

February 8, 2023

The meeting was called to order by Chairman VanRensselaer.

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed two Legislators absent – Andreano and Klancer.

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COMMUNICATIONS:

NYS Senator George M. Borrello: Acknowledging receipt of Act No. 76-2023, Opposing Governor Hochul’s Ban of Gas Stoves and Other New Fossil Fuel Heating Equipment.

NYS Assemblyman Joseph M. Giglio: Acknowledging receipt of Act No. 76-2023.

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APPOINTMENTS:

CATTARAUGUS COUNTY AGING ADVISORY COUNCIL

One-year terms to expire December 31, 2023

- | | |
|----------------|-------------------|
| Frank Aloï | Barbara Hastings |
| Tammy Benjamin | Ann Ploetz |
| Judith Blair | Sylvia Say |
| Diane Boser | Terry Shaw |
| James Boser | Dr. Kevin Watkins |
| Rita Fischer | |

CATTARAUGUS COUNTY PLANNING BOARD

Three-year terms to expire July 31, 2024

- Daniel J. Brown
- Charles W. Couture
- Paul D. Mager
- David L. McCoy

CATTARAUGUS COUNTY PLANNING BOARD

Three-year terms to expire July 31, 2025

- Robert C. Keis
- Andrea Mellon
- Danny C. Newbury
- Michael J. Zaprowski

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There being no amendments or objections thereto, Chairman VanRensselaer noted that the minutes of the January 25, 2023 session stand approved as presented.

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MR. KOCH moved, seconded by Mr. Boberg, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 80-2023 through Act No. 91-2023. Carried.

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ACT NO. 80-2023 by Mr. VanRensselaer
who asks immediate consideration

APPOINTMENT OF CORONER'S PHYSICIANS

Pursuant to Section 400 (4-b) of the County Law and Act 138-81.

RESOLVED, that the following individuals are hereby appointed Coroner's Physicians for Cattaraugus County for two years with their terms to expire on December 31, 2023, at the salary which has heretofore, or may hereafter be established:

Erika Connor	Katherine F. Maloney
Donald E. Higgs	Thayaparan Mathanakaran
Tara Mahar	Richard D. Scott.

Adopted February 8, 2023 by voice vote.

ACT NO. 81-2023 by Mr. VanRensselaer
who asks immediate consideration

APPOINTMENT OF CORONER'S PHYSICIANS

Pursuant to Section 400 (4-b) of the County Law and Act 138-81.

RESOLVED, that the following individuals are appointed Coroner's Physicians for Cattaraugus County for two years with their terms to expire on December 31, 2024, at the salary which has heretofore, or may hereafter be established:

Brown, Timothy	Ohanessiah, Sara
Hart, Alexandra	Reed, Stacey
Mast, Dean	Walters, Brian.

Adopted February 8, 2023 by voice vote.

ACT NO. 82-2023 by Mr. VanRensselaer
who asks immediate consideration

APPOINTMENT OF SENECA TRAIL RC & D PROJECT MEMBERS

Pursuant to Section 153 of the County Law.

RESOLVED, that the following individuals are appointed to the Seneca Trail RC & D Project for a three-year term to expire December 31, 2025:

Charles Couture	Allan Ormond
At-Large Representative	Soil & Water Representative,

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Seneca Trail RC & D Project.

Adopted February 8, 2023 by voice vote.

ACT NO. 83-2023 by Mr. Burr
who asks immediate consideration

**AUTHORIZING COUNTY TREASURER TO TRANSFER UNEXPENDED CASINO FUNDS
INTO ECONOMIC DEVELOPMENT COMMITTED FUND BALANCE ACCOUNT**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, the Cattaraugus County Legislature is desirous of committing Casino funds received in 2023 that exceed what is budgeted in the A Fund to be used for economic development purposes, and

WHEREAS, the total amount of Casino funds budgeted in the A Fund for 2023 is \$1,449,029.00, and

WHEREAS, any Casino receipts that exceed \$1,449,029.00 will be transferred to the Economic Development Committed Fund Balance Account, and

WHEREAS, the aforementioned unexpended Casino Funds should be solely used for projects that:

- 1) meaningfully increase assessed property values, and/or
- 2) increase employment or economic benefits to existing businesses, and/or
- 3) attract new businesses that will grow employment and economic outcomes,

now, therefore, be it

RESOLVED, that the County Treasurer be, and hereby is, authorized and directed to transfer the unexpended amount of Casino funds received in 2023 that exceed what is budgeted in the A fund, to be used for economic development purposes.

Adopted February 8, 2023 by voice vote.

ACT NO. 84-2023 by Mr. Higgins and Mr. Marsh
who ask immediate consideration

**BID ACCEPTANCE FOR GASOLINE FOR ONOVILLE MARINA
(Department of Economic Development, Planning & Tourism)**

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 purchase of unleaded 91 Octane gasoline for the Onoville Marina for the 2023 season, according to bid specifications and general information provided by the Development & Agriculture Committee, and

WHEREAS, the only bid received meeting specifications was the bid of NOCO Energy Corp., 2440 Sheridan Drive, Tonawanda, New York 14150, at a cost up to \$4.4376 per gallon, based on the January 26, 2023 Rack Price of \$3.6053 per gallon, plus a firm differential of \$0.1175 per gallon and tax of \$0.7148 per gallon, now, therefore, be it

RESOLVED, that the bid of NOCO Energy Corp. be, and the same hereby is, accepted, for a term commencing January 1, 2023 and terminating December 31, 2023, and be it further

RESOLVED, that the aforementioned bid be, and the same hereby is, accepted, and be it further

RESOLVED, that the vouchers accordingly certified by the Director of the Department of Economic Development, Planning & Tourism be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Four sets of specifications were sent out.

One bid was received.

Adopted February 8, 2023 by voice vote.

ACT NO. 85-2023 by Mr. Benson and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH THE
ENVIRONMENTAL PROTECTION AGENCY FOR
SOLID WASTE INFRASTRUCTURE FOR RECYCLING GRANT PROGRAM FOR
DECOMMISSIONING AND REPLACEMENT OF RECYCLABLE COLLECTION SYSTEM**

Pursuant to Section 450 of the County Law.

WHEREAS, federal funding is available through the Environmental Protection Agency for the Solid Waste Infrastructure for Recycling Grant Program (SWIFR), to build a circular economy to reduce material use and redesign materials to be less resource intensive, and

WHEREAS, the County Department of Public Works is desirous of applying for up to \$1,500,000 through the aforementioned SWIFR Program to replace the current fully depreciated and inefficient infrastructure and equipment for the collection and handling of recycled materials, and

WHEREAS, the SWIFR Program is provided through 100% federal funds (CFDA #66.920), with no County share 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 through the Environmental Protection Agency, for the decommissioning and replacement of the County's current recyclable collection system, according to the above-described terms.

Adopted February 8, 2023 by voice vote.

ACT NO. 86-2023 by Mr. Benson and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH THE
U.S. DEPARTMENT OF TRANSPORTATION FOR
REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY
AND EQUITY GRANT PROGRAM FOR FORTY ROAD BRIDGE PROJECT**

Pursuant to Section 450 of the County Law.

WHEREAS, federal funding is available through the U.S. Department of Transportation for the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program under the Infrastructure Investment and Jobs Act, and

WHEREAS, the County Department of Public Works is desirous of applying for up to \$6,000,000 through the aforementioned RAISE Program for the reconstruction of 1800 feet of road and the rebuild of former Persia Bridge No. 6, and

WHEREAS, the maximum local cost share for the County is \$1,200,000, and

WHEREAS, the RAISE Program is provided through 80% federal funds (CFDA #20.933) and 20% County funds, 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 through the U.S. Department of Transportation for the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Program, for the Forty Road Bridge Project, according to the above-described terms.

Adopted February 8, 2023 by voice vote.

ACT NO. 87-2023 by Mr. Higgins and Mr. Marsh
who ask immediate consideration

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING THROUGH THE
U.S. DEPARTMENT OF TRANSPORTATION FOR
REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY
AND EQUITY GRANT PROGRAM FOR THE
CATTARAUGUS COUNTY SOUTHERN TIER TRAILS PROJECT**

Pursuant to Section 450 of the County Law.

WHEREAS, federal funding is available through the U.S. Department of Transportation for the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Program, and

WHEREAS, the County Department of Economic Development, Planning and Tourism is desirous of applying for up to \$10,000,000 through the aforementioned RAISE Program for the planning, preparation and design of the Cattaraugus County Southern Tier Trails Project, and

WHEREAS, the RAISE Program is provided through 100% federal funds (CFDA #DTOS59-23-RA-RAISE), 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 through the U.S. Department of Transportation for the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Program, according to the above-described terms.

Adopted February 8, 2023 by voice vote.

ACT NO. 88-2023 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH
NEW YORK STATE DIVISION OF HOMES AND COMMUNITY RENEWAL
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR
COUNTY-WIDE WELL, SEPTIC AND LATERAL REPAIR OR REPLACEMENT GRANT
AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS
(Health Department)**

Pursuant to 24 CFR Section 570.482(e) and
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 307-2022 authorized the Chair to apply for federal funding through the Small Cities Community Development Block Grant Program (the "CDBG") administered by the NYS Division of Homes and Community Renewal's Office of Community Renewal (the "OCR"), for the County-wide well, septic and lateral repair or replacement grant program (the "Project") (CFDA# 14.228), and

WHEREAS, the County Health Department has been awarded Community Development Block Grant funding in the amount of \$400,000.00 through the New York State Office of Homes and Community Renewal for funding to repair failed septic systems and contaminated private water supplies, and

WHEREAS, the County will contract with Cattaraugus Community Action, Inc., d/b/a Connecting Communities in Action, to administer the aforementioned Project, and

WHEREAS, grant documents are necessary in order to accept the aforementioned funding, 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 grant documents, on behalf of Cattaraugus County, to accept, and receive a \$400,000.00 grant through the New York State Homes and Community Renewal Community Development Block Grant Program, for a term commencing January 1, 2023 and terminating December 31, 2024, according to the above-described terms, and be it further

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

Increase Estimated Revenue Account:		
A.401.4090.0000.4401.05	Federal Aid, Public Health Well/Septic	\$400,000.00
Increase Appropriation Account:		
A.401.4090.0000.40814	Well/Septic Assistance	\$400,000.00.

Adopted February 8, 2023 by voice vote.

ACT NO. 89-2023 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE SUB-RECIPIENT AGREEMENT
WITH CATTARAUGUS COMMUNITY ACTION, INC. FOR
ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
(County-Wide Well, Septic & Lateral Repair or Replacement
Project No. 199WS309-22)**

Pursuant to 24 CFR Section 570.482(e) and Section 450 of the County Law.

WHEREAS, Act 88-2023 authorized the County Health Department to accept and receive funding through the Small Cities Community Development Block Grant administered by the NYS Division of Homes and Community Renewal Program (CDBG) for County-wide well, septic and lateral repair or replacement grant program (the "Project"), and

WHEREAS, Cattaraugus Community Action, Inc., d/b/a Connecting Communities in Action, 25 Jefferson Street, Salamanca, New York 14779, shall administer and implement the CDBG Program for the Project on behalf of Cattaraugus County, for an amount of \$374,800.00, and

WHEREAS, the County Health Department shall retain the amount of \$25,200.00 for the administration of the County's portion of the program, and

WHEREAS, this program is 100% federally funded (CFDA #14.228), now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a Sub-Recipient Agreement, on behalf of Cattaraugus County, with Cattaraugus Community Action, Inc., d/b/a Connecting Communities in Action, for the provision of the above-described services, for a term commencing January 1, 2023 and terminating December 31, 2024, according to the above-described terms.

Adopted February 8, 2023 by voice vote.

ACT NO. 90-2023 by Mrs. Andreano and Mr. Helmich
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH
MONROE PLAN FOR MEDICAL CARE, INC. AND
MOLINA HEALTHCARE OF NEW YORK, INC. FOR
HEALTH DEPARTMENT ANCILLARY HOME HEALTH SERVICES**

Pursuant to Section 4405 of the Public Health Law
and Section 450 of the County Law.

WHEREAS, Act 446-2004, as amended by Act 435-2022, authorized a contract with Excellus Health Plan, Inc. d/b/a Univera Healthcare, and its successors, for the provision of home health services, early intervention services, out-patient clinical services and laboratory services to individuals enrolled with Excellus Health Plan, Inc. d/b/a Univera Healthcare, and each of its subsidiaries and affiliates, and

WHEREAS, Monroe Plan for Medical Care, Inc., IPA, is under agreement with Molina Healthcare of New York, Inc., to provide health home services and support for other critical healthcare needs to individuals enrolled in Medicaid Managed Care, Child Health Plus, and the Essential Plan, including Medicaid-eligible children and families, and

WHEREAS, the execution of contracts is necessary in order to become a provider of services to participating members of Molina Healthcare of New York, Inc., through the Monroe Plan for Medical Care, Inc. IPA, and any of its affiliates, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contracts, on behalf of the County of Cattaraugus, with Molina Healthcare of New York, Inc., and Monroe Plan for Medical Care, Inc. IPA, for the provision of home health services, early intervention services, out-patient clinical services and laboratory services to individuals enrolled with Monroe Plan for Medical Care, Inc. IPA, and each of its subsidiaries and affiliates, commencing November 1, 2022 and continuing in full force and effect until terminated by either party hereto.

Adopted February 8, 2023 by voice vote.

ACT NO. 91-2023 by Mr. Brisky, Mr. Burr and Mr. VanRensselaer
who ask immediate consideration

**URGING THE STATE OF NEW YORK TO CONTINUE PASS-THRU OF
FEDERAL AFFORDABLE CARE ACT ENHANCED FEDERAL
MEDICAID ASSISTANCE PERCENTAGE FUNDS**

Pursuant to Section 153 of the County Law.

WHEREAS, the 2024 Fiscal Year State Budget (SFY 2024) proposal would end the Affordable Care Act (ACA) enhanced Federal Medical Assistance Percentage (eFMAP) federal pass-thru to counties and New York City, and

WHEREAS, the State is proposing to keep all of these federal savings going forward and use them to cover further expansions of Medicaid eligibility and benefits and to increase payments to health care providers, and

WHEREAS, the elimination of this ACA eFMAP federal pass-thru will require the 57 counties to spend at least \$280 million more in SFY 2024, and approximately \$1 billion when New York City is included, and

WHEREAS, the SFY 2024 costs to counties and New York City are scheduled to grow by 30 percent by SFY 2027, and

WHEREAS, it is the strong view of New York State Association of Counties (NYSAC) that Congress intended these federal savings to be shared with counties proportional to the amount they contributed toward the non-federal Medicaid match, and

WHEREAS, since 2003, the State has shared the funds proportionally based on our analysis of savings we have received during periods when an enhanced federal Medicaid match was enacted by Congress, and

WHEREAS, enacted in 2011, the Medicaid statutory cap for all 62 counties is \$7.6 billion and the Medicaid statutory cap for the 57 counties outside of New York City is \$2.25 billion, and

WHEREAS, starting in SFY 2014, New York began sharing these federal ACA savings directly with counties; the savings for a year were provided by lowering the weekly payments each county and New York City make to the State to support the State's Medicaid program; through February 1, 2023, the State continues to share the federal savings from the ACA eFMAP with the 57 counties and New York City, and

WHEREAS, counties strongly disagree with the need to cut county funding so deeply when the Governor's budget proposes to fully fund its own reserves two years ahead of schedule by depositing \$5.4 billion into reserves before the end of SFY 2023, while also projecting a general fund surplus of \$35 billion by the end of SFY 2024, now, therefore, be it

RESOLVED, that Cattaraugus County calls on New York State to continue to share these federal funds with counties as has been the precedent for over 20 years, and be it further

RESOLVED, that a copy of this resolution be forwarded to each county in New York State, encouraging member counties to enact similar resolutions, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader Rob Ortt, Assembly Majority Leader Crystal D. Peoples-Stokes, Assembly Minority Leader William Barclay, Senator George Borrello, Assemblyman Joseph Giglio, New York State Association of Counties, the Inter-County Association of Western New York, and all others deemed necessary and proper.

Adopted February 8, 2023 by voice vote.

**MOTION TO ADJOURN IN MEMORY OF
STANLEY J. BISHOP**

WHEREAS, Stanley J. Bishop, 74, of Salamanca, passed away on January 23, 2023, at Olean General Hospital following a brief illness, and

WHEREAS, Mr. Bishop began his employment with Cattaraugus County on February 1, 1989 in the Department of Public Works as a Civil Engineer, retiring on January 8, 2011, and

WHEREAS, Mr. Bishop served in the U.S. Air Force from 1968 through 1972 as a geodetic surveyor, obtaining the rank of Staff Sergeant, and

WHEREAS, Mr. Bishop graduated from West Virginia University in 1978 with a B.S. in agricultural engineering, majoring in forest engineering, and

WHEREAS, Mr. Bishop served as a member of the Seneca Trail RC & D Council, the Cattaraugus County Water Quality Council, and on the Cattaraugus County Envirothon Committee, and

WHEREAS, Mr. Bishop was a member of the Masonic Temple, the American Legion Hughes-Skiba Post 535, the Veterans of Foreign Wars John F. Ahrens Post 5296, and the Cattaraugus County Federation of Sportsmen, and

WHEREAS, Mr. Bishop is survived by three sisters: Penny Tokash and Debora Ross, both of Stockbridge, Georgia, and Nancy Waterman of East Aurora; two brothers: Craig Bishop of Jonesboro, Georgia and Kevin Bishop of Sugarland, Texas; and several nieces and nephews, and

WHEREAS, the loss of his presence will be sadly felt by his many friends and colleagues in Cattaraugus County, now, therefore, Legislators Hunt and Koch hereby

MOVE, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of Stanley J. Bishop, and this Motion be seconded by the rest of the Legislature, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, until its next meeting, unless specially convened, in memory of Stanley J. Bishop, and be it further

RESOLVED, that the Clerk of the Legislature be, and hereby is, directed to forward a certified copy of this Motion to his family.

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MR. BRISKY moved, seconded by Mr. Burr, to adjourn until February 22, 2023 at 5:00 p.m. Carried.

Meeting adjourned at 5:10 p.m.

Ann M. Giglio
Journal Clerk