

June 9, 2021

The meeting was called to order by Chairman VanRensselaer.

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed three Legislators absent – Klancer, Koch and Morrow.

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There being no amendments or objections thereto, Chairman VanRensselaer noted that the minutes of the May 26, 2021 session stand approved as presented.

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COMMUNICATIONS:

New York State Department of State: Acknowledging receipt of Local Law 6-2021 and the filing of the same on May 18, 2021.

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PUBLIC HEARING:

CHAIRMAN VANRENSELAER announced this is the time and place called for a public hearing on Local Law Number 7-2021, A Local Law Amending Local Law Number 3-2021 (Intro Number 2-2021) Establishing Salaries for Certain County Officers, 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 June 9, 2021.

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

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PRIVILEGE OF THE FLOOR:

CHAIRMAN VANRENSELAER granted Privilege of the Floor to County Treasurer Matthew Keller who presented his 2020 Year-End Report.

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CHAIRMAN VANRENSELAER called up **Act No. 220-2021**, A Local Law Amending Local Law Number 3-2021 (Intro Number 2-2021) Establishing Salaries for Certain County Officers, and asked that it be read.

CHAIRMAN VANRENSELAER requested a Roll Call vote on Act No. 220-2021, which disclosed as follows:

Ayes: Andreano, Benson, Boberg, Brisky, Burr, Helmich, Higgins, Hunt, Marsh, Parker, Schröder, Smith, Snyder, VanRensselaer -14.

Nays: none.

Act No. 220-2021, Local Law Number 7-2021, having received a unanimous vote of the Legislature, was declared Adopted.

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ACT NO. 225-2021 by Mr. Helmich and Mr. Koch

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(CHIPS, PAVE-NY and EWR FUNDS – Department of Public Works)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, Cattaraugus County has received additional funding through CHIPS, PAVE-NY and EWR programs in the amount of \$2,181,233.00 for the 2021-2022 state fiscal year, and

WHEREAS, the Department of Public Works is desirous of reallocating the CHIPS, PAVE-NY and EWR funding for various highway projects, and

WHEREAS, the CHIPS, PAVE-NY and EWR programs are 100% state funded, and

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

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

Decrease Appropriation Account:

H.504.5197.5197.27033.41603	County Road No. 13	\$ 665,343.00
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Increase Estimated Revenue Account:

H.504.5197.5197.3501	Consolidated Highway Aid	\$2,181,233.00
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Increase Appropriation Accounts:

H.504.5197.5197.27034.41603	County Road No. 21	\$ 620,000.00
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H.504.5197.5197.27047.41603	County Road No. 6	\$ 95,343.00
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H.504.5197.5197.27082.41603	County Road No. 63	\$ 733,000.00
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H.504.5197.5197.27073.41603	County Road No. 75	\$ 362,274.00
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H.504.5197.5197.27020.41603	County Road No. 60	\$1,035,959.00.
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Approved by 7 members of the Finance Committee and 6 members of the Public Works Committee.

Adopted June 9, 2021 by voice vote.

ACT NO. 226-2021 by Mr. Helmich and Mr. Koch

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
GREENMAN-PEDERSEN, INC. FOR CONSTRUCTION ADMINISTRATION AND
INSPECTION SERVICES FOR HINSDALE BRIDGE NO. 62 REPLACEMENT PROJECT**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 584-2019, as amended by Act 507-2020, authorized a contract with Greenman-Pedersen, Inc., 4950 Genesee Street, Suite 100, Buffalo, New York 14225, for the provision of construction administration and inspection services for the Hinsdale Bridge No. 62 Replacement Project, located on County Road No. 26 (Gile Hollow Road) over Olean Creek, the term of which expired April 30, 2021, and

WHEREAS, it is necessary to extend the term of the aforementioned contract in order to allow additional time to complete the aforementioned project, and

WHEREAS, Greenman-Pedersen, Inc., has agreed to complete the aforementioned project by June 30, 2021, 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 administration and inspection services, to extend the term of the original contract which commenced December 12, 2019 to terminate June 30, 2021, according to the above-described terms.

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

Adopted June 9, 2021 by voice vote.

ACT NO. 227-2021 by Mrs. Andreano and Mr. Helmich

**BID ACCEPTANCE FOR MEDICAL OXYGEN CYLINDERS
(Department of Nursing Homes)**

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

WHEREAS, Act 238-2017 authorized a contract with Airgas, LLC, 509 North First Street, Olean, New York 14760, for the provision of medical oxygen and oxygen cylinder rental for The Pines Healthcare & Rehabilitation Center-Olean and Machias Campuses, the term of which expires June 30, 2021, and

WHEREAS, the Department of Nursing Homes is in need of medical oxygen and oxygen cylinder rentals for The Pines Healthcare and Rehabilitation Centers, and

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the provision of medical oxygen and oxygen cylinder rentals for The Pines Healthcare & Rehabilitation Center-Olean and Machias Campuses, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest responsible bid received meeting specifications for the provision of medical oxygen and oxygen cylinder rentals for The Pines Healthcare & Rehabilitation Center-Olean and

Machias Campuses, was the bid of Airgas USA, LLC, 509 North First Street, Olean, New York 14760, for an amount in accordance with the following:

A. Estimated Annual Usage to Furnish and Deliver Medical Grade Oxygen in Cylinders

<u>Facility</u>	<u>Estimated Annual Usage</u>	<u>Unit Cost</u>	<u>Total Price</u>
Pines-Olean ("E" [23CF] Standard 29" Tank)	7,500	\$1.99	\$14,925.00
Pines-Olean ("E" [23CF] Standard 29" Tank with built-in regulator)	7,500	\$1.99	\$14,925.00
Pines-Machias ("E" [23CF] Standard 29" Tank)	7,500	\$1.99	\$14,925.00
Pines-Machias ("E" [23CF] Standard 29" Tank with built-in regulator)	7,500	\$1.99	\$14,925.00

B. Estimated Monthly Equipment (cylinder tank) Rental

<u>Facility</u>	<u>Estimated Equipment in Building</u>	<u>Monthly Rental Rate Per Unit</u>	<u>Annual Cost for Cylinder Type</u>
Pines-Olean ("E" [23CF] Standard 29" Tank)	125	\$1.20 x 12	\$1,800.00
Pines-Olean ("E" [23CF] Standard 29" Tank with built-in regulator)	125	\$1.90 x 12	\$2,850.00
Pines-Machias ("E" [23CF] Standard 29" Tank)	220	\$1.20 x 12	\$3,168.00
Pines-Machias ("E" [23CF] Standard 29" Tank with built-in regulator)	220	\$1.90 x 12	\$5,016.00

and

WHEREAS, the bid prices shall be adjusted during the term of the contract to reflect only an increase or decrease in the Contractor's wholesale price, but at no time shall the contract pricing change be raised in excess of the Consumer Price Index or Producer Price Index as calculated by the County, 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 Airgas USA, LLC, for the provision of the above-described oxygen and cylinder rental, for a term commencing July 1, 2021 and terminating June 30, 2022, with the option to renew for three (3) separate one (1) year terms, at the same rates, according to the above-described terms.

No State Bid.

Nine sets of specifications were sent out

Two bids were received meeting specifications.

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

Adopted June 9, 2021 by voice vote.

ACT NO. 228-2021 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
LEADINGAGE NEW YORK PROCARE FOR
CONSULTANT SERVICES FOR
ADVANCED TRAINING INITIATIVE PROGRAMS
(The Pines Healthcare and Rehabilitation Centers)**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 401-2019 authorized a contract with the New York State Department of Health to accept the Advanced Training Initiative (ATI) Program funding, and

WHEREAS, due to impacts associated with the COVID-19 Pandemic, the ATI programs were not able to be held and the time to hold such ATI programs has been extended, and

WHEREAS, the training programs that the County Department of Nursing Homes selected, were awarded through LeadingAge New York ProCare, and

WHEREAS, LeadingAge New York ProCare can provide additional ATI training services for the following program to be held at The Pines Healthcare and Rehabilitation Center-Olean Campus:

<u>Program Name</u>	<u>Program Description</u>	<u>Program Grant Amount</u>
Care Process for Residents with Dementia and Other Special Needs and	Training to assist long term care facilities by improving approaches to meeting the health, psychosocial and behavioral health needs of all residents, especially those with Dementia	\$4,440.00

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned training 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 LeadingAge New York ProCare, for the provision of the aforementioned training services, for a term commencing January 1, 2021 and terminating upon completion of the training programs, according to the above-described terms, and be it further

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

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

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

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

Adopted June 9, 2021 by voice vote.

ACT NO. 229-2021 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR
FAMILY PLANNING PROGRAMS
(Contract #C35191GG)**

Pursuant to 10 NYCRR Part 40-1 and
Section 450 of the County Law.

WHEREAS, Act 518-2017, as amended by Act 268-2020, authorized a contract with the New York State Department of Health, Division of Family & Local Health, Corning Tower, Empire State

Plaza, Room 878, Albany, New York 12237-0675, for the provision of a Family Planning Program in the County's Health Department, the term of which expires June 30, 2021, and

WHEREAS, the New York State Health Department has awarded the County Health Department a grant extension for the continuation of the aforementioned Family Planning Program, for the period July 1, 2021 through December 31, 2021, for an amount of \$137,116.00, and

WHEREAS, this program is 8.5% federal (CFDA #93.994) and 91.5% state funded, 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 the New York State Department of Health for the provision of a Family Planning Program in Cattaraugus County, for a term commencing July 1, 2021 and terminating December 31, 2021, according to the above-described terms, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, further authorized and directed to execute contract amendments, upon notification of award, for the allocation of additional funding or cost of living adjustments (COLAs) for this program, and be it further

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

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

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

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

Adopted June 9, 2021 by voice vote.

ACT NO. 230-2021 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
OLEAN GENERAL HOSPITAL FOR
FAMILY PLANNING CLINIC LABORATORY SERVICES**

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

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

WHEREAS, the County Health Department is desirous of continuing the aforementioned laboratory services, and

WHEREAS, Olean General Hospital can provide laboratory services for the County Health Department's family planning clinic, in accordance with the following rate schedule:

88142	Thin Layer Pap Smear	\$25.01
87621	HPV DNA, High Risk	\$35.00
88175	Thin Layer Pap Smear with Imaging	\$32.71,

and

WHEREAS, this program is fee-based and funded through private insurances, Medicaid and State Family Planning Grant funds, 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 Olean General Hospital, for the provision of the above-described services, for a term commencing July 1, 2021 and terminating June 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 7 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted June 9, 2021 by voice vote.

ACT NO. 231-2021 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
REHABILITATION TODAY SERVICES FOR PSYCHOLOGY, ET AL, PLLC, FOR
HEALTH DEPARTMENT HOME HEALTH CARE PROGRAM PHYSICAL 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 physical therapy services for patients of the County Health Department Home Health Care Program, and

WHEREAS, Rehabilitation Today Services for Psychology, Et Al, PLLC, 2416 Constitution Avenue, Olean, New York 14760, has agreed to provide physical therapy services to Cattaraugus County Health Department patients at the following rates:

<u>Service</u>	<u>2021-2022 Rate</u>
Physical Therapist	\$77.52 per visit
Attendance at Meetings	\$31.62 per hour
Office Visits:	
per standard visit - (any combination of modalities and/or procedures; CHAA or patient to provide all dressings and ointments)	\$61.20 per visit
per short visit - (less than 15 minutes)	\$40.80 per visit
Office Visit Evaluations	\$76.91 per visit
Recruitment & Retention (to be determined by NYSDOH),	

and

WHEREAS, if Rehabilitation Today Services for Psychology, Et Al, PLLC, refuses any physical therapy visits during the term of the 2021 contract, then the rates for such services shall revert back to the base rate of \$68/visit for the duration of the contract, 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 Rehabilitation Today Services for Psychology, Et Al, PLLC, for the provision of the above-described services, for a term commencing July 15, 2021 and terminating July 14, 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 7 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted June 9, 2021 by voice vote.

ACT NO. 232-2021 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
FIELDS RESEARCH, INC. FOR
DEPARTMENT OF HEALTH HH-CAHPS SURVEY**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 185-2020 authorized a contract with Fields Research, Inc., 3814 West Street, Cincinnati, Ohio 45227, for the provision of mandated patient satisfaction surveys, the term of which expires July 31, 2021, and

WHEREAS, the Centers for Medicare & Medicaid Services require that all home health care agencies that receive Medicare/Medicaid conduct a HH-CAHPS survey on a monthly basis, and

WHEREAS, the Consumer Assessment of Healthcare Providers and Systems (CAHPS®) Home Health Care Survey, hereafter referred to as the "HH-CAHPS Survey", is designed to measure the experiences of people receiving home health care from Medicare-certified home health agencies, and

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

WHEREAS, Fields Research, Inc., can conduct 300 HH-CAHPS surveys for a flat fee of \$490.00 per month, to be paid as invoiced, 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 Fields Research, Inc., for the provision of the above-described services, for a term commencing August 1, 2021 and terminating July 31, 2022, according to the above-described terms.

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

Adopted June 9, 2021 by voice vote.

ACT NO. 233-2021 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COMMUNITY ACTION, INC., FOR
YOUTH PLACEMENT PREVENTION PROGRAMMING (FAST)**

Pursuant to 9 NYCRR Subpart 165-1, Section 501 of the Executive Law,
and Section 450 of the County Law.

WHEREAS, Act 242-2020 authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, through its "Families and Schools Together (FAST) Program", for the provision of a placement prevention program to reduce the number of Cattaraugus County youth that are court-ordered to placement due to a history of PINS and/or juvenile delinquency behavior, the term of which expires June 30, 2021, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned program, and

WHEREAS, Cattaraugus Community Action, Inc., through its "Families and Schools Together (FAST) Program", will target specific school districts mutually agreed upon by both parties and has agreed to continue the aforementioned services, for an amount not to exceed \$141,369.00 to be paid on a monthly basis for services provided during the preceding month, as invoiced, and

WHEREAS, this program is 62% state and 38% county funded, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned 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 Youth Placement Prevention Programming, for a term commencing July 1, 2021 and terminating June 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 7 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted June 9, 2021 by voice vote.

ACT NO. 234-2021 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
BE-A-FRIEND PROGRAM, INC., BIG BROTHERS BIG SISTERS OF ERIE, NIAGARA
AND THE SOUTHERN TIER FOR GROUP MENTORING PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 226-2020 authorized a contract with Be-A-Friend Program, Inc., Big Brothers Big Sisters of Erie, Niagara and the Southern Tier, 100 River Rock Drive, Suite 104, Buffalo, New York 14207, for the provision of a group mentoring program to youths between the ages of 10 to 15 to promote academic and community success for youth considered PINS, JD, JO or AO through job readiness, independent living skills, youth advocacy and leadership development, the term of which expired May 31, 2021, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned mentoring program, and

WHEREAS, Be-A-Friend Program, Inc., Big Brothers Big Sisters of Erie, Niagara and the Southern Tier, can provide a group mentoring program to promote academic and community success for youth for a total contract amount not to exceed \$35,000.00 to be paid on a monthly basis for services provided during the preceding month, as invoiced, and

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

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned 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 Be-A-Friend Program, Inc., Big Brothers Big Sisters of Erie, Niagara and the Southern Tier, for the provision of the above-described Group Mentoring Program, for a term commencing June 1, 2021 and terminating May 31, 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 7 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted June 9, 2021 by voice vote.

ACT NO. 235-2021 by Mrs. Andreano and Mr. Helmich
*and Mr. Higgins*¹

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CITY OF OLEAN FOR
REIMBURSEMENT FOR OATS BUS SERVICE**

Pursuant to Public Law 104-1993, Section 119-o of the
General Municipal Law and Section 450 of the County Law.

WHEREAS, Act 232-2020 authorized a contract with the City of Olean for the operation of the O.A.T.S. bus service within the City, the term of which expired May 31, 2021, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned bus service within the City of Olean, and

WHEREAS, the City of Olean has agreed to provide the O.A.T.S. bus transportation services to DSS-eligible recipients if the County agrees to reimburse the City an amount not to exceed \$25,000.00 for transportation services provided to DSS-eligible recipients during the period June 1, 2021 through May 31, 2022, and

WHEREAS, these services are 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 City of Olean, for reimbursement for the provision of transportation services to DSS-eligible recipients, for a term commencing June 1, 2021 and terminating May 31, 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 7 members of the Finance Committee and 6 members of the Human Services Committee.

¹The following Legislator requested his name be listed as an additional sponsor: "Mr. Higgins".

Adopted June 9, 2021 by voice vote.

ACT NO. 236-2021 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR RESIDENTIAL INSTITUTIONAL FOSTER CARE**

Pursuant to 18 NYCRR Part 405 and
Section 450 of the County Law.

WHEREAS, Act 243-2020 authorized contracts with various residential foster care institutions throughout New York State for the provision of residential-therapeutic foster care services in accordance with a New York State-approved fee schedule for the approved listing of residential institutions throughout New York State, the terms of which expire June 30, 2021, and

WHEREAS, the County Department of Social Services has the responsibility of placing children at risk into foster care, and

WHEREAS, the County Department of Social Services is desirous of renewing the aforementioned contracts with various residential foster care institutions in accordance with a New York State fee schedule for the approved listing of residential institutions throughout New York State, and

WHEREAS, this program is 62% state and 38% county funded, 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 contracts, on behalf of Cattaraugus County, with various residential foster care institutions for the provision of the above-described services for a term commencing July 1, 2021 and terminating June 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 7 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted June 9, 2021 by voice vote.

ACT NO. 237-2021 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
VARIOUS ENTITIES FOR DEPARTMENT OF SOCIAL SERVICES
PSYCHOLOGICAL EVALUATIONS AND ASSESSMENTS**

Pursuant to Section 251 of the Family Court Act and
Section 450 of the County Law.

WHEREAS, Act 244-2020 authorized contracts with various entities for psychological evaluation and assessment services, which consist of interviews with clients, consultation with other care providers and case managers, and preparation of reports, including recommendations for placement, treatment or custody/visitation, the terms of which expire June 30, 2021, and

WHEREAS, contracts are needed with various entities for the provision of the above-described services, with a maximum rate based on the current highest acceptable rate within the service area which are as follows:

<u>Position</u>	<u>Rate</u>
Doctor of Psychiatry	Not to Exceed \$185 per session
Doctor of Psychology	Not to Exceed \$175 per session
Licensed Mental Health Counselor	Not to Exceed \$125 per session
Family Counseling	Not to Exceed \$100 per session
Preparation & Court Testimony	Not to Exceed \$175 per hour
Testing	Not to Exceed \$180 per hour,

and

WHEREAS, this program is 62% state and 38% county funded, 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 contracts, on behalf of Cattaraugus County, with various entities, for the provision of the aforementioned court-ordered psychological assessments and evaluations, for a term commencing July 1, 2021 and terminating June 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 7 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted June 9, 2021 by voice vote.

ACT NO. 238-2021 by Mr. Higgins and Mr. Marsh

**ADOPTING SECTION 3 PLAN TO COMPLY WITH 24 CFR PART 135 OF THE
UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 3
AND APPOINTMENT OF SECTION 3 PLAN COORDINATOR**

Pursuant to 24 CFR Part 135 and Section 153 of the County Law.

WHEREAS, the United States Congress passed Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (Section 3) to further the goal of ensuring that federal funds benefit the residents of projects funded wholly or in part by those funds, and

WHEREAS, Part 135 of Section 3 is to establish the standards and procedures to be followed to ensure that the objectives of Section 3 are met, and

WHEREAS, the County of Cattaraugus has developed a Section 3 Plan in adherence to 24 CFR Part 135 that more comprehensively addresses the standards and procedures prescribed in the Act, and

WHEREAS, the Section 3 Plan has been reviewed by the County Legislature and their comments incorporated into the Plan, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature authorizes the adoption and implementation of the Section 3 Plan to ensure compliance with Federal Law and to designate Crystal J. Abers as the Section 3 Coordinator for the County, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized and directed to execute the Section 3 Plan on behalf of Cattaraugus County.

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

Adopted June 9, 2021 by voice vote.

ACT NO. 239-2021 by Mr. Boberg and Mr. Klancer

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
THE LEGAL AID BUREAU OF BUFFALO, INC. FOR
INDIGENT CRIMINAL APPELLATE DEFENSE SERVICES**

Pursuant to Sections 450 and 722 of the County Law.

WHEREAS, Act 478-2019 authorized a contract with The Legal Aid Bureau of Buffalo, Inc., 290 Main Street, Buffalo, New York 14202, for the provision of appellate representation for a maximum of 24 individuals convicted of crimes or violations in the courts of Cattaraugus County in an effort to reduce costs involved with the representation of indigent criminals in the Appellate Division, the term of which expired September 30, 2020, and

WHEREAS, the aforementioned services should be continued to further efforts to reduce costs associated with the defense of indigents and continue to improve the quality of services, and

WHEREAS, The Legal Aid Bureau of Buffalo, Inc., can provide the following legal services for the Public Defender's Office and the Assigned Counsel Program for consideration in the amount of \$70,000.00, to be paid as invoiced:

- Appellate representation for all criminal cases appealed from Cattaraugus County Court, including appeals to the Appellate Division and to the Court of Appeals;
- Handle all Post-Judgment motions authorized by Article 440 of the Criminal Procedure Law;
- Act as a legal advice backup center for the Public Defender's Office and Assigned Counsel attorneys, providing advice on the handling of criminal cases, trial strategy and helping to preserve issues for appeal;
- Assist, from time to time, with Village and Town Court criminal appeals,

and

WHEREAS, sufficient funds are included in the budget through Hurrell-Harring settlement funds and other grant funding 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 Legal Aid Bureau of Buffalo, Inc., for the provision of the above-described indigent appellate legal services, for a term commencing October 1, 2020 and terminating September 30, 2021, with the option to renew for successive one-year periods thereafter, upon mutual consent of the parties, according to the above-described terms, and be it further

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

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

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

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

Adopted June 9, 2021 by voice vote.

ACT NO. 240-2021 by Mr. Smith

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
VARIOUS HANDICAPPED EDUCATION PROVIDERS FOR
YOUTH BUREAU CHILDREN WITH SPECIAL NEEDS PROGRAM**

Pursuant to Section 236 of the Family Court Act and
Section 450 of the County Law.

WHEREAS, Act 191-2020 authorized contracts with various handicapped education providers for the provision of educational and evaluation services for various County preschool-aged children with special needs, the terms of which expire June 30, 2021, and

WHEREAS, the Family Court Act mandates that the County provide payment for the educational and evaluation services which are approved by the Court, and

WHEREAS, contracts are necessary with education providers, related-service providers, and evaluators which are accredited by the New York State Education Department, and

WHEREAS, payments to the education providers, related-service providers, and evaluators will be in accordance with the budgetary tuition rate approved by the County and/or the State, and

WHEREAS, these services are 59.5% State funded and 40.5% County funded, 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 education providers, related-service providers, and evaluators for the provision of the above-described services, for a term commencing July 1, 2021 and terminating June 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 6 members of the Human Services Committee.

Adopted June 9, 2021 by voice vote. Mrs. Andreano abstained from vote.

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MR. SMITH moved, seconded by Mr. Boberg, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 241-2021 through Act No. 251-2021. Carried.

* * * * *

ACT NO. 241-2021 by Mr. Snyder
who asks immediate consideration

**BID ACCEPTANCE AND AUTHORIZING THE CHAIR TO
EXECUTE CONTRACT FOR SALE OF TIMBER
(Town of Humphrey)**

Pursuant to Sections 219 and 450 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the sale of timber on County-owned property located in the Town of Humphrey, according to specifications provided by Generations Forestry, and

WHEREAS, the highest bid received meeting specifications for the sale of marked timber from the aforementioned property was the bid of Northwest Hardwoods, Inc., P.O. Box 309, Marienville, Pennsylvania 16239, in the amount of \$266,407.00, and

WHEREAS, Generations Forestry, the County's Forest Manager, has indicated that the price offered is fair and reasonable and should therefore be accepted, and

WHEREAS, Northwest Hardwoods, Inc., will complete the harvest and cleanup/restoration of the property within two (2) years from the date the contract is signed between Northwest Hardwoods, Inc. and the County, now, therefore, be it

RESOLVED, that the bid of Northwest Hardwoods, Inc. be, and the same hereby is, accepted, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Northwest Hardwoods, Inc., for the above-described sale of timber.

44 sets of specifications were sent out.

3 bids were received meeting specifications.

Adopted June 9, 2021 by voice vote.

ACT NO. 242-2021 by Mrs. Andreano
who asks immediate consideration

**BID ACCEPTANCE FOR BUS AND VAN SERVICES ON BEHALF
OF COUNTY OF CATTARAUGUS**

Pursuant to Sections 363 and 365 of the County Law and
Section 103 of the General Municipal Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for bus and van services within geographic areas to meet the needs of individuals serviced by the County Department of Health and the Youth Bureau, according to specifications provided by the Human Services Committee, and

WHEREAS, the geographic areas have been designated as:

- Zone 1 - Franklinville area
- Zone 2 - Olean area
- Zone 3 - Randolph area
- Zone 4 - Springville League,

and

WHEREAS, the lowest bids meeting specifications for Zones 1, 2, 3 & 4 were received from Corvus Bus & Charter, Inc., 2278 Gerry Ellington Road, Gerry, New York 14740, with a local office at 2429 Route 16, Olean, New York 14760, in the following amounts for the period July 1, 2021 through June 30, 2022:

Destination Zone 1 - Franklinville:

Category	\$ Vehicle/Full Day – Type 2 Vehicle	\$ Vehicle/Full Day – Type 1 Vehicle	\$ Round Trip/Day – Type 2 Vehicle	\$ Round Trip/Day – Type 1 Vehicle
Vehicle/Full Day	\$325.00	\$325.00	N/A	N/A
Round Trip/Day	N/A	N/A	\$325.00	\$325.00
Driver Assistant/Full Day	\$75.00			
Driver Assistant/Round Trip	\$75.00			

Destination Zone 2 - Olean:

Category	\$ Vehicle/Full Day – Type 2 Vehicle	\$ Vehicle/Full Day – Type 1 Vehicle	\$ Round Trip/Day – Type 2 Vehicle	\$ Round Trip/Day – Type 1 Vehicle
Vehicle/Full Day	\$325.00	\$325.00	N/A	N/A
Round Trip/Day	N/A	N/A	\$325.00	\$325.00
Driver Assistant/Full Day	\$75.00			
Driver Assistant/Round Trip	\$75.00			

Destination Zone 3 - Randolph:

Category	\$ Vehicle/Full Day – Type 2 Vehicle	\$ Vehicle/Full Day – Type 1 Vehicle	\$ Round Trip/Day – Type 2 Vehicle	\$ Round Trip/Day – Type 1 Vehicle
Vehicle/Full Day	\$350.00	\$350.00	N/A	N/A
Round Trip/Day	N/A	N/A	\$350.00	\$350.00
Driver Assistant/Full Day	\$110.00			
Driver Assistant/Round Trip	\$110.00			

Destination Zone 4 – Springville League:

Category	\$ Vehicle/Full Day – Type 2 Vehicle	\$ Vehicle/Full Day – Type 1 Vehicle	\$ Round Trip/Day – Type 2 Vehicle	\$ Round Trip/Day – Type 1 Vehicle
Vehicle/Full Day	\$375.00	\$350.00	N/A	N/A
Round Trip/Day	N/A	N/A	\$375.00	\$350.00
Driver Assistant/Full Day	\$110.00			
Driver Assistant/Round Trip	\$110.00			

and

WHEREAS, at the commencement of each year of the term, the sums to be paid to Corvus Bus & Charter, Inc., shall be increased by an amount equal to the lesser of three percent (3%), or the increase in the cost of living index (CPI) as calculated by the U.S. Department of Labor, Bureau of Labor Statistics as shown at www.bls.gov, and listed under All Urban Consumers for the area of “Northeast Urban” and for areas with a population of 50,000 to 1,000,000, and shall be that shown for the month of May of the applicable year, and

WHEREAS, in the event that, during any given quarter annual period of the term of the contract, the price of fuel rises by twenty-five percent (25%) or more above the price charged on the first day of the term of the contract (as measured by the price for Diesel - 2D REG as shown in the NYS OGS Fuel Contract Price Listing), then during the following quarterly annual period a surcharge of five dollars (\$5.00) will be deemed added to the price bid by Corvus Bus & Charter, Inc., for a round trip Vehicle. Such five dollar (\$5.00) increase shall be prorated for vehicles that are utilized for a one-way or full day, as defined in Appendix E of the bid specifications. In the event that in the next and/or subsequent quarter annual period the cost of fuel remains at the level of a 25% increase (or more), fuel surcharge will continue during that quarter annual period. In the event that during the next and/or any subsequent quarter annual period the price of fuel is reduced below the 25% increase level, the fuel surcharge will be deleted. In order to accommodate the foregoing fuel surcharge formula, the County or the Agent will review the cost of fuel on a quarterly annual basis, and will advise Corvus Bus & Charter, Inc., of the result of the review, and

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

RESOLVED, that the bids of Corvus Bus & Charter, Inc., be, and the same hereby are, accepted, for a term commencing July 1, 2021 and terminating June 30, 2022, with the sole option of the County to renew for four (4) separate and consecutive one-year periods, at the same terms and conditions as contained in the bid specifications, and be it further

RESOLVED, that the vouchers accordingly certified by the County Administrator be audited by the Auditor and paid by the County Treasurer.

No State Bid.

11 sets of specifications were sent out.

2 bids were received.

Adopted June 9, 2021 by voice vote.

ACT NO. 243-2021 by Mr. Burr
who asks immediate consideration

AUTHORIZING ACCEPTANCE OF FEDERAL AMERICAN RESCUE PLAN ACT FUNDING

Pursuant to Section 153 of the County Law.

WHEREAS, on March 11, 2021, President Biden signed the American Rescue Plan Act (ARPA) of 2021 (H.R. 1319) into law, which includes \$65.1 billion in direct aid to counties and several additional funding opportunities for counties, to combat the COVID-19 pandemic, including its public health and economic impacts, and

WHEREAS, Cattaraugus County will receive a total of \$14,784,835.00 by July 31, 2022, with the first installment expected to be approximately \$7,392,417.50, now, therefore, be it

RESOLVED, that the County of Cattaraugus hereby accepts the first installment of the American Rescue Plan Act funding in the amount of \$7,392,417.50 from the United States Treasury to be used in accordance with the purposes established by the ARPA and subsequent guidance issued by the Treasury Department.

Adopted June 9, 2021 by voice vote.

ACT NO. 244-2021 by Ms. Schröder
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH BURKE GROUP FOR
CONSULTANT SERVICES AND TRANSFER OF FUNDS
(Contingent Fund – Professional Services)**

Pursuant to Sections 363, 365 and 450 of the County Law.

WHEREAS, the County is experiencing staffing shortages in many areas due to impacts resulting from the COVID-19 Pandemic, and

WHEREAS, the Burke Group, 80 Linden Oaks Drive, Suite 210, Rochester, New York 14625, can provide the consultant services necessary to address understaffing and staffing shortages for an amount not to exceed \$20,000.00, inclusive of all expenses, and

WHEREAS, a transfer of funds is necessary to cover the cost of the aforementioned consultant 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 Burke Group, for the provision of the above-described consultant services, for a term commencing June 1, 2021 and terminating December 31, 2021, according to the above-described terms, and be it further

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

Decrease Appropriation Account:

A.901.1990.0000.40601	Contingent Fund	\$20,000.00
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Increase Appropriation Account:

A.901.1910.0000.41233	Professional Services	\$20,000.00
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Adopted June 9, 2021 by voice vote.

ACT NO. 245-2021 by Mr. Boberg and Mr. Klancer
who ask immediate consideration

**AMENDING ACT 213-2021 REGARDING CONTRACT WITH
CONCENTRA, INC. FOR CATTARAUGUS COUNTY
RANDOM DRUG AND ALCOHOL TESTING PROGRAM
(Commercial Motor Vehicle Drivers, Sheriff's Office and Municipality Members)**

Pursuant to Section 450 of the County Law.

WHEREAS, Act No. 213-2021 authorized a contract with Concentra, Inc., a Division of Select Medical, through Concentra Medical Compliance Administration, its Third-Party Administrator, 118 Portsmouth Avenue, Stratham, New Hampshire 03885, for the provision of various drug and alcohol testing services for commercial motor vehicle drivers, the towns and villages of Cattaraugus County, and the Sheriff's Office, the term of which expires May 31, 2022, and

WHEREAS, the County has negotiated lower rates with Concentra, Inc., for the provision of the aforementioned random drug and alcohol testing services, which should be reflected in Act 213-2021, now, therefore, be it

RESOLVED, that Act 213-2021 be, and hereby is, amended as follows: In the Third Whereas, please delete: "Program Management Fee: \$250.00 per year per group for a total of \$750.00", and replace with: "Program Management Fee: \$250.00 per group (DOT regulated and Non-DOT unregulated) for a total of \$500.00", and be it further

RESOLVED, that Act 213-2021 be, and hereby is, further amended as follows: In the Third Whereas, under "Random Program Testing" and "Pre-Employment, Post-Accident, Reasonable Cause, Follow-Up and Return to Duty Testing", please delete three references to: "\$48.00", and replace each reference with: "\$45.00".

Adopted June 9, 2021 by voice vote.

ACT NO. 246-2021 by Labor Relations Committee:
Ms. Schröder, Mr. Marsh, Mr. Brisky,
Mr. Helmich and Mr. Koch
who ask immediate consideration

**CREATING TWO (2) FULL-TIME POSITIONS OF ASSISTANT PUBLIC DEFENDER,
ONE (1) FULL-TIME POSITION OF PARALEGAL/DATA OFFICER AND
ONE (1) FULL-TIME POSITION OF JUNIOR ACCOUNTANT AND
ESTABLISHING COMPENSATION FOR THE SAME
(Public Defender's Office)**

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

WHEREAS, Acts 369-2019 and 206-2021 authorized the acceptance and receipt of the Statewide Expansion of Hurrell-Harring Reform Grant for Counsel at Arraignment, Quality Improvement and Caseload Relief to be used to improve the quality of mandated representation to indigent persons within Cattaraugus County, and

WHEREAS, in order to comply with caseload standards established by New York State through this grant, it is necessary to create new positions within the Public Defender's Office, and

WHEREAS, the New Position Duties Statements have been submitted to the Cattaraugus County Personnel Officer, who has approved and certified the title of Assistant Public Defender, the title of Paralegal/Data Officer and the title of Junior Accountant in accordance with Civil Service Law Section 22, and

WHEREAS, sufficient funds through the Hurrell-Harring Reform Grant are included in the Public Defender's Office budget for these positions, now, therefore, be it

RESOLVED, that effective June 2, 2021, there is hereby created one (1) position of Junior Accountant in the Public Defender's Office to be filled on a full-time basis, General Bargaining Unit Salary Schedule, Pay Grade 21 (\$24.63 per hour), Position No. 117-181-001, and be it further

RESOLVED, that effective June 2, 2021, there are hereby created two (2) positions of Assistant Public Defender in the Public Defender's Office to be filled on a full-time basis, Managerial & Confidential Officers and Employees, each position to be compensated at a bi-weekly salary of \$2,692.31, Position No. 117-017-012 and Position No. 117-017-013, and be it further

RESOLVED, that effective June 2, 2021, there is hereby created one (1) position of Paralegal/Data Officer in the Public Defender's Office to be filled on a full-time basis, Managerial & Confidential Officers and Employees Salary Schedule, Pay Grade 29 (\$34.89 per hour), Position No. 117-239-001, and be it further

RESOLVED, that upon termination or reduction of funding through the Hurrell-Harring Reform Grant or Indigent Legal Defense Services for these positions, these positions will be abolished immediately.

Adopted June 9, 2021 by voice vote.

ACT NO. 247-2021 by Labor Relations Committee:

Ms. Schröder, Mr. Marsh, Mr. Brisky,

Mr. Helmich and Mr. Koch

who ask immediate consideration

**ABOLISH ONE (1) PART-TIME POSITION OF PHYSICAL THERAPY AIDE
IN THE DEPARTMENT OF NURSING HOMES**

Pursuant to Sections 204 and 205 of the County Law.

WHEREAS, due to restructuring within the Department of Nursing Homes, it is necessary to abolish certain part-time positions in order to create full-time positions that are more conducive to the operations of the facilities, and

WHEREAS, it is now necessary to abolish one (1) part-time position of Physical Therapy Aide, now, therefore, be it

RESOLVED, that effective June 2, 2021, there is hereby abolished one (1) part-time position of Physical Therapy Aide in the Department of Nursing Homes, Position Number 200-246-111.

Adopted June 9, 2021 by voice vote.

ACT NO. 248-2021 by Mr. Higgins and Mr. Marsh
who ask immediate consideration

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH THE
APPALACHIAN REGIONAL COMMISSION FOR
DEPARTMENT OF ECONOMIC DEVELOPMENT, PLANNING AND TOURISM
ONVILLE MARINA PARK INTERPRETIVE KIOSK PROJECT**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Department of Economic Development, Planning and Tourism (EDP&T) is desirous of installing interpretive kiosks at the Onoville Marina Park which will display important interpretive information including Onoville Park information and events, as well as health and safety information and regulations, and

WHEREAS, the Onoville Marina Park Interpretive Kiosk Project consists of installing one (1) large multi-section kiosk on a concrete pad to be located near the boat launch and a single-pane double-sided kiosk to be located at each of the four (4) restrooms, and

WHEREAS, it is anticipated that the total cost of the project will be approximately \$43,200.00, and

WHEREAS, federal funding in the amount of \$21,600.00 is available through the Appalachian Regional Commission to offset the cost of the aforementioned improvement project (CFDA #23.002), and

WHEREAS, it is necessary to apply to the Appalachian Regional Commission for the aforementioned funding, and

WHEREAS, in the event the County is awarded a \$21,600.00 grant from Appalachian Regional Commission, a \$21,600.00 County match would be required, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a grant application, on behalf of Cattaraugus County, in order to apply for the above-described funding, with a cash match and in-kind match not to exceed \$21,600.00 to the Appalachian Regional Commission, for the aforementioned Onoville Marina Park Kiosk Project, 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 June 9, 2021 by voice vote.

ACT NO. 249-2021 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
EPIDEMIOLOGY AND LABORATORY CAPACITY (ELC) FUNDS FOR REOPENING SCHOOLS
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(COVID-19 – Health Department)**

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

WHEREAS, the New York State Department of Health (NYSDOH) has allocated the Cattaraugus County Health Department with \$2,821,444.00 to enable schools/districts in Cattaraugus County to establish COVID-19 screening testing programs to support and maintain in-person learning, and

WHEREAS, this project is supported by the Centers for Disease Control and Prevention (CDC) of the U.S. Department of Health and Human Services (HHS) as part of a financial assistance award 100% funded by the CDC/HHS, with no cost to the County, and

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

RESOLVED, that the Cattaraugus County Legislature hereby authorizes and directs the County Public Health Director to enroll and participate in the above-described ELC Funds for Reopening Schools project, 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 ELC Funds for Reopening Schools project, according to the above-described terms, and be it further

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

Increase Estimated Revenue Account:

A.401.4095.4081.4401.12	Federal Aid, Public Health ELC School	\$1,410,722.00
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Increase Appropriation Accounts:

A.401.4095.4081.40819	ELC COVID School Re-Opening Assistance	\$1,199,113.70
A.401.4095.4081.11000	ELC COVID School - Full Time	\$ 21,160.83
A.401.4095.4081.81000	ELC COVID School - FICA	\$ 1,618.81
A.401.4095.4081.82000	ELC COVID School - Retirement	\$ 1,967.96
A.401.4095.4081.83000	ELC COVID School – Health Insurance	\$ 9,397.50
A.401.4095.4081.20205	ELC COVID School – Lab Equipment	\$ 77,463.20
A.401.4095.4081.20006	ELC COVID School – Computer Equip/SW Exp	\$ 25,000.00
A.401.4095.4081.41417	ELC COVID School – Lab & Diagnostic Serv	\$ 40,000.00
A.401.4095.4081.46102	ELC COVID School – Employee Mileage Reimb	\$ 17,500.00
A.401.4095.4081.47006	ELC COVID School – Operating Supplies	\$ 17,500.00.

Adopted June 9, 2021 by voice vote.

ACT NO. 250-2021 by Mrs. Andreano
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH ERIE 1 BOCES TECHNOLOGY SERVICES
FOR CLEARTRACK COUNTY MEDICAID MODULE**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 193-2020 authorized a contract with Erie 1 BOCES Technology Services, 355 Harlem Road, West Seneca, New York 14224, for the access to the ClearTrack County Medicaid Module for the Special Needs Pre-K Program for the 2020-2021 school year, the term of which expires June 30, 2021, and

WHEREAS, Erie 1 BOCES can provide access to the ClearTrack County Medicaid Module, for an amount not to exceed \$5,291.72 for the 2021-2022 school year, to be paid as invoiced, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned module, 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 Erie 1 BOCES Technology Services for the provision of the above-described services, for a term commencing July 1, 2021 and terminating June 30, 2022, according to the above-described terms.

Adopted June 9, 2021 by voice vote.

ACT NO. 251-2021 by Public Works Committee:
Mr. Helmich, Mr. Koch, Mr. Benson, Mr. Boberg,
Mr. Morrow, Mr. Parker and Mr. Snyder
who ask immediate consideration

**REQUESTING NEW YORK STATE LEGISLATURE ADOPT SPECIAL LEGISLATION
PERMITTING THE TRANSFER AND CONVEYANCE OF
CATTARAUGUS COUNTY REFORESTATION PROPERTY**

Pursuant to Section 40 of the Municipal Home Rule Law and Section 219 of the County Law.

WHEREAS, the County owns certain property located in the Town of Perrysburg, known as "Perrysburg Pond", "Crocker's Pond" and "Bob's Pond", designated as Tax Map No. 2.003-1-20, and

WHEREAS, Act 384-1973 authorized the addition of Perrysburg Pond, and the surrounding properties owned by the County of Cattaraugus, to the County's Reforestation Program, and

WHEREAS, the County has explored many options in relation to the property, including, but not limited to timber harvest, recreational use, access to the property and continued maintenance of the property, and

WHEREAS, it has been determined to be in the County's best interests to transfer and convey the aforementioned reforestation property to New York State, and

WHEREAS, Section 219 of the County Law prohibits the sale of reforestation property without special legislation from the New York State Legislature, and

WHEREAS, it is necessary for the New York State Legislature to pass special legislation permitting the transfer and conveyance of the aforementioned property, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby requests the New York State Legislature to adopt special legislation authorizing the County of Cattaraugus to transfer and convey reforested lands known as "Perrysburg Pond", "Crocker's Pond" and "Bob's Pond", designated as Tax Map No. 2.003-1-20, to New York State, and be it further

RESOLVED, that the Clerk of the Legislature be, and hereby is, directed to forward certified copies of this resolution to the Majority and Minority Leaders of the State Senate and State Assembly, Senator Borrello and Assemblyman Giglio.

Adopted June 9, 2021 by voice vote.

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MR. BURR moved, seconded by Mr. Brisky, to adjourn until June 23, 2021 at 5:00 p.m. Carried.

Meeting adjourned at 5:32 p.m.

Ann M. Giglio
Journal Clerk