



May 27, 2020

The meeting was called to order by Chairman VanRensselaer.

The invocation was given by Jack Searles.

The Attendance Roll Call disclosed one Legislator absent - Klancer.

\* \* \* \* \*

There being no amendments or objections thereto, Chairman VanRensselaer noted that the minutes of the May 13, 2020 session stand approved as presented.

\* \* \* \* \*

**PROCLAMATION:**

CHAIRMAN VANRENSELAER proclaimed the month of May 2020 as **Older Americans Month** in Cattaraugus County. Chairman VanRensselaer presented a proclamation to Cathy Mackay, Director of the Department of Aging.

\* \* \* \* \*

**PUBLIC HEARING:**

CHAIRMAN VANRENSELAER announced this is the time and place called for a public hearing on **Local Law Number 3-2020**, A Local Law Continuing the Cattaraugus County Hotel and Motel Tax, and that anyone wishing to speak for or against this may now do so.

Sufficient notice was provided pursuant to Article 7 of the Public Officers Law and pursuant to New York State Executive Order 202.1, that public in-person access was not permitted; however, the public hearing was broadcast live on the County website. Written comments could be submitted via electronic mail to the Director of Economic Development, Planning and Tourism no later than 3:45 pm on May 27, 2020.

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

\* \* \* \* \*

**PRIVILEGE OF THE FLOOR:**

CHAIRMAN VANRENSELAER granted Privilege of the Floor to Dr. Kevin Watkins, Public Health Director, who provided an update on COVID-19. Currently, Cattaraugus County has a total of 63 confirmed cases; 44 of which have recovered, 16 cases still active, and 3 deaths.

CHAIRMAN VANRENSELAER granted Privilege of the Floor to Chris Baker, Director of Emergency Services, who provided an update on the Emergency Operations Center.

\* \* \* \* \*

CHAIRMAN VANRENSELAER called up **Act No. 213-2020**, A Local Law Continuing the Cattaraugus County Hotel and Motel Tax, and asked that it be read.

CHAIRMAN VANRENSELAER requested a Roll Call vote on Act No. 213-2020, which disclosed as follows:

Ayes: Andreano, Benson, Boberg, Brisky, Burr, Helmich, Higgins, Hunt, Koch, Marsh, Morrow, Parker, Schröder, Smith, Snyder, VanRensselaer -16.

Nays: none.

Act No. 213-2020, Local Law Number 3-2020, having received a unanimous vote of the Legislature, was declared Adopted.

\* \* \* \* \*

**ACT NO. 216-2020** by Mrs. Andreano and Mr. Helmich

**AMENDING ACT 186-2020 REGARDING CONTRACT WITH  
OLEAN GENERAL HOSPITAL FOR  
FAMILY PLANNING CLINIC LABORATORY SERVICES**

Pursuant to Section 2406 of the Public Health Law and  
Section 450 of the County Law.

WHEREAS, Act 186-2020 authorized a contract with Olean General Hospital, 515 Main Street, Olean, New York 14760, for the provision of laboratory services for the family planning clinic, which includes the provision of services such as collection, testing, and analyzing of specimens and reporting the results to various providers, the term of which expires June 30, 2021, and

WHEREAS, Olean General Hospital has revised the services it is providing, along with the rates for such services, and

WHEREAS, Act 186-2020 should be amended to reflect the revised services and rates, now, therefore, be it

RESOLVED, that Act 186-2020 be, and hereby is, amended as follows: In the Third Whereas, delete the rate schedule and replace it with the following revised schedule:

87621	HPV DNA, High Risk	\$35.00
88175	Thin Layer Pap Smear with Imaging	\$34.00
88141	Professional Pathology Component	\$20.00.

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

Adopted May 27, 2020 by voice vote.

**ACT NO. 217-2020** by Mrs. Andreano

**AUTHORIZING THE CHAIR TO EXECUTE AFFILIATION AGREEMENT  
WITH OLEAN GENERAL HOSPITAL FOR  
FAMILY MEDICINE RESIDENCY PROGRAM  
(Department of Nursing Homes)**

Pursuant to Section 450 of the County Law.

WHEREAS, Olean General Hospital offers a Family Medicine Residency Program to individuals who would benefit from professional practice experience in Cattaraugus County, and

WHEREAS, Olean General Hospital desires to participate with Cattaraugus County in a Family Medicine Residency Program at The Pines Healthcare and Rehabilitation Center-Olean Campus, and

WHEREAS, the County is willing to accept such individuals from Olean General Hospital for such purposes, and has the facilities necessary to provide excellent professional practice experiences, at no cost to the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an Affiliation Agreement, on behalf of Cattaraugus County, with Olean General Hospital, for the provision of a Family Medicine Residency Program in the Department of Nursing Homes, for a term to commence May 21, 2020 to continue in full force and effect 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 May 27, 2020 by voice vote.

**ACT NO. 218-2020** by Ms. Schröder

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
PREMIER CONSULTING ASSOCIATES, LLC FOR  
BENEFITS PLAN MANAGEMENT SERVICES**

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

WHEREAS, Act 304-2019 authorized a contract with AP Benefit Advisors, LLP, d/b/a Premier Consulting Associates, LLC, 1416 Sweet Home Road, Suites 5-6, Amherst, New York 14228, for the provision of benefits plan management services, the term of which expires June 30, 2020, and

WHEREAS, the County is desirous of continuing benefits plan management services to analyze the County's current benefits plans and to recommend cost-saving changes to the County's benefits plans, and

WHEREAS, Premier Consulting Associates, LLC, can provide the following ongoing advisory services to assist the County in managing benefit plan contracts and costs, and monitoring plan performance and claims experience, for an amount of \$120,716.80 to be paid in monthly installments,

plus commissions, if any, for any new contractual arrangements with entities that are entered into after July 1, 2020:

<u>Data Mining</u>		<u>PremierLinx Analytics</u>	
		<u>Monthly</u>	<u>Annually</u>
\$1.30 PMPM	1328	\$1,726.40	\$20,716.80
<u>Consulting Services</u>			
Coordination and Management of Healthcare Vendors			
****includes medical, wellness, stop loss, case management, dental & vision relationships			
Independent Health	self insured		\$60,000.00
Corporate Care Management	self insured		
Interactive Health	self insured		
Davis Vision	self insured		
Dental Plan			plus commissions
HCC Stop Loss			plus commissions
<u>Prescription Drug Consulting and Oversight</u>			
\$1 per script			Not to exceed \$40,000.00
TOTAL ANTICIPATED ANNUAL FEE			\$120,716.80
<u>Other add on services billed on fee for service basis</u>			
Actuarial Services			\$200 per hour
Hospital Bill Audit		35% of savings	
Outpatient Bill Audit		35% of savings	
Diagnostic Related Grouping Analysis		35% of savings	
Physician Bill Audit		35% of savings	
Pharmacy Cost Management		25% of savings	
Coordination of Benefits		35% of Recovered \$	
Subrogation		35% of Recovered \$	
Overpayment of Recovery Services		35% of Recovered \$	
Out of Network Repricing		35% of savings	
Medical Record Audit (offsite)		Priced per hour at time elected	
Health Plan Audit		Customized	
Enrollment Audit		Customized	
Dependent Audit		Customized	
Wellness, Disease Management, Medical Management (CCM)		Customized	

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 AP Benefit Advisors, LLP, d/b/a Premier Consulting Associates, LLC, 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 by 6 members of the Finance Committee and 5 members of the Labor Relations Committee.

Adopted May 27, 2020 by voice vote.

\* \* \* \* \*

MR. HIGGINS moved, seconded by Mr. Smith, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 219-2020 through Act No. 225-2020, inclusive. Carried.

\* \* \* \* \*

**ACT NO. 219-2020** by Mrs. Andreano  
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
BIO-REFERENCE LABORATORIES, INC. FOR  
COVID-19 TESTING OF COUNTY EMPLOYEES**

Pursuant to Section 450 of the County Law.

WHEREAS, New York State has instituted mandatory COVID-19 testing of employees in nursing homes, and

WHEREAS, the County is in need of professional laboratory services to provide such mandated COVID-19 testing services, and

WHEREAS, Bio-Reference Laboratories, Inc., 481 Edward H. Ross Drive, Elmwood Park, New Jersey 07407, can provide professional COVID-19 testing services as requested by the County for an amount of \$65.00 per test for County nursing home employees, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned testing 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 Bio-Reference Laboratories, Inc., for the provision of the above-described COVID-19 testing services, for a term commencing May 26, 2020 and terminating May 31, 2021, with the County's option to renew for additional one-year terms thereafter under the same rates, terms and conditions, according to the above-described terms.

Adopted May 27, 2020 by voice vote.

**ACT NO. 220-2020** by Mr. Klancer and Mr. Koch  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
JAMESTOWN PLASTICS, INC. FOR  
COVID-19 FACE SHIELDS FOR ELECTION POLLING SITES AND  
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS  
(Board of Elections)**

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

WHEREAS, the Board of Elections is in need of face shields for COVID-19 protection at election polling sites, and



CRT/RRT	\$65.00	\$65.00	\$65.00	\$65.00	\$65.00	\$65.00
Environmental Services	\$22.00	\$22.00	\$22.00	\$22.00	\$22.00	\$22.00
Dietary Aide	\$22.00	\$22.00	\$22.00	\$22.00	\$22.00	\$22.00
Cook	\$26.00	\$26.00	\$26.00	\$26.00	\$26.00	\$26.00
Medical Receptionist	\$29.00	\$29.00	\$29.00	\$29.00	\$29.00	\$29.00

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 Favorite Healthcare Staffing, Inc., for the provision of the above-described services, for a term commencing March 14, 2020 to continue in full force and effect at the same rates until amended or terminated by either party, according to the above-described terms.

Adopted May 27, 2020 by voice vote.

**ACT NO. 222-2020** by Mr. Boberg, Mr. Brisky, Mr. Helmich, Ms. Schröder, Mr. Marsh, Mr. Morrow, Mr. Snyder, Jr. and Mr. VanRensselaer who ask immediate consideration

**SALE OF TAX TITLE PROPERTY TO FORMER OWNERS  
(Towns of Ashford, Little Valley, Machias and Portville)**

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 Towns of Ashford, Little Valley, Machias and Portville, 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:

**TOWN OF ASHFORD**

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
146	11.002-2-3.1	Tammy A. Biehl	7724 State Road Colden, NY 14033	\$3,280.19

**TOWN OF LITTLE VALLEY**

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
348	63.002-2-6.1	Richard H. LaVelle, Jr.	5209 Baker Road Salamanca, NY 14779	\$4,952.78



**TOWN OF MACHIAS**

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
376	21.020-3-3	Mark Peters Tina Peters	3365 Hazelmere Avenue Machias, NY 14101	\$2,710.10

MR. SNYDER moved, seconded by Mr. Morrow, to delete the following:

**"TOWN OF PORTVILLE**

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
500	104.065-1-12.1	Benjamin Douglas Hollamby	96 S. Main Street Portville, NY 14770".	\$17,604.94

Carried.

Adopted, as amended, May 27, 2020 by voice vote.

**ACT NO. 223-2020** by Mr. VanRensselaer  
who asks immediate consideration

**TRANSFER OF FUNDS  
(Contingent Fund)**

Pursuant to Sections 363 and 365 of the County Law.

WHEREAS, the County is in need of temperature scanning equipment for various County facilities, and

WHEREAS, Linstar, Inc., 430 Lawrence Bell Drive, Buffalo, New York 14221, can provide 25 Smart Doorbell with Temperature Measurement modules to be used at various County facilities for a total amount of \$30,881.00, to be paid as invoiced, and

WHEREAS, Linstar, Inc., can provide the aforementioned Smart Doorbell with Temperature Measurement through NYS Contract PT68825, and

WHEREAS, a transfer of funds is necessary in order to cover the cost of the aforementioned purchase, now, therefore, be it

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

Decrease Appropriation Account:		
A.901.1990.0000.40601	Contingent Fund	\$30,881.00
Increase Appropriation Account:		
A.168.1680.0000.20006	Computer Equipment	\$30,881.00.

Adopted May 27, 2020 by voice vote.

**ACT NO. 224-2020** 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

**RECOGNIZING HOWIE VANRENSELAER FOR OUTSTANDING ASSISTANCE  
IN HONORING A VIETNAM WAR VETERAN**

Pursuant to Section 153 of the County Law.

WHEREAS, Walter L. Bunn, an honorably discharged U.S. Army veteran who served during the Vietnam War Era from 1963 to 1968, passed away on February 21, 2020 at the Gowanda Rehabilitation and Nursing Center, departing this world with no known family and no assets, destined for an indigent burial, and

WHEREAS, numerous funeral homes were contacted regarding arrangements for Mr. Bunn but only one, Funeral Director Howie VanRensselaer of VanRensselaer & Son Funeral Home in Randolph, offered his assistance, and

WHEREAS, Howie VanRensselaer went above and beyond his normal duties to make arrangements for a service for Mr. Bunn; he contacted the Cattaraugus County American Legion, the Cattaraugus-Allegany Council of Veterans of Foreign Wars, the Vietnam Veterans of America and many other service organizations and on March 1, 2020, Walter's service was held with the Patriot Guard creating a receiving line where all veterans could render a final salute to Mr. Bunn, and

WHEREAS, Howie VanRensselaer also arranged for Walter Bunn to be laid to rest in the Bath Veterans Cemetery in Bath, New York, escorted by the Patriot Guard with a graveside service and full military honors, and

WHEREAS, it is fitting that the Cattaraugus County Legislature recognizes Howie VanRensselaer for his compassion for veterans and outstanding efforts in providing a proper and deserving burial, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby expresses its sincere appreciation to Howie VanRensselaer for his outstanding efforts in honoring U.S. Army Veteran Sgt. Walter L. Bunn by going above and beyond his regular funeral director duties to provide a bestowing burial with full military honors to Mr. Bunn, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Howie VanRensselaer.

Adopted May 27, 2020 by voice vote.

**ACT NO. 225-2020** 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

**OPPOSING GOVERNOR CUOMO'S EXECUTIVE ORDER 202.30  
REQUIRING BIWEEKLY DIAGNOSTIC TESTING  
FOR ALL NURSING HOME PERSONNEL**

Pursuant to Section 153 of the County Law.

WHEREAS, on May 10, 2020, Executive Order 202.30 was issued by Governor Cuomo requiring diagnostic testing of "all personnel, including all employees, contract staff, medical staff, operators and administrators, for COVID-19, twice per week...", and

WHEREAS, New York State has an estimated 185,000 nursing home employees statewide, which would require the need for approximately 370,000 tests each week, and county officials have been tasked with coordinating the testing within nursing homes, and

WHEREAS, other states have instituted mandatory testing in nursing homes, such as West Virginia and Tennessee, but those states provided and paid for the tests through forging partnerships with commercial laboratories, and

WHEREAS, both the Centers for Disease Control and Prevention (CDC) and the Center for Medicare and Medicaid Services (CMS) have issued the following guidelines for testing in nursing homes:

- Baseline testing of all residents and healthcare personnel (HCP) along with weekly testing of all HCP are recommended for nursing homes as part of the reopening process;
- State and local officials may adjust the requirement for weekly testing of HCP based on the prevalence of the virus in their community, for example performing weekly testing in areas with moderate to substantial community transmission;
- Facilities performing such surveillance should have a plan for testing (including access to testing with a rapid-turnaround-time) and responding to results;
- Decisions should be based on guidance from state and local officials, and

WHEREAS, there is no medical evidence to demonstrate that weekly testing of all nursing home personnel results in a benefit to controlled nursing home outbreaks of COVID-19, and

WHEREAS, Cattaraugus County owns and operates two (2) nursing homes within the County, namely: The Pines Healthcare and Rehabilitation Center-Olean and Machias Campuses, and

WHEREAS, the County employs 379 employees at the County nursing homes, making the total number of tests required weekly to be 758 tests to meet the directive, and

WHEREAS, the fee to process each test ranges up to \$100, and

WHEREAS, in order to comply with Executive Order 202.30, it will potentially cost the County up to \$75,800.00 per week, and it is unclear if the County will be reimbursed through any funding source, and

WHEREAS, this cost would put an extreme financial burden on the County's Nursing Homes, and

WHEREAS, bi-weekly testing puts a tremendous financial strain on all privately owned nursing homes located within Cattaraugus County ultimately putting those nursing homes at risk of insolvency, and

WHEREAS, the County has a limited supply of diagnostic tests, which on average is approximately 1200, and

WHEREAS, with the extreme financial burden, the limited diagnostic tests, and the low rate/risk of infection in Cattaraugus County, only weekly testing, or even less, is needed and should be left to the discretion of the local officials, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby opposes Executive Order 202.30 and urges Governor Cuomo to amend his executive order to allow local officials to adjust testing needs to deal with the prevalence of the COVID-19 virus in the County communities, and

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, Assembly Member Giglio, Chairman of the Chautauqua County Legislature, Chairman of the Allegany County Legislature and all Cattaraugus County nursing homes.

Adopted May 27, 2020 by voice vote.

\* \* \* \* \*

MR. BURR moved, seconded by Mr. Boberg, to adjourn until June 10, 2020 at 4:00 p.m. Carried.

Meeting adjourned at 4:35 p.m.

Ann M. Giglio  
Journal Clerk