

January 27, 2021

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 January 6, 2021 session stand approved as presented.

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COMMUNICATIONS:

Letters of Disclosure From:

Mr. Michael M. Brisky
Mr. David M. Koch
Mr. Kip A. Morrow
Ms. Ginger D. Schröder
Mr. Howard V. VanRensselaer

Dear Legislators:

This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #3 of the Cattaraugus County Legislature.

It is to further advise you that my mother, Kelle Brisky, is employed by Cattaraugus County as a Clerk of the Board of Elections.

It is to further advise you that my company, Panther Development LLC, owns and operates a number of rental units in Cattaraugus County, and in connection therewith, I do at times rent to people who receive assistance from the Cattaraugus County Department of Social Services. Therefore, I am occasionally reimbursed indirectly for the rent of said individuals who receive benefits from the Department of Social Services.

This letter is intended as a written disclosure of my official capacities as required by Section 803 of the General Municipal Law.

Sincerely,
Michael M. Brisky, County Legislator

Dear Legislators:

This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #5 of the Cattaraugus County Legislature.

It is to further advise you that my daughter, Lora Prey, is employed by Cattaraugus County as a Keyboard Specialist in the Health Department.

This letter is intended as a written disclosure of my official capacities as required by Section 803 of the General Municipal Law.

Sincerely,
David M. Koch, County Legislator

Dear Legislators:

This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #7 of the Cattaraugus County Legislature.

It is to further advise you that I am an employee of National Grid and at times, I interact with various County departments.

This letter is intended as a written disclosure of my official capacities as required by Section 803 of the General Municipal Law.

Sincerely,
Kip A. Morrow, County Legislator

Dear Legislators:

This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #3 of the Cattaraugus County Legislature.

It is also to advise you that for the past five years I have served as a volunteer in an investigative/resource role with the Society for the Prevention of Cruelty to Animals in Cattaraugus County. In that role I assist with animal cruelty calls involving equines and farm livestock, provide resources to the organization for such calls and handle issues relating to advice with respect to the applicability and scope of Article 26 of the New York State Agriculture and Markets Law. In that role I am also often called upon by the deputies with the Office of the Sheriff to assist them in cruelty calls with advice and resources and/or by attorneys with the District Attorney's Office on evidence gathering/resources.

This letter is intended as a written disclosure of my official capacities as required by Section 803 of the General Municipal Law.

Sincerely,
Ginger D. Schröder, County Legislator

Dear Legislators:

This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #4 of the Cattaraugus County Legislature.

It is to further advise you that, at times, I assist at VanRensselaer & Son Funeral Home, which is owned by my son, Howard T. VanRensselaer. I may, therefore, be occasionally reimbursed indirectly by the Cattaraugus County Department of Social Services for indigent burial services.

This letter is intended as a written disclosure of my official capacities as required by Section 803 of the General Municipal Law.

Sincerely,
Howard V. VanRensselaer, County Legislator

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APPOINTMENTS:

CATTARAUGUS COUNTY HIPAA/HITECH COMMITTEE

Indefinite Term

Lynne Moore, Director of Patient Services, Health Department, *replacing Susan Andrews*
Dawn Pezzimenti, HIPAA Security Director, *replacing Patricia Davison*
Dawn Sprague, Nursing Director, Department of Nursing Homes, *replacing Beverly Fehringer*
Bob Reynolds, Inservice Coordinator, Department of Nursing Homes, *replacing Jennette Kent*
Carol Gugino, Controller, Department of Nursing Homes, *replacing Ann Pleakis*
Jennifer Childs, Nursing Director, Department of Nursing Homes, *replacing Marjorie Walsh*

CATTARAUGUS COUNTY TRAFFIC SAFETY BOARD

Three-year term to expire December 31, 2023

Richard Klancer
Thomas Chupa

Robert Ring
Sheriff Timothy Whitcomb

FISH & WILDLIFE MANAGEMENT BOARD

Two-year term to expire December 31, 2022

Dale Bigham, "Landowner Representative"

CATTARAUGUS COUNTY MEMORIAL MUSEUM BOARD

Five-year term to expire December 31, 2025

Ronda Pollock

CATTARAUGUS COUNTY LONG TERM CARE ADVISORY COUNCIL

Term to expire December 31, 2023

Caitlin Metler, Directions in Independent Living, *replacing Krissy Williams*

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2021 Standing Committees Appointed By Chairman

- * Chair
- ** Vice Chair

Finance: *Burr, **Koch, Andreano, Brisky, Higgins, Marsh, Parker

County Operations/Public Safety: *Klancer, **Boberg, Higgins, Hunt, Morrow, Smith, Koch

Development & Agriculture: *Marsh, **Higgins, Benson, Burr, Morrow, Smith, Koch

Human Services: *Andreano, **Helmich, Burr, Morrow, Schröder, Smith, Snyder

Labor Relations: *Schröder, **Marsh, Brisky, Helmich, Koch

Public Works: *Helmich, **Koch, Benson, Boberg, Morrow, Parker, Snyder

Strategic Planning: *Benson, **Parker, Andreano, Boberg, Brisky, Hunt, Klancer

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Legislative Representatives

Aging Advisory Council: Smith (*one-year term to expire December 31, 2021*)

Federated Sportsmen’s Association: Helmich, VanRensselaer (*one-year terms to expire December 31, 2021*)

Town Supervisors Association: Koch, Parker (*one-year terms to expire December 31, 2021*)

Village Officials Association: Higgins, Marsh (*one-year terms to expire December 31, 2010*)

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PUBLIC HEARING:

CHAIRMAN VANRENSELAER announced this is the time and place called for a public hearing on Local Law Number 1-2021, Amending Local Law No. 6-2008 (Intro No. 7-2008) Providing that No Exemption under Real Property Tax Law Section 487 be Applicable with Respect to any Solar or Wind

Energy System or Farm Waste Energy System, and that anyone wishing to speak for or against this may now do so.

Sufficient notice was provided pursuant to Article 7 of the Public Officers Law and pursuant to New York State Executive Order 202.1, that public in-person access was not permitted; however, the public hearing was broadcast live on the County website. Written comments could be submitted via electronic mail to the Assistant to the Legislature no later than 4:00 pm on January 27, 2021.

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

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CHAIRMAN VANRENSELAER called up **Act No. 50-2021**, Amending Local Law Number 6-2008 (Intro Number 7-2008), Providing that No Exemption under Real Property Tax Law Section 487 be Applicable with Respect to any Solar or Wind Energy System or Farm Waste Energy System, and asked that it be read.

CHAIRMAN VANRENSELAER requested a Roll Call vote on Act No. 50-2021, which disclosed as follows:

Ayes: Andreano, Benson, Boberg, Brisky, Burr, Helmich, Higgins, Hunt, Klancer, Koch, Marsh, Morrow, Parker, Schröder, Smith, Snyder, VanRensselaer -17.

Nays: none.

Act No. 50-2021, Local Law Number 1-2021, having received a unanimous vote of the Legislature, was declared Adopted.

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ACT NO. 55-2021 by Mr. VanRensselaer

APPOINTMENTS OF CORONER'S PHYSICIANS

Pursuant to Section 400 (4-b) of the County Law and Act 138-81.

RESOLVED, that the following individuals are appointed Coroner's Physicians for Cattaraugus County for two years with their terms to expire on December 31, 2022, at the salary which has heretofore, or may hereafter be established:

Brown, Timothy

Mast, Dean

LaPoint, Scott F.

Yarid, Nicole A.

Loghmanee, Fazlollah

Walters, Brian.

Adopted January 27, 2021 by voice vote.

ACT NO. 56-2021 by Mr. VanRensselaer

APPOINTMENT OF SENECA TRAIL RC & D PROJECT MEMBER

Pursuant to Section 153 of the County Law.

RESOLVED, that Laurie A. Hunt is hereby appointed to the Seneca Trail RC & D Project for a one-year term to expire December 31, 2021, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Seneca Trail RC & D Project.

Adopted January 27, 2021 by voice vote.

ACT NO. 57-2021 by Mr. VanRensselaer

**APPOINTMENT OF SOIL & WATER CONSERVATION
DISTRICT BOARD MEMBERS**

Pursuant to Section 153 of the County Law.

RESOLVED, that the following individuals are hereby appointed to the Cattaraugus County Soil & Water Conservation District Board of Directors for a one-year term to expire December 31, 2021:

R. Donald Benson

James Joseph Snyder, Jr.,

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Cattaraugus County Soil & Water Conservation District.

Adopted January 27, 2021 by voice vote.

ACT NO. 58-2021 by Mr. Helmich, Mr. Higgins, Mr. Marsh and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
HUNT ENGINEERS, ARCHITECTS & LAND SURVEYORS, P.C. FOR
ONOVILLE MARINA STORM PIPE REPLACEMENT PROJECT**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 590-2019 authorized a contract with Hunt Engineers, Architects & Land Surveyors, P.C., 4 Commercial Street, Suite 300, Rochester, New York 14614, for the provision of engineering design services necessary for the storm pipe replacement project, the term of which expired December 31, 2020, and

WHEREAS, the term of the aforementioned contract should be extended to May 1, 2021, in order to allow for time to complete the 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 Hunt Engineers, Architects & Land Surveyors, P.C., for the provision of the above-described services, to extend the term of the contract which commenced December 12, 2019 to terminate May 1, 2021, according to the above-described terms.

Adopted January 27, 2021 by voice vote.

ACT NO. 59-2021 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, as amended by Act 316-2020, 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 December 31, 2020, and should be extended to December 31, 2021 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, 2021, according to the above-described terms.

Adopted January 27, 2021 by voice vote.

ACT NO. 60-2021 by Mrs. Andreano

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
SIGNATURE STAFF RESOURCES, LLC FOR
HEALTH CARE STAFFING COVERAGE FOR
DEPARTMENT OF NURSING HOMES**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Nursing Homes is in need of coverage for licensed practical nurse (LPN) and registered nurse (RN) services, as well as certified nurse aides (CNA), for the residents of The Pines Healthcare and Rehabilitation Center - Olean Campus, and

WHEREAS, Signature Staff Resources, LLC, 1460 TL Townsend Drive #104, Rockwell, Texas 75032, can provide the aforementioned health care services staffing coverage for an amount as follows:

<u>Position</u>	<u>Rate</u>
RN	\$70.00/hour
LPN	\$54.00/hour
CNA	\$41.00/hour

Overtime Rate: CNA (no charge); LPN (+\$1/hour); and RN (+\$6/hour),

and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Signature Staff Resources, LLC, for the provision of the above-described health care services, for a term commencing January 10, 2021 to continue in full force and effect at the same rates until amended or terminated by either party hereto, according to the above-described terms.

Adopted January 27, 2021 by voice vote.

ACT NO. 61-2021 by Mrs. Andreano

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
MED-COR STAFFING, INC. FOR
HEALTH CARE STAFFING COVERAGE FOR
DEPARTMENT OF NURSING HOMES**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Nursing Homes is in need of coverage for licensed practical nurse (LPN) and registered nurse (RN) services, as well as certified nurse aides (CNA), for the residents of The Pines Healthcare and Rehabilitation Centers - Olean and Machias Campuses, and

WHEREAS, Med-Cor Staffing, Inc., 155 Summer Street, Buffalo, New York 14222, can provide the aforementioned health care services staffing coverage for an amount as follows:

<u>Position</u>	<u>Rate</u>
RN	\$75.00/hour
LPN	\$55.00/hour

and CNA \$35.00/hour,

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Med-Cor Staffing, Inc., for the provision of the above-described health care services, for a term commencing January 10, 2021, to continue in full force and effect at the same rates until amended or terminated by either party hereto, according to the above-described terms.

Adopted January 27, 2021 by voice vote.

ACT NO. 62-2021 by Mr. Boberg and Mr. Klancer

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH AIRGAS USA, LLC FOR PURCHASE OF PAPR UNITS FOR
DEPARTMENT OF NURSING HOMES AND OFFICE OF EMERGENCY SERVICES
AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(COVID-19 Response)**

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

WHEREAS, the County Office of Emergency Services and the Department of Nursing Homes are in need of face masks for Cattaraugus County's response during the COVID-19 Pandemic, and

WHEREAS, Airgas USA, LLC, 509 North 1st Street, Olean, New York 14760, can provide powered air-purifying respirator units (PAPR) and necessary accessories for the County Office of Emergency Services and the Department of Nursing Homes for an amount not to exceed \$81,511.45, to be paid as invoiced, and

WHEREAS, various appropriation accounts must be adjusted in order to cover the costs of the aforementioned equipment, 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 Airgas USA, LLC, for the provision of the above-described PAPR Units, for a term commencing January 14, 2021 and terminating September 30, 2021, according to the above-described terms, and be it further

RESOLVED, that the County Administrator is hereby directed to appropriate \$40,855.30 from Fund Balance Account EF.909.0000 and \$40,656.15 from Fund Balance Account EI.909.0000, and to make the following budgetary changes:

Increase Appropriation Accounts:

EF.453.4530.6020.47035.CV	Medical Supplies - Coronavirus	\$40,855.30
EI.453.4530.6020.47035.CV	Medical Supplies - Coronavirus	\$40,656.15.

Adopted January 27, 2021 by voice vote.

ACT NO. 63-2021 by Mrs. Andreano

**AUTHORIZING THE CHAIR TO EXECUTE LEASE EXTENSION WITH
RYDER TRUCK RENTAL, INC. D/B/A RYDER TRANSPORTATION
FOR LAUNDRY TRUCK
(Department of Nursing Homes)**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 203-2015 authorized the five-year lease of a 2015 Ford F450 (Diesel) Super Duty cab & chassis, a 2015 Morgan aluminum van body, Model No. GVSD91-16, and a 2015 liftgate, through Ryder Truck Rental, Inc., d/b/a Ryder Transportation Services, 301 Commerce Boulevard, Liverpool, New York 13088, and

WHEREAS, the term of the aforementioned lease expired November 12, 2020, and

WHEREAS, the Department of Nursing Homes is desirous of extending the term of the aforementioned lease for one (1) year, and

WHEREAS, Ryder Truck Rental, Inc., d/b/a Ryder Transportation Services, shall lease a 2016 Ford F450 (Diesel) Super Duty cab & chassis, a 2015 Morgan aluminum van body, and a 2015 liftgate to the Department of Nursing Homes, under the same terms and conditions, for an amount of \$1,227.76 per month plus \$0.0986 per mile, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a lease extension, on behalf of Cattaraugus County, with Ryder Truck Rental, Inc., d/b/a Ryder Transportation Services, for the provision of the above-described services, for a term commencing November 13, 2020 and terminating November 12, 2021, according to the above-described terms.

Adopted January 27, 2021 by voice vote.

ACT NO. 64-2021 by Mr. Boberg and Mr. Klancer

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
VARIOUS AGENCIES FOR EMERGENCY MEDICAL DIRECTOR SERVICES**

Pursuant to Article 30-A of the Public Health Law.

WHEREAS, Act 439-2018 authorized contracts with various agencies for emergency medical director services, the terms of which expired December 31, 2020, and

WHEREAS, the New York State Department of Health (NYSDOH) recommends that every emergency medical services (EMS) agency providing pre-hospital emergency medical care have a physician medical director, and

WHEREAS, various EMS agencies desire to have the County provide the services of a qualified physician to act as their medical director, and

WHEREAS, the County Office of Emergency Services has the ability to provide the services of a qualified physician to act as a medical director for EMS agencies, and

WHEREAS, each EMS agency agrees to pay the County an annual fee based on the average number of EMS incident types the agency is dispatched to on an annual basis, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with various EMS agencies, for the provision of EMS medical director services, for a program term commencing January 1, 2021, with individual contracts to be effective on different dates, and all contracts terminating December 31, 2022, according to the above-described terms.

Adopted January 27, 2021 by voice vote.

ACT NO. 65-2021 by Mr. Boberg and Mr. Klancer

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS
WITH VARIOUS AGENCIES FOR
CME RECERTIFICATION PROGRAM**

Pursuant to Article 30-A of the Public Health Law and
Section 450 of the County Law.

WHEREAS, Act 430-2015 authorized contracts with various Emergency Medical Service (EMS) agencies for the provision of "core hour" courses required for the Continuing Medical Education (CME) Recertification Program, the terms of which expired December 31, 2020, and

WHEREAS, the County Office of Emergency Services shall continue to provide the aforementioned "core hour" courses and, if the agency desires, the administrative management of the CME Recertification Program, and

WHEREAS, contracts are necessary with each agency participating in the CME Recertification Program, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with various agencies for the provision of the above-described CME Recertification Program, for a term commencing January 1, 2021 and terminating December 31, 2025, according to the above-described terms.

Adopted January 27, 2021 by voice vote.

ACT NO. 66-2021 by Mr. Brisky, Mr. Burr and Mr. Klancer
*and Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Helmich,
Mr. Higgins, Mrs. Hunt, Mr. Marsh, Mr. Morrow, Mr. Parker
Ms. Schröder, Mr. Smith, Mr. Snyder, Jr., Mr. VanRensselaer and Mr. Koch¹*

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR
2020 STOP VIOLENCE AGAINST WOMEN PROGRAM AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Project DCJ01-SV20-2020-00175)**

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

WHEREAS, the District Attorney's Office has been awarded \$50,000.00 through the New York State Division of Criminal Justice Services for the 2020 STOP Violence Against Women (VAWA) Grant Program, as the first annual award of a five-year contract period, and

WHEREAS, the purpose of the aforementioned grant funding is to assist the District Attorney's Office with domestic violence investigation issues, and

WHEREAS, it is necessary to execute a contract each year in order to obtain the aforementioned funding, and

WHEREAS, this program is 100% federally funded (CFDA #16.588), and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract each year, on behalf of Cattaraugus County, with the New York State Division of Criminal Justice Services, in order to accept the above-described funding, for a term commencing January 1, 2021 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, and be it further

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

Increase Estimated Revenue Account:

A.116.1165.0000.4089.05	STOP Violence Against Women Grant	\$50,000.00
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Increase Appropriation Accounts:

A.116.1165.0000.20006	Computer Equipment	\$ 5,000.00
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A.116.1165.0000.41233	Professional Services	\$30,000.00
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A.116.1165.0000.46106	Training	\$15,000.00.
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¹The following Legislators requested their names be listed as additional sponsors: "Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Helmich, Mr. Higgins, Mrs. Hunt, Mr. Marsh, Mr. Morrow, Mr. Parker, Ms. Schröder, Mr. Smith, Mr. Snyder, Jr., Mr. VanRensselaer and Mr. Koch

Adopted January 27, 2021 by voice vote.

ACT NO. 67-2021 by Mr. Higgins and Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
THE NEW YORK STATE HOMES AND COMMUNITY RENEWAL
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND
AUTHORIZING PUBLIC HEARING ON APPLICATION FOR
MICROENTERPRISE ASSISTANCE PROGRAM
(Economic Development, Planning & Tourism)**

Pursuant to 24 CFR Section 570.482(e) and Section 450 of the County Law.

WHEREAS, the County is desirous of submitting a Community Development Block Grant ("CDBG") application to the New York State Office of Homes and Community Renewal (the "OCR") for funding to implement a microenterprise assistance program (the "Program"), and

WHEREAS, the application will seek a grant in the amount of \$300,000.00 to implement a microenterprise assistance program, and

WHEREAS, there is no requirement that any County dollars be committed as a condition of receiving the grant, and

WHEREAS, the Department of Economic Development, Planning & Tourism will contract with a consultant to prepare the grant application and oversee administration of the grant on behalf of the County, and

WHEREAS, the program requires that a municipal corporation act as the lead agency and the recipient of the grant funds, and

WHEREAS, Cattaraugus County Department of Economic Development, Planning and Tourism shall act as the lead agency on the aforementioned grant application provided under the New York State Homes and Community Renewal Community Development Block Grant Program for the Microenterprise Assistance Program, and

WHEREAS, the County is required to hold a public hearing to provide information to the public and to consider citizen comments regarding community needs for the Program prior to submitting an application for CDBG funding, now, therefore, be it

RESOLVED, that a public hearing shall be held by this County Legislature on the submission of an application to the New York State Office of Homes and Community Renewal for Community Development Block Grant funding to implement a microenterprise assistance program on the 24th day of February, 2021, at 5:01 p.m. at the Legislature's Chambers, County Center, 303 Court Street, Little Valley, New York, and that at least seven (7) 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, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, to apply for a \$300,000.00 grant through the New York State Homes and Community Renewal Community Development Block Grant Program, according to the above-described terms.

Adopted January 27, 2021 by voice vote.

ACT NO. 68-2021 by Mr. VanRensselaer

**RESOLUTION AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE TO APPROVE THE
PROPOSED ACTION BY COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY IN
CONNECTION WITH A CERTAIN COMMERCIAL PROJECT FOR AVA GRACE ECO FASHIONS**

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 December, 2020, Ava Grace Eco Fashions (the “Company”), submitted a sales tax exemption 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 a parcel of land located at 24 Monroe Street (Tax Map Number 55.035-6-4) in the Town and Village of Ellicottville, Cattaraugus County, New York (the “Land”), together with an approximately 2,200 square foot building located thereon (the “Facility”), (2) the reconstruction and renovation of the Facility, and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the “Equipment”), all of the foregoing to constitute a women’s boutique clothing shop to be owned and operated by the Company (the Land, Facility and the Equipment being collectively referred to as the “Project Facility”); (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, consisting of a potential exemption from certain sales and use taxes (the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Equipment 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, pursuant to the Application, and the representations made to the Agency by the Company, the Agency will not provide more than \$100,000 of Financial Assistance to the Company; therefore, Section 859-a of the Act does not require a public hearing be held with respect to the Project, 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 January 8, 2021 (the “SEQR, Commercial/Retail Findings and Approving Resolution”), the Agency determined that the Project constitutes a “Type II Action” (as such quoted term is defined under SEQRA), and therefore that no further action with respect to the Project was required under SEQRA, and

WHEREAS, further pursuant to the SEQR, Commercial/Retail Findings and Approving 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 within an area which was designated an empire zone pursuant to Article 18-B of the General Municipal Law, and therefore is in a “highly distressed area”, as that term is defined in Section 854(18) of the Act, (C) determined 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 SEQR, Commercial/Retail Findings and Approving Resolution, 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.

Adopted January 27, 2021 by voice vote.

* * * * *

MRS. ANDREANO moved, seconded by Mrs. Hunt, to adjourn until February 10, 2021 at 5:00 p.m.
Carried.

Meeting adjourned at 5:14 p.m.

Ann M. Giglio
Journal Clerk