fiscal year 2018, the term of which expires December 31, 2019, and

WHEREAS, the County is desirous of obtaining actuarial, consulting and administrative services for post-retirement health care benefits valuations through fiscal year 2020, and

WHEREAS, BPAS (formerly Harbridge Consulting Group, LLC), can provide the aforementioned post-retirement health care benefits valuations for fiscal years ending December 31, 2019 and December 31, 2020, for an amount as follows, to be paid as invoiced:

GASB 75 Full Actuarial Valuation for Fiscal Year ending December 31, 2019	\$9,500.00
GASB 75 Interim Actuarial Valuation for Fiscal Year ending December 31, 2020	\$4,000.00,

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 BPAS, for the provision of the actuarial, consulting and administrative services for post-retirement health care benefits valuations services, for a term commencing December 1, 2019 and terminating December 31, 2020, according to the above-described terms.

Approved by 6 members of the Finance Committee and 4 members of the Labor Relations Committee.

Adopted August 28, 2019 by voice vote.

ACT NO. 347-2019 by Mr. Klancer and Mr. Padlo

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

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

WHEREAS, Act 404-2018 authorized the Chairman to apply for funding through the New York State Governor's Traffic Safety Committee for a Traffic Safety Enforcement Program for the 2018-2019 program year, and

WHEREAS, the Sheriff's Department has been awarded funding in the amount of \$15,490.00 through the New York State Governor's Traffic Safety Committee for a Traffic Safety Enforcement Program for the 2019-2020 program year, for the following components:

Child Passenger Safety Program	\$4,000.00
Police Traffic Services Program	\$9,990.00
Highway Safety Program	\$1,500.00,

and

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

WHEREAS, this program includes funding from the New York State Governor's Traffic Safety Committee, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the New York State Governor's Traffic Safety Committee, in order to receive the aforementioned funding, for a term commencing October 1, 2019 and terminating September 30, 2020, according to the above-described terms.

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

Adopted August 28, 2019 by voice vote.

ACT NO. 348-2019 by Mr. Klancer and Mr. Padlo

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH
NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES
FOR STATEWIDE INTEROPERABLE COMMUNICATIONS FORMULA-BASED GRANT
(2019 SICG-Formula Program)**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 379-2018 authorized the Chairman to apply for funding through the New York State Division of Homeland Security and Emergency Services for the Statewide Interoperable Communications Formula-Based Grant (SICG), and

WHEREAS, funding is again available through the New York State Division of Homeland Security and Emergency Services for the aforementioned grant, and

WHEREAS, the aforementioned program will enable local governments to make improvements by expanding the ability for their systems to communicate, exchange valuable data, and streamline information to enhance collaboration and assist first responders, and

WHEREAS, this funding will help counties access next generation technology and improve their ability to connect, communicate and respond to disasters and other threats to our communities, and

WHEREAS, the 2019 SICG-Formula Program will focus on further minimizing gaps in interoperable communication by aligning technology acquisitions with operational use by first responders, which provides the foundation necessary to accomplish a high level of interoperability, and

WHEREAS, the Sheriff's Office is desirous of applying for the aforementioned funding, and

WHEREAS, it is necessary to execute grant documents in order to apply for the aforementioned funding, 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 grant documents, on behalf of Cattaraugus County, with the New York State Division of Homeland Security and Emergency Services, in order to apply for the aforementioned grant funding, 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 6 members of the Finance Committee and 6 members of the County Operations/Public Safety Committee.

Adopted August 28, 2019 by voice vote.

ACT NO. 349-2019 by Mr. Klancer and Mr. Padlo

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE OFFICE OF GENERAL SERVICES FOR RADIO TOWER SPACE USE BY
NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the County currently operates and maintains a communications radio tower site on land owned by the New York State Department of Environmental Conservation (NYSDEC) located in the McCarty Hill State Forest, and

WHEREAS, Act 397-2017 authorized a contract with the New York State Emergency Management Office, 1220 Washington Avenue, Suite 101, Building 22, Albany, New York 12226-2251, for the use of space at the 140 foot and 170 foot levels of the County's radio tower located on McCarty Hill, the term of the aforementioned contract expires January 31, 2020, and

WHEREAS, the New York State Division of Homeland Security and Emergency Services has continued to utilize the aforementioned tower space since February 1, 2015 and is desirous of continuing such usage, and

WHEREAS, the County should continue to allow the New York State Division of Homeland Security and Emergency Services to use space at the 140 foot and 170 foot levels of the County's radio tower located on McCarty Hill at no cost, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the New York State Office of General Services for radio tower space use by New York State Division of Homeland Security and Emergency Services, for use of the above-described space, for a term commencing February 1, 2020 to continue in full force and effect for a term of five (5) years with the option to renew for an additional five (5) year term, according to the above-described terms.

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

Adopted August 28, 2019 by voice vote.

ACT NO. 350-2019 by Ms. Vickman

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
ZIRMED, INC. D/B/A WAYSTAR HEALTH, INC.
FOR ELECTRONIC BILLING SERVICES FOR MEDICARE
(Department of Nursing Homes)**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 293-2018 authorized a contract with ZirMed, Inc. d/b/a Waystar Health Inc., 888 West Market Street, Louisville, Kentucky 40202, for the provision of the software, software licenses, product support services and professional services necessary to participate in electronic billing for Medicare, Medicaid and commercial insurance companies, and

WHEREAS, the County Department of Nursing Homes is desirous of upgrading the aforementioned software and adding the following electronic solutions: Starter Bundle, Claims Monitoring and EOB Conversion components, and

WHEREAS, ZirMed, Inc., can provide the aforementioned upgrade and additional software components for an additional \$469.00 per month, plus an implementation fee of \$500.00, as follows:

<u>Solution</u>	<u>Monthly Fee</u>	<u>Implementation Fee</u>
Waystar Bundle		
Claim Management Starter Bundle – Instructional Claims (500)	\$319.00	\$0.00
Claims Management		
Claims Monitoring	\$50.00	\$0.00
EOB Conversion	\$100.00	\$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 an amended contract, on behalf of Cattaraugus County, with ZirMed, Inc., d/b/a Waystar Health, Inc., for the provision of the above-described services, for a two-year (2) term commencing upon installation and when the County has access to, and full use of, the ZirMed software, with automatic annual renewals, until terminated by either party hereto, according to the above-described terms.

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

Adopted August 28, 2019 by voice vote.

ACT NO. 351-2019 by Ms. Vickman

**ADOPTION OF CATTARAUGUS COUNTY DEPARTMENT OF NURSING HOMES
POLICY AND PROCEDURE ON MEDICAID BED-HOLD AND READMISSION**

Pursuant to Section 153 of the County Law.

RESOLVED, that the following Cattaraugus County Policy and Procedure on Medicaid Bed-Hold and Readmission for the Department of Nursing Homes is hereby adopted by the Cattaraugus County Legislature, and all prior bed-hold and readmission policies are hereby superceded:

POLICY AND PROCEDURE ON MEDICAID BED-HOLD AND READMISSION

Effective 7/24/2019

1. Effective May 29, 2019, Medicaid and Medicaid Managed Care reimbursements will no longer be made for hospitalization bed holds other than for residents under 21 and those on therapeutic leave.

(i) At the time of admission and again at the time of transfer for any reason, the facility shall verbally inform and provide written information to the resident and the designated representative that specifies:

- a) The duration of the bed-hold policy during which the resident is permitted to return and resume residence in the facility; and
- b) The facility's policies regarding bed-hold periods, which must be consistent with subparagraph (iii) of this paragraph, permitting a resident to return.

(ii) At the time of transfer of a resident for hospitalization or for therapeutic leave, a nursing home shall provide written notice to the resident and the designated representative, which specifies the duration of the bed-hold policy described in subparagraph (i) of this paragraph.

(iii) A nursing home shall establish and follow a written policy under which a resident whose hospitalization or therapeutic leave exceeds the bed-hold period is readmitted to the facility, from the hospital, immediately upon the first availability of a bed in a semi-private room if the resident:

- a) requires the services provided by the facility and
- b) is eligible for Medicaid nursing home services.

(iv) A nursing home shall establish and follow a written policy under which a resident who has resided

in the nursing home for 30 days or more and who has been hospitalized or who has been transferred or discharged on therapeutic leave without being given a bed-hold is readmitted to the facility immediately upon the first availability of a bed in a semi-private room if the resident:

- a) requires the services provided by the facility and
- b) is eligible for Medicaid nursing home services.

2. The Pines Healthcare and Rehabilitation Centers will adopt the above Bed-Hold and Readmission Policy regarding temporary hospitalization leave for all Medicaid and Medicaid Managed Care residents with the exception to those resident accounts that are in arrears of payment over 30 days.

3. Under (i)(a), the duration will be 72 hours per each occurrence. Within a twelve-month period, the resident will be allowed four (4) occurrences. On Day Four, if the resident is still on temporary leave, then a payment is due to the Resident's Trust account for 50% of the current Medicaid Rate per each day of temporary leave.

4. This policy only applies to Medicaid and Medicaid Managed Care residents who are in good standing at The Pines Healthcare and Rehabilitation Centers at Machias and at Olean. This policy does not apply to Private Pay or other insurance payers.

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

Adopted August 28, 2019 by voice vote.

ACT NO. 352-2019 by Ms. Vickman and Ms. Hastings

**ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Nursing Homes)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, it has been determined necessary to remove approximately 30 trees from County-owned property at or near The Pines Healthcare and Rehabilitation Center-Machias Campus, and

WHEREAS, the County entered into a contract with Good Neighbor Services dated October 24, 2018 for tree removal services, and

WHEREAS, various appropriation accounts must be adjusted to cover the cost of the tree removal services conducted at The Pines Healthcare and Rehabilitation Center-Machias Campus, now, therefore, be it

RESOLVED, that the County Administrator is hereby directed to appropriate \$24,125.50 from Fund Balance Account EI.909.0000 and make the following budgetary changes:

Increase Appropriation Account:

EI.453.4530.1160.41603	Contracted Services	\$24,125.50.
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Approved by 6 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted August 28, 2019 by voice vote.

ACT NO. 353-2019 by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
TOTAL SENIOR CARE, INC. FOR
PACE AND DAYBREAK PROGRAM HOME DELIVERED AND CONGREGATE MEALS**

Pursuant to Section 95-a of the General Municipal Law and
Section 450 of the County Law.

WHEREAS, Act 328-2018 authorized a contract with Total Senior Care, Inc., 519 North Union Street, Olean, New York 14760, to purchase home delivered meals and congregate meals from the County Department of Aging for PACE and DayBreak Program participants as part of a comprehensive program of services to participants, the term of which expires August 31, 2019, and

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

WHEREAS, the Department of Aging has agreed to provide the aforementioned meals through its Senior Nutrition Program to PACE and DayBreak Program participants at a rate of \$8.00 per home delivered and/or congregate meal, 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 Total Senior Care, Inc., for the provision of the above-described meal services, for a term commencing September 1, 2019 and terminating August 31, 2020, according to the above-described terms.

Approved by 5 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted August 28, 2019 by voice vote.

ACT NO. 354-2019 by Mr. Helmich, Ms. Labuhn, Mr. Marsh,
Mr. Snyder, Sr., Ms. Vickman and Ms. Hastings

**LOCAL LAW NUMBER 9 - 2019
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW AMENDING LOCAL LAW NUMBER 10-2011, AS AMENDED,
ENTITLED "A LOCAL LAW REGULATING ELECTRONIC CIGARETTES [E-CIGARETTES] AND
HERBAL CIGARETTES" TO PROHIBIT THE SALE AND DISTRIBUTION OF FLAVORED E-LIQUID
FOR USE IN E-CIGARETTES SOLD IN CATTARAUGUS COUNTY**

BE IT ENACTED, by the County Legislature of the County of Cattaraugus as follows:
Section 1. Intent. It is the intent of this Local Law to amend Local Law Number 10-2011 (Intro Number 16-2011), as amended by Local Law 4-2015 (Intro Number 6-2015), to prohibit the sale and distribution of flavored e-liquid for use in e-cigarettes sold in Cattaraugus County.

Section 2. Findings and Determinations. The Legislature hereby makes the following findings and determinations:

a) The Legislature hereby finds that many e-cigarette and liquid nicotine products come in flavors that are attractive to young people, such as cherry, fruit punch, chocolate and cola.

b) The Legislature also finds that recent studies by the Food and Drug Administration and the Centers for Disease Control and Prevention show a marked increase in the use of e-cigarettes and liquid nicotine by middle and high-school students. In the past year, the percentage of middle school students using e-cigarettes has increased by 50%, with use by high school students increasing by 80%.

c) The Legislature determines that the most commonly cited reasons for using e-cigarettes among both youth and young adults are curiosity, fruit and candy flavorings offered by liquid nicotine manufacturers and the low-perceived harm compared to other tobacco products.

d) The Legislature finds that limiting liquid nicotine to tobacco flavor available for purchase would reduce children's interest in using these products while allowing adults the option to continuing e-cigarettes as a replacement for traditional tobacco products or for smoking cessation purposes.

e) The Legislature further finds that major e-cigarette and liquid nicotine manufacturers, such as Juul, are voluntarily removing fruit and candy based flavors from their product offerings as a means to reduce their improper use by children.

f) The Legislature determines that Cattaraugus County should limit the sale and distribution of e-cigarettes and flavored liquid nicotine to tobacco flavor to combat the rising tide of liquid nicotine use by minors.

g) Therefore, the purpose of this Local Law is to amend Local Law Number 10-2011 (Intro Number 16-2011), as amended by Local Law 4-2015 (Intro Number 6-2015), entitled "A Local Law Regulating Electronic Cigarettes ["E-Cigarettes"] and Herbal Cigarettes" to only allow for the sale of e-cigarette and liquid nicotine products that are tobacco flavored.

Section 3. Amendments. Local Law Number 10-2011 (Intro Number 16-2011), as amended by Local Law 4-2015 (Intro Number 6-2015), entitled "A Local Law Regulating Electronic Cigarettes ["E-Cigarettes"] and Herbal Cigarettes" is hereby amended as follows:

A. A new Section 3 is hereby added as follows:

"Section 3. Sale Restrictions. E-cigarette and liquid nicotine products may only be offered for sale within the County of Cattaraugus if they are flavorless or tobacco flavored."

B. By renumbering the remaining sections of such Local Law as Sections 4 through 12, respectively.

Section 4. Applicability. This local law shall apply to all e-cigarettes or liquid nicotine product sales occurring within the County of Cattaraugus on or after the effective date of this law.

Section 5. Severability. If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be entered.

Section 6. SEQRA Determination: This Legislature, being the state environmental quality review act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II Action pursuant to Section 617.5 (c) (20), (21), and/or (27) of Title VI of the New York Code of Rules and Regulations and

within the meaning of Section 8-0109 (2) of the New York Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures and legislative decisions in connection with continuing agency administration, management and information collection. The County Administrator is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 7. Effective Date: This law shall take effect sixty (60) days after its filing in the Office of the Secretary of State.

Held in the Finance Committee and the Human Services Committee.

ACT NO. 355-2019 by Mr. Snyder, Sr., Ms. Vickman and Ms. Hastings

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 9 - 2019

Pursuant to Section 10 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on August 28, 2019, a proposed Local Law amending Local Law No. 10-2011 (Intro No. 16-2011), as amended, entitled "A Local Law Regulating Electronic Cigarettes [E-Cigarettes] and Herbal Cigarettes", and

WHEREAS, no local law shall be adopted until a public hearing thereon has been had by the Cattaraugus County Legislature upon at least five (5) days' notice, now, therefore, be it

RESOLVED, that a public hearing shall be held on the proposed local law by this County Legislature on the 11th day of September, 2019, at 4:01 p.m. at the Legislature's Chambers, County Center, 303 Court Street, Little Valley, New York, and that at least five (5) days' notice of such hearing shall be given by the Clerk by the due posting thereof upon the bulletin board of each County Court House within the County and by publishing such notice at least once in the official newspapers of the County.

Held in the Finance Committee and the Human Services Committee.

ACT NO. 356-2019 by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COMMUNITY ACTION, INC. FOR DEPARTMENT OF SOCIAL SERVICES
COMMUNITY-BASED CASEWORKER PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Department of Social Services is desirous of placing two (2) Child Protection Services (CPS) caseworkers at Cattaraugus Community Action, Inc., and

WHEREAS, the community-based caseworker program will provide for effective communication between Cattaraugus Community Action, Inc., and the County Department of Social Services, and the coordination of direct contact between the caseworker and participants in programs operated by Cattaraugus Community Action, Inc., and

WHEREAS, Cattaraugus Community Action, Inc., 25 Jefferson Street, #1, Salamanca, New York 14779, has agreed to allow the County to place two (2) Department of Social Services CPS caseworkers in its offices at no cost to Community Action, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Cattaraugus Community Action, Inc., for the provision of the above-described community-based caseworker program, for a term commencing September 1, 2019 and terminating June 30, 2020, with the County's option to renew for one-year periods thereafter, according to the above-described terms.

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

Adopted August 28, 2019 by voice vote.

ACT NO. 357-2019 by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
PIONEER CENTRAL SCHOOL DISTRICT FOR DEPARTMENT OF SOCIAL SERVICES
COMMUNITY-BASED CASEWORKER PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Department of Social Services is desirous of providing Child Protection Services (CPS) caseworkers in the Pioneer Central School District, and

WHEREAS, the community-based caseworker program will provide for effective communication between the school district and the County Department of Social Services, and the coordination of direct contact between the caseworker and students of the District, and

WHEREAS, Pioneer Central School District, 12125 County Line Road, P.O. Box 579, Yorkshire, New York 14173, has agreed to allow the County to place two (2) Department of Social Services CPS caseworkers in its facilities at no cost to the school district, 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 Pioneer Central School District, for the provision of the above-described community-based caseworker program, for a term commencing September 1, 2019 and terminating June 30, 2020, with the County's option to renew for one-year periods thereafter, according to the above-described terms.

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

Adopted August 28, 2019 by voice vote.

ACT NO. 358-2019 by Ms. Vickman and Ms. Hastings

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

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

WHEREAS, Act 632-2018, as amended by Act 121-2019, authorized approval of a contract with Council on Addiction Recovery Services, Inc., for the provision of a substance abuse program in the County, the term of which expires December 31, 2019, and

WHEREAS, New York State has awarded additional funds for a new Part 820 residential program associated with the Rapid Capital Project in Cattaraugus County in an amount of \$200,000.00 for the period August 1, 2019 through December 31, 2019, and

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

WHEREAS, the additional Part 820 residential program is 100% state funded (total contract is 24.7% federally (CFDA #93.959), 73.2% state and 2.1% county funded), and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned funding, now, therefore, be it

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

RESOLVED, that the Chair of the Legislature be, and hereby is, further authorized and directed to execute contract amendments, upon notification of award, for the allocation of additional state aid funding or cost of living adjustments (COLAs) for this program, and be it further

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

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

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

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

Increase Estimated Revenue Account:

A.433.4322.3600.3492.013S	State Aid, Continual 100% State Aid	\$200,000.00
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Increase Appropriation Account:

A.433.4322.3600.42019.013S	Cares, State Local Assistance	\$200,000.00.
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Approved by 6 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted August 28, 2019 by voice vote.

ACT NO. 359-2019 by Mr. VanRensselaer and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE GRANT APPLICATION AND
CONTRACT WITH DEFENSE LOGISTICS AGENCY FOR
PROCUREMENT TECHNICAL ASSISTANCE PROGRAM**

Pursuant to 10 USCS Section 2411, et seq., and
Section 450 of the County Law.

WHEREAS, Act 356-2018 authorized the Chair to execute a grant application and contract with the Defense Logistics Agency, 8725 John J. Kingman Road, Ft. Belvoir, Virginia 22060-6221, in order to secure funding for the continuation of the Procurement Technical Assistance Program and such funding was received, and

WHEREAS, Cattaraugus County is again eligible for funding through the Defense Logistics Agency in order to maintain the Procurement Technical Assistance Program, and

WHEREAS, it is estimated that the project cost will not exceed \$183,240.00, of which Cattaraugus County's cash contribution and in-kind contribution will not exceed \$45,810.00, and

WHEREAS, Cattaraugus County will be responsible for the share of any third-party agency which fails to contribute its portion to the program, and

WHEREAS, this program is 75% federally funded (CFDA #12.002) and 25% County funded, and sufficient funds are included in the budget to cover the County's cost of the aforementioned program, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a grant application and contract, on behalf of Cattaraugus County, with the Defense Logistics Agency in order to secure funding for the continuation of the Procurement Technical Assistance Program, and be it further

RESOLVED, that the Procurement Technical Assistance Program will commence January 16, 2020 and terminate January 15, 2021, 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 6 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

Adopted August 28, 2019 by voice vote.

ACT NO. 360-2019 by Mr. VanRensselaer and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NITTANY VALLEY OFFSET FOR
PRINTING OF 2019 AMISH TRAIL BROCHURES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 237-2018 authorized a contract with Nittany Valley Offset, 1015 Benner Pike, State College, Pennsylvania 16801-7319, for the provision of brochures for the Amish Trail, the term of which expired July 31, 2018, and

WHEREAS, the Department of Economic Development, Planning and Tourism is desirous of purchasing brochures to promote the Amish trail in Cattaraugus County, and

WHEREAS, Nittany Valley Offset, can provide 40,000 copies of the 2019 Amish Trail brochure for an amount of \$11,390.00, to be paid as invoiced, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned brochures, 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 Nittany Valley Offset, for the provision of the above-described brochures, for a term commencing August 1, 2019 and terminating September 30, 2019, according to the above-described terms.

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

Adopted August 28, 2019 by voice vote.

ACT NO. 361-2019 by Mr. VanRensselaer and Mr. Koch

**AUTHORIZING APPLICATION FOR TOURISM PROMOTION AND
DESIGNATING GRANT ADMINISTRATOR**

Pursuant to Section 164 of the Economic Development Law.

WHEREAS, Act 357-2018 authorized an application for tourism promotion and designated the grant administrator, and

WHEREAS, the New York State Tourist Promotion Act provides that the Commissioner of Economic Development may, upon application, match the funds expended by tourist promotion agencies and provide other assistance to local organizations for the promotion of tourist travel, resorts, and vacation businesses of the State of New York, and

WHEREAS, before an application for matching funds for the promotion of tourism can be submitted, it is required that the Cattaraugus County Legislature designate a tourist promotion agency to make such application and to receive grants for the purposes specified in the law, and

WHEREAS, Cattaraugus County should contribute a local share of \$70,000.00 in Fiscal Year 2019 to leverage additional funds from the New York State I Love New York Matching Funds Program, now, therefore, be it

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism, is hereby authorized and directed to submit all the required applications and other documents, on behalf of Cattaraugus County, necessary for the purpose of receiving these funds, and be it further

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism, is hereby authorized and directed to receive grants from the State of New York for, and on behalf of, Cattaraugus County for the purposes herein specified, and be it further

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism is hereby designated as the administrator of these funds, and be it further

RESOLVED, that the Cattaraugus County Department of Economic Development, Planning and Tourism is authorized to apply for state matching funds up to \$500,000.00 for the program year October 1, 2019 through September 30, 2020, and be it further

RESOLVED, that if the application for such funding is approved, then the Cattaraugus County Department of Economic Development, Planning and Tourism shall submit the grant agreement to the Legislature for approval and appropriation prior to the commencement of any work, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Commissioner of Economic Development of the State of New York and the Marketing Manager, Matching Funds, New York State Department of Economic Development, 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 6 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

Adopted August 28, 2019 by voice vote.

ACT NO. 362-2019 by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS-ALLEGANY WORKFORCE DEVELOPMENT BOARD
FOR WIOA CAREER SERVICES**

Pursuant to P.L. 105-220, Workforce Investment Act of 1998,
20 USC 9201 and Section 450 of the County Law.

WHEREAS, Act 397-2018 authorized a contract with the Cattaraugus-Allegany Workforce Development Board, Inc., One Blue Bird Square, Lower Level, Olean, New York 14760, (CAWDB), for the operation of the WIOA One-Stop Career Services program, the term of which expired June 30, 2019, and

WHEREAS, the County Department of Social Services is desirous of continuing the One Stop Operator Career Services program, and

WHEREAS, the CAWDB will pay the County for the administration of the above-described program the sum of \$378,005.00 for the program year July 1, 2019 through June 30, 2020, to be paid on a monthly basis, as invoiced, and as follows:

Adult	\$226,645.00
Dislocated Worker	\$120,723.00
Administration	\$ 30,637.00,

and

WHEREAS, this program is 100% federally funded (CFDA #17.250), 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 Cattaraugus-Allegany Workforce Development Board, Inc., 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 6 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted August 28, 2019 by voice vote.

ACT NO. 363-2019 by Ms. Vickman and Ms. Hastings

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS-ALLEGANY WORKFORCE INVESTMENT BOARD, INC.
FOR YEAR-ROUND YOUTH PROGRAMS (2019-2020)**

Pursuant to Workforce Innovation and Opportunity Act (Public Law 113-128)
and Section 450 of the County Law.

WHEREAS, Act 398-2018 authorized a contract with the Cattaraugus-Allegany Workforce Development Board, Inc. (CAWDB), for the provision of services necessary to operate year-round youth programs, the term of which expired June 30, 2019, and

WHEREAS, the County Department of Social Services is desirous of continuing the provision of services to youth and can make available all necessary qualified personnel, licenses, facilities and expertise to perform, or have performed, the services required, and

WHEREAS, the Cattaraugus-Allegany Workforce Investment Board, Inc. (WIB) will pay to the County an amount not to exceed \$288,440.00 for the provision of the above-described youth services for the period July 1, 2019 through June 30, 2020, and

WHEREAS, this program is 100% federally funded (CFDA# 17.250), 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 Cattaraugus-Allegany Workforce Investment Board, Inc., 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 6 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted August 28, 2019 by voice vote.

ACT NO. 364-2019 by Mr. VanRensselaer, Ms. Vickman, Ms. Hastings and Mr. Koch

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH THE
NEW YORK STATE OFFICE FOR THE AGING FOR THE
NEW YORK STATE AGE-FRIENDLY PLANNING GRANT PROGRAM**

Pursuant to Section 153 of the County Law.

WHEREAS, funding is available through the New York State Office for the Aging for the New York State Age-Friendly Planning Grant Program, which will promote age-friendly and healthy aging concepts designed to improve the health and wellness of people of all ages, and

WHEREAS, the Program will fund communities that seek age-friendly community certification from AARP and the World Health Organization (WHO), and

WHEREAS, the Departments of Aging and Health are desirous of applying for the aforementioned funding, and

WHEREAS, the New York State Age-Friendly Planning Grant 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 grant documents, on behalf of Cattaraugus County, with the New York State Office for the Aging, in order to apply for the aforementioned funding, for a term commencing January 1, 2020 and terminating December 31, 2022, according to the above-described terms.

Held in the Finance Committee and the Human Services Committee.

ACT NO. 365-2019 by Mr. Giardini and Mr. Helmich
and Mr. Boberg, Mr. Breton, Mr. Klancer and Mr. Koch¹

AMENDING ACT 206-2018 REGARDING RESERVE ACCOUNT FOR REFORESTATION

Pursuant to Section 6-c of the General Municipal Law.

WHEREAS, Act 206-2018 established a reserve account for reforestation activities, and
WHEREAS, effective January 1, 2019, the net proceeds received from timber sales should
no longer be used to fund the Reforestation Reserve account, now, therefore, be it

RESOLVED, that the County Administrator is hereby directed to apply the existing balance
in such reserve account to and for reforestation activities, as needed, in and after the year 2019, and be
it further

RESOLVED, that effective January 1, 2019, Act 206-2018 is hereby amended by deleting
the following language therefrom:

"and be it further

RESOLVED, that the County Administrator is hereby directed to modify the
Reforestation Reserve balance at the end of each fiscal year by the difference between revenues
and expenditures in the reforestation accounts beginning with A.873.8730 in the County financial
system unless doing so would create a negative balance in the reserve."

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

¹The following Legislators requested their names be listed as additional sponsors: "Mr. Boberg,
Mr. Breton, Mr. Klancer and Mr. Koch".

Adopted August 28, 2019 by voice vote.

ACT NO. 366-2019 by Mr. Snyder, Sr.

**AUTHORIZING COUNTY TREASURER TO TRANSFER UNEXPENDED CASINO FUNDS
AND NET PROCEEDS RECEIVED FROM SALE OF TIMBER
AND ESTABLISHING COMMITTED FUND BALANCE ACCOUNT**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, the Cattaraugus County Legislature is desirous of committing net proceeds
received from the unexpended portions of Tier 1 and Tier 2 Casino Funds received in 2013 and from the
sale of timber in year 2019 and thereafter, to be used for economic and community development
purposes, and

WHEREAS, a Committed Fund Balance Account must be established in order to do so,
now, therefore, be it

RESOLVED, that Account A.913.0000 Fund Balance Committed-Economic & Community
Development is hereby established within the General Fund, and be it further

RESOLVED, that the County Treasurer be, and hereby is, authorized and directed to
transfer the net proceeds received from the sale of timber and the unexpended portions of Tier 1 and Tier
2 Casino Funds received by the County into such account.

Approved by 6 members of the Finance Committee.

Adopted August 28, 2019 by voice vote.

ACT NO. 367-2019 by Mr. Boberg, Mr. Helmich, Mr. Snyder, Jr.,
Mr. VanRensselaer, Ms. Vickman and Mr. Giardini

**AUTHORIZING ASSISTANCE TO TOWN OF EAST OTTO
FOR MUNICIPAL IMPROVEMENT PROJECT AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Economic Development, Planning & Tourism)**

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

WHEREAS, the Town of East Otto is desirous of making improvements to property located in the Town which will benefit the residents of the County within the region, and

WHEREAS, the Town of East Otto proposes to move the baseball field from its current location on Swamp Road to the property adjacent to the current Town Hall and expand the parking area, and

WHEREAS, when completed, the baseball field will be available for use by all Little League teams in the County, as well as for use by neighboring fire departments for fundraising activities, and

WHEREAS, the Town of East Otto has requested \$20,000.00 from the County to assist with preparation of the property for implementation of the aforementioned improvement project, and

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

WHEREAS, various appropriation and revenue accounts must be adjusted to cover the cost of the aforementioned municipal assistance, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature shall provide an amount of \$20,000.00 to the Town of East Otto, so that the Town may complete the above-described municipal improvement project, and be it further

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

Increase Estimated Revenue Account:

A.873.8730.0000.2652	Sales of Forest Products	\$20,000.00
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Increase Appropriation Account:

A.298.8510.0000.42061	Community Beautification – Town of East Otto	\$20,000.00.
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Approved by 6 members of the Finance Committee and 6 members of the Development and Agriculture Committee.

Adopted August 28, 2019 by voice vote.

ACT NO. 368-2019 by Mr. Boberg, Mr. Helmich, Mr. Giardini,
Ms. Hastings, Mr. Koch and Mrs. Labuhn

**CANCELING UNENFORCEABLE LIENS
(Towns of Allegany, Ashford and Red House)**

Pursuant to Section 558 of the Real Property Tax Law.

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

RESOLVED, that the Cattaraugus County Legislature hereby cancels the lien of taxes on the following properties, as being unenforceable:

<u>Town/Village</u>	<u>Owner</u>	<u>Tax Map No.</u>	<u>Amount</u>
Allegany	New York State	84.001-1-30.1	\$2,395.24 (2018)
Ashford	Town of Ashford	522.000-9905-999.987/188	\$1,912.93 (2015) \$1,716.92 (2016) \$1,867.12 (2017) \$ 928.01 (2015)
	Town of Ashford	622.000-9905-249.400/188	\$ 781.00 (2016) \$1,020.16 (2017)
Red House	New York State	90.001-1-9	\$ 611.05 (2017)

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

Adopted August 28, 2019 by voice vote.

ACT NO. 369-2019 by Mr. Klancer
*and Mr. Padlo*¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH NEW YORK STATE OFFICE OF INDIGENT SERVICES FOR
STATEWIDE EXPANSION OF HURRELL-HARRING REFORM GRANT AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Indigent Legal Services)**

Pursuant to Executive Law Section 832 (4), Article 18-B of the County Law
and Sections 363, 366 and 450 of the County Law.

WHEREAS, Cattaraugus County has been allocated \$10,273,307.16, over a five (5) year period, through the New York State Office of Indigent Services (ILS) for the Statewide Expansion of the Hurrell-Harring Reform Grant for Counsel at Arraignment, Quality Improvement and Caseload Relief, and

WHEREAS, the aforementioned Statewide Expansion Grant must be used to improve the quality of mandated representation to indigent persons within Cattaraugus County, and

WHEREAS, the Public Defender's Office and the Assigned Counsel Program have worked closely with ILS to develop a Work Plan for the first year of the Statewide Expansion Grant that meets

mandated performance measures, and

WHEREAS, work plans for the subsequent four (4) years of the Grant must also be developed and approved by ILS, and

WHEREAS, a contract is necessary with ILS in order to accept and receive the aforementioned Statewide Expansion Grant, and

WHEREAS, the first year of the Grant commenced April 1, 2018 and terminated March 31, 2019, for which Cattaraugus County will receive an amount as follows:

Public Defender's Office	\$573,949.14
Assigned Counsel Program	\$ 75,938.00
Legal Aid Bureau of Buffalo (Appeals)	\$ 35,000.00,

and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned funding, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the New York State Office of Indigent Legal Services, for the acceptance and receipt of the aforementioned Statewide Expansion Grant, for a five-year term commencing April 1, 2018 and terminating March 31, 2023, 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 or extensions when needed for this program, as long as the amount of the grant has not changed, and be it further

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

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

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

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

Increase Estimated Revenue Accounts:

A.117.1170.1183.3025	State Aid, ILS Hurrell-Harring Public Defender	\$608,949.00
A.117.1183.0000.3025	State Aid, ILS Hurrell-Harring Assigned Counsel	\$ 75,938.00

Increase Appropriation Accounts:

A.117.1170.1183.11000	Full-Time Wages	\$353,092.00
A.117.1170.1183.20005	Office Furnishings	\$ 12,220.00
A.117.1170.1183.20006	Computer Equipment/Software	\$ 17,640.00
A.117.1170.1183.40401.2	Regional Appellate Defender	\$ 35,000.00
A.117.1170.1183.41206	Transcripts	\$ 4,000.00
A.117.1170.1183.41233	Professional Services	\$ 26,000.00
A.117.1170.1183.41404	Internet Contracts	\$ 2,500.00
A.117.1170.1183.46102	Employee Mileage	\$ 8,000.00
A.117.1170.1183.46106	Training	\$ 10,080.00
A.117.1170.1183.46108	Cellular Phone Charges	\$ 3,250.00
A.117.1170.1183.47002	Office Supplies	\$ 1,000.00
A.117.1170.1183.47011	Law Books	\$ 2,000.00
A.117.1170.1183.48002	Dues	\$ 1,240.00

A.117.1170.1183.81000	FICA	\$ 27,012.00
A.117.1170.1183.82000	Retirement	\$ 41,970.00
A.117.1170.1183.83000	Health Insurance	\$ 62,300.00
A.117.1170.1183.84000	Dental Insurance	\$ 1,645.00
A.117.1183.1173.40401.4	Second Chair Program	\$ 25,938.00
A.117.1183.1175.41233	Professional Services	\$ 50,000.00.

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

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

Adopted August 28, 2019 by voice vote.

* * * * *

MR. BURR moved, seconded by Mr. Giardini, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 370-2019 through Act No. 376-2019, inclusive, and Act No. 296-2019. Carried.

* * * * *

ACT NO. 370-2019 by Mr. Boberg, Mr. Breton, Mr. Helmich, Mr. Klancer,
Mr. Giardini and Mr. Koch
who ask immediate consideration

**BID ACCEPTANCE FOR 2019 BRIDGE PAINTING PROGRAM
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and
Section 131-b of the Highway Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the painting of various County bridges, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications for the Base Bid plus Alternate 1 was the bid of Amstar of Western New York, Inc., 825 Rein Road, Cheektowaga, New York 14225, for an amount of \$303,000.00 for three (3) bridges, which include: Allegany Bridge No. 66, Conewango Bridge No. 32 and Farmersville Bridge No. 8, and

WHEREAS, the aforementioned bridge painting services are subject to approval by NYSDOT and shall commence upon notice to proceed and be completed by October 31, 2019, and

WHEREAS, this program is 80% federal (CFDA #20.205), 12% state and 8% county funded, 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 Amstar of Western New York, Inc., be, and the same hereby is, accepted, 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.

Eleven sets of specifications were sent out.

Six bids were received which met specifications.

Adopted August 28, 2019 by voice vote.

ACT NO. 371-2019 by Mr. Boberg, Mr. Breton, Mr. Helmich, Mr. Klancer,
Mr. Giardini and Mr. Koch
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH GREENMAN-PEDERSEN, INC. FOR
CONSTRUCTION INSPECTION SERVICES FOR 2019 BRIDGE PAINTING PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Public Works is in need of construction inspection services for the 2019 Bridge Painting program, and

WHEREAS, Greenman-Pedersen, Inc., 4950 Genesee Street, Suite 100, Buffalo, New York 14225, can provide the aforementioned construction inspection services for an amount not to exceed \$80,000.00, to be paid as invoiced and approved by the Commissioner of the Department of Public Works, and

WHEREAS, this program is 80% federal (CFDA #20.205), 12% state and 8% county funded, 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 Greenman-Pedersen, Inc., for the provision of the above-described services, for a term commencing August 29, 2019 and terminating March 27, 2020, according to the above-described terms.

Adopted August 28, 2019 by voice vote.

ACT NO. 372-2019 by Mr. Snyder, Sr.
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT TO RETAIN
BOLAÑOS LOWE PLLC FOR LABOR AND EMPLOYMENT LEGAL SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Cattaraugus County is desirous of obtaining legal counsel for issues regarding labor and employment law, and

WHEREAS, Bolaños Lowe PLLC, 11 Schoen Place, Pittsford, New York 14534, has agreed to provide legal counsel to the County regarding ongoing labor relations, employment and labor law matters, collective bargaining and government compliance for an amount in accordance with the following rate schedule, with disbursements to be billed at actual costs:

Fees for time spent by:

Members and Senior Counsel	\$200.00 per hour
Associates & Other Attorneys	\$200.00 per hour
Paralegals	\$95.00 - \$195.00 per hour,

and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned legal 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, to retain Bolaños Lowe PLLC, for the provision of the above-described legal services, for a term commencing September 1, 2019 and to continue in full force and effect until such legal services are no longer needed and the contract is terminated, according to the above-described terms.

Adopted August 28, 2019 by voice vote.

ACT NO. 373-2019 by Mr. Klancer and Mr. Padlo
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE OFFICE OF HOMELAND SECURITY AND EMERGENCY SERVICES
FOR 2019 STATE HOMELAND SECURITY PROGRAM GRANT AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Emergency Services and Sheriff)**

Pursuant to Public Law 107-56, Department of Homeland Security
Appropriations Act of 2005, Public Law 108-334 and
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 282-2018 authorized the Chairman to execute grant documents with the New York State Office of Homeland Security and Emergency Services for a grant for the fiscal year 2018 State Homeland Security Program, and

WHEREAS, the County has been awarded \$159,954.00 under the fiscal year 2019 State Homeland Security Program that must be allocated as follows:

- Cattaraugus County Office of Emergency Services – A Homeland Security Program contract in the amount of \$119,965.00 will be initiated to provide funds to support the implementation of the State Homeland Security Strategy and address the identified planning, equipment, training and exercise needs for acts of terrorism and other catastrophic events;
- Cattaraugus County Sheriff's Office – A Law Enforcement Terrorism Prevention Program contract in the amount of \$39,989.00 will be initiated to provide funds for the law enforcement community to support terrorism prevention and preparedness efforts,

and

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

WHEREAS, this program is 100% federally funded (CFDA #97.067), and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned funding, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the New York State Office of Homeland Security and Emergency Services, in order to receive the above-described grant funding, for a term commencing September 1, 2019 and terminating August 31, 2022, according to the above-described terms, and be it further

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

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

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

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

Increase Estimated Revenue Accounts:

A.311.3645.3649.4389.01	Federal Aid, Homeland Security 2019	\$ 39,989.00
A.364.3645.3649.4389.01	Federal Aid, Homeland Security 2019	\$119,965.00

Increase Appropriation Accounts:

A.311.3645.3649.20207	Homeland Security 2019 Equipment	\$ 39,989.00
A.364.3645.3649.11000	Full time wages, Homeland Security 2019	\$ 37,358.00
A.364.3645.3649.81000	FICA, Homeland Security 2019	\$ 2,857.00
A.364.3645.3649.82000	Retirement, Homeland Security 2019	\$ 5,902.00
A.364.3645.3649.83000	Health Insurance, Homeland Security 2019	\$ 13,629.00
A.364.3645.3649.84000	Dental Insurance, Homeland Security 2019	\$ 236.00
A.364.3645.3649.45203	Homeland Security 2019 Software	\$ 24,607.00
A.364.3645.3649.20207	Homeland Security 2019 Equipment	\$ 35,376.00.

Adopted August 28, 2019 by voice vote.

ACT NO. 374-2019 by Mr. Helmich, Mr. Higgins, Mr. VanRensselaer,
Mr. Koch and Mrs. Labuhn
who ask immediate consideration

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

Pursuant to Section 450 of the County Law.

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

York State, and

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

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

Location:

1506 W. Henley Street, City of Olean
(known as Tax Map No. 94.063-6-33)

213 Adams Street, City of Olean
(known as Tax Map No. 94.073-7-13)

713 W. Sullivan Street, City of Olean
(known as Tax Map No. 94.064-4-1),

and be it further

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

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

Adopted August 28, 2019 by voice vote.

ACT NO. 375-2019 by Labor Relations Committee:

Ms. Vickman, Mr. Breton, Mr. Higgins,
Mr. Marsh and Mr. Giardini
who ask immediate consideration

**CREATING ONE (1) FULL-TIME POSITION OF PERSONAL CARE AIDE LEVEL II
IN THE HEALTH DEPARTMENT, ESTABLISHING COMPENSATION FOR THE SAME
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Health Department)**

Pursuant to Sections 204, 205, 363 and 366 of the County Law and
Section 22 of the Civil Service Law.

WHEREAS, the Health Department has the proper staffing to oversee and provide a Personal Care Aide position to the Department of Aging, and

WHEREAS, the New Position Duties Statement has been submitted to the Cattaraugus County Personnel Officer, who has approved and certified the title of Personal Care Aide Level II in accordance with Civil Service Law Section 22, and

WHEREAS, various appropriation and revenue accounts must be adjusted to accommodate this position, now, therefore, be it

RESOLVED, that effective August 28, 2019, there is hereby created one (1) position of Personal Care Aide Level II in the Health Department to be filled on a full-time basis, Cattaraugus County General Bargaining Unit Salary Schedule, Pay Grade 13 (\$17.27 per hour), Position No. 401-236-001, and be it further

RESOLVED, that upon termination of state funding for this position, then this position shall be automatically abolished, and be it further

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

Increase Appropriation Accounts:

A.677.6736.0000.48328.2	Health Department PC Services Level II	\$13,515.00
A.401.4017.4036.11000	Full Time Wages	\$ 9,257.00
A.401.4017.4036.46102	Employee Mileage Reimbursement	\$ 1,938.00
A.401.4017.4036.81000	FICA	\$ 709.00
A.401.4017.4036.82000	Retirement	\$ 861.00
A.401.4017.4036.83000	Health Insurance	\$ 737.00
A.401.4017.4036.84000	Dental Insurance	\$ 13.00

Decrease Appropriation Accounts:

A.677.6736.0000.11000	Full Time Wages	\$ 8,998.00
A.677.6736.0000.41623	Respite	\$ 601.00
A.677.6736.0000.45202	Equipment Repair & Maintenance	\$ 140.00
A.677.6736.0000.81000	FICA	\$ 689.00
A.677.6736.0000.82000	Retirement	\$ 1,392.00
A.677.6736.0000.83000	Health Insurance	\$ 1,654.00
A.677.6736.0000.84000	Dental Insurance	\$ 41.00

Increase Estimated Revenue Account:

A.401.4017.4036.1369	Aging Reimbursement PC Services	\$13,515.00.
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Adopted August 28, 2019 by voice vote.

ACT NO. 376-2019 by Labor Relations Committee:

Ms. Vickman, Mr. Breton, Mr. Higgins,
Mr. Marsh and Mr. Giardini
who ask immediate consideration

**CREATING ONE (1) PART-TIME POSITION OF LEISURE TIME ACTIVITIES AIDE AT
THE PINES-OLEAN AND ESTABLISHING COMPENSATION FOR THE SAME
(Department of Nursing Homes)**

Pursuant to Sections 204 and 205 of the County Law and
Section 22 of the Civil Service Law.

WHEREAS, The Pines-Olean is in need of additional staff to assist residents while participating in various facility-sponsored activities, and

WHEREAS, the New Position Duties Statement has been submitted to the Cattaraugus County Personnel Officer, who has approved and certified the title of Leisure Time Activities Aide in accordance with Civil Service Law Section 22, and

WHEREAS, sufficient funds are included in the Department of Nursing Homes budget for this position, now, therefore, be it

RESOLVED, that effective immediately, there is hereby created one (1) position of Leisure Time Activities Aide in the Department of Nursing Homes at The Pines-Olean to be filled on a part-time basis, Cattaraugus County Part-Time Employee Unit Salary Schedule, Pay Grade 15 (\$15.68 per hour), Position No. 200-197-115.

Adopted August 28, 2019 by voice vote.

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CHAIRMAN SNYDER called up **Act No. 296-2019**, Authorizing the Chair to Execute Contract with Chautauqua County for Housing of Inmates at County Jail, and asked that it be read.

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

MR. VANRENSELAER moved, seconded by Mr. Burr, to amend as follows: In the second Whereas, delete: "\$50.00", and replace with: "\$80.00"; In the first Resolved, delete: "five (5)", and replace with: "one (1)". Carried.

Adopted, as amended, August 28, 2019 by voice vote.

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MR. HELMICH moved, seconded by Mr. Marsh, to adjourn until September 11, 2019 at 4:00 p.m. Carried.

Meeting adjourned at 4:27 p.m.

Ann M. Giglio
Journal Clerk