

February 9, 2022

The meeting was called to order by Chairman VanRensselaer.

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed one Legislator absent - Klancer.

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PUBLIC HEARING:

CHAIRMAN VANRENSELAER announced this is the time and place called for a public hearing on Local Law Number 2-2022, A Local Law Creating the Cattaraugus County Public Works Department and the Office of Cattaraugus County Commissioner of Public Works, and that anyone wishing to speak for or against this may now do so.

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

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CHAIRMAN VANRENSELAER announced this is the time and place called for a public hearing on Local Law Number 3-2022, A Local Law Creating the Cattaraugus County Department of Buildings and Grounds and the Position of Director of the Department of Buildings and Grounds, and that anyone wishing to speak for or against this may now do so.

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 Cattaraugus County Farm Bureau member Amanda Dackowsky of Town Line Livestock, Perrysburg, who gave a presentation relative to issues facing beef producers in New York State. Mrs. Dackowsky is also the Executive Secretary of the New York Beef Producers Association.

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CHAIRMAN VANRENSELAER called up **Act No. 65-2022, Local Law Number 2-2022**, A Local Law Creating the Cattaraugus County Public Works Department and the Office of Cattaraugus County Commissioner of Public Works, and asked that it be read.

CHAIRMAN VANRENSELAER requested a Roll Call vote on Act No. 65-2022, which disclosed as follows:

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

Nays: none.

Act No. 65-2022, Local Law Number 2-2022, having received a unanimous vote of the Legislature, was declared Adopted.

CHAIRMAN VANRENSELAER called up **Act No. 67-2022, Local Law Number 3-2022**, A Local Law Creating the Cattaraugus County Department of Buildings and Grounds and the Position of Director of the Department of Buildings and Grounds, and asked that it be read.

CHAIRMAN VANRENSELAER requested a Roll Call vote on Act No. 67-2022, which disclosed as follows:

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

Nays: none.

Act No. 67-2022, Local Law Number 3-2022, having received a unanimous vote of the Legislature, was declared Adopted.

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ACT NO. 77-2022 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CATTARAUGUS COUNTY SOIL & WATER CONSERVATION DISTRICT FOR
2022 STREAMBANK STABILIZATION PROJECTS**

Pursuant to Section 9 of the Soil and Water Conservation
Districts Law and Section 450 of the County Law.

WHEREAS, inspection and technical services are needed for various emergency streambank repair projects for the 2022 Streambank Stabilization Program, and

WHEREAS, the Cattaraugus County Soil & Water Conservation District (SWCD) has agreed to provide the inspection and technical services necessary for the following projects for an amount not to exceed \$6,875.00, to be paid on a percent-of-completion basis as invoiced:

- Project 1 County Road #17 (Bakerstand Road)
 Town of Franklinville, streambank protection
- Project 2 County Road #5 (New Albion Road)
 Town of New Albion, streambank protection
- Project 3 Leon Bridge #8 (County Road #6-Leon Road)
 Town of Leon, streambank protection

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 the Cattaraugus County Soil & Water Conservation District, for the provision of the above-described streambank restoration and bank protection inspection and technical services, for a term commencing February 1, 2022 and terminating December 31, 2022, according to the above-described terms.

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

Adopted February 9, 2022 by voice vote.

ACT NO. 78-2022 by Mr. Boberg and Mr. Klancer

**AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENT WITH
3D REAL ESTATE COMPANY, LLC FOR
MOTOR VEHICLE OFFICE SPACE**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 657-2016 authorized a lease agreement with 3D Real Estate Company, LLC, 208 West Ohio Street, Olean, New York 14760, for the leasing of space located in the Delevan Plaza, 46 North Main Street, Delevan, New York, for the County Clerk's Office Delevan Motor Vehicle Offices, the term of which expires February 28, 2022, and

WHEREAS, the County Clerk is desirous of continuing the aforementioned lease for another five (5) year term, and

WHEREAS, 3D Real Estate Company, LLC, shall continue to lease space located in the Delevan Plaza, 46 North Main Street, Delevan, New York, to the County for the Delevan Motor Vehicle offices, for an amount of \$1,800.00 per month, which includes all utilities, to be paid as invoiced, 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 lease agreement, on behalf of Cattaraugus County, with 3D Real Estate Company, LLC, for the leasing of the above-described space, for a term commencing March 1, 2022 and continuing for a term of five (5) years to terminate February 28, 2027, according to the above-described terms.

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

Adopted February 9, 2022 by voice vote.

ACT NO. 79-2022 by Mr. Boberg and Mr. Klancer

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH WILMAC FOR
SOFTWARE MAINTENANCE AND SUPPORT FOR
NICE INFORM INCIDENT INFORMATION MANAGEMENT SYSTEM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 28-2015 authorized the Sheriff's Office to purchase the NICE Inform Professional Incident Information Management Solution as an upgrade to the County's current E-911 Wordnet Series 3 Voice Recorder, and

WHEREAS, Act 108-2021 authorized a contract with the Wilmac Company for software maintenance and support of the Nice Inform 7 Incident Information Management System, the term of which expires February 28, 2022, and

WHEREAS, the Sheriff's Office is desirous of renewing the annual preventative maintenance and software support for the new system, and

WHEREAS, the Wilmac Company, 73 State Street, Suite 200, Rochester, New York 14614, has agreed to provide software maintenance and support for the period March 1, 2022 through February 28, 2023, for an amount of \$27,210.00, 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 the Wilmac Company, for the provision of the above-described services, for a term commencing March 1, 2022 and terminating February 28, 2023, according to the above-described terms.

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

Adopted February 9, 2022 by voice vote.

ACT NO. 80-2022 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE DEPARTMENT OF HEALTH
DIVISION OF ENVIRONMENTAL HEALTH PROTECTION FOR
HEALTHY NEIGHBORHOODS PREVENTIVE HEALTH CORNERSTONES AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Health Department - Contract No. C35561GG)**

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

WHEREAS, Act 465-2018 authorized the County Health Department to apply for funding through the New York State Department of Health (NYSDOH) Division of Environmental Health Protection for the Healthy Neighborhoods Preventive Health Cornerstones grant, and

WHEREAS, the County Health Department has been selected for an award of funding in the amount of \$263,301.00 per year for a five (5) year period, with final grant awards contingent upon the review and approval of the Office of the State Comptroller, and

WHEREAS, the purpose of the Healthy Neighborhoods Program is to provide preventive environmental health services to targeted geographic areas, and

WHEREAS, the grant funds, if awarded, will provide the resources needed to address significant public health issues in targeted areas to provide healthier home environments, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the New York State Department of Health, Division of Environmental Health Protection, Center for Environmental Health, in order to accept, and receive, the aforementioned Healthy Neighborhoods Preventive Health Cornerstones grant, for a

period commencing April 1, 2022 and terminating March 31, 2027, according to the above-described terms, and be it further

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

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

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

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

Increase Estimated Revenue Account:

A.401.4090.4074.3450.13	Healthy Neighborhoods Grant	\$263,301.00
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Increase Appropriation Accounts:

A.401.4090.4074.11000	Full Time Wages	\$ 36,687.00
A.401.4090.4074.20006	Computer Equipment/Software	\$ 2,420.00
A.401.4090.4074.41231	Limited English Proficiency	\$ 750.00
A.401.4090.4074.41603	Contracted Services	\$153,372.00
A.401.4090.4074.46102	Employee Mileage Reimbursements	\$ 2,500.00
A.401.4090.4074.46108	Cellular Phone Charges	\$ 540.00
A.401.4090.4074.47001	Postage	\$ 200.00
A.401.4090.4074.47002	Office Supplies	\$ 1,005.00
A.401.4090.4074.47006	Operating Supplies	\$ 46,260.00
A.401.4090.4074.47007	Printing	\$ 475.00
A.401.4090.4074.48001	Advertising	\$ 1,475.00
A.401.4090.4074.81000	FICA	\$ 2,801.00
A.401.4090.4074.82000	Retirement	\$ 4,334.00
A.401.4090.4074.83000	Health Insurance	\$ 10,271.00
A.401.4090.4074.84000	Dental Insurance	\$ 211.00.

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

Adopted February 9, 2022 by voice vote.

ACT NO. 81-2022 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CHC WELLBEING, INC. FOR HEALTH DEPARTMENT
LAB PHLEBOTOMY AND SPECIMEN STORAGE SERVICES**

Pursuant to 10 NYCRR Part 763 and Section 450 of the County Law.

WHEREAS, Act 29-2022 authorized a contract with CHC Wellbeing, Inc., for the provision of a Health Wellness Program for participating employees, which includes biometric screening services, and

WHEREAS, CHC Wellbeing, Inc., desires to have blood draw and specimen storage services at a location convenient to those employees participating in the biometric screening for the Wellness Services Program, and

WHEREAS, CHC Wellbeing, Inc., 5440 North Cumberland Avenue, Suite 225, Chicago, Illinois 60656, has agreed to pay to the County Health Department an amount of \$25.00 per venipuncture blood draw taken and specimen stored at the Cattaraugus County Health Department Laboratory located at 1 Leo Moss Drive, Suite 4010, Olean, New York, 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 CHC Wellbeing, Inc., for the provision of the above-described laboratory ancillary services, for a term commencing January 1, 2022 and terminating December 31, 2022, according to the above-described terms.

Approved by 6 members of the Finance Committee and 5 members of the Labor Relations Committee.

Adopted February 9, 2022 by voice vote.

ACT NO. 82-2022 by Mrs. Andreano and Mr. Helmich

APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND DIRECTIONS IN INDEPENDENT LIVING, INC. FOR VETERAN PEER-TO-PEER SUPPORT PILOT PROGRAM

Pursuant to Section 41.07 of the Mental Hygiene Law and Section 450 of the County Law.

WHEREAS, Act 501-2019 authorized a contract with Directions in Independent Living, Inc., 514 West State Street, Olean, New York 14760, for the provision of a Veteran Peer-to-Peer Support Pilot Program in Cattaraugus County for veterans suffering from post-traumatic stress syndrome, and/or other related combat stress disorders, using individual and small group peer-to-peer support methods, for the 2019-2020 program year, the term of which expired June 30, 2021, and

WHEREAS, the Cattaraugus County Community Services Board desires to continue the Veteran Peer-to-Peer Support Pilot Program in Cattaraugus County for veterans suffering from post-traumatic stress syndrome, and/or other related combat stress disorders, using individual and small group peer-to-peer support methods, and

WHEREAS, Directions in Independent Living, Inc., can provide the aforementioned services in Cattaraugus County for an amount of \$67,500.00, for the 2022-2023 program year, to be paid as invoiced, and

WHEREAS, this program is 100% state funded through OMH funds, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract between the Cattaraugus County Community Services Board and Directions in Independent Living, Inc., to signify the County's approval, for the provision of the above-described Veteran Peer-to-Peer Support Pilot Program, for a term commencing January 1, 2022 and terminating June 30, 2023, 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 state aid 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 6 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted February 9, 2022 by voice vote.

ACT NO. 83-2022 by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED GRANT DOCUMENTS WITH
NEW YORK STATE DEPARTMENT OF HEALTH AND HEALTH RESEARCH, INC. FOR
EPIDEMIOLOGY & LABORATORY CAPACITY DETECTION, SURVEILLANCE AND
PREVENTION OF COVID-19 FUNDING**

**(Department of Health – COVID-19 Response Funding
COVID-19 Enhanced Detection – HRI Contract Number 6421-01)**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 330-2020 authorized a contract with the New York State Department of Health and Health Research, Inc., for Epidemiology & Laboratory Capacity Detection, Surveillance and Prevention Program, in the amount of \$303,553.00 (COVID-19 Enhanced Detection-HRI Contract Number 6421-01), and

WHEREAS, Cattaraugus County Health Department has been awarded additional federal funding in the amount of \$387,046.00 through the New York State Department of Health and Health Research, Inc., for Epidemiology & Laboratory Capacity Detection, Surveillance and Prevention of COVID-19 Program, bringing the total contract amount to \$690,599.00, and

WHEREAS, a contract amendment is necessary in order to accept and receive the aforementioned federal funding, and

WHEREAS, this program is 100% federally funded (CFDA #93.323), 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 and Health Research, Inc., in order to accept and receive the aforementioned additional grant funding for the Epidemiology & Laboratory Capacity Detection, Surveillance and Prevention of COVID-19 Program, 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 February 9, 2022 by voice vote.

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MR. KOCH moved, seconded by Mr. Boberg, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 84-2022 through Act No. 93-2022. Carried.

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ACT NO. 84-2022 by Mr. VanRensselaer
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
FEDERATED SPORTSMEN'S CLUBS OF CATTARAUGUS COUNTY, INC.**

Pursuant to Sections 224 (3) and 450 of the County Law.

WHEREAS, Cattaraugus County is desirous of supporting the Federated Sportsmen's Clubs of Cattaraugus County, Inc., and

WHEREAS, the Federated Sportsmen's Clubs of Cattaraugus County, Inc. is a County-wide organization which promotes interest pertaining to the development and expansion of conservation as applied to reforestation, propagation of fish and game, and purchase and maintenance of public game refuges and shooting grounds, and

WHEREAS, the organization has gathered many facts representing a cross section of recreation needs of Cattaraugus County as applied to forests, public parks, fish and game, and

WHEREAS, the 2022 County budget provides for the payment of \$2,400.00 to the Federated Sportsmen's Clubs of Cattaraugus County, Inc., from Account No. A.298.8720.0000.42011 for these 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 Federated Sportsmen's Clubs of Cattaraugus County, Inc., for the year 2022, for the provision of services, for a term commencing January 1, 2022 and terminating December 31, 2022, according to the above-described terms.

Adopted February 9, 2022 by voice vote.

ACT NO. 85-2022 by Mr. Klancer
who asks immediate consideration

**CORRECTION OF ERROR
(Town of Allegany)**

Pursuant to Section 558 of the Real Property Tax Law.

WHEREAS, due to incorrect billing by the Town of Allegany Assessor, it is necessary for the County Treasurer to write off taxes previously billed, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby authorizes the County Treasurer to write off previously assessed taxes on the following properties:

<u>Tax Map No.</u>	<u>Name of Owner</u>	<u>Tax Year</u>	<u>Amount</u>
111.001-1-27.1/4	McKellpee Corp.	2016	\$1,869.01
		2017	\$1,577.97
		2018	\$1,733.07
111.001-1-27./4	Christian Kellner	2012	\$3,518.26
		2013	\$2,516.32
		2014	\$2,532.17

Adopted February 9, 2022 by voice vote.

ACT NO. 86-2022 by Mr. Benson, Mr. Helmich and Ms. Schröder
who ask immediate consideration

**APPOINTMENT OF DIRECTOR, DEPARTMENT OF BUILDINGS AND GROUNDS AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Buildings & Grounds)**

Pursuant to Sections 204, 205, 363 and 366 of the County Law.

RESOLVED, that James E. Adsit be, and hereby is, appointed Director, Department of Buildings and Grounds, for a term commencing February 14, 2022 and terminating March 31, 2026, to be compensated at a bi-weekly salary of \$3,115.38, or such other salary as may hereafter be established, and be it further

RESOLVED, that James E. Adsit shall be credited with twenty-seven (27) days of annual leave in each year of his term of office and afforded all other benefits provided in such compensation benefit package as is, or may hereafter be, established for Managerial and Confidential Officers and Employees, and be it further

RESOLVED, that the County Administrator is hereby directed to appropriate \$98,781.21 from Fund Balance Account A.909.0000 and make the following budgetary changes:

Increase Appropriation Accounts:

A.162.1619.0000.11000	Full Time Wages	\$71,653.74
A.162.1619.0000.41603	Contracted Services	\$ 5,000.00
A.162.1619.0000.81000	FICA	\$ 5,481.51
A.162.1619.0000.82000	Retirement	\$ 9,865.79

A.162.1619.0000.83000	Health Insurance	\$ 6,489.45
A.162.1619.0000.84000	Dental Insurance	\$ 290.72.

Adopted February 9, 2022 by voice vote.

ACT NO. 87-2022 by Mr. Benson, Mr. Helmich and Ms. Schröder
who ask immediate consideration

**CREATING ONE (1) FULL-TIME POSITION OF ACCOUNT CLERK TYPIST,
ESTABLISHING COMPENSATION FOR THE SAME AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Buildings & Grounds)**

Pursuant to Sections 204, 205, 363 and 366 of the County Law and
Section 22 of the Civil Service Law.

WHEREAS, through the creation of the Department of Buildings and Grounds, additional support staff is needed, and

WHEREAS, the New Position Duties Statement has been submitted to the Cattaraugus County Personnel Officer, who has approved and certified the title of Account Clerk Typist in accordance with Civil Service Law Section 22, and

WHEREAS, various appropriation accounts must be adjusted to cover the costs of this position, now, therefore, be it

RESOLVED, that effective February 14, 2022, there is hereby created one (1) position of Account Clerk Typist in the Department of Buildings and Grounds to be filled on a full-time basis, General Bargaining Unit Salary Schedule, Pay Grade 14 (\$19.96 - \$21.75 per hour), Position No. 162-002-001, and be it further

RESOLVED, that the County Administrator is hereby directed to appropriate \$44,933.49 from Fund Balance Account A.909.0000 and make the following budgetary changes:

Increase Appropriation Accounts:

A.162.1619.0000.11000	Full Time Wages	\$30,515.40
A.162.1619.0000.81000	FICA	\$ 2,334.42
A.162.1619.0000.82000	Retirement	\$ 2,582.39
A.162.1619.0000.83000	Health Insurance	\$ 9,308.42
A.162.1619.0000.84000	Dental Insurance	\$ 192.86.

Adopted February 9, 2022 by voice vote.

ACT NO. 88-2022 by Mr. Benson, Mr. Helmich and Ms. Schröder
who ask immediate consideration

**TRANSFER OF CERTAIN FUNCTIONS AND PERSONNEL FROM DEPARTMENT
OF PUBLIC WORKS TO DEPARTMENT OF BUILDINGS AND GROUND**

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

WHEREAS, contingent upon the adoption of Act Nos. 65-2022 and 67-2022, the control, management and operational functions for buildings and grounds will be transferred to the newly created Department of Buildings and Grounds, effective February 14, 2022, and

WHEREAS, this transfer is expected to provide for a more effective and efficient manner in which to manage the buildings and grounds in Cattaraugus County, and

WHEREAS, the functions being performed by positions within the Department of Public Works are to be performed and incorporated within the Department of Buildings and Grounds, now, therefore, be it

RESOLVED, that effective February 14, 2022, contingent upon the adoption of Act Nos. 65-2022 and 67-2022, the following positions of employment within the Department of Public Works, along with the permanent incumbents thereof, are hereby transferred to the Department of Buildings and Grounds:

<u>Number of Positions</u>	<u>Position Number</u>	<u>Title of Positions</u>
7	162-049-001 162-049-002 162-049-003 162-049-004 162-049-005 162-049-006 162-049-007	Cleaner
1	162-120-001	Driver/Courier
1	162-156-001	Head Cleaner
3	162-205-001 162-205-002 162-205-003	Maintenance Mechanic
2	162-206-001 162-206-002	Maintenance Supervisor
2	162-324-001 162-324-002	Sr. Maintenance Mechanic
2	162-905-001 162-905-002	Cleaner – Sub
2	162-918-001 162-918-002	Laborer – Seasonal

and be it further

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

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

Adopted February 9, 2022 by voice vote.

ACT NO. 89-2022 by Mrs. Andreano, Mr. Helmich and Ms. Schröder
who ask immediate consideration

**CREATING ONE (1) FULL-TIME POSITION OF SOCIAL SERVICES EXAMINER TRAINEE
IN THE DEPARTMENT OF SOCIAL SERVICES AND
ESTABLISHING COMPENSATION FOR THE SAME
(Social Services)**

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

WHEREAS, the Department of Social Services is in need of a Social Services Examiner Trainee position to assist with determining eligibility and oversight related to the distribution of grant funds under the Rental Supplement Program, and

WHEREAS, the New Position Duties Statement has been submitted to the Cattaraugus County Personnel Officer, who has approved and certified the title of Social Services Examiner Trainee in accordance with Civil Service Law Section 22, and

WHEREAS, sufficient funds are included in the 2022 budget for this position through these grant funds, now, therefore, be it

RESOLVED, that effective March 1, 2022, there is hereby created one (1) position of Social Services Examiner Trainee in the Department of Social Services to be filled on a full-time basis, General Bargaining Unit Salary Schedule, Pay Grade 15 (\$20.56 per hour), Position No. 601-306-053, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this position shall be automatically abolished.

Adopted February 9, 2022 by voice vote.

ACT NO. 90-2022 by Labor Relations Committee:
Ms. Schröder, Mr. Marsh, Mr. Brisky,
Mr. Helmich and Mr. Koch
who ask immediate consideration

**AUTHORIZING THE CHAIR TO ENTER INTO AN AGREEMENT
REGARDING TERMS AND CONDITIONS OF PUBLIC EMPLOYMENT
BETWEEN THE COUNTY OF CATTARAUGUS AND THE
CATTARAUGUS COUNTY PART-TIME EMPLOYEE UNIT,
CATTARAUGUS COUNTY LOCAL 805 OF THE
CIVIL SERVICE EMPLOYEES ASSOCIATION, INC. LOCAL 1000,
AFSCME AFL-CIO FOR THE PERIOD
JANUARY 1, 2022 TO DECEMBER 31, 2026**

Pursuant to Article 14 of the Civil Service Law.

WHEREAS, the Cattaraugus County Part-Time Employee Unit is the bargaining agent for part-time employees of Cattaraugus County, and

WHEREAS, an agreement has been reached on terms and conditions of employment which include a wage increase for employees of 15% for the year 2022, with 0% wage increases for years 2023, 2024, 2025 and 2026, and

WHEREAS, prior to applying the 15% increase, the rate of pay for the following titles will be increased by \$1.00 per hour:

Food Service Worker	Motor Vehicle Representative
Transfer Station Operator	Aging Service Aide
Cleaner	Site Manager
Leisure Time Activities Worker	Leisure Time Activities Aide

and

WHEREAS, the part-time nursing home positions will be compensated according to the following schedule:

	2022-2026
Registered Nurse	\$31.30
LPN	\$27.60
Nurse's Aide	\$21.53

and

WHEREAS, the items agreed upon to be contained in the applicable collective bargaining agreement have heretofore been disclosed to the County Legislature for review and information, and

WHEREAS, the Cattaraugus County Part Time Employee Unit, Cattaraugus County Local 805, of the Civil Service Employees Association, Inc. Local 1000, AFSCME AFL-CIO, has heretofore ratified all negotiated changes to such Collective Bargaining Agreement, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed, on behalf of the County of Cattaraugus, to execute the applicable Collective Bargaining Agreement between the County of Cattaraugus and the Cattaraugus County Part Time Employee Unit, Cattaraugus County Local 805, of the Civil Service Employees Association, Inc. Local 1000, AFSCME AFL-CIO.

Adopted February 9, 2022 by voice vote.

ACT NO. 91-2022 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE LEASE EXTENSION WITH
RYDER TRUCK RENTAL, INC. D/B/A RYDER TRANSPORTATION SERVICES
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 4 liftgate, through Ryder Truck Rental, Inc., d/b/a Ryder Transportation Services, 3247 New York Lakes-194, Buffalo, New York, the term of which expired November 30, 2021, and

WHEREAS, the Department of Nursing Homes is desirous of extending the term of the aforementioned lease to November 30, 2022, and

WHEREAS, Ryder Truck Rental, Inc., d/b/a Ryder Transportation Services, shall continue leasing the aforementioned vehicle to the Department of Nursing Homes, under the same terms and

conditions, for an amount not to exceed \$18,664.00, which includes mileage at the rate of \$.10 per mile, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned lease, 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, extending the aforementioned lease to November 30, 2022, according to the above-described terms.

Adopted February 9, 2022 by voice vote.

ACT NO. 92-2022 by Mr. Burr
who asks immediate consideration

**OPPOSING SENATE BILL S.7855 AS IT RELATES TO THE MEMBERSHIP
OF THE BOARD OF DIRECTORS OF THE
WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

Pursuant to Section 153 of the County Law.

WHEREAS, the Western Regional Off-Track Betting Corporation (OTB) is a public benefit corporation with headquarters in Batavia, New York, and

WHEREAS, OTB is owned and operated by 15 Western New York counties and the cities of Rochester and Buffalo, and

WHEREAS, OTB owns and operates 11 off-track betting branches, 27 E-Z Bet locations and a telephone wagering service in 15 Western New York counties, as well as Batavia Downs Gaming, a standard bred racetrack and gaming facility, and

WHEREAS, since its inception, OTB has generated over \$250 million in operating and surcharge revenues to the taxpayers of those participating municipalities, and

WHEREAS, throughout its long history of serving the 15 counties and two cities that comprise the corporation, the OTB Board of Directors has been comprised of one representative from each of the 17 municipalities, and

WHEREAS, in 1973, the Cattaraugus County Board of Supervisors adopted legislation that authorized and empowered Cattaraugus County to participate in the OTB that had recently been created by the state and signed by then Governor Nelson Rockefeller, and

WHEREAS, New York State Senator Timothy M. Kennedy (D – Buffalo) has recently proposed Senate Bill S.7855, to “amend the racing, pari-mutuel wagering and breeding law, in relation to the membership of the Board of Directors of the Western Regional Off-Track Betting Corporation”, and

WHEREAS, Senator Kennedy’s proposal calls for revising the current fair and equitable representation of the Board of Directors to a total of fifteen (15) members, to be broken down as follows: three (3) members to represent the counties of Monroe, Wyoming, and Orleans; one (1) member to represent the counties of Chautauqua, Cayuga, Genesee, Livingston, Schuyler, and Seneca; four (4) members to represent Erie County; one (1) member to represent Niagara County; one (1) member to represent the counties of Oswego, Cattaraugus, and Orleans; one (1) member to represent the City of Buffalo; one (1) member to represent the City of Rochester; one (1) member to be appointed by the Governor; one (1) member to be appointed by the Temporary President of the Senate; and one (1) member to be appointed by the Speaker of the Assembly, and

WHEREAS, Senator Kennedy's Bill states that its intent is to "provide more equal representation of the people of the area who benefit from proceeds from said corporation", and

WHEREAS, this legislation will in fact have the opposite effect of the stated intention in the Bill, as it will decimate the balanced representation formula determined previously by both the State Legislature and the Governor as equitable and impartial, with a clear and explicit intent of providing each municipality that comprises the corporation an equal voice in OTB matters, and

WHEREAS, the performance and accomplishments of the current OTB Board and leadership cannot be discounted when considering this drastic and overreaching legislation, including, but not limited to: the acquisition of an 84-room hotel on the grounds of Batavia Downs that has drawn rave reviews, countless fundraising events for charitable organizations that have benefitted thousands of families across Western New York, including Make-A-Wish, the Batavia Police Department K-9 Unit, the Genesee County K-9 Unit, GLOW YMCA, Food Bank of Western New York, and the Breast Cancer Coalition of Rochester, and

WHEREAS, in 2021, Batavia Downs once again shattered attendance and wager records, with more than 625,000 attendees wagering nearly \$700 million this past year alone, leading to record earnings distributions for the 17 municipalities that have come to rely on their OTB distributions to balance their local budgets while reducing the property tax burden for businesses and homeowners, and

WHEREAS, the current OTB Board has successfully led the corporation through an incredibly difficult period in history - the COVID-19 pandemic, that has ravaged similar entities across the state and the country, and

WHEREAS, OTB currently has 385 full- and part-time employees with a payroll of \$12.5 million, comprised of individuals and families from every corner of our region, and all whom could be negatively impacted by this drastic proposal, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature does vehemently oppose Senate Bill S.7855, as it will cause irreparable harm to Cattaraugus County, its interests in OTB, the economic interests of Cattaraugus County, and the taxpayers of this County, and be it further

RESOLVED, that the Cattaraugus County Legislature does hereby call upon members of the New York State Senate to reject Senate Bill S.7855, and be it further

RESOLVED, that the Clerk of the Legislature be, and hereby is, directed to forward copies of this resolution to Governor Hochul, Senator Borrello, Assemblyman Giglio, Western Regional Off-Track Betting Corporation, and all others deemed necessary and proper.

Adopted February 9, 2022 by voice vote.

ACT NO. 93-2022 by Mr. Boberg and Mr. Klancer
who ask immediate consideration

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
FOR 2021 STATE HOMELAND SECURITY PROGRAM GRANT
(Office of Emergency Services)**

Pursuant to Public Law 107-56, Department of Homeland Security
Appropriations Act of 2005, Public Law 108-334 and
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 193-2021 authorized the Chairman to execute grant documents with the New York State Office of Homeland Security and Emergency Services for the fiscal year 2021 State Homeland Security Program, and

WHEREAS, the County has been awarded \$136,570.00 under the fiscal year 2021 State Homeland Security Program that was allocated as follows:

- Cattaraugus County Office of Emergency Services – A Homeland Security Program contract in the amount of \$102,427.00 will be initiated to provide funds to support the implementation of the State Homeland Security Strategy and address the identified planning, equipment, training and exercise needs for acts of terrorism and other catastrophic events;
- Cattaraugus County Sheriff's Office – A Law Enforcement Terrorism Prevention Program contract in the amount of \$34,143.00 will be initiated to provide funds for the law enforcement community to support terrorism prevention and preparedness efforts,

and

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

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

Increase Estimated Revenue Account:

A.364.3645.3641.4389.01	Federal Aid, Homeland Security	\$31,985.12
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Decrease Appropriation Accounts:

A.364.3645.3641.11000	Full Time Wages	\$ 7,811.00
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A.364.3645.3641.81000	FICA	\$ 1,518.00
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A.364.3645.3641.82000	Retirement	\$ 2,818.00
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A.364.3645.3641.83000	Health Insurance	\$ 8,170.88
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A.364.3645.3641.84000	Dental Insurance	\$ 124.00
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Increase Appropriation Account:

A.364.3645.3641.20101	Vehicle	\$52,427.00.
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Adopted February 9, 2022 by voice vote.

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CHAIRMAN VANRENSELAER granted Privilege of the Floor to Legislator Schröder who presented the Harlan Bible received from the Retired Judges of America to the Legislature. Legislator Schröder provided the following comments:

The Cattaraugus County Legislature has been presented with a Bible from Judge Darrell White, of the Retired Judges of America and the American Judicial Alliance, as a part of an endeavor known as the "Harlan Bible Project." I thought that a few words as to how this Bible made its way to this legislature would be appropriate.

In August of 2021, this Legislature passed a resolution in support of the United States Constitution. The Epoch Times wrote a story about our resolution and it was distributed nationally.

Little did we know how this small act of spoken fidelity to the most important governing document of our country would spark such national interest and such an outpouring of support. We have received hundreds of telephone calls, letters, emails, texts and social media inquiries from citizens across our great nation. They continue to this day.

To a one, they have expressed thanks. A Facebook group with almost 3000 members has dedicated themselves to participation with our legislature in reclaiming the precious liberties that we have inherited and that we intend to pass down to our children, grandchildren and the generations to come.

Retired Louisiana Judge Darrell White was one of the ones who read the Epoch Times story and he reached out to us to express how moved he was. He related that in 1906, Justice John Marshall Harlan (1833-1911) donated a Bible to the United States Supreme Court, which has become known as the “Harlan Bible” and is maintained by the Court’s Curator.

Since its presentation, the Harlan Bible’s flyleaf pages have been signed by every Supreme Court Justice in succession shortly after taking the oath of office. Justice Harlan’s strong Christian faith and his judicial worldview were inseparable. His contemporary at the time, Justice David Brewer, once remarked that Harlan “goes to bed every night with one hand on the Constitution and the other on the Bible, and so sleeps the sweet sleep of justice and righteousness.”

Since the version of the Bible that Justice Harlan donated has been out of print for many decades, Judge White’s organization has chosen the closest corollary, and The Harlan Bible Project now distributes that version to Courts and municipal governments in recognition of acts of courage and fidelity to both God and Law. It bears a date of inscription of May 1, as that is nationally recognized by federal statute as “Law Day”, a special day of celebration by Americans to appreciate our liberties and reaffirm our loyalty to the United States and to further cultivate respect for law.

Daniel Webster once said: “There may be among legislators, strong passions and bad passions. There may be party heats and personal bitterness. But legislation is in its nature general: laws usually affect the whole society; and if mischievous or unjust, the whole society is alarmed and seeks their repeal.”

Judge White has suggested that the members of our Legislature sign the flyleaf pages of the Harlan Bible he has given to us. Lastly, he sent along a miniature New Testament of Psalms and Proverbs for our faith leader, the Reverend leFeber, for safekeeping during his everyday travels.

Judge White said that reading Psalms and Proverbs together keeps us oriented to God’s priorities and wisdom. Psalms and Proverbs appear side by side in the Bible for a reason. As citizens of heaven, we need a hymnal to fill us with praise to God. As citizens of the earth, we need a practical manual for self-improvement in every day matters. Together, these books can help us navigate any storm that comes our way.

I present the New Testament book to our Chairman to present to our faithful spiritual leader, the Reverend leFeber.

CHAIRMAN VANRENSSLEAR presented the New Testament book to Rev. leFeber.

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MR. PARKER moved, seconded by Mr. Smith, to adjourn until February 23, 2022 at 5:00 p.m. Carried.

Meeting adjourned at 5:58 p.m.

Ann M. Giglio
Journal Clerk