

May 11, 2022

The meeting was called to order by Chairman VanRensselaer.

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed three Legislators absent – Higgins, Koch and Snyder.

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There being no amendments or objections thereto, Chairman VanRensselaer noted that the minutes of the April 27, 2022 session stand approved as presented.

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COMMUNICATIONS:

M. Andrew Burr, Chairman, Finance Committee: Apportionment of Mortgage Taxes for the six-month period from October 1, 2021 through March 31, 2022. (see report on page 258)

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PROCLAMATIONS:

Chairman VanRensselaer proclaimed the month of May 2022 as **Older Americans Month** in Cattaraugus County. Chairman VanRensselaer presented the proclamation to Cathy Mackay, Director of the Department of Aging.

CHAIRMAN VANRENSELAER proclaimed the month of May 2022 as **Mental Health Awareness Month** in Cattaraugus County. Chairman VanRensselaer presented the proclamation to Mary O’Leary, Director of the Department of Community Services.

CHAIRMAN VANRENSELAER proclaimed the week of May 15-22, 2022 as **Emergency Medical Services Week** in Cattaraugus County. Chairman VanRensselaer will present the proclamation to Chris Baker, Director of Emergency Services, at a later date.

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PRIVILEGE OF THE FLOOR:

Chairman VanRensselaer granted Privilege of the Floor to John Rendall, President/General Manager; Kelly Wooley, Deputy General Manager; and Joe Pillittere, Communications Director, of CHWWV – West Valley Demonstration Project. They provided an update on the clean-up project: decontamination and demolition/removal of the Main Plant Processing Building; completion of all work in the Performance Work Statement, including Balance of Site Facilities, Surveillance and Maintenance, and Site Operations.

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|--|---------------|---------------|-------------|------------|--------------|-----------|------------|
| To: The Chairman and Legislature of Cattaraugus County: | | | | | | | |
| I, the Chairman of the Finance Committee, which committee has charge of Apportionment of Mortgage Taxes, respectfully report that the amount to be apportioned for the six-month period from October 1, 2021 through March 31, 2022 is \$656,251.81 and recommend that the amounts opposite the names of the cities/towns be paid to the fiscal officers of that city/town, and amounts in the column headed villages, be paid to the treasurers of the respective villages. | | | | | | | |
| Respectfully submitted, M. Andrew Burr, Chairman Finance Committee | | | | | | | |
| APPORTIONMENT OF MORTGAGE TAXES | | | | | | | |
| | ROW 1 | ROW 2 | ROW 3 | ROW 4 | ROW 5 | ROW 6 | ROW 7 |
| | CITY/TOWN | DOUBLE | VILLAGE | VILLAGE | TOTAL AMOUNT | | CITY/ |
| | ASSESSED | CITY/TOWN | ASSESSED | PERCENTAGE | MORTGAGE TAX | VILLAGE | TOWN |
| | VALUATION | VALUATION | VALUATION | SHARE | DISTRIBUTED | SHARE | SHARE |
| ALLEGANY | 364,473,629 | 728,947,258 | 75,556,054 | 0.10365092 | 103,505.73 | 10,728.46 | 92,777.27 |
| ASHFORD | 78,686,456 | 157,372,912 | | 0.00000000 | 16,788.60 | 0.00 | 16,788.60 |
| CARROLLTON | 70,901,856 | 141,803,712 | | 0.00000000 | 13,200.65 | 0.00 | 13,200.65 |
| COLDSRING | 69,462,343 | 138,924,686 | | 0.00000000 | 3,671.45 | 0.00 | 3,671.45 |
| CONEWANGO | 33,224,794 | 66,449,588 | | 0.00000000 | 4,937.90 | 0.00 | 4,937.90 |
| DAYTON | 77,070,237 | 154,140,474 | 16,967,259 | 0.11007660 | 14,477.69 | 1,593.65 | 12,884.04 |
| EAST OTTO | 88,098,806 | 176,197,612 | | 0.00000000 | 7,414.13 | 0.00 | 7,414.13 |
| ELLCOTTVILLE | 617,857,015 | 1,235,714,030 | 139,074,214 | 0.11254563 | 124,060.76 | 13,962.50 | 110,098.26 |
| FARMERSVILLE | 67,647,702 | 135,295,404 | | 0.00000000 | 6,752.97 | 0.00 | 6,752.97 |
| FRANKLINVILLE | 84,404,543 | 168,809,086 | 31,636,501 | 0.18740994 | 14,073.13 | 2,637.44 | 11,435.69 |
| FREEDOM | 138,704,002 | 277,408,004 | | 0.00000000 | 15,890.16 | 0.00 | 15,890.16 |
| GREAT VALLEY | 179,360,077 | 358,720,154 | | 0.00000000 | 21,076.07 | 0.00 | 21,076.07 |
| HINSDALE | 120,777,692 | 241,555,384 | | 0.00000000 | 8,767.69 | 0.00 | 8,767.69 |
| HUMPHREY | 84,153,103 | 168,306,206 | | 0.00000000 | 6,685.71 | 0.00 | 6,685.71 |
| ISCHUA | 40,724,658 | 81,449,316 | | 0.00000000 | 4,791.53 | 0.00 | 4,791.53 |
| LEON | 47,513,890 | 95,027,780 | | 0.00000000 | 14,520.24 | 0.00 | 14,520.24 |
| LITTLE VALLEY | 47,132,515 | 94,265,030 | 18,629,618 | 0.19763021 | 16,483.60 | 3,257.66 | 13,225.94 |
| LYNDON | 49,249,044 | 98,498,088 | | 0.00000000 | 3,128.72 | 0.00 | 3,128.72 |
| MACHIAS | 181,866,134 | 363,732,268 | | 0.00000000 | 16,825.97 | 0.00 | 16,825.97 |
| MANSFIELD | 142,860,109 | 285,720,218 | | 0.00000000 | 20,987.16 | 0.00 | 20,987.16 |
| NAPOLI | 73,405,153 | 146,810,306 | | 0.00000000 | 8,349.50 | 0.00 | 8,349.50 |
| NEW ALBION | 56,707,839 | 113,415,678 | 20,946,506 | 0.18468792 | 14,909.32 | 2,753.57 | 12,155.75 |
| OLEAN,CITY | 480,412,859 | 960,825,718 | | 0.00000000 | 62,327.15 | 0.00 | 62,327.15 |
| OLEAN, TOWN | 89,724,369 | 179,448,738 | | 0.00000000 | 19,332.15 | 0.00 | 19,332.15 |
| OTTO | 71,988,408 | 143,976,816 | | 0.00000000 | 8,716.92 | 0.00 | 8,716.92 |
| PERRYSBURG | 56,699,605 | 113,399,210 | | 0.00000000 | 11,464.89 | 0.00 | 11,464.89 |
| PERSIA | 58,668,630 | 117,337,260 | 40,799,651 | 0.34771266 | 15,570.06 | 5,413.91 | 10,156.15 |
| PORTVILLE | 135,033,403 | 270,066,806 | 27,624,346 | 0.10228708 | 22,020.03 | 2,252.36 | 19,767.67 |
| RANDOLPH | 84,289,745 | 168,579,490 | | 0.00000000 | 13,242.00 | 0.00 | 13,242.00 |
| RED HOUSE | 223,731,309 | 447,462,618 | | 0.00000000 | 0.00 | 0.00 | 0.00 |
| SALAMANCA, CITY | 14,743,788 | 29,487,576 | | 0.00000000 | 4,924.64 | 0.00 | 4,924.64 |
| SALAMANCA, TOWN | 28,267,928 | 56,535,856 | | 0.00000000 | 4,181.94 | 0.00 | 4,181.94 |
| SOUTH VALLEY | 32,279,459 | 64,558,918 | | 0.00000000 | 3,271.13 | 0.00 | 3,271.13 |
| YORKSHIRE | 28,643,991 | 57,287,982 | 5,635,713 | 0.09837514 | 29,902.22 | 2,941.63 | 26,960.59 |
| TOTALS | 4,018,765,091 | | 376,869,862 | | 656,251.81 | 45,541.18 | 610,710.63 |

ACT NO. 210-2022 by Mr. Benson and Mr. Helmich

**BID ACCEPTANCE FOR PRECAST CONCRETE DECK PANELS FOR
MANSFIELD BRIDGE NO. 9
(Department of Public Works)**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the provision of precast concrete deck panels for Mansfield Bridge No. 9, located on Jersey Hollow Road over Jersey Hollow Creek, in the Town of Mansfield, according to specifications provided by the Public Works Committee, and

WHEREAS, the only bid received meeting specifications was the bid of Lakelands Concrete Products, Inc., 7520 East Main Street, Lima, New York 14485, for the provision of precast concrete deck panels for Mansfield Bridge No. 9, for an amount of \$57,828.00, to be paid as invoiced, and

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

RESOLVED, that the bid of Lakelands Concrete Products, Inc., be, and the same hereby is, accepted, for a term commencing upon Notice of Award with shop drawings submitted within fourteen (14) consecutive calendar days after the execution of the contract and delivery to be made on or about September 13, 2022, and be it further

RESOLVED, that the vouchers accordingly certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Three sets of specifications were sent out.

One bid was received which met specifications.

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

Adopted May 11, 2022 by voice vote.

ACT NO. 211-2022 by Mr. Benson and Mr. Helmich

**BID ACCEPTANCE FOR SINGLE COURSE OVERLAY ON COUNTY ROAD NO. 60
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and
Section 131-b of the Highway Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for single course overlay on County Road No. 60 (1st Street, Four Mile Road and West River Road), located in the Towns of Allegany and Olean, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was submitted by Union Concrete & Construction Corp., P.O. Box 410, 435 Meyer Road, West Seneca, New York 14224, in the amount of \$624,943.00, to be paid as invoiced, and

WHEREAS, the term of the aforementioned contract shall commence upon Notice to Proceed and be completed by October 31, 2022, and

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

RESOLVED, that the bid of Union Concrete & Construction Corp. be, and the same hereby is, accepted, and be it further

RESOLVED, that the vouchers accordingly certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Twelve sets of specifications were sent out.

Eight bids were received which met specifications.

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

Adopted May 11, 2022 by voice vote.

ACT NO. 212-2022 by Mr. Benson and Mr. Helmich

**BID ACCEPTANCE FOR 2022 PAVEMENT IMPROVEMENT PROJECTS
COUNTY ROAD NO. 86-1 AND COUNTY ROAD NO. 12 AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law,
Section 131-b of the Highway Law and Sections 363 and 366 of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for paving improvement projects located on County Road No. 86-1 (Thornwood Drive) and County Road No. 12 (Edies Road) in the Town of Ashford, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was submitted by Union Concrete & Construction Corp., P.O. Box 410, 435 Meyer Road, West Seneca, New York 14224, in the amount of \$870,815.20, to be paid as invoiced, and

WHEREAS, the term of the aforementioned contract shall commence upon Notice to Proceed and be completed by October 31, 2022, and

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

RESOLVED, that the bid of Union Concrete & Construction Corp. be, and the same hereby is, accepted, and be it further

RESOLVED, that the vouchers accordingly certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer, and be it further

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

Decrease Appropriation Accounts:

| | | |
|-----------------------------|--------------------|--------------|
| H.504.5197.5197.27034.41603 | County Road No. 21 | \$117,464.54 |
| H.504.5197.5197.27073.41603 | County Road No. 75 | \$ 30,000.00 |
| H.504.5197.5198.27023.41603 | County Road No. 85 | \$ 23,677.41 |

Increase Appropriation Accounts:

| | | |
|-----------------------------|----------------------|---------------|
| H.504.5197.5197.27035.41603 | County Road No. 86-1 | \$147,464.54 |
| H.504.5197.5198.27035.41603 | County Road No. 86-1 | \$ 23,677.41. |

No State Bid.

Nine sets of specifications were sent out.

Seven bids were received which met specifications.

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

Adopted May 11, 2022 by voice vote.

ACT NO. 213-2022 by Mr. Benson and Mr. Helmich

**BID ACCEPTANCE FOR DEMOLITION AND REMOVAL OF
STRUCTURE ON GILE HOLLOW ROAD**

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

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the demolition and removal of a structure located on Gile Hollow Road in the Town of Ischua, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications for the demolition and removal of a structure located on Gile Hollow Road in the Town of Ischua, on property described as Tax Map No. 67.003-2-20, was the bid of Geiter Done of WNY, Inc., 300 Greene Street, Buffalo, New York 14206, for an amount of \$22,000.00, to be paid as invoiced and approved by the Department of Public Works, and

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

RESOLVED, that the bid of Geiter Done of WNY, Inc., be, and the same hereby is, accepted, for a term commencing upon Notice of Award, and terminating upon completion of the work on or before July 29, 2022, and be it further

RESOLVED, that the vouchers accordingly certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Fifteen sets of specifications were sent out.

Three bids were received which met specifications.

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

Adopted May 11, 2022 by voice vote.

ACT NO. 214-2022 by Mr. Benson and Mr. Helmich
*and Mr. Koch*¹

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH
MCMAHON & MANN CONSULTING ENGINEERING AND GEOLOGY, P.C.
FOR GEOTECHNICAL ENGINEERING SERVICES FOR
COUNTY ROAD NO. 12 SLOPE FAILURE AREA**

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

WHEREAS, Act Nos. 338-2019 and 509-2020 authorized a contract with McMahon & Mann Consulting Engineering and Geology, P.C., 2495 Main Street, Suite 432, Buffalo, New York 14214, for the provision of geotechnical engineering services to explore the subsurface conditions, install instrumentation and provide recommendations to address a creeping slope on County Road No. 12 in the Town of New Albion, the term of which expired December 31, 2021, and

WHEREAS, additional services are needed in order to analyze data collected from the site and provide recommendations to address a creeping slope on County Road No. 12 in the Town of New Albion, and

WHEREAS, McMahon & Mann Consulting Engineering and Geology, P.C., has agreed to provide the additional services necessary to complete the aforementioned project for an amount of \$19,800.00, to be paid as invoiced, and

WHEREAS, it is necessary to extend the term of the aforementioned contract to December 31, 2022 in order to allow additional time to complete the aforementioned project, 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 McMahon & Mann Consulting Engineering and Geology, P.C., for the provision of the above-described services, to extend the term of the original contract which commenced August 29, 2019 to terminate December 31, 2022, according to the above-described terms.

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

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

Adopted May 11, 2022 by voice vote.

ACT NO. 215-2022 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH
WATTS ARCHITECTURE & ENGINEERING FOR
LEON BRIDGE NO. 8 FEDERAL-AID REPLACEMENT PROJECT**

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

WHEREAS, Act 239-2019, as amended by Act 400-2021, authorized a contract with Watts Architecture & Engineering, 95 Perry Street, Suite 300, Buffalo, New York 14203, for the provision of engineering design services for the Leon Bridge No. 8 Federal-Aid Replacement Project, located on County Road No. 6 (Leon Road) over Mud Creek in the Town of Leon, the term of which expired March 31, 2022, and

WHEREAS, a contract extension to April 17, 2022, is necessary in order to complete the aforementioned project at no additional cost to the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract extension, on behalf of Cattaraugus County, with Watts Architecture & Engineering for the provision of the above-described engineering and construction inspection services, to extend the term of the original contract which commenced upon execution of the contract and to terminate April 17, 2022, according to the above-described terms.

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

Adopted May 11, 2022 by voice vote.

ACT NO. 216-2022 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE GRANT APPLICATION WITH
NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES
FOR UPDATE OF MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 510-2020 authorized the adoption of the Cattaraugus County Hazard Mitigation Plan a/k/a the Cattaraugus County Multi-Jurisdictional Hazard Mitigation Plan, and

WHEREAS, funding up to \$250,000.00 is available through the New York State Division of Homeland Security and Emergency Services for the Hazard Mitigation Grant Program for Declaration DR-4615: Remnants of Hurricane Ida (September 5, 2021) to assist in updating multi-jurisdictional hazard mitigation plans, and

WHEREAS, the Department of Public Works is desirous of applying for the aforementioned Hazard Mitigation grant funding, and

WHEREAS, the deadline for filing the application to apply for the Hazard Mitigation grant funds is June 1, 2022, and

WHEREAS, these grants are 90% federally funded (CFDA #97.039) and 10% county funded, 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, with the New York State Division of Homeland Security and Emergency Services, in order to apply for Hazard Mitigation Grant funds for Declaration DR-4615: Remnants of Hurricane Ida (September 5, 2021), for an update of the Multi-Jurisdictional Hazard Mitigation Plan, according to the above-described terms, and be it further

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

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

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

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

Adopted May 11, 2022 by voice vote.

ACT NO. 217-2022 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE GRANT APPLICATIONS WITH
NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES
FOR FEDERAL EMERGENCY MANAGEMENT AGENCY
HAZARD MITIGATION GRANT PROGRAM PROJECT FUNDS**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, funds are available from the New York State Division of Homeland Security and Emergency Services for the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program for Declaration DR-4615: Remnants of Hurricane Ida (September 5, 2021), and

WHEREAS, the County Department of Public Works has four (4) projects that meet the qualification criteria for the aforementioned Hazard Mitigation grant funding:

| | |
|--|----------------|
| Ashford Slope Failure Scoping Project (HMGP Resubmission) | \$ 125,000.00 |
| New Albion Lake Culverts (HMGP Resubmission) | \$ 410,910.00 |
| Conewango Watershed Dam Sites 16 & 16A Invasive Species Mitigation | \$ 52,500.00 |
| New Albion Culvert No. 27 (C.R. #6 / New Albion-Leon Road) | \$ 300,000.00, |

and

WHEREAS, the Department of Public Works is desirous of applying for the aforementioned Hazard Mitigation grant funding for Declaration DR-4615: Remnants of Hurricane Ida (September 5, 2021), through the New York State Division of Homeland Security and Emergency Services, and

WHEREAS, the deadline for filing the application to apply for the Hazard Mitigation grant funds is June 1, 2022, and

WHEREAS, these grants are 90% federally funded (CFDA #97.039) and 10% county funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant applications, on behalf of Cattaraugus County, with the New York State Division of Homeland Security and Emergency Services, in order to apply for FEMA Hazard Mitigation Grant funds for Declaration DR-4615: Remnants of Hurricane Ida (September 5, 2021), for the above-described projects, according to the above-described terms, and be it further

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

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

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

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

Adopted May 11, 2022 by voice vote.

ACT NO. 218-2022 by Mrs. Andreano and Mr. Helmich

**ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Nursing Homes)**

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

WHEREAS, Act 81-2020 authorized a contract with MKS Plumbing Corp. for the provision of sanitary sewer improvements at The Pines Healthcare and Rehabilitation Center-Machias Campus, and

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

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

| | | |
|---|-------------------------------|--------------|
| Decrease Appropriation Account: | | |
| <i>EI</i> ¹ .453.4530.1160.20002 | Capital-Building Improvements | \$15,848.85 |
| Increase Appropriation Account: | | |
| <i>EI</i> ¹ .453.4530.1222.20002 | Sanitary Sewer Project | \$15,848.85. |

Approved by 6 members of the Finance Committee and 5 members of the Human Services Committee.

¹MRS. ANDREANO moved, seconded by Mr. Burr, to amend as follows: In the Resolved, delete: "EF", and replace with: "EI". Carried.

Adopted, as amended, May 11, 2022 by voice vote.

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MRS. HUNT moved, seconded by Mr. Benson, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 219-2022 through Act No. 229-2022. Carried.

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ACT NO. 219-2022 by Mr. Benson and Mr. Helmich
who ask immediate consideration

**AMENDING ACT 154-2022 REGARDING MATERIAL BIDS FOR ASPHALT CONCRETE,
LIQUID BITUMINOUS MATERIALS, MICRO SURFACING, COLD IN-PLACE RECYCLING OF
BITUMINOUS PAVEMENT, SURFACE TREATING, PAVER PLACED CHIP SEAL,
FIBER REINFORCED BITUMINOUS MEMBRANE SURFACE TREATMENT
AND HOT MIX ASPHALT IN-PLACE PAVING PROJECTS
(Department of Public Works)**

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

WHEREAS, Act 154-2022 authorized the acceptance of material bids for Asphalt Concrete, Liquid Bituminous Materials, Micro Surfacing, Cold In-Place Recycling of Bituminous Pavement, Surface Treating, Paver Placed Chip Seal, Fiber Reinforced Bituminous Membrane Surface Treatment and Hot Mix Asphalt In-Place Paving Projects for the 2022-2023 project year, and

WHEREAS, Act 154-2022 should be amended due to a clerical error within the bids for Liquid Bituminous Materials, now, therefore, be it

RESOLVED, that Act 154-2022 be, and hereby is, amended as follows: Under Liquid Bituminous Materials for Midland Asphalt Materials Corp., delete "LBM-32 Crack Sealing \$19.670", and be it further

RESOLVED, that Act 154-2022 be, and hereby is, further amended as follows: Under Liquid Bituminous Materials for Suit-Kote Jamestown, Division of Suit-Kote Corporation, add "LBM-32 Crack Sealing \$19.650".

Adopted May 11, 2022 by voice vote.

ACT NO. 220-2022 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
P & NP COMPUTER SERVICES, INC. FOR
DEPARTMENT OF NURSING HOMES HISTORICAL ACCESS LICENSE**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 209-2021 authorized a contract with P & NP Computer Services, Inc., 992 West Avenue, Brockport, New York 14420-1038, for the provision of access to historical data for the Department of Nursing Homes, the term of which expires June 30, 2022, and

WHEREAS, the Department of Nursing Homes is desirous of continuing the aforementioned historical license for another year, and

WHEREAS, P & NP Computer Services, Inc., has agreed to provide the aforementioned maintenance services which will enable access to historical data for a total amount of \$3,250.00, which covers both facilities, as follows:

| | |
|---------|-------------|
| Olean | \$1,625.00 |
| Machias | \$1,625.00, |

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 P & NP Computer Services, Inc., for the provision of the above-described services, for a term commencing July 1, 2022 and terminating June 30, 2023, according to the above-described terms.

Adopted May 11, 2022 by voice vote.

ACT NO. 221-2022 by Labor Relations Committee:

Ms. Schröder, Mr. Marsh, Mr. Brisky,
Mr. Helmich and Mr. Koch
who ask immediate consideration

**ESTABLISHING NEW SALARY TABLE Q FOR NON-BARGAINING UNIT
TEMPORARY AND SUBSTITUTE EMPLOYEES ASSIGNED TO
THE DEPARTMENT OF NURSING HOMES**

Pursuant to Section 205 of the County Law.

WHEREAS, certain positions of employment within the Department of Nursing Homes are assigned to the temporary and substitute non-bargaining unit and are compensated on an hourly basis, and

WHEREAS, it has been increasingly difficult to recruit and retain such temporary and substitute employees at both nursing home facilities, and

WHEREAS, it has been determined that Certified Nurse Aides, Licensed Practical Nurses and Registered Professional Nurses should receive a wage increase of 15% for the year 2022, with 0% wage increases for years 2023, 2024, 2025 and 2026, and

WHEREAS, for three shift operations, a shift differential of \$1.50 per hour shall be granted for hours worked in the 2nd shift and a shift differential of \$1.25 per hour shall be granted for hours worked in the 3rd shift, and

WHEREAS, a new Salary Table Q has been established to enact these salary rates, now, therefore, be it

RESOLVED, that effective January 1, 2022, a new Salary Table Q is hereby established for non-bargaining unit temporary and substitute employees assigned to the Department of Nursing Homes.

Adopted May 11, 2022 by voice vote.

ACT NO. 222-2022 by Labor Relations Committee:

Ms. Schröder, Mr. Marsh, Mr. Brisky,
Mr. Helmich and Mr. Koch
who ask immediate consideration

**ESTABLISHING SALARY SCHEDULE FOR CERTAIN NON-BARGAINING
PART-TIME, SEASONAL, TEMPORARY AND SUBSTITUTE EMPLOYEES
GRADES 1-39 FOR THE YEARS 2022, 2023, 2024, 2025 AND 2026**

Pursuant to Section 205 of the County Law.

WHEREAS, certain positions of employment have been assigned as non-bargaining Part-Time, Seasonal, Temporary or Substitute within Grades 1-39 on various salary schedules and are compensated on an hourly basis, and

WHEREAS, such Part-Time, Seasonal, Temporary and Substitute employees deserve salary increases as afforded to other County of Cattaraugus employees, and

WHEREAS, the Legislature has determined that the aforementioned non-bargaining positions should receive a wage increase of 15% for the year 2022, with 0% wage increases for years 2023, 2024, 2025 and 2026, and

WHEREAS, for three shift operations, a shift differential of \$1.50 per hour shall be granted for hours worked in the 2nd shift and a shift differential of \$1.25 per hour shall be granted for hours worked in the 3rd shift, and

WHEREAS, a new salary tables have been established to enact these salary rates, now, therefore, be it

RESOLVED, that effective January 1, 2022, a new salary tables are hereby established for non-bargaining Part-Time, Seasonal, Temporary and Substitute employees within Grades 1-39.

Adopted May 11, 2022 by voice vote.

ACT NO. 223-2022 by Labor Relations Committee:

Ms. Schröder, Mr. Marsh, Mr. Brisky,
Mr. Helmich and Mr. Koch
who ask immediate consideration

**AMENDING INCENTIVE PACKAGE FOR NON-BARGAINING UNIT
PART-TIME NURSING SUPERVISORS AND HEAD NURSES
IN THE DEPARTMENT OF NURSING HOMES**

Pursuant to Section 205 of the County Law.

WHEREAS, Act No. 327-2018 established an incentive package for enhancing the recruitment and retention of part-time, temporary and substitute Nurse Supervisors and Head Nurses, and

WHEREAS, the County is desirous of amending the aforementioned incentive package, and

WHEREAS, the benefit package should increase the availability of part-time Head Nurse and Nurse Supervisor employees, thereby reducing the need for full-time employees to work overtime, which should result in lower costs, now, therefore, be it

RESOLVED, that effective January 1, 2022, there is hereby created a benefit package for part-time Head Nurses and Nurse Supervisors in the Department of Nursing Homes which provides as follows:

Employees working on the following holidays shall be compensated at time and one-half the regular rate of pay which has heretofore or may hereinafter be established for such positions: New Year's Day, Independence Day, Thanksgiving Day, Christmas Day, Labor Day, Memorial Day and President's Day.

Such employees described above shall accumulate paid leave time in the amount of 7% for each hour worked which shall be computed every payroll and shall not exceed more than 40 hours per quarter nor more than 84 hours in any calendar year. Employees shall be permitted to carry over up to 84 hours at the end of the year.

Such employees described above shall earn the hourly equivalent of time and one-half for all time worked in excess of eight (8) hours in a day.,

and be it further

RESOLVED, that the provisions of this resolution shall be administered by the Department of Nursing Homes in accordance with the policy as has been established or as hereinafter may be established or amended, and be it further

RESOLVED, that the benefits of the program will be evaluated and amended as needed, and be it further

RESOLVED, that the benefits herein described shall remain in effect, unless such legislative action is taken to amend or terminate such benefits.

Adopted May 11, 2022 by voice vote.

ACT NO. 224-2022 by Mrs. Andreano
who asks immediate consideration

**ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(Department of Nursing Homes)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, Act 145-2022 authorized a contract with Relias, LLC, 1010 Sync Street, Suite 100, Morrisville, North Carolina 27560, for the provision of a Skilled Nursing and Assisted Living – Standard Package training software for The Pines Healthcare and Rehabilitation Center-Olean Campus, focused on enhancing clinical and interpersonal skills, and

WHEREAS, various appropriation accounts must be adjusted to cover the cost of the aforementioned training software, now, therefore, be it

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

| | | |
|---------------------------------|---------------------------------------|--------------|
| Decrease Appropriation Account: | | |
| EF.453.4530.1190.20006 | Capital – Computer Equipment/Software | \$14,286.00 |
| Increase Appropriation Account: | | |
| EF.453.4530.8319.41406 | Contracted Computer Services | \$14,286.00. |

Adopted May 11, 2022 by voice vote.

ACT NO. 225-2022 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**APPROVING CONTRACT BETWEEN
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND
SOUTHERN TIER HEALTH CARE SYSTEM, INC. FOR
VIDEO TELEHEALTH EQUIPMENT**

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

WHEREAS, the County Department of Community Services is desirous of purchasing equipment to implement video telehealth sessions for the Olean, Salamanca and Machias clinic sites, and

WHEREAS, Southern Tier Health Care System, Inc., 150 North Union Street, Olean, New York 14760, has funding available up to \$5,000.00 to reimburse the County for the purchase of the aforementioned video telehealth equipment, and

WHEREAS, the purchase of this equipment is 100% funded through Southern Tier Health Care System, Inc., and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to cover the cost of the aforementioned video telehealth equipment, 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 Southern Tier Health Care System, Inc., to signify the County's approval, for the receipt of up to \$5,000.00 to cover the cost of the aforementioned video telehealth equipment, for a term commencing January 1, 2022 and terminating December 31, 2022, 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.431.4335.2100.2705.42 | Southern Tier Equipment Grant | \$5,000.00 |
| Increase Appropriation Account: | | |
| A.431.4335.2100.45401 | Clinic Small Equipment | \$5,000.00. |

Adopted May 11, 2022 by voice vote.

ACT NO. 226-2022 by Mr. Klancer
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
ANA NATASHA CERVANTES, M.D. FOR
FORENSIC PSYCHIATRIC EVALUATION SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 274-2019 authorized a contract with Ana Natasha Cervantes, M.D., 465 Tiburon Lane, East Amherst, New York 14051, for the provision of forensic psychiatric evaluation services for various cases in the Public Defender's Office and for the Assigned Counsel Program, and

WHEREAS, Ana Natasha Cervantes, M.D., can continue to provide the necessary forensic psychiatric evaluations and is requesting an increase in her hourly rate to \$450.00 per hour, 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 Ana Natasha Cervantes, M.D., for the provision of the above-described forensic psychiatric evaluation services, for a term commencing January 1, 2022 to continue in full force and effect under the terms, rates and conditions set forth above until terminated by either party hereto, according to the above-described terms.

Adopted May 11, 2022 by voice vote.

ACT NO. 227-2022 by Mr. VanRensselaer
who asks immediate consideration

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Intervenor Funds – Undesignated Fund Balance)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, Act 174-2022 authorized a contract with Barton & Loguidice, D.P.C. for the provision of Article VII engineering consultant services for the review and evaluation of the potential environmental, engineering, and socio-economic impacts associated with the installation of a new overhead 345 kV electric transmission line and associated equipment being proposed by Alle-Catt Wind Energy, LLC, and

WHEREAS, Act 174-2022 transferred \$35,000.00 from Fund Balance in order to cover expected expenses related to the electric transmission line project, with the understanding that upon receipt of "Intervenor Funding" from New York State for the aforementioned project, such funds shall be placed back into Undesignated Fund Balance Account A.909.0000, and

WHEREAS, the County was awarded \$50,000.00 in "Intervenor Funding" through the New York State Public Service Commission to assist with the aforementioned engineering consultant services and legal fees, and

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

RESOLVED, that the County Administrator is hereby directed to increase Undesignated Fund Balance Account A.909.0000 by \$35,000.00 and make the following budgetary changes:

Increase Estimated Revenue Account:

| | | |
|-------------------------|--------------------|-------------|
| A.142.1420.0000.2770.10 | Intervenor Funding | \$50,000.00 |
|-------------------------|--------------------|-------------|

Increase Appropriation Account:

| | | |
|-----------------------|----------------|--------------|
| A.142.1420.0000.41201 | Legal Services | \$15,000.00. |
|-----------------------|----------------|--------------|

Adopted May 11, 2022 by voice vote.

ACT NO. 228-2022 by Mrs. Andreano, Mr. Boberg, Mr. Burr, Mr. Helmich, Mr. Higgins, Mr. Klancer and Mr. Smith who ask immediate consideration

**SALE OF TAX TITLE PROPERTY TO FORMER OWNERS
(City of Olean and Towns of New Albion, Perrysburg and Yorkshire)**

Pursuant to Section 215 of the County Law and Rule 40 of the Rules of Order of the Cattaraugus County Legislature.

WHEREAS, Cattaraugus County has tax title to certain properties situate in the City of Olean and Towns of New Albion, Perrysburg and Yorkshire, and

WHEREAS, the former owners of the properties have offered to tender an amount which will cover the County's financial involvement in these premises, and

WHEREAS, the cost involved for these premises has been tendered to the County Treasurer's Office, now, therefore, be it

RESOLVED, that the County Treasurer be, and hereby is, authorized and directed, on behalf of Cattaraugus County, to execute County Treasurer's Deeds conveying these properties to the following individuals:

| <u>CITY OF OLEAN</u> | | | | |
|----------------------------------|--------------------|----------------------------------|---|---------------------------|
| PARCEL | TAX MAP NO. | FORMER OWNER(S) | ADDRESS | COUNTY INVOLVEMENT |
| 31 | 94.065-11-11 | Francoise M. Krampf | 4611 Gile Hollow Road Hinsdale, NY 14743 | \$7,323.09 |
| <u>TOWN OF NEW ALBION</u> | | | | |
| PARCEL | TAX MAP NO. | FORMER OWNER(S) | ADDRESS | COUNTY INVOLVEMENT |
| 273 | 53.001-1-1.3 | Estate of Patrick C. Dorn | 10709 Leon Road Cattaraugus, NY 14719 | \$7,042.39 |
| 274 | 44.003-1-27 | Dustin Dreaver Dorothy Weaver | 9983 New Albion Road Cattaraugus, NY 14719 | \$4,244.05 |
| 280 | 53.001-2-1.1 | Erika Frick Thomas Frick | 754 Warrenton Road Suite 113 Fredericksburg, VA 22406 | \$4,196.11 |

| | | | | |
|-----|-------------|-----------------|--|-------------|
| 290 | 35.082-4-22 | Anthony M. Wick | 66 Waverly Street Cattaraugus, NY 14719 | \$10,245.04 |
|-----|-------------|-----------------|--|-------------|

TOWN OF PERRYSBURG

| PARCEL | TAX MAP NO. | FORMER OWNER(S) | ADDRESS | COUNTY INVOLVEMENT |
|--------|-------------|---------------------|--|--------------------|
| 316 | 16.002-1-37 | Douglas Alan Pracht | 11490 Town Line Road Perrysburg, NY 14129 | \$13,546.96 |

TOWN OF YORKSHIRE

| PARCEL | TAX MAP NO. | FORMER OWNER(S) | ADDRESS | COUNTY INVOLVEMENT |
|--------|---------------|------------------------------------|--------------------------------------|--------------------|
| 360 | 12.001-1-13.2 | James T. McEvoy Karen B. McEvoy | 4402 Block Road Delevan, NY 14042 | \$4,681.40 |

Adopted May 11, 2022 by voice vote.

ACT NO. 229-2022 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**APPOINTING INTERIM YOUTH BUREAU DIRECTOR AND
RESCINDING ACT 202-2021**

Pursuant to Sections 204 and 205 of the County Law.

RESOLVED, that effective May 12, 2022, Catherine Mackay shall be, and hereby is, appointed County Youth Bureau Interim Director, and shall be paid a stipend therefor in the amount of \$461.54 bi-weekly, and be it further

RESOLVED, that effective May 12, 2022, Act 202-2021 shall be, and hereby is, rescinded.

Adopted May 11, 2022 by voice vote.

* * * * *

CHAIRMAN VANRENSELAER requested that the Legislature stand for a moment of silence for former Chairman Jim Snyder who passed away today.

MRS. ANDREANO moved, seconded by Mr. Smith, to adjourn in memory of former Chairman of the Legislature James J. Snyder, Sr., until May 25, 2022 at 5:00 p.m. Carried.

Meeting adjourned at 5:38 p.m.

Ann M. Giglio
Journal Clerk