

May 10, 2023

The meeting was called to order by Chairman VanRensselaer.

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed three Legislators absent – Andreano, Boberg and Koch.

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There being no amendments or objections thereto, Chairman VanRensselaer noted that the minutes of the April 26, 2023 session stand approved as presented.

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**COMMUNICATIONS:**

New York State Assemblyman Joseph M. Giglio: Acknowledging receipt of Act Nos. 196-2023, 197-2023, 198-2023 and 199-2023.

M. Andrew Burr, Chairman, Finance Committee: Apportionment of Mortgage Taxes for the six-month period from October 1, 2022 through March 31, 2023. (see report on page 250)

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, 2022 through March 31, 2023 is \$409,311.19 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	365,393,235	730,786,470	75,606,752	0.10345943	24,521.60	2,536.99	21,984.61
ASHFORD	194,534,526	389,069,052		0.00000000	10,840.06	0.00	10,840.06
CARROLLTON	71,469,681	142,939,362		0.00000000	4,642.47	0.00	4,642.47
COLDSRING	84,508,060	169,016,120		0.00000000	326.99	0.00	326.99
CONEWANGO	33,446,985	66,893,970		0.00000000	1,965.64	0.00	1,965.64
DAYTON	84,157,995	168,315,990	18,778,060	0.11156433	3,709.76	413.88	3,295.88
EAST OTTO	108,132,695	216,265,390		0.00000000	5,489.66	0.00	5,489.66
ELLCOTTVILLE	625,673,296	1,251,346,592	141,039,030	0.11270980	75,502.65	8,509.89	66,992.76
FARMERSVILLE	67,690,249	135,380,498		0.00000000	11,385.31	0.00	11,385.31
FRANKLINVILLE	85,386,670	170,773,340	31,626,256	0.18519434	10,448.15	1,934.94	8,513.21
FREEDOM	151,150,946	302,301,892		0.00000000	20,983.21	0.00	20,983.21
GREAT VALLEY	180,483,694	360,967,388		0.00000000	25,292.01	0.00	25,292.01
HINSDALE	121,145,582	242,291,164		0.00000000	5,248.01	0.00	5,248.01
HUMPHREY	84,572,797	169,145,594		0.00000000	4,081.43	0.00	4,081.43
ISCHUA	41,253,790	82,507,580		0.00000000	331.60	0.00	331.60
LEON	48,189,423	96,378,846		0.00000000	4,478.89	0.00	4,478.89
LITTLE VALLEY	47,159,000	94,318,000	18,636,780	0.19759516	6,426.11	1,269.77	5,156.34
LYNDON	50,126,834	100,253,668		0.00000000	5,033.39	0.00	5,033.39
MACHIAS	202,474,811	404,949,622		0.00000000	10,329.59	0.00	10,329.59
MANSFIELD	167,069,583	334,139,166		0.00000000	13,764.11	0.00	13,764.11
NAPOLI	77,329,789	154,659,578		0.00000000	6,820.34	0.00	6,820.34
NEW ALBION	56,819,869	113,639,738	20,823,898	0.18324486	10,834.99	1,985.46	8,849.53
OLEAN,CITY	481,653,806	963,307,612		0.00000000	60,995.42	0.00	60,995.42
OLEAN, TOWN	91,118,206	182,236,412		0.00000000	11,114.09	0.00	11,114.09
OTTO	77,718,465	155,436,930		0.00000000	2,634.05	0.00	2,634.05
PERRYSBURG	56,798,314	113,596,628		0.00000000	10,027.64	0.00	10,027.64
PERSIA	58,688,391	117,376,782	40,724,673	0.34695680	10,997.57	3,815.68	7,181.89
PORTVILLE	134,957,845	269,915,690	27,498,090	0.10187659	20,064.95	2,044.15	18,020.80
RANDOLPH	84,350,053	168,700,106		0.00000000	5,654.68	0.00	5,654.68
RED HOUSE	244,146,592	488,293,184		0.00000000	0.00	0.00	0.00
SALAMANCA, CITY	14,827,056	29,654,112		0.00000000	5,732.63	0.00	5,732.63
SALAMANCA, TOWN	28,359,645	56,719,290		0.00000000	3,629.16	0.00	3,629.16
SOUTH VALLEY	32,287,962	64,575,924		0.00000000	437.53	0.00	437.53
YORKSHIRE	28,914,768	57,829,536	5,631,667	0.09738392	15,567.50	1,516.02	14,051.48
TOTALS	4,281,990,613		380,365,206		409,311.19	24,026.78	385,284.41

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**ACT NO. 214-2023** by Mr. Benson and Mr. Helmich

**BID ACCEPTANCE FOR MANSFIELD BRIDGE NO. 9 REPLACEMENT PROJECT  
(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 Mansfield Bridge No. 9 Replacement Project, located on Jersey Hollow Road over a tributary of Mansfield Creek in the Town of Mansfield, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was submitted by McLaughlin Construction Corp. d/b/a Edbauer Construction, Inc., 2790 Clinton Street, West Seneca, New York 14224, in the amount of \$468,250.00, to be paid as invoiced, and

WHEREAS, the term of the aforementioned contract shall commence upon Notice to Proceed and be completed by August 31, 2023, 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 McLaughlin Construction Corp. d/b/a Edbauer Construction, 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.

Thirty-Nine sets of specifications were sent out.

Four bids were received which met specifications.

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

Adopted May 10, 2023 by voice vote.

**ACT NO. 215-2023** by Mr. Benson and Mr. Helmich

**BID ACCEPTANCE FOR PAVEMENT IMPROVEMENTS ON COUNTY ROAD NO. 13  
MILL AND SINGLE COURSE OVERLAY  
(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 pavement improvements on County Road No. 13 (Ellicottville-Maples Road) – Mill and Single Course Overlay in the Towns of Ellicottville and Mansfield, according to bid specifications and general information provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was submitted by Northeast Diversification, Inc., d/b/a Northeast Paving, 2 Cadby Industrial Parkway, Lancaster, New York 14086, in the amount of \$554,981.96, 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, 2023, 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 Northeast Diversification, Inc., d/b/a Northeast Paving 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.

Thirty-Six sets of specifications were sent out.

Eight bids were received which met specifications.

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

Adopted May 10, 2023 by voice vote.

**ACT NO. 216-2023** by Mr. Benson and Mr. Helmich  
and Mr. Brisky and Ms. Schröder<sup>1</sup>

**BID ACCEPTANCE FOR PORTABLE TOILET SERVICE  
IN VARIOUS LOCATIONS THROUGHOUT COUNTY  
(Department of Public Works)**

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 provision of portable toilet service in various locations throughout the County for any County Department, according to specifications provided by the Public Works Committee, and

WHEREAS, the only bid received meeting specifications was the bid of Zuech's Environmental Services, Inc., 8312 Route 98, Franklinville, New York 14737, in an amount as follows:

<u>Description</u>	<u>Portable Toilet</u>	<u>Handwashing Station</u>
<u>PERMANENT LOCATION</u> (Needed year round, such as transfer stations)		
Northeast Quadrant	\$85.00/unit/month	\$100.00/unit/month
Northwest Quadrant	\$85.00/unit/month	\$100.00/unit/month
Southeast Quadrant	\$85.00/unit/month	\$100.00/unit/month
Southwest Quadrant	\$85.00/unit/month	\$100.00/unit/month

CONSTRUCTION SEASON RATES

(Delivered to and removed from work site)

Northeast	Day Rate:	N/B
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Northwest	Weekly Rate:	\$85.00/unit
	Monthly Rate:	\$85.00/unit
	Day Rate:	N/B
	Weekly Rate:	\$85.00/unit
Southeast	Monthly Rate:	\$85.00/unit
	Day Rate:	N/B
	Weekly Rate:	\$85.00/unit
Southwest	Monthly Rate:	\$85.00/unit
	Day Rate:	N/B
	Weekly Rate:	\$85.00/unit
	Monthly Rate:	\$85.00/unit

and

WHEREAS, Zuech's Environmental Services, Inc., shall provide the aforementioned services for a term commencing on May 1, 2023 and terminating April 30, 2025, with the option to renew for an additional two (2) year period, at the same terms and conditions, at the sole discretion of the County, and

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

RESOLVED, that the aforementioned bid 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.

Three sets of specifications were sent out.

One bid was received.

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

<sup>1</sup>The following Legislators requested their names be listed as additional sponsors: "Mr. Brisky and Ms. Schröder".

Adopted May 10, 2023 by voice vote.

**ACT NO. 217-2023** by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
DANIEL L. BARRY LAND SURVEYOR, LLC FOR  
SURVEY AND RIGHT-OF-WAY MAPPING SERVICES FOR  
COUNTY ROAD NO. 32 HAZARD MITIGATION  
(HMGP 4567-0015)**

Pursuant to Section 131-b of the Highway Law  
and Sections 215 and 450 of the County Law.

WHEREAS, the County Department of Public Works is in need of land survey and right-of-way mapping services for the County Road No. 32 Slide Area Hazard Mitigation Feasibility Study in the Town of Ashford (HMGP 4567-0015), and

WHEREAS, Daniel L. Barry Land Surveyor, LLC, 92 Baxter Avenue, Lakewood, New York 14750, can provide the aforementioned land survey and right-of-way mapping services for the County Road No. 32 slide area for an amount of \$38,800.00, to be paid as invoiced, and

WHEREAS, the aforementioned services are 90% federally funded (CFDA #97.039) and 10% County funded to cover the cost of the aforementioned survey and right-of-way mapping 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 Daniel L. Barry Land Surveyor, LLC, for the provision of the above-described land survey and right-of-way mapping services, for a term commencing May 10, 2023 and terminating February 28, 2025, according to the above-described terms.

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

Adopted May 10, 2023 by voice vote.

**ACT NO. 218-2023** by Mr. Benson and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
MCMAHON & MANN CONSULTING ENGINEERING AND GEOLOGY, P.C.  
FOR GEOTECHNICAL ENGINEERING SERVICES FOR  
COUNTY ROAD NO. 32 HAZARD MITIGATION  
(HMGP 4567-0015)**

Pursuant to Section 131-b of the Highway Law and  
Sections 215 and 450 of the County Law.

WHEREAS, the Department of Public Works is desirous of obtaining geotechnical engineering services to address the conditions at the County Road No. 32 Slide Area Hazard Mitigation Feasibility Study in the Town of Ashford (HMGP 4567-0015), and

WHEREAS, McMahon & Mann Consulting Engineering and Geology, P.C., 2495 Main Street, Suite 432, Buffalo, New York 14214, can provide the aforementioned geotechnical engineering services for an amount not to exceed \$83,285.00, to be paid as invoiced and in accordance with the following:

<u>Category</u>	<u>Hourly Rate</u>
Principal	\$210.00
Senior Consultant	\$190.00
Senior Engineer	\$170.00
Senior Geologist	\$135.00
Project Manager	\$125.00
Engineer/Geologist III	\$110.00
Engineer/Geologist II	\$100.00
Engineer/Geologist I	\$ 90.00

Draftsman	\$ 80.00
Administrator	\$ 65.00

and

WHEREAS, the aforementioned services are 90% federally funded (CFDA #97.039) and 10% County funded to cover the cost of the aforementioned geotechnical 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 McMahan & Mann Consulting Engineering and Geology, P.C., for the provision of the above-described geotechnical services, for a term commencing May 10, 2023 and terminating February 28, 2025, according to the above-described terms.

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

Adopted May 10, 2023 by voice vote.

**ACT NO. 219-2023** by Mr. Benson and Mr. Helmich  
and Mr. Brisky and Ms. Schröder<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
MURPHY'S LOGGING, INC.  
FOR DISPOSAL OF YARD WASTE**

Pursuant to Section 450 of the County Law.

WHEREAS, the Department of Public Works has solicited proposals from four (4) companies for the disposal of yard waste collected at County transfer stations, and

WHEREAS, Murphy's Logging, Inc., 2228 Elton Road, Delevan, New York 14042, submitted the only proposal to the County to dispose of yard waste collected at County transfer stations for an amount of \$50.00 per 50 cubic yard container, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned yard waste disposal 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 Murphy's Logging, Inc., for the provision of yard waste disposal services, for a term commencing May 1, 2023 and terminating April 30, 2025, with the option to renew for one (1) additional two-year term upon mutual agreement of the parties hereto, according to the above-described terms.

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

<sup>1</sup>The following Legislators requested their names be listed as additional sponsors: "Mr. Brisky and Ms. Schröder".

Adopted May 10, 2023 by voice vote.

**ACT NO. 220-2023** by Mrs. Andreano and Mr. Helmich  
and Mr. Higgins and Mr. Koch<sup>1</sup>

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH  
VARIOUS TOWNS AND CITIES FOR  
MOSQUITO CONTROL PROGRAM FUNDING**

Pursuant to Section 119-o of the General Municipal Law  
and Section 450 of the County Law.

WHEREAS, Act 236-2022 authorized contracts with various towns and cities within the County for the provision of local funding for a portion of the mosquito control spraying program, the terms of which expired December 31, 2022, and

WHEREAS, the County is desirous of providing mosquito control spraying, and

WHEREAS, it is proposed that the County contract with various towns and cities within the County, in order to provide local funding by the towns and cities for a portion of the program, according to the following schedule:

Town of Allegany	\$13,587.33
Town of Carrollton	\$ 2,182.29
Town of Great Valley	\$ 5,394.58
Town of Hinsdale	\$ 3,666.52
Town of Olean	\$ 3,308.06
Town of Portville	\$ 4,319.39
City of Olean	\$17,617.85
City of Salamanca	\$ 7,105.37,

now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with various towns and cities, for the provision of the above-described services, for a term commencing May 1, 2023 and terminating December 31, 2023, according to the above-described terms.

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

<sup>1</sup>The following Legislators requested their names be listed as additional sponsors: "Mr. Higgins and Mr. Koch".

Adopted May 10, 2023 by voice vote.

**ACT NO. 221-2023** by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
RHEONIX, INC. FOR ENCOMPASS MDX ANALYZER SUPPLIES AND SERVICE**

Pursuant to Section 450 of the County Law.



WHEREAS, the Health Department has acquired an Encompass MDx STI TriPlex Analyzer from another county for its Laboratory, and

WHEREAS, service, support and supplies are needed for the aforementioned analyzer, and

WHEREAS, Rheonix, Inc., 10 Brown Road, Suite 103, Ithaca, New York 14850, can provide the service, support and supplies for the Encompass analyzer, in accordance with the following:

<u>Description</u>	<u>Quantity</u>	<u>Unit of Measure</u>	<u>Cost</u>
Rheonix STI TriPlex for Chlamydia	1	Case	\$3,456.00
Trichomonas Vaginalis Reportable Tests	TBD	Each	\$ 9.00
Axygen Clear 1000 Sterile Tips	1	Case	\$ 315.00
Encompass MDx 1 Year Service Agreement			\$6,500.00

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 Rheonix, Inc., for the provision of the above-described service, support and supplies, for a term commencing May 1, 2023 and terminating April 30, 2024, according to the above-described terms.

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

Adopted May 10, 2023 by voice vote.

**ACT NO. 222-2023** by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
BE-A-FRIEND PROGRAM, INC., BIG BROTHERS BIG SISTERS OF ERIE, NIAGARA  
AND THE SOUTHERN TIER FOR GROUP MENTORING PROGRAM**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 232-2022 authorized a contract with Be-A-Friend Program, Inc., Big Brothers Big Sisters of Erie, Niagara and the Southern Tier, 100 River Rock Drive, Suite 104, Buffalo, New York 14207, for the provision of a group mentoring program to youths between the ages of 10 to 15 to promote academic and community success for youth considered PINS, JD, JO or AO through job readiness, independent living skills, youth advocacy and leadership development, the term of which expires May 31, 2023, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned mentoring program, and

WHEREAS, Be-A-Friend Program, Inc., Big Brothers Big Sisters of Erie, Niagara and the Southern Tier, can provide a group mentoring program to promote academic and community success for youth for a total contract amount not to exceed \$35,000.00 to be paid on a monthly basis for services provided during the preceding month, as invoiced, and

WHEREAS, this program is 100% federally funded (CFDA #93.558), and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned program, 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 Be-A-Friend Program, Inc., Big Brothers Big Sisters of Erie, Niagara and the Southern Tier, for the provision of the above-described Group Mentoring Program, for a term commencing June 1, 2023 and terminating May 31, 2024, 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 7 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted May 10, 2023 by voice vote.

**ACT NO. 223-2023** by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH  
VARIOUS ENTITIES FOR DEPARTMENT OF SOCIAL SERVICES  
PSYCHOLOGICAL EVALUATIONS AND ASSESSMENTS**

Pursuant to Section 251 of the Family Court Act and  
Section 450 of the County Law.

WHEREAS, Act 284-2022 authorized contracts with various entities for psychological evaluation and assessment services, which consist of interviews with clients, consultation with other care providers and case managers, and preparation of reports, including recommendations for placement, treatment or custody/visitation, the terms of which expire June 30, 2023, and

WHEREAS, contracts are needed with various entities for the provision of the above-described services, with a maximum rate based on the current highest acceptable rate within the service area which are as follows:

<u>Position</u>	<u>Rate</u>
Doctor of Psychiatry	Not to Exceed \$185 per session
Doctor of Psychology	Not to Exceed \$175 per session
Licensed Mental Health Counselor	Not to Exceed \$125 per session
Family Counseling	Not to Exceed \$100 per session
Preparation & Court Testimony	Not to Exceed \$175 per hour
Testing	Not to Exceed \$180 per hour,

and

WHEREAS, this program is 62% state and 38% county 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 contracts, on behalf of Cattaraugus County, with various entities, for the provision of the aforementioned court-ordered psychological assessments and evaluations, for a term commencing July 1, 2023 and terminating June 30, 2024, 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 7 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted May 10, 2023 by voice vote.

**ACT NO. 224-2023** by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS WITH  
VARIOUS ENTITIES FOR RESIDENTIAL INSTITUTIONAL FOSTER CARE**

Pursuant to 18 NYCRR Part 405 and  
Section 450 of the County Law.

WHEREAS, Act 285-2022 authorized contracts with various residential foster care institutions throughout New York State for the provision of residential-therapeutic foster care services in accordance with a New York State-approved fee schedule for the approved listing of residential institutions throughout New York State, the terms of which expire June 30, 2023, and

WHEREAS, the County Department of Social Services has the responsibility of placing children at risk into foster care, and

WHEREAS, the County Department of Social Services is desirous of renewing the aforementioned contracts with various residential foster care institutions in accordance with a New York State fee schedule for the approved listing of residential institutions throughout New York State, and

WHEREAS, this program is 62% state and 38% county 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 contracts, on behalf of Cattaraugus County, with various residential foster care institutions for the provision of the above-described services for a term commencing July 1, 2023 and terminating June 30, 2024, 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 7 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted May 10, 2023 by voice vote.

**ACT NO. 225-2023** by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COMMUNITY ACTION, INC., D/B/A CONNECTING FAMILIES IN ACTION  
FOR THIRD PARTY REVIEWER SERVICES FOR  
DEPARTMENT OF SOCIAL SERVICES**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 164-2022 authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, for the provision of Third Party Reviewer services, the term of which expired April 30, 2023, and

WHEREAS, the Third Party Reviewer facilitates meetings between birth parents of children in foster care, the department caseworker, attorneys, foster parents, and service providers to assess the efforts and progress made by the Department and the birth parents to achieve the goal of safely returning the child to the birth parents' care, and

WHEREAS, the Department of Social Services is desirous of renewing the aforementioned contract, and

WHEREAS, Cattaraugus Community Action, Inc., d/b/a Connecting Families in Action, can provide the aforementioned Third Party Reviewer services for an amount not to exceed \$35,082.00 to be paid on a monthly basis, as invoiced, and

WHEREAS, this program is 62% state and 38% county 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 Cattaraugus Community Action, Inc., d/b/a Connecting Families in Action, for the provision of the above-described services, for a term commencing May 1, 2023 and terminating April 30, 2024, 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 7 members of the Finance Committee and 6 members of the Human Services Committee.

Adopted May 10, 2023 by voice vote.

**ACT NO. 226-2023** by Mrs. Andreano and Mr. Helmich

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COMMUNITY ACTION, INC., D/B/A CONNECTING FAMILIES IN ACTION  
FOR YOUTH PLACEMENT PREVENTION PROGRAMMING (FAST)**

Pursuant to 9 NYCRR Subpart 165-1, Section 501 of the Executive Law,  
and Section 450 of the County Law.

WHEREAS, Act 282-2022 authorized a contract with Cattaraugus Community Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, through its "Families and Schools Together (FAST) Program", for the provision of a placement prevention program to reduce the number of Cattaraugus County youth that are court-ordered to placement due to a history of PINS and/or juvenile delinquency behavior, the term of which expires June 30, 2023, and

WHEREAS, the County Department of Social Services is desirous of continuing the aforementioned program, and

WHEREAS, Cattaraugus Community Action, Inc., d/b/a Connecting Families in Action, through its "Families and Schools Together (FAST) Program", will target specific school districts mutually agreed upon by both parties and has agreed to continue the aforementioned services, for an amount not to exceed \$155,505.00 to be paid on a monthly basis for services provided during the preceding month, as invoiced, and

WHEREAS, this program is 62% state and 38% county funded, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned program, 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 Cattaraugus Community Action, Inc., d/b/a Connecting Families in Action, for the provision of the above-described Youth Placement Prevention Programming, for a term commencing July 1, 2023 and terminating June 30, 2024, 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 5 members of the Human Services Committee. Mrs. Andreano abstained from both committee votes.

Adopted May 10, 2023 by voice vote.

\* \* \* \* \*

MR. KLANCER moved, seconded by Mr. Smith, to waive Rule 12, pursuant to Rule 33.1, regarding Act No. 227-2023 through Act No. 237-2023. Carried.

\* \* \* \* \*

**ACT NO. 227-2023** by Mrs. Andreano and Mr. Helmich  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COMMUNITY ACTION, INC. D/B/A  
CONNECTING COMMUNITIES IN ACTION  
FOR HEALTHY CATTARAUGUS PARTNERSHIP**

Pursuant to Section 450 of the County Law.

WHEREAS, Cattaraugus Community Action, Inc., d/b/a Connecting Communities in Action (CCA), 25 Jefferson Street, Salamanca, New York 14779, has been awarded funding through the Healthy Cattaraugus Partnership, as part of the Centers for Disease Control and Prevention Social Determinants of Health Accelerator Plan Grant, to develop multisector action plans to address social determinants of health, and

WHEREAS, CCA has agreed to pay to the Cattaraugus County Health Department an amount of \$13,150.00 in exchange for County Health Data Analysis results, Social Determinants of Health Leadership Team collaboration, and the assignment of one or more employees of the Health Department to work directly with the Centers for Disease Control and Prevention Social Determinants of Health consultant, and

WHEREAS, the County Health Department has agreed to provide the aforementioned information and work collaboratively with CCA, 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 Cattaraugus Community Action, Inc., d/b/a Connecting Communities in Action, for collaboration in the Healthy Cattaraugus Partnership, for a term commencing January 1, 2023 and terminating December 31, 2023, according to the above-described terms.

Adopted May 10, 2023 by voice vote.

**ACT NO. 228-2023** 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 220-2022 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, 2023, 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 \$3,315.00, which covers both facilities, as follows:

Olean	\$1,657.50
Machias	\$1,657.50,

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, 2023 and terminating June 30, 2024, according to the above-described terms.

Adopted May 10, 2023 by voice vote.

**ACT NO. 229-2023** by Mrs. Andreano and Mr. Helmich  
who ask immediate consideration

**AUTHORIZING THE CHAIR TO APPLY FOR FUNDING  
THROUGH U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES  
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION FOR  
CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC EXPANSION GRANT  
(Department of Community Services)**

Pursuant to Section 520A of Public Health Service Act and  
Section 450 of the County Law.

WHEREAS, funding is available through the U.S. Department of Health & Human Services Substance Abuse and Mental Health Services Administration for the 2023 Certified Community Behavioral Health Clinic Improvement and Advancement (CCBHC-IA) Grant, and

WHEREAS, funding received under the CCBHC-IA Grant can be used to provide comprehensive, coordinated behavioral health care, and support recovery from mental illness and/or

substance use disorders by providing access to high-quality mental health and substance use services in Cattaraugus County, and

WHEREAS, the County Department of Community Services is desirous of applying for the aforementioned funding, which is anticipated to be up to \$1,000,000 per year for up to four (4) years, and

WHEREAS, the aforementioned program is 100% federally funded (CFDA #93.696), now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute grant documents, on behalf of Cattaraugus County, with the U.S. Department of Health & Human Services Substance Abuse and Mental Health Services Administration, in order to apply for the Certified Community Behavioral Health Clinic Improvement and Advancement Grant, 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 May 10, 2023 by voice vote.

**ACT NO. 230-2023** by Mrs. Andreano, Mr. Burr, Mr. Higgins, Mr. Klancer, Mr. Marsh, Mr. Morrow, Mr. Snyder and Mr. VanRensselaer who ask immediate consideration

**SALE OF TAX TITLE PROPERTY TO FORMER OWNERS  
(City of Olean and Towns of Dayton, Hinsdale and South Valley)**

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 Dayton, Hinsdale and South Valley, 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:

<b>CITY OF OLEAN</b>				
<b>PARCEL</b>	<b>TAX MAP NO.</b>	<b>FORMER OWNER(S)</b>	<b>ADDRESS</b>	<b>COUNTY INVOLVEMENT</b>
33	94.041-1-7	Jerome Giles	817 ½ Bishop Street Hinsdale, NY 14743	\$7,034.40



**TOWN OF DAYTON**

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
137	33.033-6-29	Nathan Halftown	124 Buffalo Street Gowanda, NY 14070	\$5,312.31

**TOWN OF HINSDALE**

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
215	77.001-1-39.2	Union Concrete and Construction Corp. (Stephen A. Brown)	PO Box 410 West Seneca, NY 14224	\$2,922.56

**TOWN OF SOUTH VALLEY**

PARCEL	TAX MAP NO.	FORMER OWNER(S)	ADDRESS	COUNTY INVOLVEMENT
339	97.003-1-14	Mark A. Schneider	842 Burch Drive Frewsburg, NY 14738	\$4,021.88

Adopted May 10, 2023 by voice vote.

**ACT NO. 231-2023** by Mr. Marsh and Mr. VanRensselaer  
who ask immediate consideration

**AUTHORIZING SALE OF CERTAIN TAX TITLE PROPERTY AND  
WAIVING RULE 40 OF THE RULES OF ORDER  
(Town of Napoli)**

Pursuant to Section 215 of the County Law, Rule 33 of the Rules of Order of the Cattaraugus County Legislature, and Section 72-h of the General Municipal Law.

WHEREAS, Cattaraugus County has tax title to certain property located in the Town of Napoli, Enchanted Lake Subdivision, described as Tax Map No. 62.046-1-26, and

WHEREAS, pursuant to subdivision law, this property is too small to inhabit and develop as stand-alone property, and

WHEREAS, it is in the County's best interest to offer for sale the subject property to the adjacent landowner, who will combine this parcel with his existing property, for an amount of \$461.25, which amount will cover the County's involvement in this parcel, now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized to accept \$461.25 for the aforementioned parcel known as Tax Map Number 62.046-1-26 located in the Enchanted Lake Subdivision in the Town of Napoli from the adjacent landowner, and be it further

RESOLVED, that Rule 40 of the Rules of Order of the Cattaraugus County Legislature is hereby waived for this sale.

Adopted May 10, 2023 by voice vote.

**ACT NO. 232-2023** by Mr. Marsh and Mr. VanRensselaer  
who ask immediate consideration

**AUTHORIZING SALE OF CERTAIN TAX TITLE PROPERTY AND  
WAIVING RULE 40 OF THE RULES OF ORDER  
(Town of Napoli)**

Pursuant to Section 215 of the County Law, Rule 33 of the  
Rules of Order of the Cattaraugus County Legislature, and  
Section 72-h of the General Municipal Law.

WHEREAS, Cattaraugus County has tax title to certain property located in the Town of Napoli, Enchanted Lake Subdivision, described as Tax Map No. 62.054-2-34, and

WHEREAS, pursuant to subdivision law, this property is too small to inhabit and develop as stand-alone property, and

WHEREAS, it is in the County's best interest to offer for sale the subject property to the adjacent landowner, who will combine this parcel with its existing property, for an amount of \$499.20, which amount will cover the County's involvement in this parcel, now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized to accept \$499.20 for the aforementioned parcel known as Tax Map Number 62.054-2-34 located in the Enchanted Lake Subdivision in the Town of Napoli from the adjacent landowner, and be it further

RESOLVED, that Rule 40 of the Rules of Order of the Cattaraugus County Legislature is hereby waived for this sale.

Adopted May 10, 2023 by voice vote.

**ACT NO. 233-2023** by Mr. Burr  
who asks immediate consideration

**CONDEMNING GOVERNOR HOCHUL'S TERMINATION OF  
WESTERN REGIONAL OFF-TRACK BETTING CORPORATION  
BOARD OF DIRECTORS**

Pursuant to Section 153 of the County Law.

WHEREAS, the Western Regional Off-Track Betting Corporation (OTB) is a public benefit corporation with headquarters in Batavia, New York, which is owned and operated by 15 Western New York counties and the cities of Rochester and Buffalo, and

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

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

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

WHEREAS, Governor Hochul and Albany Democrats have conspired to eliminate the longstanding arrangement that allowed 15 counties and the cities of Rochester and Buffalo to have balanced representation on the OTB Board, and

WHEREAS, Section 502-a of the Racing, Pari-Mutuel Wagering and Breeding Law changes the structure of the OTB board of directors' voting power to a weighed voting system, giving control to the larger counties, which will effectively diminish the role and input of rural Western New York counties, and

WHEREAS, Section 502-a removed the current OTB Directors and created a new board, giving more power to larger municipal governments in the public benefit corporation's service area and taking away the voices of both smaller and rural counties, and

WHEREAS, the termination of every appointed commissioner of the Western Regional Off-Track Betting Corporation is an attack on rural New York counties, and

WHEREAS, the decision was made without any input or consultation from regional stakeholders, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby condemns Governor Hochul's highly politicized backroom deal, which upends decades of precedent to reduce the input of rural communities and hand disproportionate power to Democrat-run cities, and be it further

RESOLVED, that the Cattaraugus County Legislature does vehemently oppose the termination of the current Western Regional Off-Track Betting Corporation Board of Directors, as it will cause irreparable harm to Cattaraugus County, its interests in OTB, the economic interests of Cattaraugus County, and the taxpayers of this County, and be it further

RESOLVED, that the Clerk of the Legislature be, and hereby is, directed to forward copies of this resolution to Governor Hochul, Senate Racing, Gaming and Wagering Committee Chair Addabbo, Senator Borrello, Assembly Standing Committee on Racing and Wagering Chair Pretlow, Assemblyman Giglio, Western Regional Off-Track Betting Corporation, and all others deemed necessary and proper.

Adopted May 10, 2023 by voice vote.

**ACT NO. 234-2023** by Mr. VanRensselaer  
who asks immediate consideration

**APPOINTING DIRECTOR FOR COUNTY OF CATTARAUGUS  
TO BOARD OF DIRECTORS OF WESTERN  
REGIONAL OFF-TRACK BETTING CORPORATION**

Pursuant to Section 502 and 502-a of the Racing,  
Pari-Mutuel Wagering and Breeding Law.

WHEREAS, Governor Hochul, through the state budget agreement, terminated all members serving on the Western Regional Off-Track Betting Corporation Board, which now requires the replacement and appointment of members to the Board in order for it to function, and

WHEREAS, it is necessary to appoint a Director to represent Cattaraugus County on the Board of Directors, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature does hereby appoint Mark C. Burr to serve as Director representing Cattaraugus County on the Board of Directors of the Western Regional Off-Track Betting Corporation, effective immediately, to serve for a term of four (4) years, and be it further

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

Adopted May 10, 2023 by voice vote. Mr. Burr and Ms. Schröder abstained from vote.

**ACT NO. 235-2023** by Mr. Brisky, Mr. Burr, and Ms. Schroder  
and Mr. Benson, Mr. Helmich, Mr. Higgins, Mrs. Hunt, Mr. Klancer, Mr. Marsh,  
Mr. Morrow, Mr. Parker, Mr. Smith, Mr. Snyder and Mr. VanRensselaer<sup>1</sup>  
who ask immediate consideration

**CALLING FOR IMMEDIATE RESIGNATION OF NEW YORK STATE PAROLE BOARD MEMBERS  
CARYNE DEMOSTHENES AND CARLTON S. MITCHELL  
FOR ALLOWING THE RELEASE OF EDWARD KINDT FROM PRISON**

Pursuant to Section 153 of the County Law.

WHEREAS, Edward Kindt was released from prison on March 30, 2023, after pleading guilty, and serving 23 1/2 years, for the brutal murder of Salamanca resident Mrs. Penny Brown, RN/CNM, and

WHEREAS, Penny Brown was brutally raped and murdered on Mother's Day of 1999 while jogging on a trail in the City of Salamanca with her two dogs, and

WHEREAS, Kindt, who was sentenced to nine-years-to-life in prison, the-then maximum sentence available for a juvenile convicted as an adult of second-degree murder in New York State, has previously been denied parole eight times, and should remain in prison to serve his life sentence, and

WHEREAS, now, with Penny's Law in place, those individuals now face a maximum sentence of fifteen-years-to-life, and

WHEREAS, pursuant to Executive Law Section 259-i, the Parole Board shall consider the seriousness of the offense and recommendations of the sentencing court, and

WHEREAS, at sentencing, Edward Kindt was described by the Judge as a sexual predator and "a threat any time [he] is in society," and

WHEREAS, at sentencing, the Judge further stated that he "hopes and prays" that Kindt is never released from prison, and that "if [Kindt] ever [is] released from prison, someone else will pay for that decision with their life," and

WHEREAS, upon information and belief, Edward Kindt engaged in a pattern of deplorable conduct and received multiple disciplinary infractions while incarcerated, including but not limited to making weapons, stalking, multiple instances of lewdness including exposing himself to a female, and repeatedly making and using drugs and alcohol, and

WHEREAS, Edward Kindt remains a sexual predator, a cold-blooded killer, and a threat to society, and

WHEREAS, we, as a society, must respond justly and appropriately to such heinous brutality, and

WHEREAS, justice, in this case, required that Kindt spend the rest of his natural life in prison, and

WHEREAS, Governor Hochul has vapidly touted transparency by stating that "There's no excuse for keeping New Yorkers in the dark on the actions governments take to help their constituents, and we've been committed to greater transparency since Day One," and

WHEREAS, Hochul has not shown such transparency in the least, as the Parole Board has still not released its parole decisions regarding Kindt despite the same being duly requested through a Cattaraugus County Legislator's Freedom of Information Law (FOIL) request transmitted to the Parole Board on March 24, 2023, and the Parole Board has since claimed it will allegedly need months to locate and produce Kindt's Parole Board decisions from the past five years and the names of the Parole Board members authoring the Parole Board decision releasing Kindt (yet the County after being told by the Parole Board that it would take months to produce the requested information, located the same through efforts involving private citizens in days and was able to secure a copy of the decision and the names of the Parole Board members releasing Kindt), and

WHEREAS, since Hochul became Governor, five people convicted of killing police officers have been released on parole, according to a list maintained by a police union, and

WHEREAS, there have been countless cases where violent murderers were paroled and afterwards committed recidivist murder again, and

WHEREAS, given Kindt's violent history, it is very likely another innocent person will lose his or her life by his hands upon his reckless release from incarceration, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature vehemently condemns the New York State Parole Board for allowing Edward Kindt to be released from prison, and be it further

RESOLVED, that the Cattaraugus County Legislature specifically condemns and hereby calls for the immediate resignation of the following members of the New York State Parole Board who, support liberal ideologues, follow blind progressive policies and acted in a gross miscarriage of justice, authorized and supported the dangerous release of the brutal rapist and murderer Edward Kindt from prison:

Caryne Demosthenes and Carlton S. Mitchell,  
and be it further

RESOLVED, that the Cattaraugus County Legislature commends the sound judgment and proper discretion exercised by the lone dissenter of the three-member parole panel, Joseph Crangle, who responsibly objected to Kindt's release, and be it further

RESOLVED, that Cattaraugus County Legislature strongly urges the New York State Parole Board to revoke the release and remand Edward Kindt forthwith to New York State Prison to serve the remainder of his life sentence, 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, the New York State Parole Board, the family members of Penny Brown, the Legislature of each and every County in the State of New York, and all others deemed necessary and proper.

<sup>1</sup>The following Legislators requested their names be listed as additional sponsors: "Mr. Benson, Mr. Helmich, Mr. Higgins, Mrs. Hunt, Mr. Klancer, Mr. Marsh, Mr. Morrow, Mr. Parker, Mr. Smith, Mr. Snyder and Mr. VanRensselaer".

Adopted May 10, 2023 by voice vote.

**ACT NO. 236-2023** by Mr. Brisky, Mr. Burr and Ms. Schröder  
and Mr. Benson, Mr. Helmich, Mr. Higgins, Mrs. Hunt, Mr. Klancer, Mr. Marsh,  
Mr. Morrow, Mr. Parker, Mr. Smith, Mr. Snyder and Mr. VanRensselaer<sup>1</sup>  
who ask immediate consideration

**SUPPORTING SENATOR BORRELLO'S LEGISLATION  
PROHIBITING USE OF FOSSIL FUELS IN MANUFACTURING OF  
RENEWABLE ENERGY EQUIPMENT**

Pursuant to Section 153 of the County Law.

WHEREAS, Senator George Borrello has introduced legislation that would prohibit the use of fossil fuels in the manufacture or distribution of renewable energy equipment or infrastructure, and

WHEREAS, inherent environmental and ethical conflicts result from using emission-producing energy sources to manufacture 'green' energy sources such as wind turbines, solar panels and electric vehicles, and

WHEREAS, the very products cited as the solution to reducing greenhouse gas emissions are manufactured, distributed and installed using fossil fuels, and

WHEREAS, coal is burned to forge steel for the foundations, towers and blades of wind turbines; diesel-powered heavy equipment transports components, clears sites, digs foundations and assembles the structures; and solar panels require the extraction of rare earth minerals and depend on coal as the primary energy source for the manufacturing process, and

WHEREAS, when water, wind and sunshine are unavailable in the capacity needed, so is the capacity to make energy from them, and

WHEREAS, over 2.6 million Uyghur and Kazakh people have been subjected to coercion, enslavement and internment in the Xinjiang region of north-west China, while sourcing 40-45% of the world's solar-grade polysilicon, and the United Nations and the United States Department of Labor have reported that Xinjiang is home to "serious human rights violations" and "child and slave labor", and

WHEREAS, prominent world human rights organizations have discovered children as young as seven working in "artisanal" cobalt mines, mining cobalt needed for renewable energy system components in the Democratic Republic of the Congo, where mining conditions were reported to be hazardous, and workers did not have adequate protective equipment while being exposed to toxic dust that causes hard metal lung disease, and

WHEREAS, demand for balsa wood used in industrial wind turbine blades has led to workers in Ecuador's Amazon region being subjected to substandard labor conditions, including payment being made with alcohol or drugs, and the demand for balsa has increased deforestation, affecting the land rights of Indigenous people in Peru, and

WHEREAS, New York State should not be allowing the installation of wind turbines or solar panels whose manufacture produces the greenhouse gas emissions our laws are trying to eradicate or that involves wrongful and harmful child and slave labor, and

WHEREAS, this rapid transition to renewable energy is strictly for political purposes and at great cost to our environment, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby supports Senator Borrello's legislation prohibiting the use of fossil fuels in manufacturing of renewable energy equipment, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies 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, the New York State Association of Counties, the Inter-County Association of Western New York, and all others deemed necessary and proper.

<sup>1</sup>The following Legislators requested their names be listed as additional sponsors: “Mr. Benson, Mr. Helmich, Mr. Higgins, Mrs. Hunt, Mr. Klancer, Mr. Marsh, Mr. Morrow, Mr. Parker, Mr. Smith, Mr. Snyder and Mr. VanRensselaer”.

Adopted May 10, 2023 by voice vote.

**ACT NO. 237-2023** by Mrs. Andreano, Mr. Helmich and Ms. Schröder  
*and Mr. Burr*<sup>1</sup>  
who ask immediate consideration

**APPOINTMENT OF ACTING COMMISSIONER OF SOCIAL SERVICES**

Pursuant to Sections 204 and 205 of the County Law.

WHEREAS, the Commissioner of Social Services is currently on leave, and  
WHEREAS, Erin L. Whitcomb should be designated as Acting Commissioner, now,  
therefore, be it

RESOLVED, that effective May 11, 2023, Erin L. Whitcomb, is hereby designated as Acting Commissioner of Social Services at such salary, which has heretofore, or may hereafter, be established for the position of Commissioner, in accordance with the MC Salaried Table, Grade 7, Step 5.

<sup>1</sup>The following Legislator requested his name be listed as an additional sponsor: “Mr. Burr”.

Adopted May 10, 2023 by voice vote.

**MOTION TO ADJOURN IN MEMORY OF  
JAMES L. BOSER**

WHEREAS, James L. Boser, 86, of Allegany, passed away on April 18, 2023 at home, and  
WHEREAS, Mr. Boser was elected from District #7 to the Cattaraugus County Legislature  
in 2004 and served as a legislator for 12 years, and

WHEREAS, Mr. Boser previously served on the Allegany Town Board for 8 years until 1996,  
and

WHEREAS, Mr. Boser was a 1955 graduate of Allegany Central School, enlisting in the U.S.  
Air Force after graduation, serving until 1959, and

WHEREAS, Mr. Boser worked for the U.S. Postal Service for over 30 years retiring in 1995  
as the Postmaster at St. Bonaventure University, and

WHEREAS, Mr. Boser was an active volunteer in the community: served the Allegany Fire  
Department for 69 years; volunteered for the Meals on Wheels Program for 25 years; board member for  
the Cattaraugus County Department of Aging for 25 years; served on the Cattaraugus Development  
Corporation Board for over 8 years; and volunteered at the Allegany Rest Area on I-86 for over 5 years,  
and

WHEREAS, Mr. Boser was a member of the Allegany 60-Plus, serving as President for many years; the Allegany American Legion Charles Harbel Post 892; the Allegany Knights of Columbus Council #1220 as a 3<sup>rd</sup> Degree Knight of Columbus; and the St. Bonaventure Church serving as a Eucharistic Minister and usher, and

WHEREAS, Mr. Boser is survived by his wife of 66 years, Diane; his children: Tim Boser of Amherst, Cindy Pikulski of Allegany, Jeff Boser of Geneva, Illinois, and Amy Klimczyk of Frisco, Texas; eleven grandchildren; and four great-grandchildren, and

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

MOVE, that the Cattaraugus County Legislature hereby adjourns, and stands adjourned, in memory of James L. Boser, 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 James L. Boser, 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 wife.

\* \* \* \* \*

MR. BRISKY moved, seconded by Mr. Burr, to adjourn until May 24, 2023 at 5:00 p.m. Carried.

Meeting adjourned at 5:16 p.m.

Ann M. Giglio  
Journal Clerk