

August 26, 2020

The meeting was called to order by Vice-Chairman Burr.

The invocation was given by Rev. LeFeber.

The Attendance Roll Call disclosed three Legislators absent – Higgins, Hunt and VanRensselaer.

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There being no amendments or objections thereto, Vice-Chairman Burr noted that the minutes of the July 22, 2020 session stand approved as presented.

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PRIVILEGE OF THE FLOOR:

VICE-CHAIRMAN BURR granted Privilege of the Floor to Shawn Beqaj, Vice President, Regulatory Policy and Interconnection, of Armstrong Communications who gave an update on their progress in the installation of broadband services in Cattaraugus County and the surrounding area.

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ACT NO. 313-2020 by Mr. Helmich and Mr. Koch

**BID ACCEPTANCE FOR PURCHASE OF NATURAL GAS
FOR COUNTY BUILDINGS
(Department of Public Works)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the purchase of natural gas for County Buildings, according to specifications provided by the Public Works Committee, and

WHEREAS, Energy Enterprises, Inc., energy consultant for the County, has reviewed the bids submitted as well as the performance history of the bidders and has recommended that the County accept the bid of Energymark, LLC, 6653 Main Street, Williamsville, New York 14221, for Method #1 – Firm Index Based Pricing with 1 year Trigger Option (One Year Commitment), as follows:

Basis Pricing shall be the difference between the monthly NYMEX, Henry Hub settlement price, as reported in the Wall Street Journal and the total price to the LDC. Each month this non-changing basis will be added to the appropriate monthly NYMEX settlement figure or the fixed NYMEX upon fixing.

Basis including shrinkage, upstream transportation, margin, etc. \$+0.335/Dth

The price can be fixed anytime during the contract term at the current NYMEX + Basis.
Notice will be given to the marketer by noon of the day which the price shall be fixed.,

now, therefore, be it

RESOLVED, that the bid of Energymark, LLC, be, and the same hereby is, accepted for a term commencing September 1, 2020 and terminating August 31, 2021, 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.

18 sets of specifications were sent out.

4 bids were received meeting specifications.

One bid was withdrawn.

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

Adopted August 26, 2020 by voice vote.

ACT NO. 314-2020 by Mr. Helmich¹

**LOCAL LAW NUMBER 4 - 2020
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 226-b of the County Law and
Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW AMENDING LOCAL LAW NUMBER 18-1991 (INTRO NUMBER 24-1991),
AS AMENDED, TO MODIFY REFUSE DISPOSAL FEES**

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

SECTION 1. Legislative Intent. It is the intent of this Local Law to amend Local Law Number 18-1991 (Intro Number 24-1991), as amended, to partially offset disposal costs by increasing the fee for disposal of refuse which has been given to the County for disposal.

SECTION 2. Amendment of Local Law Number 18-1991. Local Law Number 18-1991 (Intro Number 24-1991), as amended, is hereby amended as follows: Repeal Section 2 and replace with the following:

"SECTION 2. Fee Schedule.

A. Effective January 1, 2021, the following user fees are established for non-permitted users of County transfer stations:

Solid Waste (MSW)

\$ 1.50	garbage bag up to 16 gallon, or equivalent
\$ 3.00	garbage bag 17 – 35 ² gallon, or equivalent
\$ 4.50	garbage bag 36 – 48 ² gallon, or equivalent
\$ 6.00	garbage bag 49 – 64 gallon, or equivalent
\$20.00	per cubic yard – uncompacted solid waste
\$75.00	scaled per ton of solid waste

Construction and Demolition Debris (C&D)

\$20.00	per cubic yard of C&D
\$75.00	per ton of C&D

Miscellaneous Bulky Items

\$ 5.00	chair
\$ 5.00	propane tank
\$15.00	CRT/flat screen 2
\$ 5.00	toilet
\$ 5.00	doors/windows
\$10.00	couch
\$10.00	box spring
\$10.00	mattress
\$20.00	sleeper sofa
\$10.00	carpet roll >3' long
\$15.00	Freon item (per unit for appliances containing refrigerant or appliances which have not been properly certified as refrigerant- free)

Yard Waste

\$ 1.00	per bag of yard waste
5.00	per cubic yard of yard waste

Tire Fee Schedule

\$ 3.00	car (to 21")
\$ 15.00	car (to 21" on rim)
\$ 8.00	agricultural & industrial (15" - 21")
\$ 6.00	large truck (19.5" – 24.5")
\$ 2.00	oversized (larger than 24.5") per ply
\$200.00	scaled per ton

B. Effective January 1, 2021, the following user fees are established for Cattaraugus County Department of Public Works permitted waste collectors:

Solid Waste (MSW)

\$ 1.50	garbage bag up to 16 gallon, or equivalent
\$ 3.00	garbage bag 17 – 35 ² gallon, or equivalent
\$ 4.50	garbage bag 36 – 48 ² gallon, or equivalent
\$ 6.00	garbage bag 49 – 64 gallon, or equivalent
\$20.00	per cubic yard – uncompacted solid waste
\$70.00	scaled per ton of solid waste

Construction and Demolition Debris (C&D)

\$70.00	per ton of C&D
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Miscellaneous Bulky Items

\$ 5.00	chair
\$ 5.00	propane tank
\$15.00	CRT/flat screen 2
\$ 5.00	toilet
\$ 5.00	doors/windows
\$10.00	couch
\$10.00	box spring
\$10.00	mattress
\$20.00	sleeper sofa
\$10.00	carpet roll >3' long
\$15.00	Freon item (per unit for appliances containing refrigerant or appliances which have not been properly certified as refrigerant- free)

SECTION 3. Local Law No. 18-1991. All other provisions of Local Law Number 18-1991 (Intro Number 24-1991), as amended, not otherwise repealed herein shall remain in full force and effect.

SECTION 4. Effective Date. This Local Law shall take effect upon filing with the Department of State.

Approved by 5 members of the Finance Committee and 7 members of the Public Works Committee.

¹MR. KOCH requested his name be removed as a sponsor.

²MR. HELMICH moved, seconded by Mr. Snyder, to amend as follows: In Section 2A, delete: "17-32 gallon", replace with: "17-35 gallon"; delete: "33-48 gallon", replace with: "36-48 gallon"; delete: "other electronics"; In Section 2B, delete: "17-32 gallon", replace with: "17-35 gallon"; delete: "33-48 gallon", replace with: "36-48 gallon"; delete: "other electronics".

VICE-CHAIRMAN BURR requested a Roll Call vote on the Amendments, which disclosed as follows:
Ayes: Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Brisky, Mr. Burr, Mr. Helmich, Mr. Klancer, Mr. Marsh, Mr. Morrow, Mr. Parker, Ms. Schröder, Mr. Smith, Mr. Snyder, Jr. and Mr. Koch – 14.

Nays: None.

Amendments approved by unanimous vote.

No further action taken at this time.

ACT NO. 315-2020 by Mr. Helmich and Mr. Koch

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 4 - 2020

Pursuant to Section 20 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on August 26, 2020, a proposed Local Law entitled "A Local Law Amending Local Law Number 18-1991 (Intro Number 24-1991), as Amended, to Modify Refuse Disposal Fees", 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 9th day of September, 2020, at 4:01 p.m. at the Legislature's Chambers, Cattaraugus County Center, 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.

Approved by 5 members of the Finance Committee and 6 members of the Public Works Committee.

Adopted August 26, 2020 by voice vote.

ACT NO. 316-2020 by Mr. Helmich and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
WENDEL WD, ARCHITECTURE, ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.
FOR COUNTY BUILDING ENERGY EFFICIENCY ASSESSMENT**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 586-2019 authorized a contract with Wendel WD, Architecture, Engineering, Surveying & Landscape Architecture, P.C. (Wendel WD), Centerpointe Corporate Park, 375 Essjay Road, Suite 200, Williamsville, New York 14221, for the provision of energy efficiency assessments for the following County facilities:

The Pines Healthcare and Rehabilitation
Center-Machias Campus
9822 Route 16, Machias, NY

Department of Public Works
8810 Route 242, Little Valley, NY

The Pines Healthcare and Rehabilitation
Center-Olean Campus
2245 West State Street, Olean, NY

Little Valley County Center
303 Court Street, Little Valley, NY

Stonehouse Museum and Library
9824 Route 16, Machias, NY

Olean Office Facility
One Leo Moss Drive, Olean, NY

and

WHEREAS, the term of the aforementioned contract expired June 30, 2020, and should be extended to December 31, 2020 to allow for more time to complete the assessments, at no additional cost to the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with Wendel WD, Architecture, Engineering, Surveying & Landscape Architecture, P.C., for the provision of the above-described engineering services, to extend the term of the original contract which commenced December 12, 2019 to terminate December 31, 2020, according to the above-described terms.

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

Adopted August 26, 2020 by voice vote.

ACT NO. 317-2020 by Mr. Helmich and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
WENDEL WD ARCHITECTURE, ENGINEERING, SURVEYING & LANDSCAPE
ARCHITECTURE, P.C. FOR THE PINES HEALTHCARE AND REHABILITATION
CENTER-MACHIAS CAMPUS 2019 IMPROVEMENTS PROJECT
(Improvement to Sanitary & Storm Sewers and Replacement of Fire Alarm System)**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 212-2019, as amended by Act 471-2019, authorized a contract with Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C., 375 Essjay Road, Suite 200, Williamsville, New York 14221, for the provision of improvements to the sanitary & storm sewers and the existing fire alarm system at The Pines Healthcare and Rehabilitation Center-Machias Campus, the term of which expired June 30, 2020, and

WHEREAS, a contract extension is necessary in order to complete the aforementioned improvement projects at no additional cost to the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C., for the provision of the above-described services, to extend the term of the contract which commenced May 1, 2019 to terminate April 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 26, 2020 by voice vote.

ACT NO. 318-2020 by Mr. Boberg and Mr. Klancer

**AUTHORIZING THE CHAIR TO EXECUTE RECIPROCAL CONTRACT WITH
CHAUTAUQUA COUNTY FOR HOUSING OF COUNTY INMATES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 296-2019 authorized a contract with Chautauqua County for the housing of some of Chautauqua County inmates at the Cattaraugus County Jail, the term of which expired May 31, 2020, and

WHEREAS, Act 428-2019 authorized a contract with Chautauqua County for the housing of some of Cattaraugus County inmates at the Chautauqua County Jail, the term of which expired May 31, 2020, and

WHEREAS, Cattaraugus and Chautauqua Counties are desirous of continuing the reciprocal agreement for the housing of county inmates, and

WHEREAS, Chautauqua County, contingent upon available space, shall accept inmates from Cattaraugus County, for an amount of \$90.00 per day per inmate, and

WHEREAS, Cattaraugus County, contingent upon available space, shall accept inmates from Chautauqua County, for an amount of \$90.00 per day per inmate, and

WHEREAS, medical services for such inmates will be paid for by the respective "home-county" Sheriff's Office, 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 Chautauqua County, for the housing of inmates at the Chautauqua County Jail, for a three (3) year term commencing June 1, 2020 and terminating May 31, 2023, according to the above-described terms.

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

Adopted August 26, 2020 by voice vote.

ACT NO. 319-2020 by Mr. Klancer

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NEW YORK STATE EMERGENCY MANAGEMENT OFFICE FOR
EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) PROGRAM**

Pursuant to P.L. 81-920 and Section 450 of the County Law.

WHEREAS, Act 391-2019 authorized a contract with the New York State Emergency Management Office, 1220 Washington Street, Building 22, Suite 101, Albany, New York 12226-2251, for the 2017 Emergency Management Performance Grant Program, the term of which expires September 30, 2020, and

WHEREAS, the County desires to, and should continue to, participate in the program for federal fiscal year 2019, and

WHEREAS, under this agreement, the County will receive \$34,567.00 from the State Department of Homeland Security and Emergency Services for the Emergency Management Performance Grant, and

WHEREAS, this program is 50% federally funded (CFDA #97.042), 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 Emergency Management Office for the above-described program, for a term commencing October 1, 2019 and terminating September 30, 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.

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

Adopted August 26, 2020 by voice vote.

ACT NO. 320-2020 by Mr. Higgins and Mr. Marsh
and Mr. Brisky, Mr. Morrow, Ms. Schröder and Mr. Koch¹

**AUTHORIZING CONTRIBUTION OF GRANT MATCH FOR
BOAT LAUNCH PROJECT ON CASE LAKE IN THE TOWN OF FRANKLINVILLE AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Economic Development, Planning & Tourism)**

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

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

WHEREAS, New York State has committed \$50,000.00 in state funds for the development of a boat launch site on Case Lake in the Town of Franklinville, and

WHEREAS, Act 327-2019 authorized the County's contribution of a grant match in the amount of \$18,498.00 for the aforementioned boat launch project, and

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

WHEREAS, various appropriation and revenue accounts must be adjusted in order to cover the aforementioned \$18,498.00 grant match, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature shall provide an amount of \$18,498.00 as a grant match for the development of a boat launch site on Case Lake in the Town of Franklinville, and be it further

RESOLVED, that the County Administrator is hereby directed to appropriate from Fund Balance Committed - Economic Development Account A.913.0000 and make the following budgetary changes:

Increase Appropriation Accounts:

A.990.9950.0000.90504	Transfer to Capital Projects Fund	\$18,498.00
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H.642.6420.0000.21089.41603	Case Lake Boat Launch	\$18,498.00
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Increase Estimated Revenue:

H.990.9950.0000.5031	Interfund Transfer	\$18,498.00.
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Approved by 5 members of the Finance Committee and 7 members of the Development and Agriculture Committee.

¹The following Legislators requested their names be listed as additional sponsors: "Mr. Brisky, Mr. Morrow, Ms. Schröder and Mr. Koch".

Adopted August 26, 2020 by voice vote.

ACT NO. 321-2020 by Mr. Helmich, Mr. Higgins and Mr. Koch
and Mr. Marsh and Ms. Schröder¹

**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 includes 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:

115 13th Street South, Olean, NY
Tax Map No. 94.064-10-60,

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.

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

¹The following Legislators requested their names be listed as additional sponsors: "Mr. Marsh and Ms. Schröder".

Adopted August 26, 2020 by voice vote.

ACT NO. 322-2020 by Mr. VanRensselaer
and Ms. Schröder¹

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

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

WHEREAS, pursuant to Article 18-A of the General Municipal Law of the State of New York and Chapter 536 of the 1971 Laws of New York (collectively, the "Act"), the Legislature of Cattaraugus

County (the "County Legislature") has heretofore appointed the members of County of Cattaraugus Industrial Development Agency (the "Agency") and has duly caused to be filed in the office of the Secretary of the State of New York the certificates required by Section 856 of the General Municipal Law of the State of New York, and

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

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

WHEREAS, in April, 2020, Savarino Companies, LLC (the "Applicant"), on behalf of Manny Hanny Development, LLC, a New York State limited liability company (the "Company"), submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in two (2) parcels of land containing in the aggregate approximately 0.41 acres located at 101 N. Union Street (Tax ID # 94.253-1-26.1) and 107 N. Union Street (Tax ID #94.253-1-24) in the City of Olean, Cattaraugus County, New York (collectively, the "Land"), together with two (2) buildings containing in the aggregate approximately 42,200 square feet of space located thereon (collectively, the "Facility"), (2) the renovation and reconstruction of the Facility, and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property, including without limitation, tenant improvement and finish (collectively, the "Equipment") (the Land, the Facility, and the Equipment being collectively referred to as the "Project Facility"); all of the foregoing to constitute a retail and market rate apartment facility to be owned and operated by the Company and any other directly and indirectly related uses; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency, and

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

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

WHEREAS, by resolution adopted by the members of the Agency on May 7, 2020 (the "Public Hearing Resolution"), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Project, and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Executive Director of the Agency (A) caused notice of a public hearing of the Agency (the "Public Hearing") pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, to be mailed on May 12, 2020 to the chief executive officers of the county and of each city, town, village and school district in which the Project is or is to be located; (B) caused notice of the Public Hearing to be posted on May 12, 2020 on a public bulletin board located at 9 East Washington Street in the Town and Village of Ellicottville, Cattaraugus County, New York, the City of Olean City Hall located at 101 East State Street in the City of Olean, Cattaraugus County, New York, and on the Agency's website; (C) caused notice of the Public Hearing to be published on May 15, 2020, in the Olean Times Herald, a newspaper of general circulation available to the residents of the City of Olean, Cattaraugus County, New York; (D) as a result of the ban on large meetings or gatherings pursuant to Executive Order 202.1, as supplemented, and the suspension of the Open Meetings Law relating to public hearings pursuant to Executive Order 202.15, as supplemented, each as issued by Governor Cuomo in response to the novel Coronavirus (COVID-19) pandemic, conducted the Public Hearing on May 29, 2020, at 8:30 o'clock a.m., local time electronically via conference call rather than in person; and (E) prepared a report of the Public Hearing (the "Hearing Report") fairly summarizing the views presented at such Public Hearing and caused copies of said Hearing Report to be made available to the members of the Agency, and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations (the "Regulations") adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, "SEQRA"), by resolution adopted by the members of the Agency on May 7, 2020 (the "Preliminary SEQR Resolution"), the Agency (A) determined (1) that the Project involves more than one "involved agency", and (2) that the Agency wished to investigate the advisability of undertaking a coordinated review with respect to the Project; and (B) authorized the Executive Director of the Agency to contact all other "involved agencies" for the purpose of ascertaining whether such "involved agencies" were interested in undertaking a coordinated review of the Project and, if so, designating a "lead agency" with respect to the Project (as such quoted terms are defined in SEQRA, and

WHEREAS, further pursuant to SEQRA, by a resolution adopted by the members of the Agency on July 28, 2020 (the "Final SEQR Resolution"), the Agency (A) concurred in the determination that the City of Olean Planning Board (the "Planning Board") is the "lead agency" with respect to SEQRA and (B) acknowledged receipt of a negative declaration from the Planning Board issued on July 13, 2020 (the "Negative Declaration"), in which the Planning Board determined that the Project would not have a significant adverse environmental effect on the environment, and therefore, that an environmental statement need not be prepared with respect to the Project, and

WHEREAS, by further resolution adopted by the members of the Agency on July 28, 2020 (the "Commercial/Retail Finding Resolution"), the Agency (A) determined that the Project constituted a "commercial project" within the meaning of the Act; (B) found that although the Project Facility appears to constitute a project where facilities or properties that are primarily used in making the retail sales of goods or services to customers who personally visit such facilities may constitute more than one-third of the costs of the Project, the Agency is authorized to provide financial assistance in respect of the Project pursuant to Section 862(2)(a) of the Act because the Project Facility is located in census tract 9617, which is considered to be a distressed census tract and, therefore is in a "highly distressed area" as the term is defined in Section 854(18) of the Act; (C) determined, following a review of the Hearing Report, that the Project would serve the public purposes of the Act by preserving permanent private sector jobs in the State of New York; and (D) determined that the Agency would proceed with the Project and the granting of the Financial Assistance; provided however, that no financial assistance would be provided to the Project by the Agency unless and until the County Legislature of Cattaraugus County, as chief executive

officer of Cattaraugus County, New York, pursuant to Section 862(2)(c) of the Act, confirmed the proposed action of the Agency with respect to the Project, and

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

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

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

RESOLVED, that this resolution shall take effect immediately.

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

¹The following Legislator requested her name be listed as an additional sponsor: "Ms. Schröder".

Adopted August 26, 2020 by voice vote.

ACT NO. 323-2020 by Mr. Boberg and Mr. Klancer

**ADOPTION OF RETENTION AND DISPOSITION SCHEDULE FOR
NEW YORK LOCAL GOVERNMENT RECORDS**

Pursuant to Article 57-A of the Arts and Cultural Affairs Law.

RESOLVED, by the Cattaraugus County Legislature that *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein, and be it further

RESOLVED, that in accordance with Article 57-A:

(a) only those records will be disposed of that are described in *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, after they have met the minimum retention periods described therein, and

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

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

Adopted August 26, 2020 by voice vote.

ACT NO. 324-2020 by Mr. Boberg

AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH TYLER TECHNOLOGIES, INC. (FORMERLY NEW WORLD SYSTEM) FOR TYLER SOFTWARE MAINTENANCE AND SUPPORT SERVICES

Pursuant to Section 450 of the County Law.

WHEREAS, Act 423-2015, as amended by Act 493-2016, authorized a contract with Tyler Technologies, Inc. (formerly New World Systems), 840 West Long Lake Road, Troy, Michigan 48098, for the provision of Standard Software Maintenance Services (SSMA) for Commercial Off The Shelf Integrated Financial Management, Payroll/Human Resources and eSuite financial management software, Personnel Actions Module (a/k/a Benefit Tracing Module), and support and maintenance services, and

WHEREAS, it is necessary to renew the Maintenance and Support Agreement which expires August 31, 2020, and

WHEREAS, Tyler Technologies, Inc., can provide maintenance and support services for the Tyler Software systems for an amount of \$63,003.15 for the period September 1, 2020 through August 31, 2021, and then at Tyler's rates in effect at the time services are provided thereafter, 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 Tyler Technologies, Inc., for the provision of the above-described maintenance and support services, for a term commencing September 1, 2020 and terminating August 31, 2021, with an automatic renewal for additional one (1) year periods unless terminated by either party at least ninety (90) days prior to the end of the then-current term, according to the above-described terms.

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

Adopted August 26, 2020 by voice vote.

ACT NO. 325-2020 by Mr. VanRensselaer

AMENDING ACT 570-1985 REGARDING IMPOSITION OF SALES AND USE TAXES, AS AMENDED, TO EXTEND THE ADDITIONAL 1% RATE OF TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES

Pursuant to Article 29 of the Tax Law and Chapter 58 of the Laws of 2020, Part XXX, Subpart C, of the State of New York.

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

SECTION 1. The first sentence of Section 2 of Act 570-1985, which was adopted December 30, 1985, as amended, is amended to read as follows:

"SECTION 2. Imposition of Sales Tax.

On and after March 1, 1986, and through November 30, 2023, there is hereby imposed and there shall be paid a tax of four percent (4%) upon, and on and after December 1, 2023, there is hereby imposed and there shall be paid a tax of three percent (3%) upon:".

SECTION 2. Subdivisions (a), (b) and (c) of Section 2-A of Act 570-1985, as added by Act 174-1986 as amended, are amended to read as follows:

(a) Notwithstanding the rate of tax set forth in Section 2 of this resolution, on and after March 1, 1986, and through November 30, 2023, the taxes imposed on the receipts from the retail sale of fuel oil and coal used for residential purposes; the receipts from the retail sale of wood used for residential heating purposes; and the receipts from every sale, other than for resale, of propane (except when sold in containers of less than one hundred pounds) natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be paid at the rate of 3 percent. The provisions of this subdivision shall not apply to a sale of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a sale of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel, provided that each delivery of such fuel of over four thousand five hundred gallons shall be evidenced by a certificate signed by the purchaser stating that the product will be used exclusively for residential purposes.

(b) Notwithstanding the rate of tax set forth in Section 4 of this resolution for the purposes of clause (A) of subdivision (a) thereof, on and after March 1, 1986, and through November 30, 2023, the compensating use tax imposed by such section on the use of fuel oil and coal used for residential purposes and wood used for residential heating purposes shall be at the rate of 3 percent of the consideration given or contracted to be given for such property or for use of such property, plus the cost of transportation except where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser. The provisions of this subdivision shall not apply to a use of (i) diesel motor fuel which involves a delivery at a filling station or into a repository which is equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and (ii) enhanced diesel motor fuel except in the case of a use of such enhanced diesel motor fuel used exclusively for residential purposes which is delivered into a storage tank which is not equipped with a hose or other apparatus by which such fuel can be dispensed into the fuel tank of a motor vehicle and such storage tank is attached to the heating unit burning such fuel.

(c) The rate set forth in this section shall apply to receipts from all retail sales and uses described in this section made, rendered or arising therefrom on or after March 1, 1986, and through November 30, 2023, although made or rendered under a prior contract, if a delivery or transfer of possession of such property or services is made after said date. Where such property or service is sold on a monthly, quarterly or other term basis and the bills for such property or service are based on meter readings, the amount received on each bill for such property or service for a month or quarter or other term shall be a receipt subject to the rate of tax set forth in this section, but such rate shall be applicable to all bills based on meters read on or after March 1, 1986, and through November 30, 2023, only where more than one-half of the number of days included in the month or other periods billed are days subsequent to February 28, 1986.

SECTION 3. Subdivision (g) of Section 3 of Act 570-1985, which was adopted December 30, 1985, as amended, is amended to read as follows:

"(g) The taxes imposed under subdivisions (a), (c) and of (d) of Section 2 shall be paid at the rate of 3 percent upon all sales made and services rendered on or after December 1, 2023. With respect to the tax rate of 3 percent effective December 1, 2023, the provisions of subdivisions (b), (c), (d) and (e) of this section apply, except that for purposes of this subdivision, all references in said subdivisions (b), (c) and (d) to an effective date shall be read as referring to December 1, 2023, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to November 30, 2023. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December 1, 2023, any transaction which may not be subject to the lowered tax in effect on that date."

SECTION 4. Section 4 of Act 570-1985, which was adopted December 30, 1985, as amended, is amended to read as follows:

"SECTION 4. Imposition of Compensating Use Tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after March 1, 1991, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any personal property (other than computer software used by the author or other creator) manufactured, processed or assemble by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if user offers software of a similar kind for sale as the such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2023, the tax shall be at the rate of four percent (4%), and on and after December 1, 2023, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2023, the tax shall be at the rate of four percent (4%), and on and after December 1, 2023, the tax shall be at the rate of three percent (3%), of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible

personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2023, the tax shall be at the rate of four percent (4%), and on and after December 1, 2023, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2023, the tax shall be at the rate of four percent (4%), and on and after December 1, 2023, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing March 1, 1991, and ending November 30, 2023, the tax shall be at the rate of four percent (4%), and on and after December 1, 2023, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person."

SECTION 5. This resolution shall take effect December 1, 2020.

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

Adopted August 26, 2020 by voice vote.

ACT NO. 326-2020 by Mr. Marsh and Mr. VanRensselaer

**ACCEPTANCE OF BID FOR PURCHASE OF
COUNTY-OWNED PROPERTY IN THE VILLAGE OF LITTLE VALLEY**

Pursuant to Section 215 of the County Law.

WHEREAS, Act 250-2020 declared County-owned property designated as Tax Map No. 54.072-1-16.2 and located in the Village of Little Valley no longer necessary for public use and authorized the public advertisement for the sale of such property, and

WHEREAS, the property was advertised for sale in the Olean Times Herald as required, and

WHEREAS, the only bid received for the purchase of the aforementioned property was the bid of Jillian Koch, 31 Hill Street, Little Valley, New York 14755, in the amount of \$750.00, now, therefore, be it

RESOLVED, that the bid of Jillian Koch be, and the same hereby is, accepted, and the Chairman is hereby authorized and directed to execute a Quit-Claim Deed conveying the above-described property to Jillian Koch upon receipt of \$750.00.

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

Adopted August 26, 2020 by voice vote.

ACT NO. 327-2020 by Mr. Helmich and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HUNGRY BURRO, LLC FOR OPERATION OF
FOOD TRUCK AT CATTARAUGUS COUNTY OFFICE BUILDING**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 392-2019 authorized a contract with Hungry Burro, LLC, 3059 West Five Mile Road, Allegany, New York 14706, for the operation of its food truck in the County's Olean Office Building parking lot located at One Leo Moss Drive in the City of Olean, the term of which expired June 30, 2020, and

WHEREAS, the County agrees to allow Hungry Burro, LLC, to continue parking its food truck in the County's parking lot to operate a food service from it, 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 Hungry Burro, LLC, to allow the usage of the County's parking lot for the purpose of operating a food truck service, subject to such terms and conditions as may be established by the County Attorney upon recommendation of the Commissioner of Public Works and the Public Health Director, and be it further

RESOLVED, that the term of such contract shall commence July 1, 2020 and terminate on June 30, 2021, with the option to renew for successive one-year terms.

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

Adopted August 26, 2020 by voice vote.

ACT NO. 328-2020 by Mrs. Andreano and Mr. Helmich

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Office for the Aging)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, Act 236-2020 authorized a contract with New York State Office for the Aging for funding through the New York State CARES Act Grant Program, and

WHEREAS, Act 204-2020 authorized a contract with New York State Office for the Aging for funding through the Families First Coronavirus Response Act Program, and

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

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

Increase Estimated Revenue Accounts:

A.677.6737.0000.4772.21	FedAid, Programs-Aging FFCRA-Congregate	\$ 17,198.00
A.677.6737.0000.4772.22	FedAid, Programs-Aging FFCRA-Home Delivered Meals	\$ 34,387.00
A.677.6737.0000.4772.23	FedAid, Programs-Aging CARES-Federal Stimulus	\$131,387.00

Increase Appropriation Accounts:

A.677.6737.0000.46102	Employee Mileage Reimbursements	\$ 15,000.00
A.677.6737.0000.47006.CV	Operating Supplies Coronavirus	\$167,972.00.

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

Adopted August 26, 2020 by voice vote.

ACT NO. 329-2020 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENT WITH
CATTARAUGUS AREA AMBULANCE SERVICE, INC. FOR DEPARTMENT OF AGING
SENIOR WELLNESS AND NUTRITION PROGRAM SITE**

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

WHEREAS, Act 598-2019 authorized a lease agreement with the Village of Cattaraugus for the leasing of a Senior Wellness and Nutrition (SWAN) Program site, the term of which expires December 31, 2020, and

WHEREAS, the current location is in need of repair and is not ADA compliant, and
 WHEREAS, the County Department of Aging is desirous of moving its SWAN Program from its current location in the Village of Cattaraugus to the Cattaraugus Area Ambulance Service building located at 211 South Main Street in the Village of Cattaraugus, and

WHEREAS, the Cattaraugus Area Ambulance Service, Inc., 211 South Main Street, P.O. Box 44, Cattaraugus, New York 14719, can lease space in its facility for the SWAN Program site for an amount of \$300.00 per month, and

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

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a lease agreement, on behalf of Cattaraugus County, with the Cattaraugus Area Ambulance Service, Inc., for the leasing of a Senior Wellness and Nutrition Program site in the Village of Cattaraugus, for a term commencing September 1, 2020 and terminating December 31, 2021, according to the above-described terms, and be it further

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

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

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

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

Adopted August 26, 2020 by voice vote.

ACT NO. 330-2020 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
 NEW YORK STATE DEPARTMENT OF HEALTH AND HEALTH RESEARCH, INC. FOR
 EPIDEMIOLOGY & LABORATORY CAPACITY DETECTION, SURVEILLANCE AND
 PREVENTION OF COVID-19 FUNDING AND ADJUSTING VARIOUS
 APPROPRIATION AND REVENUE ACCOUNTS
 (Department of Health – COVID-19 Response Funding)**

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

WHEREAS, Cattaraugus County Health Department has been awarded federal funding in the amount of \$303,553.00 through the New York State Department of Health and Health Research, Inc., for Epidemiology & Laboratory Capacity Detection, Surveillance and Prevention of COVID-19 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 (CFDA #93.323), 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 Department of Health and Health Research, Inc., in order to accept and receive the aforementioned grant funding for the Epidemiology & Laboratory Capacity Detection, Surveillance and Prevention of COVID-19 Program, *for a term commencing July 1, 2020 and terminating June 30, 2022*,¹ 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.401.4095.4080.4401.11	Federal Aid – Public Health Coronavirus	\$95,300.91
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Increase Appropriation Accounts:

A.401.4095.4080.11000	Coronavirus Full Time Wages	\$73,678.50
A.401.4095.4080.13000	Coronavirus Overtime	\$ 3,100.00
A.401.4095.4080.20006	Coronavirus Computer Equip/SW Exp	\$ 3,000.00
A.401.4095.4080.81000	Coronavirus FICA	\$ 5,636.41
A.401.4095.4080.82000	Coronavirus Retirement	\$ 6,852.10
A.401.4095.4080.85000	Coronavirus Workers Comp	\$ 3,033.90. ¹

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

¹MRS. ANDREANO moved, seconded by Ms. Schröder, to amend as follows: In the first Resolved, after "Program", add the following: "for a term commencing July 1, 2020 and terminating June 30, 2022"; in the fifth Resolved, delete:

"Increase Estimated Revenue Account:

A.401.4095.4080.4401.11	Federal Aid – Public Health Coronavirus	\$303,553.00
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Increase Appropriation Accounts:

A.401.4095.4080.11000	Coronavirus Full Time Wages	\$152,000.00
A.401.4095.4080.13000	Coronavirus Overtime	\$ 3,100.00
A.401.4095.4080.81000	Coronavirus FICA	\$ 12,160.00
A.401.4095.4080.82000	Coronavirus Retirement	\$ 19,760.00
A.401.4095.4080.83000	Coronavirus Health Insurance	\$ 27,360.00
A.401.4095.4080.84000	Coronavirus Dental Insurance	\$ 1,520.00
A.401.4095.4080.20006	Coronavirus Computer Equip/SW Exp	\$ 3,000.00
A.401.4095.4080.47083	Coronavirus Quarantine Expense	\$ 84,653.00",

and replace with the following:

"Increase Estimated Revenue Account:

A.401.4095.4080.4401.11	Federal Aid – Public Health Coronavirus	\$95,300.91
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Increase Appropriation Accounts:

A.401.4095.4080.11000	Coronavirus Full Time Wages	\$73,678.50
A.401.4095.4080.13000	Coronavirus Overtime	\$ 3,100.00
A.401.4095.4080.20006	Coronavirus Computer Equip/SW Exp	\$ 3,000.00
A.401.4095.4080.81000	Coronavirus FICA	\$ 5,636.41
A.401.4095.4080.82000	Coronavirus Retirement	\$ 6,852.10
A.401.4095.4080.85000	Coronavirus Workers Comp	\$ 3,033.90".
Carried.		

Adopted, as amended, August 26, 2020 by voice vote.

ACT NO. 331-2020 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH LEVANT WESLEYAN CHURCH
FOR FATHERS SUPPORT/PARENTING GROUP**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 379-2019 authorized a contract with the Levant Wesleyan Church for the provision of a weekly support/parenting group for fathers who are currently working with or under the supervision of the Department of Social Services to focus on family, child and service engagement, the term of which expires August 31, 2020, and

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

WHEREAS, the purpose of the aforementioned program is to reduce re-involvement with Child Protective Services, the Support Collection Unit and Family Court, and

WHEREAS, the Levant Wesleyan Church, 1670 Lundquist Drive, Falconer, New York 14733, can provide a weekly two-hour support/parenting group for male residents of Cattaraugus County who are involved with the Department of Social Services through Child Protective Services, the Child Welfare Unit, Adult Protection Unit, Support Collection Unit, and as parents to youth involved in the juvenile justice/probation system by providing education, parenting services and support, and

WHEREAS, the Levant Wesleyan Church can provide the aforementioned services for a total amount not to exceed \$18,000.00, to be paid on a monthly basis, as invoiced, and

WHEREAS, this program is 100% federally funded (CFDA #93.558), 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 Levant Wesleyan Church, for the provision of the above-described services, for a term commencing September 1, 2020 and terminating August 31, 2021, according to the above-described terms, and be it further

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

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

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

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

Adopted August 26, 2020 by voice vote.

ACT NO. 332-2020 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES FOR
CARES ACT EMERGENCY SOLUTION GRANTS FOR
HOMELESS PREVENTION AND RAPID REHOUSING PROGRAM AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(COVID-19 Response Funding)**

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

WHEREAS, Cattaraugus County Department of Social Services has been awarded \$325,039.00 in federal funding through the U.S. Department of Health & Human Services CARES Act Emergency Solution Grants to support homeless Americans and individuals at risk of becoming homeless because of hardships such as job loss, wage reduction or illness due to COVID-19, and

WHEREAS, contracts are necessary in order to accept and receive the aforementioned federal funding, and

WHEREAS, this program is 100% federally funded (CFDA #93.558) through the CARES Act Emergency Solution Grants, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned grant funding, 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 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.601.6163.0000.4689.15	Fed Aid, Housing Assistance (CARES Grant)	\$325,039.00
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Increase Appropriation Account:

A.601.6163.0000.41603	Contracted Services	\$325,039.00.
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Approved by 6 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted August 26, 2020 by voice vote.

ACT NO. 333-2020 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COMMUNITY ACTION, INC. FOR
HOMELESS PREVENTION AND RAPID REHOUSING PROGRAM
(COVID-19 Response Funding)**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Department of Social Services has been awarded federal funding through the U.S. Department of Health & Human Services CARES Act Emergency Solution Grants to support homeless Americans and individuals at risk of becoming homeless because of hardships such as job loss, wage reduction or illness due to COVID-19, and

WHEREAS, Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, can provide services necessary to assist homeless individuals and those individuals who are at risk of becoming homeless for an amount of \$325,039.00, and

WHEREAS, a contract is necessary with Cattaraugus Community Action, Inc., in order to provide for the aforementioned services, and

WHEREAS, this program is 100% federally funded (CFDA #93.558), and

WHEREAS, sufficient funds are provided through the CARES Act Emergency Solution Grants to cover the cost of the aforementioned homeless prevention and rapid rehousing program, 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 services, for a term commencing September 1, 2020 and terminating August 31, 2021, according to the above-described terms, and be it further

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

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

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

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

Adopted August 26, 2020 by voice vote.

ACT NO. 334-2020 by Mrs. Andreano and Mr. Helmich

**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 362-2019 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, 2020, 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 \$300,900.00 for the program year July 1, 2020 through June 30, 2021, to be paid on a monthly basis, as invoiced, and as follows:

Adult	\$171,456.00
Dislocated Worker	\$106,123.00
Administration	\$ 23,321.00,

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, 2020 and terminating June 30, 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 6 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted August 26, 2020 by voice vote.

ACT NO. 335-2020 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS-ALLEGANY WORKFORCE DEVELOPMENT BOARD, INC.
FOR YEAR-ROUND YOUTH PROGRAMS (2020-2021)**

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

WHEREAS, Act 363-2019 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, 2020, 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 Development Board, Inc. (CAWDB) will pay to the County an amount not to exceed \$218,235.00 for the provision of the above-described youth services for the period July 1, 2020 through June 30, 2021, 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, 2020 and terminating June 30, 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 6 members of the Finance Committee and 7 members of the Human Services Committee.

Adopted August 26, 2020 by voice vote.

ACT NO. 336-2020 by Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
WANDERER HUT, LLC FOR OPERATION OF
FOOD TRUCK AT CATTARAUGUS COUNTY OFFICE BUILDING**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Wanderer Hut, LLC, 80 Pimlico Avenue, Salamanca, New York 14779, has expressed interest in operating its food truck in the County's Olean Office Building parking lot located at One Leo Moss Drive in the City of Olean, and

WHEREAS, the County agrees to allow Wanderer Hut, LLC, to park its food truck in the County's parking lot to operate a food service from it, 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 Wanderer Hut, LLC, to allow the usage of the County's parking lot for the purpose of operating a food truck service, subject to such terms and conditions as may be established by the County Attorney upon recommendation of the Commissioner of Public Works and the Public Health Director, and be it further

RESOLVED, that the term of such contract shall commence September 1, 2020 and terminate on August 31, 2021, with the option to renew for successive one-year terms.

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

Adopted August 26, 2020 by voice vote.

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MR. HELMICH moved, seconded by Mr. Klancer, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 314-2020 and Act No. 337-2020 through Act No. 354-2020, inclusive. Carried.

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ACT NO. 337-2020 by Mr. Helmich, Mr. Parker and Mr. Koch
who ask immediate consideration

**BID ACCEPTANCE FOR MARKHAMS SALT/SAND STORAGE BUILDING
CONTRACT A - FOUNDATION SYSTEM AND ADJUSTING VARIOUS
APPROPRIATION AND REVENUE ACCOUNTS
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and
Sections 215, 363, 366 and 450 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the Markhams Salt/Sand Storage Building – Contract A–Foundation System for the Cattaraugus County Department of Public Works, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications was the bid of The L.C. Whitford Co., Inc., 164 North Main Street, Wellsville, New York 14895, for the Markhams Salt/Sand Storage Building – Contract A–Foundation System for the Cattaraugus County Department of Public Works, for an amount of \$288,887.00, to be paid as invoiced, and

WHEREAS, an additional \$200,000.00 is needed from Fund Balance in order to cover the expected expenses related to the Markhams Salt/Sand Storage Building – Contract A–Foundation System Project, and

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

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

RESOLVED, that the bid of The L.C. Whitford Co., Inc., be, and the same hereby is, accepted, for a term commencing upon signing of the contract and terminating October 16, 2020, 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 appropriate \$200,000.00 from Undesignated Fund Balance Account A.909.0000 and make the following budgetary changes:

Increase Estimated Revenue Account:

H.990.9950.0000.5031	Interfund Transfer	\$200,000.00
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Increase Appropriation Accounts:

H.504.5142.0000.21094.41603	Markham Salt Storage Shed	\$200,000.00
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A.990.9950.0000.90504	Transfer to Capital Projects Fund	\$200,000.00.
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No State Bid.

Eleven sets of specifications were sent out.

Five bids were received which met specifications.

Adopted August 26, 2020 by voice vote.

ACT NO. 338-2020 by Public Works Committee:
Mr. Helmich, Mr. Koch, Mr. Benson, Mr. Boberg,
Mr. Morrow, Mr. Parker and Mr. Snyder
who ask immediate consideration

**BID ACCEPTANCE FOR ONOVILLE MARINA STORM SEWER REPAIR PROJECT
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and
Sections 215 and 450 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the Onoville Marina Project – 52" Storm Sewer Repairs for the Cattaraugus County Department of Public Works, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest acceptable bid received meeting specifications was the bid of S. St. George Enterprises, Inc., 6989 Webster Road, PO Box 348, Fredonia, New York 14063, for the Onoville Marina Project – 52" Storm Sewer Repairs, for an amount of \$176,388.00, to be paid as invoiced, and

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

RESOLVED, that the bid of S. St. George Enterprises, Inc., be, and the same hereby is, accepted, for a term commencing within ten (10) days of signing of the contract and terminating May 1, 2021, 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.

14 sets of specifications were sent out.

10 bids were received which met specifications.

Adopted August 26, 2020 by voice vote.

ACT NO. 339-2020 by Public Works Committee:
Mr. Helmich, Mr. Koch, Mr. Benson, Mr. Boberg,
Mr. Morrow, Mr. Parker and Mr. Snyder
who ask immediate consideration

**BID ACCEPTANCE FOR COOLING TOWER MEDIA REPLACEMENT 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 and 450 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the Cooling Tower Media Replacement at The Pines Healthcare and Rehabilitation Center-Machias Campus for the Cattaraugus County Department of Nursing Homes, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the only bid received meeting specifications was the bid of John W. Danforth Company, 300 Colvin Woods Parkway, Tonawanda, New York 14150, for the Cooling Tower Media Replacement at The Pines Healthcare and Rehabilitation Center-Machias Campus, for an amount of \$19,994.00, plus the following additional work, for a total amount of \$28,070.00, to be paid as invoiced:

Cooling Tower Media Replacement	\$19,994.00
Fan Motor Replacement	\$ 7,196.00
Surface Rust Coating	<u>\$ 880.00</u>
Total	\$28,070.00,

and

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

RESOLVED, that the bid of John W. Danforth Company be, and the same hereby is, accepted, for a term commencing within ten (10) days of signing of the contract and terminating May 1, 2021, 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.

One bid was received which met specifications.

Adopted August 26, 2020 by voice vote.

ACT NO. 340-2020 by Mrs. Andreano, Mr. Benson, Mr. Brisky, Mr. Burr, Mr. Helmich,
Mr. Higgins, Mrs. Hunt, Mr. Klancer, Mr. Marsh, Mr. Morrow,
Mr. Parker, Ms. Schröder, Mr. Smith, Mr. VanRensselaer and Mr. Koch
who ask immediate consideration

**LOCAL LAW NUMBER 5 - 2020
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Article 1 of the Municipal Home Rule Law and Section 400 of the County Law.

**A LOCAL LAW AMENDING LOCAL LAW NUMBER 1-1985 PROVIDING FOR
THE CREATION OF A CATTARAUGUS COUNTY PUBLIC WORKS DEPARTMENT AND
THE OFFICE OF CATTARAUGUS COUNTY COMMISSIONER OF PUBLIC WORKS**

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

SECTION 1. Legislative Intent. It is the intent of this local law to remove the responsibility for the control and operation of the Onoville Marina from the Department of Public Works.

SECTION 2. Amendment of Local Law Number 1-1985. Effective January 1, 2021, Local Law Number 1-1985 (Intro No. 1-1985) is amended as follows:

2.1 In Section I. Intent., delete: "and Onoville Marina", and

2.2 In Section IV. Powers and Duties. subsection 7, delete: "and marinas".

SECTION 3. Severability. If any provision of this local law or the application thereof to any person or circumstance be held unconstitutional or invalid in whole or in part by any court, such holding of unconstitutionality or invalidity shall in no way affect or impair any other provision of this local law, or the application of any such provision to any other person or circumstance.

SECTION 4. Effective Date. This local law shall take effect immediately upon filing with the Department of State.

No further action taken at this time.

VICE-CHAIRMAN BURR granted Privilege of the Floor to Legislator Brisky who made the following remarks:

"On these resolutions regarding Onoville – the campground/marina facilities are a real gem in our County; a tourism driver and something that we believe can be enhanced into an even greater tourism and economic driver for Cattaraugus County. On behalf of the Legislative Body, we owe our thanks to Kathy Ellis and the DPW staff for a great job in running the facilities. This transfer of function is simply to give the Onoville facilities a fresh look; let's have Crystal's department see what they can do to really enhance the facilities and improve this destination point in Cattaraugus County. We know that Kathy and Crystal will work together and collaborate, as they always have, so that Onoville may thrive and we see the benefit to our County."

ACT NO. 341-2020 by Mrs. Andreano, Mr. Benson, Mr. Brisky, Mr. Burr, Mr. Helmich,
Mr. Higgins, Mrs. Hunt, Mr. Klancer, Mr. Marsh, Mr. Morrow,
Mr. Parker, Ms. Schröder, Mr. Smith, Mr. VanRensselaer and Mr. Koch
who ask immediate consideration

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 5 - 2020

Pursuant to Article 1 of the Municipal Home Rule Law and
Section 400 of the County Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on August 26, 2020, a proposed Local Law entitled "A Local Law Amending Local Law Number 1-1985 Providing for the Creation of a Cattaraugus County Public Works Department and the Office of Cattaraugus County Commissioner of Public Works", 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 9th day of September, 2020, at 4:02 p.m. at the Legislature's Chambers, Cattaraugus County Center, 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 August 26, 2020 by voice vote.

ACT NO. 342-2020 by Mrs. Andreano, Mr. Benson, Mr. Brisky, Mr. Burr, Mr. Helmich, Mr. Higgins, Mrs. Hunt, Mr. Klancer, Mr. Marsh, Mr. Morrow, Mr. Parker, Ms. Schröder, Mr. Smith, Mr. VanRensselaer and Mr. Koch who ask immediate consideration

**LOCAL LAW NUMBER 6 - 2020
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Article 1 of the Municipal Home Rule Law and Section 400 of the County Law.

**A LOCAL LAW AMENDING LOCAL LAW NUMBER 6-1992 PROVIDING
FOR THE CREATION OF A CATTARAUGUS COUNTY DEPARTMENT OF
ECONOMIC DEVELOPMENT, PLANNING AND TOURISM**

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

SECTION 1. Legislative Intent. It is the intent of this local law to include the responsibility for the control, administration and operation of the Onoville Marina under the powers and duties of the Department of Economic Development, Planning and Tourism.

SECTION 2. Amendment of Local Law Number 6-1992. Effective January 1, 2021, Section 4 of Local Law Number 6-1992 (Intro Number 7-1992) is amended by adding a new subsection as follows:

"4.14 control, administer and operate the Onoville Marina."

SECTION 3. Severability. If any provision of this local law or the application thereof to any person or circumstance be held unconstitutional or invalid in whole or in part by any court, such holding of unconstitutionality or invalidity shall in no way affect or impair any other provision of this local law, or the application of any such provision to any other person or circumstance.

SECTION 4. Effective Date. This local law shall take effect immediately upon filing with the Department of State.

No further action taken at this time.

ACT NO. 343-2020 by Mrs. Andreano, Mr. Benson, Mr. Brisky, Mr. Burr, Mr. Helmich, Mr. Higgins, Mrs. Hunt, Mr. Klancer, Mr. Marsh, Mr. Morrow, Mr. Parker, Ms. Schröder, Mr. Smith, Mr. VanRensselaer and Mr. Koch who ask immediate consideration

AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 6 - 2020

Pursuant to Article 1 of the Municipal Home Rule Law and Section 400 of the County Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on August 26, 2020, a proposed Local Law entitled "A Local Law Amending Local Law Number 6-1992 Providing for the Creation of a Cattaraugus County Department of Economic Development, Planning and Tourism", 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 9th day of September, 2020, at 4:03 p.m. at the Legislature's Chambers, Cattaraugus County Center, 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 August 26, 2020 by voice vote.

ACT NO. 344-2020 by Mrs. Andreano, Mr. Benson, Mr. Brisky, Mr. Burr, Mr. Helmich, Mr. Higgins, Mrs. Hunt, Mr. Klancer, Mr. Marsh, Mr. Morrow, Mr. Parker, Ms. Schröder, Mr. Smith, Mr. VanRensselaer and Mr. Koch who ask immediate consideration

TRANSFER OF CERTAIN FUNCTIONS AND PERSONNEL FROM DEPARTMENT OF PUBLIC WORKS TO DEPARTMENT OF ECONOMIC DEVELOPMENT, PLANNING & TOURISM

Pursuant to Section 204 and 205 of the County Law and Section 70 (2) of the Civil Service Law.

WHEREAS, contingent upon the adoption of Act Nos. 340-2020 and 342-2020, the control, management and operational functions for the Onoville Marina will be transferred to the Department of Economic Development, Planning & Tourism effective January 1, 2021, and

WHEREAS, this transfer is expected to provide for a more effective and efficient manner in which to promote tourism in Cattaraugus County, and

WHEREAS, the functions being performed by positions within the Department of Public Works are to be performed and incorporated within the Department of Economic Development, Planning & Tourism, now, therefore, be it

RESOLVED, that effective January 1, 2021, contingent upon the adoption of Act Nos. 340-2020 and 342-2020, the following positions of employment within the Department of Public Works, along

with the permanent incumbents thereof, are hereby transferred to the Department of Economic Development, Planning & Tourism:

<u>Number of Positions</u>	<u>Position Number</u>	<u>Title of Positions</u>
1	502-278-001	Recreation Area Manager – Full Time Permanent
1	502-288-001	Assistant Recreation Area Manager – Full Time Permanent
5	502-208-001	Marina Attendant – Part Time Seasonal
	502-208-002	
	502-208-003	
	502-208-004	
	502-208-005	

and be it further

RESOLVED, that upon such transfer, all such permanent incumbents shall continue to be employed with all the rights and benefits heretofore acquired through Civil Service in the classified service as provided in Civil Service Law 70 (2), and be it further

RESOLVED, that in accordance with Civil Service Law Section 70, a copy of this resolution be conspicuously posted in the Department of Public Works.

Adopted August 26, 2020 by voice vote.

ACT NO. 345-2020 by Mr. Higgins and Mr. Marsh
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CHAUTAUQUA-CATTARAUGUS LIBRARY SYSTEM FOR
2020 CENSUS COMPLETE COUNT OUTREACH 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, Act 623-2019 authorized the Chair to execute grant documents with the New York State Urban Development Corporation d/b/a Empire State Development for the Census 2020 Complete Count Outreach Grant, which will be used to support efforts to encourage residents in hard-to-count populations to complete the Census questionnaire, and

WHEREAS, the County Department of Economic Development, Planning & Tourism (EDP&T) is desirous of encouraging County residents to be counted for the 2020 Census while adhering to social distancing guidelines in response to the COVID-19 Pandemic, and

WHEREAS, the Chautauqua-Cattaraugus Library System, 106 West 5th Street, Jamestown, New York 14701, is a not-for-profit organization that can provide specific "safe distancing" activities to help encourage a response to the 2020 Census while adhering to social distancing guidelines for an amount of \$60,891.00, and

WHEREAS, the Chautauqua-Cattaraugus Library System can provide the following services:

- Newspaper advertisements about how to take the Census and importance of being counted and not to ignore enumerators;
- Radio advertisements about how to take the Census and importance of being counted and not to ignore enumerators;

- Print Census 101 flyer from Census.gov. to distribute to community organizations that serve various needs and reach various populations;
- Purchase Census 101 Bookmarks to distribute to community organizations that serve various needs and reach various populations through partner organizations;
- Purchase Pens with stylus displaying the Census message and website to encourage touch free screen interaction for schools and distribute to the community through partner organizations; and
- Purchase and distribute touch free key rings displaying the Census message to encourage touch free screen interaction for adults,

and

WHEREAS, various appropriation and revenue accounts must be adjusted 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 the Chautauqua-Cattaraugus Library System, for the provision of above-described services, for a term commencing September 1, 2020 and terminating December 31, 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, and be it further

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

Increase Estimated Revenue Accounts:

A.642.6420.0000.1371	Census Grant Administration	\$ 1,014.85
A.642.6420.6428.3789.03	State Aid, Other Economic Assistance Census Grant	\$81,188.00

Increase Appropriation Accounts:

A.642.6420.0000.11000	FT Wages	\$ 1,014.85
A.642.6420.6428.42009	Chautauqua/Cattaraugus Library System	\$60,891.00
A.642.6420.6428.48001	Advertising	\$ 7,982.15
A.642.6420.6428.20006	Computer Equipment/Software	\$11,000.00
A.642.6420.6428.46108	Cell Phone Charges	\$ 300.00
A.642.6420.6428.48330	Census Grant Administration	\$ 1,014.85.

Adopted August 26, 2020 by voice vote.

ACT NO. 346-2020 by Mrs. Andreano, Mr. Benson, Mr. Higgins,
Mr. Morrow, Mr. Parker, Mr. Smith and Mr. Snyder
who ask immediate consideration

**SALE OF TAX TITLE PROPERTY TO FORMER OWNERS
(City of Olean and Towns of Allegany and Ischua)**

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 situated in the City of Olean and the Towns of Allegany and Ischua, 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
26	94.064-5-10	John Desmond, Jr.	540 E. 40 th Street Brooklyn, NY 11203	\$14,845.11

TOWN OF ALLEGANY

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
119	111.002-1-28./8	Bobbi Berg	225 NYS Route 16 S. Olean, NY 14760	\$2,355.68

TOWN OF ISCHUA

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
327	59.004-2-32	Lanny E. Clayson Marie A. Clayson	300 Yankee Hill Road Cuba, NY 14727	\$2,704.48

Adopted August 26, 2020 by voice vote.

ACT NO. 347-2020 by Mr. VanRensselaer
who asks immediate consideration

**AUTHORIZING SALE OF CERTAIN TAX TITLE PROPERTIES
AND WAIVING RULE 40 OF THE RULES OF ORDER**

Pursuant to Rule 33 of the Rules of Order of the Cattaraugus County Legislature
and Section 1166 of the Real Property Tax Law.

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

WHEREAS, the properties are subject to Rule 40 of the Rules of Order of the Cattaraugus County Legislature, and

WHEREAS, it is in the County's best interest to forego the requirements of Rule 40 and convey title of the subject properties pursuant to Real Property Tax Law Section 1166, now, therefore, be it

RESOLVED, that if the tender by the bidders of the total purchase price is not made within 30 days after the adoption hereof, then the acceptance of that individual's bid shall thereafter be void and of no further effect, and be it further

RESOLVED, that pursuant to Rule 33 of the Rules of Order of the Cattaraugus County Legislature, Rule 40 is hereby waived for this conveyance, and be it further

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

<u>CITY OF OLEAN</u>				
Tax Map No.	Property Address	Purchaser & Address	County Involvement	Bid Amount
94.048-1-25	811 North 4 th Street	Billy Gene Williams, Jr.	\$10,662.00	\$8,000.00
94.048-1-26	Olean, NY 14760	7 Colwell Street Portville, NY 14770		
94.056-8-36	311 North 5 th Street	Jeffrey & Holly Thropp	\$13,149.82	\$14,000.00
	Olean, NY 14760	231 North 2 nd Street Olean, NY 14760		
94.050-4-24	335 Paragon Avenue	Property Solutions of WNY, Inc.	\$12,073.41	\$23,000.00
	Olean, NY 14760	21 Maple Avenue Fredonia, NY 14063		
<u>VILLAGE OF CATTARAUGUS</u>				
Tax Map No.	Property Address	Purchaser & Address	County Involvement	Bid Amount
35.081-2-3	34 Jefferson Street	Sheldon & Kimberly Kenyon	\$13,764.00	\$10,000.00
	Cattaraugus, NY 14719	34 Jefferson Street Cattaraugus, NY 14719		

Adopted August 26, 2020 by voice vote.

ACT NO. 348-2020 by Mr. Burr
who asks immediate consideration

**AUTHORIZING SALE OF CERTAIN TAX TITLE PROPERTY
AND WAIVING RULE 40 OF THE RULES OF ORDER**

Pursuant to Rule 33 of the Rules of Order of the Cattaraugus County Legislature
and Section 1166 of the Real Property Tax Law.

WHEREAS, Cattaraugus County has tax title to certain property located at 111 Monroe Terrace in the City of Olean, Cattaraugus County, designated as Tax Map No. 94.081-2-62, and

WHEREAS, Act 307-2020 authorized the Chair to execute a listing contract with Southern Tier Agencies for the sale of the aforementioned property, and

WHEREAS, the only offer received for the purchase of the aforementioned property was the offer from Nicholas Bohdanowycz in the amount of \$50,000.00, which is contingent upon the buyer obtaining financing, and

WHEREAS, it is in the County's best interest to convey title of the aforementioned property to Nicholas Bohdanowycz, now, therefore, be it

RESOLVED, that if the tender of the total purchase price is not made within 30 days after the adoption hereof, then the acceptance of that individual's offer shall thereafter be void and of no further effect, and be it further

RESOLVED, that pursuant to Rule 33 of the Rules of Order of the Cattaraugus County Legislature, Rule 40 is hereby waived for this conveyance, and be it further

RESOLVED, that the County Treasurer be, and hereby is, authorized and directed to execute County Treasurer's Deed conveying the property to Nicholas Bohdanowycz, 1400 Buchanan Avenue, Olean, New York 14760, upon receipt of \$50,000.00 for the purchase of the above-described property.

Adopted August 26, 2020 by voice vote.

ACT NO. 349-2020 by Ms. Schröder
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ASSET HEALTH, INC. FOR HEALTH WELLNESS PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 187-2019 authorized a contract with Interactive Health, Inc., for the provision of a health wellness program for County employees, the term of which expired December 31, 2019, and

WHEREAS, the County is desirous of providing a Healthy Activities program for County employees, and

WHEREAS, Asset Health, Inc., 2250 Butterfield Drive, Suite 100, Troy, Michigan 48084, can provide a health wellness program for County employees for an amount of \$170.00 per annual biometric screening participant, plus \$2.50 per employee per month to include the Healthy Activities program for County employees:

- Asset Health, Inc., shall continue to provide the following services for County employees for an annual fee of \$170.00 per completed health evaluation:
Health Evaluation (including biometric screening),
Post Evaluation Materials, Tools and Actions,
Post Evaluation Client reporting,
Asset Health Standard Tools and Resources, and
Healthy Lifestyle Coaching,

- Uninsured employees, spouses and adult dependents may also elect to participate and pay \$170.00 for the service out-of-pocket, and
- For clients utilizing the Healthy Activities program, Asset Health, Inc., will charge a fee of \$2.50 PEPM for 400 employees through 2021,

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 Asset Health, Inc., for the provision of the above-described services, for a term commencing September 14, 2020 and terminating December 31, 2022, according to the above-described terms.

Adopted August 26, 2020 by voice vote.

ACT NO. 350-2020 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
HEALTHY COMMUNITY ALLIANCE, INC. FOR
COMMUNITIES CARE FAMILY CAREGIVERS RESPITE PILOT PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Healthy Community Alliance, Inc., received a grant from the Communities Care Family Caregivers Respite Pilot Program that will support innovative solutions for caregiver respite, and

WHEREAS, the Cattaraugus County Department for the Aging is desirous of partnering with Healthy Community Alliance, Inc., to collaboratively conduct planning activities under the aforementioned grant, and

WHEREAS, as a partner agency, the Department for the Aging will assist with project design, caregiver referral and engagement, caregiver respite needs assessment, respite coaching model and workflow, assembly of a resource library of services and tools, referral system, and identification of outcome and impact measurements, and

WHEREAS, the Department for the Aging will receive a one-time payment of \$2,000.00 for their effort and contribution toward the planning and implementation of the project, and

WHEREAS, it is necessary to enter into a contract with Healthy Community Alliance, Inc., in order to become a partner agency, 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 Healthy Community Alliance, Inc., for the provision of above-described services, for a term commencing September 1, 2020 and terminating February 28, 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.

Adopted August 26, 2020 by voice vote.

ACT NO. 351-2020 by Mrs. Andreano
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR
CIVIL MONETARY PENALTY REINVESTMENT FUNDS FOR COMMUNICATION DEVICES
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Nursing Homes)**

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

WHEREAS, the County Department of Nursing Homes has qualified for the Civil Monetary Penalty Reinvestment (CMP) Funds in the amount of \$2,880.00, for each of its nursing home locations, for the purchase of Communication Devices for its residents, and

WHEREAS, these communication devices will provide residents of The Pines Healthcare and Rehabilitation Centers with the means to maintain regular contact with their loved ones, the New York State Long Term Care Ombudsman Program and providers using virtual technology, and

WHEREAS, grant documents need to be executed in order to receive the aforementioned grant funding, 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 New York State Department of Health, in order to accept and receive, the aforementioned Civil Monetary Penalty Reinvestment (CMP) Funds, 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:

EF.453.4530.0000.3489.03	State Aid, Other Public NH Grant	\$2,880.00
EI.453.4530.0000.3489.03	State Aid, Other Public NH Grant	\$2,880.00

Increase Appropriation Accounts:

EF.453.4530.1190.20006	Computer Equipment/Software	\$2,880.00
EI.453.4530.1190.20006	Computer Equipment/Software	\$2,880.00.

Adopted August 26, 2020 by voice vote.

ACT NO. 352-2020 by Labor Relations Committee:

Ms. Schröder, Mr. Marsh, Mr. Helmich,
Mrs. Hunt and Mr. Koch
and Mrs. Andreano and Mr. Morrow¹
who ask immediate consideration

**CREATING ONE (1) TEMPORARY POSITION OF EMERGENCY MEDICAL TECHNICIAN,
ONE (1) TEMPORARY POSITION OF CASE WORKER, ONE (1) TEMPORARY POSITION OF
EMERGENCY MEDICAL SERVICES COORDINATOR, ONE (1) TEMPORARY POSITION OF
LICENSED PRACTICAL NURSE AND ONE (1) TEMPORARY POSITION OF
REGISTERED PROFESSIONAL NURSE IN THE HEALTH DEPARTMENT
AND ESTABLISHING COMPENSATION FOR THE SAME
(Health Department – COVID-19 Funding)**

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

WHEREAS, the Health Department is in receipt of Federal Grant monies to assist with the current COVID-19 Pandemic and resulting contact tracing needs, and

WHEREAS, due to the progression of COVID-19 and State mandates on the County Public Health Directors and their staff, there is a need for several positions, and

WHEREAS, creating these positions will relieve the burden upon the Health Department by providing necessary staff to address the needs and provide for the safety and wellbeing of Cattaraugus County citizens, and

WHEREAS, New Position Duties Statements have been submitted to the Cattaraugus County Personnel Officer, who has approved the titles of Emergency Medical Technician, Case Worker, Emergency Medical Services Coordinator, Licensed Practical Nurse and Registered Professional Nurse, in accordance with Civil Service Law Section 22, now, therefore, be it

RESOLVED, that effective immediately, there is hereby created one (1) temporary position of Emergency Medical Technician in the Health Department to be filled on a temporary basis, Schedule Q, Pay Grade 15, Step 1 (\$18.48 per hour), Position No. 401-817-001, and be it further

RESOLVED, that effective immediately, there is hereby created one (1) temporary position of Case Worker in the Health Department to be filled on a temporary basis, Schedule N, Pay Grade 23, Step 6 (\$25.04 per hour), Position No. 401-957-001, and be it further

RESOLVED, that effective immediately, there is hereby created one (1) temporary position of Emergency Medical Services Coordinator in the Health Department to be filled on a temporary basis, Schedule N, Pay Grade 23, Step 6 (\$25.04 per hour), Position No. 401-819-001, and be it further

RESOLVED, that effective immediately, there is hereby created one (1) temporary position of Licensed Practical Nurse in the Health Department to be filled on a temporary basis, Schedule N, Pay Grade 20, Step 6 (\$22.25 per hour), Position No. 401-920-002, and be it further

RESOLVED, that effective immediately, there is hereby created one (1) temporary position of Registered Professional Nurse in the Health Department to be filled on a temporary basis, Schedule N, Pay Grade 24, Step 6 (\$26.14 per hour), Position No. 401-925-001, *and be it further*

*RESOLVED, that upon termination or exhaustion of either state or federal funding for these positions, then these positions shall be automatically abolished.*²

¹The following Legislators requested their names be listed as additional sponsors: “Mrs. Andreano and Mr. Morrow”.

²MS. SCHRODER moved, seconded by Mrs. Andreano, to amend as follows: after the fifth Resolved, add: “, and be it further RESOLVED, that upon termination or exhaustion of either state or federal funding for these positions, then these positions shall be automatically abolished”. Carried.

Adopted, as amended, August 26, 2020 by voice vote.

ACT NO. 353-2020 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
MARY SNYDER FOR
HEALTH DEPARTMENT SPEECH THERAPY SERVICES**

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

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

WHEREAS, Mary Snyder, 522 South Street, East Aurora, New York 14052, has agreed to provide speech therapy services to Cattaraugus County Health Department patients at the rate of \$72.83 per visit, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Mary Snyder, for the provision of the above-described services, for a term commencing September 1, 2020 and terminating August 31, 2021, according to the above-described terms, and be it further

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

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

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

Adopted August 26, 2020 by voice vote.

ACT NO. 354-2020 by Mr. Helmich and Mr. Koch
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
CONSTELLATION NEWENERGY, INC. FOR
PARTICIPATION IN ENERGY PURCHASE PROGRAM**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 476-2006, as amended by Acts 607-2009, 231-2015 and 237-2016, authorized the County to be a member of the Municipal Electric and Gas Alliance (MEGA), for participation in an energy purchase program, and

WHEREAS, Municipal Electric and Gas Alliance (MEGA), P.O. Box 88, Ithaca, New York 14851-0088, acts as an aggregator of power usage at no cost to the County, and

WHEREAS, MEGA has an agreement with Constellation NewEnergy, Inc., which allows the County to take advantage of the low market rate of \$.04152/kWh until October 28, 2023, and

WHEREAS, a contract extension is necessary with Constellation NewEnergy, Inc., in order to lock in at the lowest market rates available for the period November 30, 2020 through October 28, 2023, 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 Constellation NewEnergy, Inc., in order to lock in the lowest market rates in the above-described energy purchase program, for a term commencing November 30, 2020 and terminating October 28, 2023, according to the above-described terms.

Adopted August 26, 2020 by voice vote. Mr. Smith abstained from vote.

**MOTION TO ADJOURN IN MEMORY OF
HAROLD V. CAIN**

WHEREAS, Harold V. Cain, 91, formerly of Coldspring, passed away on August 18, 2020 at home in Jamestown, and

WHEREAS, Mr. Cain served on the Cattaraugus County Board of Supervisors from June 17, 1966 – December 31, 1969 as town supervisor for Coldspring, and

WHEREAS, in 1970 when the Cattaraugus County Legislature was established, Mr. Cain was elected to represent District #2, and he served in that capacity until December 31, 1975, and

WHEREAS, Mr. Cain also served as a Town of Coldspring Justice and Councilman, and

WHEREAS, during his tenure on the Cattaraugus County Legislature, Mr. Cain co-sponsored the Onoville Marina Park project, and

WHEREAS, Mr. Cain served in the United States Army during the Korean War Era from December 8, 1950 to November 30, 1952, primarily stationed with the Occupational Forces in Germany, and

WHEREAS, Mr. Cain was a life member of the Randolph American Legion Post 181 and the Coldspring Fire Department, a member of the Little Valley Veterans of Foreign Wars Post 8734 and East Randolph Am-Vets, as well as a 70-year member of the Cardinal Hills Golf Course, and

WHEREAS, Mr. Cain is survived by his wife of 67 years Rita; his children, Dennis of Coldspring and Dianne Cooper of Jamestown; and two grandchildren, and

WHEREAS, the loss of his presence will be sadly felt by his many friends and colleagues in Cattaraugus County, now, therefore, Legislators Marsh and VanRensselaer hereby

MOVE, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of Harold V. Cain, 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 Harold V. Cain, 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 his wife.

* * * * *

MR. HELMICH moved, seconded by Mr. Morrow, to adjourn until September 9, 2020 at 4:00 p.m. Carried.

Meeting adjourned at 5:02 p.m.

Ann M. Giglio
Journal Clerk