

May 13, 2020

The meeting was called to order by Chairman VanRensselaer.

The invocation was given by Jack Searles.

The Attendance Roll Call disclosed all Legislators present.

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There being no amendments or objections thereto, Chairman VanRensselaer noted that the minutes of the April 22, 2020 session stand approved as presented.

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COMMUNICATIONS:

New York State Member of Assembly Joseph M. Giglio: Acknowledging receipt of Act No. 199-2020.

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ACT NO. 200-2020 by Mr. Helmich and Mr. Koch

**BID ACCEPTANCE FOR ELECTRICAL IMPROVEMENTS AT FIVE POINTS TRANSFER STATION
(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 electrical improvements at the Five Points Transfer Station, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest bids received meeting specifications resulted in a tie, and the bid was awarded by coin toss, and

WHEREAS, the bid of Schuler-Haas Electric Corporation, 598 Rita's Way, Painted Post, New York 14870, has been recommended to provide the aforementioned electrical improvements at the Five Points Transfer Station for an amount of \$58,000.00, and

WHEREAS, the aforementioned electrical improvements shall commence within ten (10) days of contract execution and be completed by September 30, 2020, 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 Schuler-Haas Electric Corporation 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.

Six sets of specifications were sent out.

Five bids were received which met specifications.

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

Adopted May 13, 2020 by voice vote.

ACT NO. 201-2020 by Mr. Helmich and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NYSDOT AND
AUTHORIZING CATTARAUGUS COUNTY TO PARTICIPATE IN
BRIDGE DECK SEALING FEDERAL-AID PROJECT AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(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 Deck Sealing Project, for locations in the Towns of Conewango, Dayton, Farmersville, Freedom, Hinsdale, Humphrey and Ischua, in Cattaraugus County, PIN 5762.57 (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 a 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 costs of the Construction & Construction Inspection phases of the Project, and

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

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

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

RESOLVED, that the sum of \$369,000.00 is hereby appropriated and made available to cover the cost of participation in the above phases 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 phases exceeds the amount appropriated above, the County of Cattaraugus shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by NYSDOT, and be it further

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

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.502.5111.0000.4597.01	Fed Aid, Transp. Capital Projects Bridge Program	\$295,200.00
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Decrease Appropriation Account:

D.502.5020.0000.11000	Full-Time Wages	\$ 7,800.00
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Increase Appropriation Account:

D.502.5111.5116.41603	Bridge Deck Treatment/Contracted Services	\$303,000.00.
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Approved by 7 members of the Finance Committee and 7 members of the Public Works Committee.

Adopted May 13, 2020 by voice vote.

ACT NO. 202-2020 by Ms. Schröder

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

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

WHEREAS, Act 477-2019 authorized a contract with NOVA Healthcare Administrators, Inc., a subsidiary of Independent Health, for the third-party administration of employee health benefits, the term of which expires December 31, 2021, and

WHEREAS, amendments to the aforementioned contract are necessary to include health benefits associated with diagnostic testing for Coronavirus and Telehealth services, and

WHEREAS, these amendments will terminate upon the expiration of the COVID-19 Pandemic, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract, on behalf of Cattaraugus County, with NOVA Healthcare Administrators, Inc., a subsidiary of Independent Health, for the provision of the above-described amended services, which amends the original contract which commenced January 1, 2020 and terminates December 31, 2021, according to the above-described terms.

Approved by 7 members of the Finance Committee and 4 members of the Labor Relations Committee.

Adopted May 13, 2020 by voice vote.

ACT NO. 203-2020 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ALFA WASSERMANN DIAGNOSTIC TECHNOLOGIES, LLC FOR
HEALTH DEPARTMENT LABORATORY EQUIPMENT SERVICE AGREEMENT**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 196-2017 authorized a contract with Alfa Wassermann Diagnostic Technologies, LLC, 4 Henderson Drive, West Caldwell, New Jersey 07006, for the provision of a service plan for the Health Department's ALERA W/ISE laboratory equipment, the term of which expires May 31, 2020, and

WHEREAS, the County Health Department is desirous of continuing the aforementioned service agreement, and

WHEREAS, the firm of Alfa Wassermann Diagnostic Technologies, LLC, can provide a three (3) year service plan for an amount of \$6,300.00 per year, for a total amount of \$18,900.00, 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 Alfa Wassermann Diagnostic Technologies, LLC, for the provision of the above-described service agreement, for a term commencing June 1, 2020 and terminating May 31, 2023, according to the above-described terms.

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

Adopted May 13, 2020 by voice vote.

ACT NO. 204-2020 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE OFFICE FOR AGING FOR
FAMILIES FIRST CORONAVIRUS RESPONSE ACT STIMULUS FUNDING
(Department of Aging – COVID-19 Response Funding)**

Pursuant to Section 450 of the County Law.

WHEREAS, Cattaraugus County has been awarded federal stimulus funding through the Families First Coronavirus Response Act (FFCRA) for the Congregate Meals and Home Delivered Meals Programs, as follows:

Congregate Meals Program (CMC2)	\$17,198.00
Home Delivered Meals Program (HDC2)	\$34,387.00,

and

WHEREAS, a contract is necessary in order to accept and receive the federal stimulus funding for the aforementioned programs, and

WHEREAS, this program is 100% federally funded (CFDA# 93.045), 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 for Aging, in order to accept and receive the aforementioned grant funding, for a term commencing March 20, 2020 and terminating September 20, 2021, according to the above-described terms, and be it further

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

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

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

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

Adopted May 13, 2020 by voice vote.

ACT NO. 205-2020 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
ERIE COUNTY MEDICAL CENTER CORPORATION D/B/A MILLENNIUM COLLABORATIVE CARE
FOR DELIVERY SYSTEM REFORM INCENTIVE PAYMENT
(COVID-19 Pandemic Advance Payment)**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 411-2015, as amended by Act 395-2017, authorized a contract with Millennium Collaborative Care, 462 Grider Street, Buffalo, New York 14215, for participation in the New York State Delivery System Reform Incentive Payment (DSRIP) program as an institutional participating provider at no cost to the County, the term of which expired August 31, 2016, with automatic one-year renewal periods thereafter, and

WHEREAS, Erie County Medical Center Corporation d/b/a Millennium Collaborative Care, 462 Grider Street, Buffalo, New York 14215, is the lead provider for the DSRIP program, and

WHEREAS, Millennium Collaborative Care, through the DSRIP program, is releasing \$7.24 million as early distribution of funds to primary care and outpatient behavioral health partners engaged in providing COVID-19 related care, and

WHEREAS, a supplemental amendment to the Master Participation Agreement is necessary in order to accept, and receive the aforementioned DSRIP program advance funds, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a Supplemental Amendment, on behalf of Cattaraugus County, with Erie County Medical Center Corporation d/b/a Millennium Collaborative Care, for the receipt of DSRIP program advance funds, which amends the Master Participation Agreement, the term of which commenced September 1, 2015 and continues in full force and effect with automatic one-year renewals, upon mutual agreement of the parties hereto, according to the above-described terms.

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

Adopted May 13, 2020 by voice vote.

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MR. MARSH moved, seconded by Mr. Burr, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 206-2020 through Act No. 215-2020, inclusive. Carried.

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ACT NO. 206-2020 by Mrs. Andreano, Mr. Burr, Mr. Higgins, Mr. Klancer, Mr. Marsh, Mr. Morrow, Mr. Smith, Mr. Snyder, Jr. and Mr. VanRensselaer who ask immediate consideration

**SALE OF TAX TITLE PROPERTY TO FORMER OWNERS
(City of Olean and Towns of Dayton, Little Valley, Olean and Randolph)**

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

WHEREAS, Cattaraugus County has tax title to certain properties situate in the City of Olean and the Towns of Dayton, Little Valley, Olean and Randolph, 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
116	94.064-11-64	Jennifer M. Wood	2319 Pemberell Place Forestville, MD 20747	\$8,970.97

TOWN OF DAYTON

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
203	16.003-1-8.2	Brenda S. Cooper	11799 Town Line Road Perrysburg, NY 14129	\$2,658.59

TOWN OF LITTLE VALLEY

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
343	63.004-1-2.6	Larry L. Dolph	4712 East Bucktooth Run Little Valley, NY 14755	\$18,293.38

TOWN OF OLEAN

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
444	85.004-1-2.13	Steven V. Bailey	2965 Back Hinsdale Road Olean, NY 14760	\$3,252.11

TOWN OF RANDOLPH

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
528	70.063-4-20	Harold W. Town, Jr. Marcia A. Town	23 N. Wash. St. & Center Randolph, NY 14772	\$10,589.39

Approved May 13, 2020 by voice vote.

ACT NO. 207-2020 by Mr. Klancer and Mr. Koch
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE BOARD OF ELECTIONS FOR
NYS HAVA CARES ACT GRANT PROGRAM AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Board of Elections – COVID-19 Response Funding
Contract Number BOE01-C004173-1110000)**

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

WHEREAS, Cattaraugus County Board of Elections has been awarded federal stimulus funding in the amount of \$90,968.33 through the New York State Board of Elections for the NYS Help America Vote Act (HAVA) Coronavirus Aid, Relief and Economic Security Act (CARES Act) Grant Program, and

WHEREAS, this supplemental appropriation funding will provide additional resources to protect the 2020 elections from the effects of COVID-19, and

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

WHEREAS, this program is 100% state funded, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the New York State Board of Elections, in order to accept and receive 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, and be it further

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

Increase Estimated Revenue Account:

A.145.1450.1452.3089.07	BOE CARES Grant	\$90,968.33
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Increase Appropriation Accounts:

A.145.1450.1452.41429	Ballot Printing Services	\$ 5,000.00
A.145.1450.1452.41603	Contracted Services	\$20,968.33
A.145.1450.1452.41615	Cleaning Services Contracted	\$10,000.00
A.145.1450.1452.47001	Postage	\$50,000.00
A.145.1450.1452.47007	Printing	\$ 5,000.00.

Approved May 13, 2020 by voice vote.

ACT NO. 208-2020 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES FOR
CARES ACT PROVIDER RELIEF FUND AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services – COVID-19 Response Funding)**

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

WHEREAS, Cattaraugus County has been awarded federal stimulus funding in the amount of \$4,276.00 through the U.S. Department of Health & Human Services for the CARES Act Provider Relief Fund Program, and

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

WHEREAS, this program is 100% federally funded, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the U.S. Department of Health & Human Services, in order to accept and receive 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, and be it further

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

Increase Estimated Revenue Account:

A.431.4335.2100.4490.04	Fed Aid, Mental Health – CARES Covid Provider Relief	\$4,276.00
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Increase Appropriation Account:

A.431.4335.2100.41220	Nursing Services Contracted	\$4,276.00.
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Approved May 13, 2020 by voice vote.

ACT NO. 209-2020 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
P & NP COMPUTER SERVICES, INC. FOR
DEPARTMENT OF NURSING HOMES HISTORICAL ACCESS LICENSE**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 270-2019 authorized a contract with P & NP Computer Services, Inc., 66 North Main Street, Brockport, New York 14420-1649, for the provision of access to historical data for the Department of Nursing Homes, the term of which expires June 30, 2020, and

WHEREAS, the Department of Nursing Homes is desirous of continuing the aforementioned historical license for another year, and

WHEREAS, P & NP Computer Services, Inc., has agreed to provide the aforementioned maintenance services which will enable access to historical data for a total amount of \$3,150.00, which covers both facilities, as follows:

Olean	\$1,575.00
Machias	\$1,575.00,

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 P & NP Computer Services, Inc., for the provision of the above-described services, for a term commencing July 1, 2020 and terminating June 30, 2021, according to the above-described terms.

Approved May 13, 2020 by voice vote.

ACT NO. 210-2020 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
VARIOUS TOWNS AND CITIES FOR
MOSQUITO CONTROL PROGRAM FUNDING**

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

WHEREAS, Act 171-2019 authorized contracts with various towns and cities within the County for the provision of local funding for a portion of the mosquito control spraying program, the terms of which expired December 31, 2019, and

WHEREAS, the County is desirous of providing mosquito control spraying, and

WHEREAS, it is proposed that the County contract with various towns and cities within the County, in order to provide local funding by the towns and cities for a portion of the program, according to the following schedule:

Town of Allegany	\$10,631.49
Town of Carrollton	\$ 1,880.34
Town of Great Valley	\$ 4,008.00
Town of Hinsdale	\$ 2,819.59
Town of Olean	\$ 2,639.71
Town of Portville	\$ 3,151.08
City of Olean	\$14,236.61
City of Salamanca	\$ 5,436.14,

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 towns and cities, for the provision of the above-described services, for a term commencing May 1, 2020 and terminating December 31, 2020, according to the above-described terms.

Approved May 13, 2020 by voice vote.

ACT NO. 211-2020 by Mr. Boberg, Mr. Morrow, Mr. Parker,
Mr. Snyder, Jr. and Mr. Koch
who ask immediate consideration

**MODIFYING RULES ASSOCIATED WITH ONOVILLE MARINA PARK CAMPGROUNDS
FOR 2020 SEASON AMID COVID-19 PANDEMIC**

Pursuant to Section 215 of the County Law.

WHEREAS, the seasonal rental payments for campsites at the Onoville Marina Park were due April 1, 2020, with the campgrounds scheduled to open May 1, 2020, and

WHEREAS, however, due to the COVID-19 Pandemic and the preparations that need to be completed, the campgrounds will not open until May 22, 2020, and

WHEREAS, due to the uncertainty and hardship the COVID-19 Pandemic is putting on Onoville Marina Park patrons, the County is desirous of modifying the rules associated with the campgrounds, now, therefore, be it

RESOLVED, effective immediately, the modified rules for the Onoville Marina Park Campgrounds for the 2020 season are as follows:

- Onoville Marina Park will open to campground patrons utilizing self-contained recreational vehicles effective May 22, 2020, provided that all Health Department operational conditions and guidelines are followed;
- For campground patrons who have paid in full, a three (3) week refund will be made;
- For campground patrons who do not wish to use their campsite this year: A full refund of all amounts paid for the 2020 season will be made, however, the campsite is forfeited and will be assigned to the next applicant. In the event a full refund is made, the campsite is forfeited, the patron will not have the ability to reserve that same campsite the following year, and a new application for the 2021 season will be required and processed as a new patron;
- All patrons shall abide any and all regulations and rules related to COVID-19 as directed by Onoville Marina Park staff including, but not limited to, observing social distancing and wearing face coverings, as regulated by the Cattaraugus County Health Department and the Cattaraugus County Onoville Marina.

Approved May 13, 2020 by voice vote.

ACT NO. 212-2020 by Mrs. Andreano

*Mr. Benson, Mr. Boberg, Mr. Brisky, Mr. Burr, Mr. Helmich, Mr. Higgins,
Mrs. Hunt, Mr. Klancer, Mr. Marsh, Mr. Morrow, Mr. Parker, Ms. Schröder,
Mr. Smith, Mr. Snyder, Jr., Mr. VanRensselaer and Mr. Koch¹*

who ask immediate consideration

URGING CONGRESSIONAL DELEGATION TO PROVIDE COUNTIES WITH DIRECT FEDERAL AID TO SUPPORT COUNTIES COVID-19 RESPONSE AND REOPENING ECONOMIC ACTIVITY EFFORTS

Pursuant to Section 153 of the County Law.

WHEREAS, the COVID-19 Pandemic has impacted every aspect of our society, government and the economy, unlike any other event in the past 50 years, and

WHEREAS, counties face an unprecedented quadruple threat of:

- Declining local revenues, especially sales tax, but also hotel occupancy taxes, mortgage recording taxes, gaming revenues, among other revenues;
- Higher spending necessary to respond to the health emergency;
- The loss of state reimbursement;
- The potential of significant losses for small businesses on our main streets that could threaten jobs and the property tax base,

and

WHEREAS, the NYS Division of Budget has announced that budget shortfalls resulting from the COVID-19 Pandemic could result in cuts of up to 50% in State aid to local governments, and that "The scope and depth of the reductions to local aid programs needed to balance the FY 2021 Budget have

no precedent in modern times" and that "In the absence of Federal aid, nearly every activity funded by state government in the aid to localities budget will face steep cuts", and

WHEREAS, counties outside of New York City can expect to lose \$1.52 billion in local revenue and state aid under a mild recession, and \$3.55 billion in local revenue and state aid under a more severe recession, and

WHEREAS, local property taxpayers cannot absorb the cost of this loss of these revenues and state aid cuts, and

WHEREAS, counties are the primary governmental unit responsible for delivering services to New Yorkers during this Pandemic, including, but not limited to the following services:

- Maintaining public facilities including hospitals, clinics, nursing homes;
- Administering and providing for Medicaid on behalf of the state;
- Disease surveillance, monitoring, testing, and providing education to the public on how to practice social distancing and proper hygiene;
- Providing and coordinating the acquisition of PPE and other equipment;
- Providing mortuary services;
- Providing mental health educational resources to the public;
- Ensuring access to counseling and substance abuse services;
- Staffing and managing emergency operations center that organize disaster response;
- Maintaining and staffing 9-1-1 systems that respond to urgent calls for help;
- Providing families in need with services like child care, cash assistance, emergency housing, responding to domestic violence situations, child and adult protective services, SNAP, LIHEAD, and foster care;
- Assisting small businesses with bridge loans and working capital;
- Employment training for those who are unemployed;
- Ensuring vulnerable seniors continue to receive essential services;
- Coordinating meals on wheels, medical supplies and prescriptions,

and

WHEREAS, without further federal assistance, the fiscal outlook for counties could become catastrophic, and

WHEREAS, New York State residents paid \$22 billion more to the Federal Government than they got back in Federal spending in 2019, and more than \$116 billion over the past four years, and

WHEREAS, New York pays more to the Federal Government than the next two largest donor states combined, now, therefore, be it

RESOLVED, that as Congress negotiates the next COVID-19 response package, the Cattaraugus County Legislature strongly urges United States Congressional Representatives to demand direct unrestricted federal aid and other assistance to Cattaraugus County and local governments, and be it further

RESOLVED, that this aid should be distributed based on county population, and be it further

RESOLVED, that federal stimulus legislation must also grant counties who received funding under the Coronavirus Relief Fund as part of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) the ability to use these funds to supplant projected revenue loss, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Governor Cuomo, Lieutenant Governor Hochul, the New York State Congressional Delegation, Senators Schumer and Gillibrand, Congressman Reed, Senator Borrello, Assembly Member Giglio, and all others deemed necessary and proper.

¹The following Legislators requested their names be listed as additional sponsors: “Mr. Benson, Mr. Boberg, Mr. Brisky, Mr. Burr, Mr. Helmich, Mr. Higgins, Mrs. Hunt, Mr. Klancer, Mr. Marsh, Mr. Morrow, Mr. Parker, Ms. Schröder, Mr. Smith, Mr. Snyder, Jr., Mr. VanRensselaer and Mr. Koch”.

Approved May 13, 2020 by voice vote.

ACT NO. 213-2020 by Mr. Marsh
who asks immediate consideration

**LOCAL LAW NUMBER 3 - 2020
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law, Section 1202-u of the Tax Law and Chapter 563 of the Laws of 2003.

A LOCAL LAW CONTINUING THE CATTARAUGUS COUNTY HOTEL AND MOTEL TAX

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

SECTION 1. Legislative Intent. Local Law 20-2003 (Intro Number 21-2003), as continued by Local Law Number 3-2006 (Intro Number 3-2006), Local Law Number 20-2009 (Intro Number 20-2009), Local Law Number 9-2012 (Intro Number 11-2012) and Local Law Number 9-2015 (Intro Number 10-2015), imposed a tax on facilities providing lodging on an overnight basis and provided for the collection thereof in order to make funds available for tourism and economic development. The aforementioned Local Law should be further continued for an additional period of three (3) years.

SECTION 2. Continuation of Hotel and Motel Tax. The Cattaraugus County Hotel and Motel Tax established by Local Law 20-2003 (Intro Number 21-2003), as continued by Local Law Number 3-2006 (Intro Number 3-2006), Local Law Number 20-2009 (Intro Number 20-2009), Local Law Number 9-2012 (Intro Number 11-2012) and Local Law Number 9-2015 (Intro Number 10-2015), shall remain in full force and effect for an additional period of three (3) years.

SECTION 3. Effective Date. This Local Law shall take effect upon the date of expiration of the previous Local Law adopted by the Legislature authorizing such tax.

No further action taken at this time.

ACT NO. 214-2020 by Mr. Marsh
who asks immediate consideration

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 3 - 2020

Pursuant to Section 10 of the Municipal Home Rule Law, Section 1202-u of the Tax Law and Chapter 563 of the Laws of 2003.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on May 13, 2020, a proposed Local Law entitled "A Local Law Continuing the Cattaraugus County Hotel and Motel Tax", 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 days' notice, now, therefore, be it

RESOLVED, that a public hearing shall be held on the proposed local law by this County Legislature on the 27th day of May, 2020, at 4:01 p.m. at the Legislature's Chambers, County Office Building, 303 Court Street, Little Valley, New York, and that at least five 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.

Adopted May 13, 2020 by voice vote.

ACT NO. 215-2020 by Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Brisky, Mr. Burr, Mr. Helmich, Mr. Higgins, Mrs. Hunt, Mr. Klancer, Mr. Marsh, Mr. Morrow, Mr. Parker, Ms. Schröder, Mr. Smith, Mr. Snyder, Jr., Mr. VanRensselaer and Mr. Koch who ask immediate consideration

CATTARAUGUS COUNTY'S OPPOSITION TO GOVERNOR CUOMO'S EXTENSION OF NEW YORK PAUSE AND REGIONAL APPROACH TO REOPENING NEW YORK STATE AND SUBMISSION OF CATTARAUGUS COUNTY'S REOPENING PLAN

Pursuant to Section 153 of the County Law.

WHEREAS, on March 27, 2020, Cattaraugus County recorded its first COVID-19 case, and since that time the County has recorded a total of 49 COVID-19 cases, and

WHEREAS, currently, out of a population of approximately 77,000 persons, the County has 16 active COVID-19 positive residents and zero hospitalizations, as 31 residents have recovered from COVID-19 and 2 are deceased due to COVID-19 related complications, and

WHEREAS, Cattaraugus County has suffered significant economic losses due to the COVID-19 shutdown, and

WHEREAS, 450 to 500 businesses within Cattaraugus County are sustaining between \$21 to \$22 million-dollar monthly losses, with the County's key medical facility, Olean General Hospital, showing losses over \$1 million dollars of revenue daily, and

WHEREAS, small businesses are the key driver of our County's economy, and they have been disproportionately impacted by the shutdown and are in grave danger of failing and may never re-open, and

WHEREAS, the Governor's Regional approach and proposed guidance fails to account for our County's unique experience with the virus as revealed in our extremely low infection rate and low hospitalization rate, and

WHEREAS, although the Governor's restrictions on individual liberties were originally justified by the public health emergency, those restrictions under New York "Pause" are no longer narrowly tailored to our County, and

WHEREAS, Governor Cuomo's Executive Order 202.29 which extends New York "Pause" until June 7, 2020, is an over-extension of restrictions to Cattaraugus County and is no longer justified, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby urges Governor Cuomo to consider the following plan to reopen Cattaraugus County on May 15, 2020:

CATTARAUGUS COUNTY PLAN TO REOPEN

1. **CDC Guidelines with regards to decreased hospitalization rate:** (Olean General Hospital) The County's hospitalization rate has remained flat since the onset of this pandemic. Our hospital infection rate is low and our hospital is not stressed. The census at our hospital is very low and stand ready to deal with a surge capacity for COVID-19 related illness if the need ever presents itself. Adopting the Governor's "14-day decline" in hospitalization rate as an approach for beginning a phased re-opening is nonsensical when the region's hospitalization rate is minimal to begin with.

2. **Industries:** We are proposing that we open the following businesses:

2.1 **Construction:** Construction activity is low density and should be allowed to reopen, especially outdoor construction, roofing contractors, exterior painting, window cleaning, landscaping, lawn care, pool cleaning, and other low-density construction and maintenance companies.

2.2 **Manufacturing:** Almost all manufacturing plants can safely reopen consistent with CDC and OSHA requirements. Many "essential" manufacturing facilities have remained open with minimal demonstrated adverse effects. The County's COVID-19 active case numbers have remained flat for the past six weeks. The safety protocols involved with reopening could include monitoring employee health through daily temperature checks, providing appropriate protective equipment (such as masks and gloves, etc.), reducing the number of production employees per shift where practical, staggering lunch breaks and other break times to reduce employee congestion, limiting access by third parties to the production floor, and implementing social distancing where practical.

2.3 **Sole Proprietor Businesses/Small Business:** Sole proprietors and small business that employ relatively few people should be allowed to reopen as soon as possible, consistent with CDC guidelines that require social distancing and other protective measures. Due to their smaller size, when employing appropriate precautions, they pose no greater threat to the spread of the virus than a number of larger concerns that were allowed to operate during the shutdown due to their "essential" status.

2.4 **Low Density Businesses:** Golf courses, marinas, personal care services, barber shops, hair salons, real estate brokers, attorneys, accountants, architects, other professionals and businesses which can control the number and density of customers should be allowed to reopen, especially in low risk regions. Masks for customers and employees may be appropriate, depending on the risk in the region. We have already opened golf courses and marinas with no adverse effects to personal health to date.

2.5 **Low Density Activities:** Outdoor parks, hiking trails, ATV trails, and similar low-density activities should be allowed to resume, consistent with social distancing guidelines.

2.6 **Retail Stores:** Retail stores can safely reopen by installing plastic shields in front of cashiers, routinely disinfecting all common areas, and requiring face masks until infection rates are low. Walmart, Home Depot, Office Max, and many other stores and all the grocery stores have remained open through the crisis; all the smaller retail stores can safely open in all lower risk regions.

2.7 **Restaurants:** Could be phased in as regional risk factors improve, much like the original shutdown process in reverse: Phase 1- Up to 50 people with occupancy limits (25%, 50%, 75% then 100% occupancy). While likely few restaurants will be capable of opening and sustaining profitability at 25% capacity, for those that can, a 25% capacity limit permits the County to test run best practices for this portion of the hospitality industry while keeping a careful eye on infection rates and virus spread.

3. **Business Precautions:** Each business permitted to re-open under this plan will be required to submit to the County Administrator, County Attorney and Health Director a detailed plan addressing health and safety and employing best practices to prevent the spread of the virus. The plans will be compliant with OSHA's Guidance on Preparing Workplaces for COVID-19 and follow applicable guidance by the CDC. This plan must address, at a minimum, the following:
 - 3.1 Proper PPE for all on site employees;
 - 3.2 Safety precautions for consumers/customers;
 - 3.3 Daily disinfecting;
 - 3.4 Safety for employees with regards to temperature screening, possible COVID testing and protocols/plan in the event of a discovered infection.

4. **Health Care Capacity:** Olean General Hospital has ICU beds available to handle a substantial increase in patients, as they are at low capacity at this time (many beds are available). Requiring a 30% hospital bed capacity is unrealistic and unnecessary.

5. **Testing:** Cattaraugus County is currently offering diagnostic testing to the public. Cattaraugus County has shown it can meet the testing capacity for the community. Currently, Cattaraugus County Health Department, Universal Primary Care (Federally Qualified Health Center), and Olean General Hospital provide a large portion of COVID-19 diagnostic testing for the community. Olean General Hospital also has the capability to now offer COVID-19 antibody test for the residents of Cattaraugus County.

6. **Contact Tracing:** Under the Governor's formula, the County will be required to have 23 contact tracers for its population level. This number is high, given the low population density and the lifestyle and living arrangements of the majority of our residents. In any event, the County has a sufficient number of employees that are Public Health Nurses and are capable of performing this task. A list of 23 contract tracers for the County has been submitted and all those employees will complete the training curriculum provided by the State.

7. **Isolation Facilities:** Cattaraugus County has a hotel in Ellicottville that can be used for isolation if needed. In addition, other strategically placed facilities in the County have been identified for isolating residents if the need presents itself.

8. **Regional Coordination:** The County will address the following areas:
 - 8.1 **Transportation:** OATS transit, which encompasses partnerships with City of Olean, St. Bonaventure University, Cattaraugus County and Seneca Nation of Indians have filed with the County a comprehensive health and safety plan for employees and riders, as well as a vigorous daily disinfecting program.
 - 8.2 **Re-Opening Schools:** While schools will not reopen prior to the end of this school year, Superintendents of each school district will be required to submit a plan for re-opening for the fall which will include a daily regimen of disinfecting all buildings/grounds, a health and safety protocol for staff and students, and a medical plan to assure containment of the virus.
 - 8.3 **Contact tracing** will be coordinated through the Cattaraugus County Department of Health.
 - 8.4 **Tele-Medicine:** County residents have embraced tele-medicine which had been deployed weeks ago. This model is being used at the following facilities: Olean Medical Group, Olean General Hospital Out-Patient Clinic, Omega Health Care, Community Services in Cattaraugus County, Community Action, and the Council on Addiction Recovery Services.

8.5 Tele-Education: All school districts and private schools in Cattaraugus County have successfully negotiated remote learning. In addition, special services for students in Cattaraugus County are being provided via tele-practice (speech therapy, counseling, parent training, special instruction and/or special education support).

8.6 Control Centers: The County will coordinate with all partner counties through the EOC. In addition, possible coordinating sites at Jamestown Community College provides an alternative and/or additional site for such activities.

8.7 Essential Worker Protections: The County will continue to assess PPE, PPE burn rate, health and safety of all essential workers, disinfection/cleaning of work environments, mental health support for all essential workers and priority testing.

9. Travel in/out of the county to contain spread of virus: The County will continue to monitor travel in/out of the County from work related events and will continue to stress the importance of curtailing all non-essential out-of-county travel.

10. Recreation: To remove the attraction of out-of-county visitors, the County would restrict all recreation permits and licenses to County residents and require proof of residence.

10.1 The County will continue to discourage out-of-county visitors.

10.2 Contact tracing of those infected to travel and exposure from outside the County.

11. Social Distancing: The County's Plan to Reopen includes the practice of social distancing, which will continue indefinitely, non-essential gatherings of any size will be prohibited, mask wearing in public or in business settings where social distancing is not possible will continue to be required and the public will be continually reminded of recommended hygiene practices directed at containing the spread of illness.,

and be it further

RESOLVED, that the Cattaraugus County Legislature hereby urges Governor Cuomo to allow Cattaraugus County to reopen the County on May 15, 2020, as outlined in the Cattaraugus County Plan to Reopen, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Governor Cuomo, Lieutenant Governor Hochul, Senator Borrello, and Assembly Member Giglio.

Adopted May 13, 2020 by voice vote.

MOTION TO ADJOURN IN MEMORY OF CHERIANNE WOLD

WHEREAS, Cherianne Wold, 72, of Tallmadge, Ohio, formerly of Olean, passed away on April 28, 2020 after a brief battle with cancer, and

WHEREAS, Ms. Wold began her employment with Cattaraugus County in January 1989 as the Coordinator of Services for the Department of Aging, and

WHEREAS, in May 1994, Ms. Wold was named Director of the Department of Aging and held that position until her retirement in February 2006, and

WHEREAS, Ms. Wold returned to the Department of Aging as Interim Director in September 2008 and was permanently appointed Director in March 2009, retiring a second time in February 2012, and

WHEREAS, Ms. Wold would continue serving Cattaraugus County as a Substitute Site Manager for the Department of Aging from May 2012 until September 2014, and

WHEREAS, Ms. Wold continued to serve others by working for a missionary training school in Guatemala before opening a second school outside Nairobi, Kenya, where she established the Quest for Happiness Orphanage, and

WHEREAS, through this orphanage, she was able to find sponsors for numerous Kenyan children and provide for their needs, and

WHEREAS, Ms. Wold is survived by her children – Tammi Smith, Sandra Patrick, Elizabeth Stratton and Martin Wold, as well as seven grandchildren, and

WHEREAS, the loss of her presence will be sadly felt by her many friends and colleagues in Cattaraugus County, now, therefore, Legislators Andreano, Higgins and Smith hereby

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

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

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

* * * * *

MR. BURR moved, seconded by Mr. Helmich, to adjourn until May 27, 2020 at 4:00 p.m. Carried.

Meeting adjourned at 4:19 p.m.

Ann M. Giglio
Journal Clerk