



October 28, 2020

The meeting was called to order by Chairman VanRensselaer.

The invocation was given by Rev. LeFeber.

The Attendance Roll Call disclosed all Legislators present.

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There being no amendments or objections thereto, Chairman VanRensselaer noted that the minutes of the October 14, 2020 session stand approved as presented.

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**COMMUNICATIONS:**

Greene County Legislature: Resolution No. 275-20, Resolution Supporting A.11245: Product Stewardship Program for Paint.

Seneca County Board of Supervisors: Resolution No. 204-2020, Supervisors Support Bill S113/A4939, "An Act to Amend the Public Health Law in Relation to the Unpredictable Nursing Home Inspection Act", and Resolution No. 205-2020, Supervisors Support NYS Senate Bill S112 Related to Imposing a Nursing Home Purchase Moratorium on Those Who Own or Have Owned Failing Facilities.

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**PRIVILEGE OF THE FLOOR:**

CHAIRMAN VANRENSELAER granted Privilege of the Floor to Jamestown Community College President Daniel DeMarte and Executive Director Paula Snyder who provided an update on completed JCC Capital Projects. Mrs. Snyder also gave an overview of the COVID protocols being utilized by JCC.

CHAIRMAN VANRENSELAER granted Privilege of the Floor to Legislator Kelly Andreano who spoke on Dysautonomia and Postural Orthostatic Tachycardia Syndrome (POTS). Her daughter was diagnosed with it at the age of 13 and was the first known case in our area. It is a medical condition that causes a malfunction of the autonomic nervous system. Since her daughter's diagnosis, she has been advocating for awareness of this condition. There are a couple of other cases in our area now as well.

CHAIRMAN VANRENSELAER granted Privilege of the Floor to Legislator Richard Smith who wanted to recognize John Elmore who was named "Lawyer of the Year" by the Erie County Bar Association. Attorney Elmore is originally from Olean.

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**ACT NO. 409-2020** by Mr. Helmich and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH BERGMANN ASSOCIATES FOR  
EVALUATION AND INSPECTION OF COUNTY-OWNED DAMS**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 316-2018 authorized a contract with Bergmann Associates, 280 East Broad Street, Suite 200, Rochester, New York 14604, for the provision of evaluation and inspection services for County-owned dams, including the Ischua and Conewango (Cattaraugus County-owned) watershed dams, the term of which expires December 31, 2020, and

WHEREAS, the County Department of Public Works is desirous of continuing the aforementioned services, and

WHEREAS, Bergmann Associates can provide the necessary evaluation and inspection services for a total amount not to exceed \$5,000.00 per year, for a total three-year contract amount of \$15,000.00, to be paid as invoiced, 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 Bergmann Associates, for the provision of the above-described services, contingent upon and subject to inclusion in the 2021 budget of sufficient funds to cover the costs of the aforementioned services, for a term commencing January 1, 2021 and terminating December 31, 2023, according to the above-described terms.

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

Adopted October 28, 2020 by voice vote.

**ACT NO. 410-2020** by Mr. Helmich and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH  
WENDEL WD, ARCHITECTURE, ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.  
FOR ENGINEERING DESIGN SERVICES FOR ADA ACCESSIBILITY IMPROVEMENTS  
(Little Valley County Center Improvements)**

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

WHEREAS, Act 587-2019 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 engineering services necessary to provide an Accessibility Action Plan for the Little Valley County Center for compliance with the Americans with Disabilities Act (ADA), the term of which expires December 31, 2020, and

WHEREAS, a contract extension is necessary in order to complete the aforementioned project, 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 that commenced December 12, 2019 to terminate December 31, 2022, according to the above-described terms.

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

Adopted October 28, 2020 by voice vote.

**ACT NO. 411-2020** by Mr. Helmich and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH  
LABELLA ASSOCIATES, PC FOR CONSTRUCTION SUPPORT SERVICES  
FOR HINSDALE BRIDGE NO. 62 REPLACEMENT PROJECT**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 98-2018, as amended by Acts 579-2018 and 585-2019, authorized a contract with Labella Associates, PC, 300 State Street, Suite 201, Rochester, New York 14614, for the provision of engineering services for the design of Hinsdale Bridge No. 62, located on County Road No. 26 (Gile Hollow Road) over Olean Creek, the term of which expires December 31, 2020, and

WHEREAS, a contract extension is necessary in order to complete the aforementioned project, 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 Labella Associates, PC, for the provision of the above-described construction support services, to extend the term of the original contract that commenced December 12, 2019 and terminates April 30, 2021, according to the above-described terms.

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

Adopted October 28, 2020 by voice vote.

**ACT NO. 412-2020** by Mr. Helmich and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH  
GREENMAN-PEDERSEN, INC. FOR CONSTRUCTION INSPECTION SERVICES  
FOR NEW ALBION BRIDGE NO. 35 FEDERAL-AID REPLACEMENT PROJECT  
(Tannery Street Bridge)**

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

WHEREAS, Act 516-2019 authorized a contract with Greenman-Pedersen, Inc., 4950 Genesee Street, Suite 100, Buffalo, New York 14225, for the provision of construction inspection services

for the New Albion Bridge No. 35 federal-aid replacement project, located on Tannery Street over Tributary South Branch Cattaraugus Creek, BIN 3-32281-0, in the Town of New Albion, the term of which expires December 31, 2020, and

WHEREAS, a contract extension is necessary in order to complete the aforementioned project, 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 Greenman-Pedersen, Inc., for the provision of the above-described construction inspection services for the construction phase of the above-described replacement project, to extend the term of the original contract which commenced upon execution of the contract and terminates June 30, 2021, according to the above-described terms.

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

Adopted October 28, 2020 by voice vote.

**ACT NO. 413-2020** by Mr. Helmich and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION  
WITH GREENMAN-PEDERSEN, INC. FOR  
CONSTRUCTION INSPECTION SERVICES FOR 2020 BRIDGE PAINTING PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 179-2020 authorized a contract with Greenman-Pedersen, Inc., 4950 Genesee Street, Suite 100, Buffalo, New York 14225, for the 2020 Bridge Painting program, the term of which expires October 31, 2020, and

WHEREAS, a contract extension is necessary in order to complete the aforementioned project, 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 Greenman-Pedersen, Inc., for the provision of the above-described services, to extend the term of the original contract which commenced May 1, 2020 to terminate August 31, 2021, according to the above-described terms.

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

Adopted October 28, 2020 by voice vote.

**ACT NO. 414-2020** by Mr. Helmich and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH  
STANTEC CONSULTING SERVICES, INC. FOR ENGINEERING SERVICES FOR  
NEW ALBION BRIDGE NO. 35 FEDERAL-AID REPLACEMENT PROJECT  
(Tannery Street Bridge)**

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

WHEREAS, Act 95-2007, as amended by Act 515-2019, authorized a contract with Stantec Consulting Services, Inc., 61 Commercial Street, Suite 100, Rochester, New York 14614, for the provision of engineering services for the New Albion Bridge No. 35 Replacement Project located on Tannery Street over Tributary South Branch Cattaraugus Creek, BIN 3-32281-0, in the Town of New Albion, the term of which expires December 31, 2020, and

WHEREAS, a contract extension is necessary in order to complete the aforementioned property, 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 Stantec Consulting Services, Inc., for the provision of the above-described services, to further extend the term of the contract which commenced February 15, 2007 to terminate June 30, 2021, according to the above-described terms.

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

Adopted October 28, 2020 by voice vote.

**ACT NO. 415-2020** by Mr. Helmich and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION  
WITH ERDMAN, ANTHONY AND ASSOCIATES, INC. FOR  
NEW ALBION CULVERT NOS. 46 AND 47 ENGINEERING DESIGN SERVICES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 240-2019 authorized a contract with Erdman, Anthony and Associates, Inc., 8608 Main Street, Buffalo, New York 14221, for the provision of engineering design services for the New Albion Culvert No. 46 Replacement Project, located on County Road No. 5 over Little Valley Creek in the Town of New Albion, and the New Albion Culvert No. 47 Replacement Project, located on County Road No. 5 over Unnamed Branch Little Valley Creek in the Town of New Albion, the term of which expires October 30, 2020, and

WHEREAS, a contract extension is necessary in order to complete the aforementioned 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 Erdman, Anthony and Associates, Inc., for the provision of the above-described engineering design services, to extend the term of the

original contract which commenced May 9, 2019 to terminate December 31, 2021, according to the above-described terms.

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

Adopted October 28, 2020 by voice vote.

**ACT NO. 416-2020** by Mr. Marsh, Ms. Schröder and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
PMA MANAGEMENT CORP. FOR  
WORKERS' COMPENSATION PROGRAM ADMINISTRATION**

Pursuant to Section 64 of the Workers' Compensation  
Law and Section 450 of the County Law.

WHEREAS, Act 617-2019 authorized a contract with PMA Management Corp., a service affiliate of The PMA Insurance Group, Blue Bell Office, 380 Sentry Parkway, P.O. Box 3031, Blue Bell, Pennsylvania 19422-0754, which has a local office at 5789 Widewaters Parkway, Dewitt, New York 13214, for the provision of workers' compensation claim file administration, the term of which expires December 31, 2020, and

WHEREAS, Cattaraugus County is interested in continuing to have PMA Management Corp. act as a third party administrator in administering workers' compensation claims for the County's self-insured Workers' Compensation program, and

WHEREAS, PMA Management Corp. has agreed to provide the aforementioned Workers' Compensation program administration at an amount not to exceed \$95,500.00 for the year 2021, 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 PMA Insurance Group, for the provision of the above-described services, contingent upon and subject to inclusion in the 2021 budget of sufficient funds to cover the costs of the aforementioned services, for a term commencing January 1, 2021 and terminating December 31, 2021, according to the above-described terms.

Approved by 7 members of the Finance Committee and 5 members of the Labor Relations Committee.

Adopted October 28, 2020 by voice vote.

**ACT NO. 417-2020** by Mr. Klancer  
*and Mr. Boberg<sup>1</sup>*

**TRANSFER OF FUNDS FOR PURCHASE OF EQUIPMENT  
(Office of Real Property Tax Services)**

Pursuant to Sections 363 and 365 of the County Law.

WHEREAS, the County Office of Real Property Tax Services is desirous of purchasing three (3) Lenovo laptops, one (1) HP server and one (1) Trimble Geo7x GPS unit, and

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

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

Decrease Appropriation Account:

A.901.1990.0000.40601	Contingent Fund	\$35,300.00
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Increase Appropriation Accounts:

A.135.1355.0000.20006	Computer Equipment/Software	\$ 4,500.00
A.135.1998.0000.20006	Computer Equipment/Software	\$30,800.00.

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

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

Adopted October 28, 2020 by voice vote.

**ACT NO. 418-2020** by Mr. Burr  
and Mr. Boberg<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
SYSTEMS EAST, INC. FOR  
APPLICATION SOFTWARE AND SUPPORT SERVICES FOR  
REAL PROPERTY TAX MANAGEMENT**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 593-2019 authorized a contract with Systems East, Inc., 6 Locust Avenue, Cortland, New York 13045, for the provision of application maintenance and support services for the Total Collection Solution (TCS.web) for an amount of \$22,884.00, the term of which expires December 31, 2020, and

WHEREAS, the Treasurer's Office is desirous of continuing annual application maintenance and support services, and

WHEREAS, Systems East, Inc., can provide application maintenance and support services for an amount of \$1,937.00 per month for a total contract amount of \$23,244.00, for the period January 1, 2021 through December 31, 2021, 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 Systems East, Inc., for the provision of the above-described application maintenance and support services, contingent upon and subject to inclusion in the 2021 budget of sufficient funds to cover the costs of the aforementioned services, for a term commencing January 1, 2021 and terminating December 31, 2021, according to the above-described terms.

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



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

Adopted October 28, 2020 by voice vote.

**ACT NO. 419-2020** by Mr. Brisky, Mr. Burr and Mr. Klancer

**CANCELING UNENFORCEABLE LIEN  
(Town of New Albion)**

Pursuant to Sections 404 and 448 of the Real Property Tax Law.

WHEREAS, there are certain properties located in Cattaraugus County containing vacated oil and gas wells which are no longer producing, or have been capped, and are no longer on the tax rolls, and

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

RESOLVED, that the Cattaraugus County Legislature hereby cancels the lien of taxes for the property below, as being unenforceable:

<u>Name of Owner</u>	<u>Tax Map #</u>	<u>Amount</u>	<u>Tax Years</u>
Sinclairville Petroleum	35.003-1-13./1	\$13,583.77	2010 through 2020

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

Adopted October 28, 2020 by voice vote.

**ACT NO. 420-2020** by Mrs. Andreano, Mr. Boberg, Mr. Helmich, Mr. Higgins, Mr. Marsh, Mr. Morrow, Mr. Smith, Mr. Snyder and Mr. VanRensselaer

**CANCELING UNENFORCEABLE LIENS  
(City of Olean and Towns of East Otto, Olean and Randolph)**

Pursuant to Section 558 of the Real Property Tax Law.

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

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

<u>City/Town/Village</u>	<u>Owner</u>	<u>Tax Map No.</u>	<u>Year</u>	<u>Amount</u>
East Otto	Cattaraugus County	37.002-1-25.2	2005-2020	\$ 263.35
Olean	Cattaraugus County	94.003-4-28	2005-2020	\$ 390.74
Randolph	Cattaraugus County	70.071-3-16	2005-2020	\$15,856.68
City of Olean	Cattaraugus County	94.055-3-60	2018-2020	\$ 211.00

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

Adopted October 28, 2020 by voice vote.

**ACT NO. 421-2020** by Mr. Marsh and Mr. VanRensselaer

**DIRECTING COUNTY TREASURER TO ISSUE  
CERTIFICATE OF PROSPECTIVE CANCELLATION**

Pursuant to Section 1138(6)(d) of the Real Property Tax Law.

WHEREAS, there is a certain parcel of property on the assessment roll for which there is no practical method to enforce the collection of delinquent tax liens arising hereafter against the parcel, and

WHEREAS, the County Treasurer should issue a Certificate of Prospective Cancellation on the parcel, and

WHEREAS, the parcel shall then become exempt from taxation notwithstanding any other provision of law, and shall remain exempt until the County Legislature determines that the parcel should be restored to the taxable portion of the assessment roll, now, therefore, be it

RESOLVED, that the County Treasurer is hereby directed to issue a Certificate of Prospective Cancellation for the following property:

<u>Town/Village</u>	<u>Owner</u>	<u>Tax Map No.</u>	<u>Year</u>	<u>Amount</u>
Randolph	Cattaraugus County	70.071-3-16	2005-2020	\$15,856.68

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

Adopted October 28, 2020 by voice vote.

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MR. PARKER moved, seconded by Mr. Benson, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 422-2020 through Act No. 424-2020, inclusive. Carried.

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**ACT NO. 422-2020** by Mrs. Andreano and Mr. Helmich  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE DOCUMENTS WITH THE  
NEW YORK STATE DEPARTMENT OF HEALTH REGARDING  
ENROLLMENT AND PARTICIPATION IN  
COVID-19 VACCINATION PROGRAM  
(Departments of Health and Nursing Homes)**

Pursuant to Section 153 of the County Law.

WHEREAS, the County Department of Health and the Department of Nursing Homes is desirous of enrolling and participating in New York State Department of Health's COVID-19 Vaccination Program, and

WHEREAS, enrollment and participation in the aforementioned vaccination program will enable the County to order vaccine for both staff and/or residents, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby authorizes and directs the County Public Health Director and the Director for the Department of Nursing Homes to enroll and participate in the above-described COVID-19 Vaccination Program, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute documents, on behalf of Cattaraugus County, with the New York State Department of Health, for enrollment and participation in the COVID-19 Vaccination Program, according to the above-described terms.

Adopted October 28, 2020 by voice vote.

**ACT NO. 423-2020** by Mr. Boberg and Mr. Klancer  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CH2M HILL BWXT WEST VALLEY, LLC FOR  
ON-SITE SECURITY LAW ENFORCEMENT SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 445-2019 authorized a contract with CH2M Hill BWXT West Valley, LLC, 10282 Rock Springs Road, West Valley, New York 14171-9799, for the provision of on-site security law enforcement services for its facility and surrounding areas, the term of which expired September 30, 2020, and

WHEREAS, CH2M Hill BWXT West Valley, LLC, is desirous of renewing the aforementioned contract, and

WHEREAS, the Cattaraugus County Sheriff's Office can provide the aforementioned on-site security law enforcement services for an amount based on actual costs, which are estimated to be \$237,578.96 for the period October 1, 2020 through September 30, 2021, 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 CH2M Hill BWXT West Valley, LLC, for the provision of the above-described security law enforcement services, for a term commencing October 1, 2020 and terminating September 30, 2021, according to the above-described terms.

Adopted October 28, 2020 by voice vote.

**ACT NO. 424-2020** by Mr. VanRensselaer  
who asks immediate consideration

**AUTHORIZING PUBLIC HEARING ON 2021 TENTATIVE BUDGET**

Pursuant to Section 359 of the County Law.

WHEREAS, Section 359 of the County Law requires that a public hearing shall be held by the Legislature on the tentative budget before final adoption of the budget, and

WHEREAS, any individual or group concerned with the budget should have a reasonable opportunity to be heard, now, therefore, be it

RESOLVED, that the public hearing on the 2021 Cattaraugus County Budget will be held by the County Legislature at the Legislative Chambers in the County Center, 303 Court Street, Little Valley, New York, on Tuesday, November 24, 2020, at 4:02 p.m., and be it further

RESOLVED, that the Clerk of the Legislature be, and hereby is, authorized and directed to cause a notice to be published stating the time, place, and purpose of the public hearing and that copies of the tentative budget on which the public hearing will be held are available at his office and may be inspected or procured there by any interested person during business hours.

Adopted October 28, 2020 by voice vote.

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

Meeting adjourned at 4:24 p.m.

Ann M. Giglio  
Journal Clerk