

September 28, 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 - Helmich.

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There being no amendments or objections thereto, Chairman VanRensselaer noted that the minutes of the September 14, 2022 session stand approved as presented.

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**COMMUNICATIONS:**

NYS Senator George M. Borrello: Acknowledging receipt of Act No. 413-2022 and Act No. 412-2022 with copy of joint letter from Senator Borrello, Assemblyman Giglio and Assemblyman Goodell to Governor Hochul dated June 14, 2022, requesting an extension of one year to allow volunteer fire departments, fire districts and municipalities adequate time to implement billing-related processes.

New York State Courts: Historical Society of the New York Courts is on the road across New York State with the Lemmon Slave Case Exhibit. This Exhibit is on display outside the entry doors to the Family Court waiting area in the Olean Office Building until October 3, 2022.

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MRS. HUNT moved, seconded by Ms. Schröder, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 414-2022 through Act No. 425-2022. Carried.

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**ACT NO. 414-2022** by Mr. Boberg and Mr. Klancer  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
KNAPP CREEK FIRE DEPARTMENT FOR BUILDING SPACE AND  
ELECTRICAL USAGE FOR E-911 RADIO EQUIPMENT**

Pursuant to Sections 215 and 450 of the County Law.

WHEREAS, Act 384-2012 authorized a contract with Knapp Creek Fire Department, 253 NYS Route 16 South, Knapp Creek, New York 14760, for the leasing of building space and electrical usage

for E-911 radio equipment, which is located at the Knapp Creek Facility, the term of which expired August 31, 2022, and

WHEREAS, the County Sheriff's Office is desirous of renewing the aforementioned contract for a term of five (5) years with the option to renew for an additional five (5) year period, and

WHEREAS, Knapp Creek Fire Department has agreed to lease the aforementioned property for the E-911 radio equipment in exchange for reimbursement by the County for the amount of electricity used by the County at the Knapp Creek Facility, 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 Knapp Creek Fire Department, for the leasing of building space and electrical usage for E-911 radio equipment, for a term commencing September 1, 2022 and terminating August 31, 2027, with the option to renew for an additional five (5) year period, according to the above-described terms.

Adopted September 28, 2022 by voice vote.

**ACT NO. 415-2022** by Mr. Benson and Mr. Helmich  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH  
NEW YORK STATE INDUSTRIES FOR THE DISABLED, INC. FOR  
OLEAN OFFICE FACILITY JANITORIAL SERVICES**

Pursuant to Section 162 of the Finance Law and  
Sections 215 and 450 of the County Law.

WHEREAS, Act 378-2021 authorized a contract with New York State Industries for the Disabled, Inc., 11 Columbia Circle Drive, Albany, New York 12203, for the provision of janitorial services for the Olean Office Facility, the term of which expires December 31, 2023, and

WHEREAS, the New York State Department of Labor has increased the prevailing wage schedule, which results in an amendment to the aforementioned contract, and

WHEREAS, the New York State Industries for the Disabled, Inc., through the Cattaraugus Rehabilitation Center, Inc., has agreed to provide janitorial services for the Olean Office Facility, as follows:

January 1, 2022 – June 30, 2022           \$19,221.84/month

July 1, 2022 – December 31, 2023       \$20,843.92/month

(subject to increase based upon NYSDOL Prevailing Wage Rates),

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 New York State Industries for the Disabled, Inc., through the Cattaraugus Rehabilitation Center, Inc., for the provision of the above-described services, to amend the contract which commenced January 1, 2022 and terminates December 31, 2023, according to the above-described terms.

Adopted September 28, 2022 by voice vote.

**ACT NO. 416-2022** 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 SUPERVISORY UNIT #6200-01,  
 CSEA LOCAL 805 OF THE CIVIL SERVICE EMPLOYEES ASSOCIATION, INC. LOCAL 1000,  
 AFSCME AFL-CIO FOR THE PERIOD  
 JANUARY 1, 2023 TO DECEMBER 31, 2026**

Pursuant to Article 14 of the Civil Service Law.

WHEREAS, the Civil Service Employees Association, Inc. Local 1000, AFSCME AFL-CIO, is the exclusive collective bargaining agent for the Cattaraugus County Supervisory Unit #6200-01, and

WHEREAS, an agreement has been reached on terms and conditions of employment including, but not limited to, a 14% wage increase for employees previously agreed to for the year 2022, and 0% wage increases for years 2023, 2024, 2025 and 2026, and

WHEREAS, this settlement also provides for the implementation of changes in the Health Plan offering and in Healthcare insurance contributions in 2023 through 2026, 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 Supervisory Unit 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 Collective Bargaining Agreement with the Cattaraugus County Supervisory Unit #6200-01 of the Civil Service Employees Association, Inc. Local 1000, AFSCME AFL-CIO, for the period January 1, 2023 through December 31, 2026.

Adopted September 28, 2022 by voice vote.

**ACT NO. 417-2022** by Mr. Benson and Mr. Helmich  
 who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH  
 NEW YORK STATE INDUSTRIES FOR THE DISABLED, INC. AND INTANDEM D/B/A  
 CATTARAUGUS REHABILITATION CENTER, INC. FOR  
 JANITORIAL SERVICES FOR PUBLIC DEFENDER'S OFFICE**

Pursuant to Section 162 of the Finance Law and  
 Sections 215 and 450 of the County Law.

WHEREAS, Act 107-2021 authorized a contract with the New York State Industries for the Disabled, Inc., 11 Columbia Circle Drive, Albany, New York 12203, through Intandem d/b/a Cattaraugus

Rehabilitation Center, Inc., for the provision of janitorial services for the County Public Defender's Office, the term of which expires February 28, 2023, and

WHEREAS, the New York State Department of Labor has increased the prevailing wage schedule, which results in an amendment to the aforementioned contract, and

WHEREAS, the New York State Industries for the Disabled, Inc., through Intandem d/b/a Cattaraugus Rehabilitation Center, Inc., has agreed to provide janitorial services for the Public Defender's Office, as follows:

3/1/2021 – 6/30/2022                      \$828.00/month

7/1/2022 – 2/28/2023                      \$915.15/month

(subject to increase based upon NYSDOL Prevailing Wage Rates),

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 New York State Industries for the Disabled, Inc., through Intandem d/b/a Cattaraugus Rehabilitation Center, Inc., for the provision of the above-described services, to amend the contract which commenced January 8, 2021 and terminates February 28, 2023, according to the above-described terms.

Adopted September 28, 2022 by voice vote.

**ACT NO. 418-2022** by Mrs. Andreano and Mr. Helmich  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
HEALTH SYSTEM SERVICES FOR  
RENTAL OF BEDS AND MATTRESSES FOR  
DEPARTMENT OF NURSING HOMES**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Nursing Homes is desirous of renting beds and mattresses for The Pines Healthcare and Rehabilitation Center-Olean and Machias Campuses on an as-needed basis, and

WHEREAS, Health System Services, 6867 Williams Road, Niagara Falls, New York 14304-2993, can provide beds and mattresses to The Pines Healthcare and Rehabilitation Centers for an amount not to exceed \$5,000.00 per year, 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 contract, on behalf of Cattaraugus County, with Health System Services, for the provision of the above-described beds and mattresses, for a term commencing August 1, 2022 and terminating July 31, 2024, according to the above-described terms.

Adopted September 28, 2022 by voice vote.

**ACT NO. 419-2022** by Mrs. Andreano and Mr. Helmich  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH LEADINGAGE NEW YORK PROCARE, LLC, FOR  
DEPARTMENT OF NURSING HOMES CONSULTANT SERVICES  
(Mock Survey)**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Department of Nursing Homes is desirous of contracting with LeadingAge New York ProCare, LLC, for the provision of consultant services to monitor the current systems and processes related to clinical and quality of life areas at The Pines Healthcare and Rehabilitation Center-Olean Campus, and

WHEREAS, LeadingAge New York ProCare, LLC, 13 British American Boulevard, Suite 2, Latham, New York 12110-1431, can provide the consultant services necessary to conduct a two-day mock survey to monitor the current systems and processes related to clinical and quality of life areas at The Pines Healthcare and Rehabilitation Center-Olean Campus, for an amount of \$5,920.00, plus out-of-pocket expenses to include travel, lodging and meals, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with LeadingAge New York ProCare, LLC, for the provision of the above-described consultant services, for a term commencing March 16, 2022 and terminating December 31, 2022, according to the above-described terms.

Adopted September 28, 2022 by voice vote.

**ACT NO. 420-2022** by Mrs. Andreano and Mr. Helmich  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE AFFILIATION AGREEMENT  
WITH ST. BONAVENTURE UNIVERSITY FOR  
DEPARTMENT OF SOCIAL SERVICES CLINICAL EXPERIENCE PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, St. Bonaventure University offers internships and educational programs to students who would benefit from such experience at the Cattaraugus County Department of Social Services, and

WHEREAS, the Department of Social Services believes that the value of the presence of such students would add to its operation, and

WHEREAS, the aforementioned internships and educational programs are conducted at no cost to the County, and

WHEREAS, an affiliation agreement is necessary with St. Bonaventure University for the aforementioned clinical experience, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an Affiliation Agreement, on behalf of Cattaraugus County, with St. Bonaventure University, for the provision of internships and educational experience, for a term commencing October 1, 2022 to continue in full force and effect until terminated by either party hereto, according to the above-described terms.

Adopted September 28, 2022 by voice vote.

**ACT NO. 421-2022** by Mr. Klancer  
who asks immediate consideration

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS FOR  
DOMESTIC TERRORISM PREVENTION GRANT  
(Office of Emergency Services – Tetra Tech, Inc.)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, Act No. 410-2022 authorized a contract with the New York State Office of Homeland Security and Emergency Services for the provision of 2022 Domestic Terrorism Prevention Grant funds in the amount of \$172,413.00, and

WHEREAS, the County Office of Emergency Services is desirous of contracting with Tetra Tech, Inc., to assist with the development of the Threat Assessment and Management (TAM) Plan and the Comprehensive Domestic Terrorism Plans, and

WHEREAS, the professional services to be provided by Tetra Tech, Inc., are available through General Services Administration (GSA) Federal Corporate Schedule Number GS-00F-168CA, 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 County Administrator is hereby directed to make the following budgetary changes:

Increase Estimate Revenue Account:

A.364.3644.0000.4389.04	Domestic Terrorism Prevention Grant	\$70,000.00
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Increase Appropriation Account:

A.364.3644.0000.41603	Contracted Services	\$70,000.00.
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Adopted September 28, 2022 by voice vote.

**ACT NO. 422-2022** by Mr. Klancer  
who asks immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CHRISTOPHER L. MOORE, M.D. FOR  
EXPERT WITNESS SERVICES FOR PUBLIC DEFENDER'S OFFICE**

Pursuant to Section 450 of the County Law.

WHEREAS, the Public Defender's Office is in need of expert witness services for a pending criminal matter, and

WHEREAS, Christopher L. Moore, M.D., 125 Wildwood Avenue, Madison, Connecticut 06443, can provide the necessary expert witness services for an amount of \$6,575.00, as follows:

Testimony at Trial (1 day)	\$6,000.00
Travel Expenses (airfare, rental car, hotel, meals)	\$ 575.00,

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 Christopher L. Moore, M.D., for the provision of the above-described expert witness services, for a term commencing September 20, 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 September 28, 2022 by voice vote.

**ACT NO. 423-2022** by Mr. Klancer and Mr. Koch  
who ask immediate consideration

**ESTABLISHING COMPENSATION FOR ELECTION TECHNICIANS**

Pursuant to Section 3-302 of the Election Law.

WHEREAS, the Election Consolidation and Improvement Act of 2005 requires that the County Legislature establish the compensation for Election Technicians effective November 15, 2005, and

WHEREAS, the Board of Elections has appointed two (2) part-time Senior Technicians and two (2) part-time voting machine Technicians as necessary for the proper preparation and repair of voting machines, and

WHEREAS, voting machines are accessible to people with disabilities and are the result of a Federal Court Order in the U.S. District Court, Northern District of New York, to comply with the Help America Vote Act (HAVA), and

WHEREAS, all Cattaraugus County voters vote on the Optical Scan voting machines, and

WHEREAS, the job duties and responsibilities of the voting machine Technicians for machines are as follows:

- Receipt of all Optical Scan Voting Machines;
- Physical inspection of all machines, according to checklist;
- Acceptance testing and control of Mechanical Voting Machines;
- Inventory control of Voting Machines;
- Inventory and storage of all ballots used;
- Delivery and custody of Voting Machines from the warehouse to the poll sites and return to the warehouse;
- Maintain security at storage warehouse;
- Determine warehouse layout to be the most cost effective in terms of storage per square foot;
- Perform mandated quarterly testing of Optical Scan Voting Machines; and
- Any other duties deemed necessary,

and

WHEREAS, the Commissioners of the Board of Elections recommend the following compensation schedule for Election Technicians until such other compensation is approved by this legislative body:

Two (2) part-time Senior Technicians Position Nos. 145-130-003 and 145-130-004	\$21.85 per hour
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Two (2) part-time Technicians Position Nos. 145-130-001 and 145-130-002	\$17.25 per hour
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Mileage	Current IRS Rate*
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*\*excluding mileage from home to first polling site and from last polling site to home and excluding training session mileage,*

and

WHEREAS, sufficient funds are included in the Board of Elections' budget to cover these costs, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby establishes the aforementioned payment schedule for the above-described positions effective January 1, 2022 until such other compensation is approved by this legislative body.

Adopted September 28, 2022 by voice vote.

**ACT NO. 424-2022** by Mr. Higgins and Mr. Marsh  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH THE  
APPALACHIAN REGIONAL COMMISSION FOR  
DEPARTMENT OF ECONOMIC DEVELOPMENT, PLANNING AND TOURISM  
SKILLED TRADES CAREER EXPLORATION PROGRAM FOR HIGH-SCHOOL STUDENTS**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Department of Economic Development, Planning and Tourism (EDP&T) is desirous of investing in workforce development programs and strategies to allow workers to simultaneously earn, learn and advance along a career pathway, and

WHEREAS, EDP&T is desirous of conducting a skilled trades career exploration program for 9<sup>th</sup> and 10<sup>th</sup> grade high-school students which will bring vendors, as well as hands-on demonstrations for businesses in skilled trades to participating high schools, and

WHEREAS, it is anticipated that the total cost of the project will be approximately \$78,000.00, and

WHEREAS, federal funding in the amount of \$39,000.00 is available through the Appalachian Regional Commission to offset the cost of the aforementioned improvement project (CFDA #23.002), and



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

WHEREAS, in the event the County is awarded a \$39,000.00 grant from Appalachian Regional Commission, a \$39,000.00 County match would be required, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a grant application, on behalf of Cattaraugus County, in order to apply for the above-described funding, with a cash match and in-kind match not to exceed \$39,000.00, to the Appalachian Regional Commission for the aforementioned Skilled Trades Career Exploration Program for high-school students, 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 September 28, 2022 by voice vote.

**ACT NO. 425-2022** by Mr. VanRensselaer  
*and Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Brisky, Mr. Burr,  
 Mr. Higgins, Mrs. Hunt, Mr. Klancer, Mr. Marsh, Mr. Morrow,  
 Mr. Parker, Ms. Schröder, Mr. Smith, Mr. Snyder and Mr. Koch<sup>1</sup>*  
 who ask immediate consideration

**SUPPORTING SENATE BILL S.9509 TO ELIMINATE THE FARM LABORERS WAGE BOARD  
 CREATED THROUGH THE FARM WORKERS FAIR LABOR PRACTICES ACT**

Pursuant to Section 153 of the County Law.

WHEREAS, Cattaraugus County is in full support of legislation to repeal the Farm Workers Fair Labor Practices Act, Section 674-a of the Labor Law, relating to establishing the Farm Laborers Wage Board and urging Governor Hochul to eliminate the three-member Farm Laborers Wage Board, and

WHEREAS, the Wage Board is charged with making a recommendation on whether to reduce the current 60-hour overtime threshold for farm workers to 40 hours, and

WHEREAS, in January 2022, after numerous public hearings on the issue that included testimony from farmers, farm workers and industry stakeholders, the Wage Board recommended lowering the threshold, despite the fact that more than 70% of the testimony conveyed the harm that would be caused by such a change, and

WHEREAS, the Wage Board proposes four-hour decreases in the overtime threshold every other year; farmers would pay overtime wages up front and then be reimbursed for overtime hours after the fact, which would be unlikely; hours worked over 60 hours would be covered by a tax credit, and

WHEREAS, the Wage Board has just one member with an agricultural background, making it ill-equipped to render sound, informed decisions concerning New York State's critically-important agriculture industry, and

WHEREAS, data from a 2021 Cornell University study is being ignored by the Wage Board

which showed that lowering the threshold would economically hurt both farmers and farm workers, and

WHEREAS, New York State farmers continue to face a tremendous number of challenges outside of their control including changes in consumer demand leading to price change, obtaining labor, climate change regulation and mandates, land management policies, foreign and regional market competition, NYS regulations, livestock and crop disease, and

WHEREAS, farmers are heavily relied on to continue to produce food during shortages throughout the country while keeping in mind that farmers and farm workers remained constant during the pandemic, and

WHEREAS, New York State farms donate the majority of produce used in food pantries and local feeding programs; these programs will suffer due to higher mandated costs of labor, making less donated produce available to Nourish NY programs, and

WHEREAS, Cattaraugus County is urging the State Legislature to provide the farmers and farm workers relief from the already onerous burden the Farm Workers Fair Labor Practices Act and other existing government mandates that have placed our farms at a competitive disadvantage with neighboring states and Canada, now, therefore, be it

RESOLVED, Cattaraugus County emphatically opposes any decrease to the 60 hour farm worker overtime threshold proposed by the Farm Laborers Wage Board, and be it further

RESOLVED, Cattaraugus County urges Governor Hochul to strongly consider repealing the Farm Workers Fair Labor Practices Act, Section 674-a of the Labor Law, relating to establishing the Farm Laborers Wage Board and eliminating the three-member Farm Laborers Wage Board, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to send a certified copy of this resolution to Governor Hochul, Senate Majority Leader Stewart-Cousins, NYS Assembly Speaker Heastie, Senator Borrello, Assemblyman Giglio, New York State Labor Commissioner, New York State Agriculture & Markets Commissioner, New York State Farm Bureau, New York State Association of Counties, and Inter-County Association of Western New York.

<sup>1</sup>The following Legislators requested their names be listed as additional sponsors: “Mrs. Andreano, Mr. Benson, Mr. Boberg, Mr. Brisky, Mr. Burr, Mr. Higgins, Mrs. Hunt, Mr. Klancer, Mr. Marsh, Mr. Morrow, Mr. Parker, Ms. Schröder, Mr. Smith, Mr. Snyder and Mr. Koch”.

Adopted September 28, 2022 by voice vote.

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MR. KOCH moved, seconded by Mr. Marsh, to adjourn until October 12, 2022 at 5:00 p.m. Carried.

Meeting adjourned at 5:11 p.m.

Ann M. Giglio  
Journal Clerk