

August 24, 2022

The meeting was called to order by Chairman VanRensselaer.

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed two Legislators absent – Smith and Snyder.

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

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COMMUNICATIONS:

Yates County Legislature: Resolution No. 314-22, Proposing the Repeal or Amendment of Election Laws in so far as They Adversely Affect Smaller Counties.

Town of East Otto: Proposed Local Law 1-2022 entitled, “A Local Law Extending a Moratorium on Solar Energy, Wind Energy, and Battery Energy Storage Systems in the Town of East Otto”, and Notice of Public Hearing on proposed Local Law 1-2022.

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ACT NO. 355-2022 by Mr. Benson and Mr. Helmich

**BID ACCEPTANCE FOR FIRE ALARM SYSTEM UPGRADES AND
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS
(DPW Facility)**

Pursuant to Section 103 of the General Municipal Law and
Sections 363, 366, 408 and 408-a of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the Fire Alarm System upgrades for the Cattaraugus County DPW Facility, according to specifications provided by the Public Works Committee, and

WHEREAS, the only bid received meeting specifications for the electrical engineering and construction services for the Fire Alarm System upgrades was the bid of Industrial Power and Lighting Corp., 60 Depot Street, Buffalo, New York 14206, for an amount of \$119,000.00, to be paid on a percent-of-completion basis, as invoiced and approved by the Department of Public Works, and

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

RESOLVED, that the bid of Industrial Power and Lighting Corp., be, and the same hereby is, accepted, for a term commencing August 24, 2022 and terminating December 31, 2022, and be it further

RESOLVED, that the vouchers accordingly certified by the Director of the Department of Buildings and Grounds 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.504.1623.0000.21014.41603 Olean County Bldg-Energy Improvements LED Lighting \$ 60,000.00

H.504.1627.0000.21014.41603 DPW LV-Energy Improvements LED Lighting \$ 60,000.00

Increase Appropriation Account:

H.504.1627.0000.21114.41603 DPW LV Fire Alarm System \$120,000.00.

No State Bid.

Two sets of specifications were sent out.

One bid was received which met specifications.

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

Adopted August 24, 2022 by voice vote.

ACT NO. 356-2022 by Mr. Benson and Mr. Helmich

**BID ACCEPTANCE FOR CATTARAUGUS COUNTY JAIL – 2022 PARKING LOT EXPANSION
(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 the Cattaraugus County Jail – 2022 Parking Lot Expansion Project, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications for the expansion of the Cattaraugus County Jail parking lot was the bid of Kingsview Enterprises, Inc., 7 West First Street, Lakewood, New York 14750, for an amount of \$50,000.00, 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 bid of Kingsview Enterprises, Inc., be, and the same hereby is, accepted for a term commencing within ten (10) days of the effective date of the contract with work being completed on or before October 15, 2022, and be it further

RESOLVED, that the vouchers accordingly certified by the Director of the Department of Buildings and Grounds be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Thirty-Four sets of specifications were sent out.

Four bids were received which met specifications.

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

Adopted August 24, 2022 by voice vote.

ACT NO. 357-2022 by Mr. Benson and Mr. Helmich

**BID ACCEPTANCE FOR 2022 BRIDGE PAINTING PROGRAM
(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 the painting of various County bridges, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications for the painting of various County bridges was the bid of Erie Painting and Maintenance, Inc., 999 Rein Road, Cheektowaga, New York 14225, for an amount of \$573,600.00 for four (4) bridges, which include: Freedom Bridge No. 24, Leon Bridge No. 20, Leon Bridge No. 36 and Little Valley Bridge No. 6, and

WHEREAS, the aforementioned bridge painting services are subject to approval by NYSDOT and shall commence upon notice to proceed and be completed by November 30, 2022, and

WHEREAS, this program is 80% federal (CFDA #20.205) and 20% *locally*¹ funded, 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 Erie Painting and Maintenance, Inc., 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.

Fourteen sets of specifications were sent out.

Two bids were received which met specifications.

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

¹MR. BRISKY moved, seconded by Mr. Burr, to amend as follows: In the Fourth Whereas, delete: "15% state and 5% county", and replace with: "and 20% locally". Carried.

Adopted, as amended, August 24, 2022 by voice vote.

ACT NO. 358-2022 by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT
WITH GREENMAN-PEDERSEN, INC. FOR
CONSTRUCTION INSPECTION SERVICES AND CONTRACT ADMINISTRATION
FOR 2022 BRIDGE PAINTING PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Public Works is in need of construction inspection services and contract administration for the 2022 Bridge Painting program, and

WHEREAS, Greenman-Pedersen, Inc., 403 Main Street, Suite 330, Buffalo, New York 14203, can provide the aforementioned construction inspection services and contract administration for an amount not to exceed \$76,000.00, to be paid as invoiced and approved by the Commissioner of the Department of Public Works, and

WHEREAS, this program is 80% federal (CFDA #20.205) and 20% local 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 a contract, on behalf of Cattaraugus County, with Greenman-Pedersen, Inc., for the provision of the above-described services, for a term commencing August 24, 2022 and terminating December 31, 2022, according to the above-described terms.

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

Adopted August 24, 2022 by voice vote.

ACT NO. 359-2022 by Mr. Benson and Mr. Helmich

**ACQUISITION OF PROPERTY RIGHTS BY THE NEW YORK STATE DEPARTMENT OF
TRANSPORTATION ON BEHALF OF CATTARAUGUS COUNTY**

Pursuant to Section 450 of the County Law.

WHEREAS, the New York State Department of Transportation is acquiring property rights on the County's behalf for the New Albion Culvert No. 46 project, PIN 5763.01, located on County Road No. 5 (New Albion Road) over Little Valley Creek, and

WHEREAS, it is necessary for Cattaraugus County to commit to accepting the property upon completion of the above-mentioned construction project, now, therefore, be it

RESOLVED, that Cattaraugus County hereby commits to accepting the property rights from the New York State Department of Transportation for the New Albion Culvert No. 46 project, PIN 5763.01, located on County Road No. 5 (New Albion Road) over Little Valley Creek, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized and directed to execute documents necessary to complete the transfer.

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

Adopted August 24, 2022 by voice vote.

ACT NO. 360-2022 by Mrs. Andreano

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
PANORAMIC SOFTWARE, INC.
FOR VETERAN SERVICES VETPRO SOFTWARE LICENSES
(Veterans Services)**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Veteran's Service Agency is in need of software licenses to access VetPro, which is a case management software used to streamline and standardize veteran tracking and assist veterans with applying for benefits, and

WHEREAS, Panoramic Software, Inc., 32932 Pacific Coast Highway #14-482, Dana Point, California 92629, can provide VetPro for an amount of \$450.00 per software license, for a total cost of \$1,350.00 per year, to be paid as invoiced, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned software licenses, 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 Panoramic Software, Inc., for the provision of the above-described VetPro software licenses, for a term commencing August 1, 2022 and terminating July 31, 2023, with automatic annual renewals at the same rates, terms and conditions, until terminated by either party hereto, according to the above-described terms.

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

Adopted August 24, 2022 by voice vote.

ACT NO. 361-2022 by Mrs. Andreano and Mr. Helmich

**APPROVING AMENDED CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY
SERVICES BOARD AND DIRECTIONS IN INDEPENDENT LIVING, INC.
FOR VETERAN PEER-TO-PEER SUPPORT PILOT PROGRAM AND
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Veteran Peer-to-Peer Support Pilot Program)**

Pursuant to Section 41.07 of the Mental Hygiene Law
and Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 82-2022, as amended by Act 168-2022, 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 (a/k/a Dwyer) 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 2022-2023 program year, the term of which expires June 30, 2023, and

WHEREAS, New York State Office of Mental Health (OMH) has awarded additional funding in an amount of \$67,500.00 for the Veteran Peer-to-Peer Support Pilot Program in Cattaraugus County, and

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

WHEREAS, Directions in Independent Living, Inc., can provide the aforementioned services in Cattaraugus County for a total amount of \$286,250.00 for the 2022-2023 program year, to be paid as invoiced, and

WHEREAS, this program is 100% state funded through OMH funds, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended 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, and be it further

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

Increase Estimated Revenue Account:

A.445.4322.0000.3490.038F	State Aid, OMH Veterans Peer Support	\$67,500.00
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Increase Appropriation Account:

A.445.4322.0000.42060.038F	Dwyer Project Provider Veterans Peer Support	\$67,500.00.
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Approved by 7 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted August 24, 2022 by voice vote.

ACT NO. 362-2022 by Mrs. Andreano and Mr. Helmich

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
FOR DEPARTMENT OF COMMUNITY SERVICES
(OMH Funds)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, the New York State Office of Mental Health (OMH) has increased state aid through a 5.4% COLA for various programs, and

WHEREAS, various appropriation and revenue accounts must be adjusted within the Department of Community Services budget to allow for the COLA funds, now, therefore, be it

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

Increase Estimated Revenue Accounts:

A.437.4322.2750.3490.037A	HOME OMH Peer Support	\$33,312.00
A.431.4340.6340.3490.037P	PROS OMH State Aid	\$17,169.00
A.431.4333.2100.3490.039J	Forensic OMH State Aid	\$11,092.00
A.437.4322.6060.3490.078	HOME OMH Supported Housing	\$13,145.00

Increase Appropriation Accounts:

A.437.4322.2750.42023.037A	HOME OMH Peer Support	\$33,312.00
A.431.4340.6340.41237	PROS Psychiatrist Services	\$17,169.00
A.431.4333.2100.41249	Forensic Psychiatric Services	\$11,092.00
A.437.4322.6060.42023.078	HOME OMH Supported Housing	\$13,145.00.

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

Adopted August 24, 2022 by voice vote.

ACT NO. 363-2022 by Mrs. Andreano

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
WAYSTAR, INC. (FORMERLY eSOLUTIONS, INC.) FOR
MEDICARE REPORTING SOFTWARE
FOR DEPARTMENT OF NURSING HOMES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 320-2019 authorized a contract with eSolutions, Inc., for the provision of a Medicare Reporting software system to work with the current EMR software for the Department of Nursing Homes, and

WHEREAS, eSolutions, Inc., is now owned by Waystar, Inc., and

WHEREAS, Waystar, Inc., 888 West Market Street, Louisville, Kentucky 40202, can provide Medicare Reporting software to work with the Department of Nursing Homes' current EMR software, to include Medicare Claims Management, Denial & Appeals Management and Medicare Analytics, in accordance with the following fee schedule:

<u>Solution</u>	<u>Monthly Fee</u>	<u>Implementation Fee</u>
<p>Claims Management</p> <p><u>Medicare Claims Editor:</u> Subscription includes 250 transactions.*If Customer averages over 250 transactions per month in a calendar quarter, Customer will be charged \$299 each month thereafter. Continued increase may require recontracting.</p>	\$95.00	\$0.00
<p><u>Medicare Secondary Crossover:</u> Subscription includes 250 transactions.*If Customer averages over 250 transactions per month in a calendar quarter, Customer will be charged \$239 each month thereafter. Continued increase may require recontracting.</p>	\$80.00	\$0.00
<p>Denial & Appeal Management</p> <p><u>Audit and Denial Management</u> Subscription includes 250 transactions.*If Customer averages over 250 transactions per month in a calendar quarter, Customer will be charged \$299 each month thereafter. Continued increase may require recontracting.</p>	\$100.00	\$0.00
<p>Analytics</p> <p><u>Medicare Analytics</u> Subscription includes 250 transactions.*If Customer averages over 250 transactions per month in a calendar quarter, Customer will be charged \$379 each month thereafter. Continued increase may require recontracting.</p>	\$110.00	\$0.00

**Annual price increase & fee increases are effective upon sixty (60) days' notice. These increases shall not exceed three percent (3%).

and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned Medicare Reporting software system, 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 Waystar, Inc., for the provision of the above-described Medicare Reporting software system, for a five-year (5) term commencing August 1, 2022 and terminating July 31, 2027, with the County's option to renew for one-year terms under the same rates and conditions, according to the above-described terms.

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

Adopted August 24, 2022 by voice vote.

ACT NO. 364-2022 by Mrs. Andreano

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
WAYSTAR, INC. (FORMERLY ZIRMED, INC.)
FOR THIRD-PARTY CLEARINGHOUSE SOFTWARE
(Department of Nursing Homes)**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 293-2018, as amended by Act 350-2019, authorized a contract with ZirMed, Inc. d/b/a Waystar Health Inc., 888 West Market Street, Louisville, Kentucky 40202, for the provision of the software, software licenses, product support services and professional services necessary to participate in electronic billing for Medicare, Medicaid and commercial insurance companies, and

WHEREAS, ZirMed, Inc., is now owned by Waystar, Inc., and

WHEREAS, Waystar, Inc., can provide a Third-Party Clearinghouse software to work with the Department of Nursing Homes' current EMR software, to include Clearinghouse Core Bundle and Claims Management, in accordance with the following fee schedule:

<u>Solution</u>	<u>Monthly Fee</u>	<u>Implementation Fee</u>
Waystar Bundles		
<u>Clearinghouse Core Bundle</u> includes the following solutions:		
<ul style="list-style-type: none"> • Institutional Claims Transactions <ul style="list-style-type: none"> ○ Subscription includes 500 Institutional claims transaction, \$0.25 per additional transaction ○ Paper Claims: \$0.59 each, \$0.29 per additional page printed 		
<ul style="list-style-type: none"> • Electronic Remittance Advice <ul style="list-style-type: none"> ○ Subscription includes 500 electronic remittance advice transactions, \$0.10 per additional transaction 	\$204.40	\$0.00
<ul style="list-style-type: none"> • Eligibility (DDE) <ul style="list-style-type: none"> ○ Subscription includes 500 eligibility inquiries, \$0.25 per additional transaction 		
<ul style="list-style-type: none"> • Annual Fee of \$250 will be assessed 		
Claims Management		
Medicare DDE - \$49.79 per user. Subscribed for 1 user	\$49.79	\$0.00

**Annual price increase & fee increases are effective upon sixty (60) days' notice. These increases shall not exceed three percent (3%).

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 Waystar, Inc., for the provision of the above-described Third-Party Clearinghouse software, for a five-year (5) term commencing August 1, 2022 and

terminating July 31, 2027, with automatic annual renewals, until terminated by either party hereto, according to the above-described terms.

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

Adopted August 24, 2022 by voice vote.

ACT NO. 365-2022 by Mrs. Andreano

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
CMG CIT ACQUISITION, LLC D/B/A COREMEDICAL GROUP FOR
HEALTH CARE STAFFING COVERAGE FOR
DEPARTMENT OF NURSING HOMES**

Pursuant to Section 450 of the County Law.

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

WHEREAS, CMG CIT Acquisition, LLC, d/b/a CoreMedical Group, 655 South Willow Street, Suite 128, Manchester, New Hampshire 03103, can provide the aforementioned health care services staffing coverage for an amount as follows:

<u>Position</u>	<u>Basic Rates</u>
Registered Nurse	\$85.00/hour
Licensed Practical Nurse	\$75.00/hour

**Overtime / Holiday Pay is Time and a Half. Minimum billing rate of 40 hours per week with a minimum of 13 weeks;

**3% annual increase in rates,

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 Cattaugus County, with CMG CIT Acquisition, LLC, d/b/a CoreMedical Group, for the provision of the above-described health care coverage services, for a term commencing August 24, 2022, to continue in full force and effect at the same rates until amended or terminated by either party hereto, according to the above-described terms.

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

Adopted August 24, 2022 by voice vote.

ACT NO. 366-2022 by Mrs. Andreano

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT
WITH WESCOM SOLUTIONS, INC. D/B/A
POINTCLICKCARE FOR ELECTRONIC MEDICAL RECORDS SYSTEM
(Infection Prevention & Control Module-Department of Nursing Homes)**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 407-2021 authorized a contract with Wescom Solutions, Inc., d/b/a PointClickCare, 5570 Explorer Drive, Mississauga, Ontario Canada L4W 0C4, for the provision of a cloud-based electronic medical records system for The Pines Healthcare and Rehabilitation Centers-Olean and Machias Campuses, the term of which expires July 31, 2026, and

WHEREAS, the Department of Nursing Homes is desirous of adding an Infection Prevention & Control Module to the current contract for the Olean Campus, and

WHEREAS, Wescom Solutions, Inc., d/b/a PointClickCare, can provide the Infection Prevention & Control Module for the Olean Campus, for an amount of \$450.11 per month, and

WHEREAS, a contract amendment is necessary to cover the aforementioned Infection Prevention & Control Module, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned additional services, 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 Wescom Solutions, Inc., d/b/a PointClickCare, for the provision of the above-described additional services, for a term to commence October 1, 2022 and shall terminate to coincide with the five (5) year term of the original contract dated August 1, 2021, according to the above-described terms.

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

Adopted August 24, 2022 by voice vote.

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MR. HELMICH moved, seconded by Mr. Benson, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 367-2022 through Act No. 372-2022. Carried.

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ACT NO. 367-2022 by Mr. VanRensselaer
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
SCHINDLER ELEVATOR CORPORATION
FOR ELEVATOR GENERATOR REPAIR AND
TRANSFER OF FUNDS
(Contingent Fund to Maintenance of Elevators)**

Pursuant to Sections 215, 363, 365 and 450 of the County Law and
the Americans with Disabilities Act.

WHEREAS, the existing elevator generator in the Little Valley County Center is in need of emergency repair, and

WHEREAS, Schindler Elevator Corporation, 80 Curtwright Drive, Suite 3, Williamsville, New York 14221, can provide all of the labor required to disassemble, remove and transport the elevator generator to a machine shop for repair and will reinstall and rewire the repaired elevator generator to bring the elevator back into service for an amount of \$15,404.00, to be paid as invoiced, and

WHEREAS, a transfer of funds is necessary to cover the cost of the aforementioned emergency repair, 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 Schindler Elevator Corporation, for the provision of the above-described emergency repair services, for a term commencing August 15, 2022 and terminating upon completion of the repair, 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	\$15,404.00
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Increase Appropriation Account:

A.162.1620.0000.44406	Maintenance of Elevators	\$15,404.00.
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Adopted August 24, 2022 by voice vote.

ACT NO. 368-2022 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
X-CELL LABORATORIES OF WESTERN NEW YORK FOR
HEALTH DEPARTMENT CYTOTECHNOLOGY LABORATORY PROCESSING SERVICES**

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

WHEREAS, Act 641-2018 authorized the County Health Department to become a participating provider in the Cancer Services Program of Steuben-Allegany-Cattaraugus-Chautauqua Counties for a five-year period commencing October 1, 2018 and terminating September 30, 2023, to provide cancer screening and/or diagnostic services as outlined in the NYS Department of Health Cancer Services Program Operations manual to eligible clients, and

WHEREAS, Quest Diagnostics can no longer provide such specialized laboratory processing services for the County, and

WHEREAS, the County is in need of cytotechnology laboratory processing services for the County Health Department's Family Planning Clinic, and

WHEREAS, X-Cell Laboratories of Western New York, 20 Northpointe Parkway, Suite 100, Amherst, New York 14228, can provide cytotechnology laboratory processing services for pap smear samples collected at the County's Family Planning Clinic, at no cost to the County, and

WHEREAS, X-Cell Laboratories of Western New York will bill third-party insurances for cytotechnology samples collected from individual patients, and the Cancer Services Program of Steuben-Allegany-Cattaraugus-Chautauqua Counties for all other eligible clients, 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 X-Cell Laboratories of Western New York, for the provision of the above-described services, for a term commencing August 25, 2022 to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

Adopted August 24, 2022 by voice vote.

ACT NO. 369-2022 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**APPROVING CONTRACT BETWEEN
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD
AND NEW YORK STATE OFFICE OF MENTAL HEALTH FOR
BENEFITS & WORK INCENTIVES NAVIGATOR TRAINING INVESTMENTS GRANT
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Department of Community Services)**

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

WHEREAS, the County Department of Community Services has been awarded a grant in the amount of \$5,000.00 from the New York State Office of Mental Health for the Benefits & Work Incentives Navigator Training Investments Grant, and

WHEREAS, the aforementioned funding will be used to improve consumer experience, timely access and outcomes for individuals receiving Social Security benefits and other social benefit beneficiaries who are exploring workforce opportunities, and

WHEREAS, this program is 100% federally funded through the Benefits & Work Incentives Navigator Training Investments Grant (CFDA #93.958), and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned funding, 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 the New York State Office of Mental Health, to signify the County's approval, for the acceptance, and receipt of the aforementioned funding, for a term commencing March 1, 2022 and terminating March 14, 2023, 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.431.4340.6340.4490.08	Federal Aid, MHBG OMH BWIN Grant	\$5,000.00
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Increase Appropriation Account:

A.431.4340.6340.46106.BWIN	Training – MHBG OMH BWIN Grant	\$5,000.00.
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Adopted August 24, 2022 by voice vote.

ACT NO. 370-2022 by Mr. Burr

*and Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Brisky, Mr. Helmich,
Mr. Higgins, Mrs. Hunt, Mr. Klancer, Mr. Marsh, Mr. Morrow,
Mr. Parker, Ms. Schröder and Mr. VanRensselaer¹*

who ask immediate consideration

**OPPOSING SENATE BILL S.51001 AND ASSEMBLY BILL A.41001 REGARDING
NEW YORK STATE'S CONCEALED CARRY LAW**

Pursuant to Section 153 of the County Law.

WHEREAS, the New York State Legislature recently enacted Senate Bill S.51001 and Assembly Bill A.41001, which among other things, makes obtaining and retaining a concealed carry gun permit an overly involved lengthy burdensome process, requiring citizens to divulge their social media accounts, and

WHEREAS, among the most onerous of its provisions is it makes it a felony for any individual who has a valid concealed carry permit to bring a handgun into any New York State Park, house of worship, and restaurants, where residents, businesses and municipalities operate, live, work, socialize, worship, and pay taxes, and

WHEREAS, this legislation is the result of a knee-jerk, unvetted and political reaction to the recent Supreme Court decision, *New York State Rifle and Pistol Association, Inc., v. Bruen*, and was surreptitiously rushed through the legislature without public discussion, input, or knowledge, and

WHEREAS, the Cattaraugus County Legislature considers this law to be an unconstitutional infringement upon our Second Amendment right for law abiding citizen's right to bear arms and an overt infringement upon freedom and liberty in New York State, which is devoid of common sense and does nothing to deal with the problems of crime and illegal firearms, and

WHEREAS, the Cattaraugus County Legislature is strongly opposed and requests the repeal of the new gun control Legislation changes requiring New York State citizens and various permit issuing agencies to navigate new regulations that are riddled with cumbersome, confusing, and redundant

barriers of compliance, and that requires multiple processes of recertification that will lead to further confusion and create additional record sharing between agencies, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature vehemently, adamantly, and with full resolve, does oppose the new concealed carry law's remaining provisions, enacted by Senate Bill S.51001 and Assembly Bill A.41001, as they are also unconstitutional and violate United States law as stated in *New York State Rifle and Pistol Association, Inc. v. Bruen*, and are veiled and a poor attempt to skirt the *Bruen* decision falling woefully short of any rational constitutional basis, and be it further

RESOLVED, that the Cattaraugus County Legislature calls upon all other municipalities within the State of New York, the American Civil Liberties Union, other American Centers for Law and Justice, and any and all advocates who claim to protect freedom and liberty in the United States to immediately challenge this law in court as it is most clearly unconstitutional, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward copies of this resolution to New York State Governor Kathy Hochul, Senator George Borrello, Assemblyman Joseph Giglio, the New York State Association of Counties, and all others deemed necessary and proper.

¹The following Legislators requested their name be listed as an additional sponsor: "Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Brisky, Mr. Helmich, Mr. Higgins, Mrs. Hunt, Mr. Klancer, Mr. Marsh, Mr. Morrow, Mr. Parker, Ms. Schröder and Mr. VanRensselaer".

Adopted August 24, 2022 by voice vote.

ACT NO. 371-2022 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
JACLYN EMBORSKY, SLP FOR
HEALTH DEPARTMENT SPEECH 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 speech therapy services for the patients of the Health Department Home Health Care Program, and

WHEREAS, Jaclyn Emborsky, SLP, 7342 State Land Road, Cattaraugus, New York 14719, can provide speech therapy services to Cattaraugus County Health Department patients at the rate of \$80.00 per speech therapy visit, 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 Jaclyn Emborsky, SLP, for the provision of the above-described services, for a term commencing August 24, 2022 and terminating December 31, 2023, 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 August 24, 2022 by voice vote.

ACT NO. 372-2022 by Mr. Benson, Mr. Marsh, Mr. Morrow and Mr. Koch
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH
NATIONAL GRID, PLC FOR
THREE-PHASE ELECTRIC LINE TO ONOVILLE MARINA DESIGN SERVICES**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, the County is desirous of upgrading the electrical service at the Onoville Marina to a three-phase service, which will require National Grid, PLC, to extend a three-phase overhead primary electric line for approximately 5.2 miles, and

WHEREAS, National Grid, PLC, 300 Erie Boulevard West, Syracuse, New York 13202, requires a design fee in the amount of \$10,000.00 for the three-phase electric line extension, which will be deducted from the total job costs in the event the County proceeds with the job, and

WHEREAS, in the event the County cancels the job, the design fee will be reconciled with the actual design costs incurred up to the point of cancellation and the County would, at that point, either be refunded or invoiced the difference, and

WHEREAS, sufficient funds are included in the Onoville budget through ARPA funds to cover the cost of the aforementioned three-phase electric line service, 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 National Grid, PLC, for the provision of the above-described services, for a term commencing August 1, 2022 and terminating upon completion of the aforementioned three-phase line extension, according to the above-described terms.

Adopted August 24, 2022 by voice vote.

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MR. BURR moved, seconded by Mr. Boberg, to adjourn until September 14, 2022 at 5:00 p.m.
Carried.

Meeting adjourned at 5:13 p.m.

Ann M. Giglio
Journal Clerk