

January 3, 2024

The meeting was called to order by the Clerk of the Legislature, John R. Searles.

The invocation was given by Rev. leFeber.

The Attendance Roll Call disclosed all Legislators present.

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Mr. Searles stated the Legislature should now elect a Chairman for the year 2024, and asked for nominations.

MR. BRISKY nominated M. Andrew Burr for Chairman; seconded by Mr. Smith. Carried.

MR. BRISKY moved, seconded by Mr. Benson to close the nominations. Carried.

By roll call vote, MR. M. ANDREW BURR was unanimously elected Chairman for the year 2024.

CHAIRMAN BURR addressed the Legislature:

It will be my pleasure to work together for the betterment of the County. I will do my best for the taxpayers and the County employees. I'm going to do and listen diligently to everyone. I plan to build on the progress made over the past four years. Thank you to everyone for their support and for your faith in me to serve as Chairman.

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MS. SCHRÖDER nominated Michael Brisky for Vice-Chairman; seconded by Mr. Boberg. Carried.

MR. BENSON moved, seconded by Mrs. Andreano to close the nominations. Carried.

By roll call vote, MR. BRISKY was unanimously elected Vice-Chairman for the year 2024.

VICE-CHAIRMAN BRISKY addressed the Legislature:

Thank you to my colleagues and fellow legislators for your support and for the opportunity to serve as your Vice-Chairman. I pledge to do the best job we can going forward. The past four years have been full of accomplishments. We will strive to continue on that path for the benefit of the County and the taxpayers. I would like to welcome Jeff Stoltenberg, Tim Nagle and Steve Teachman. Thank you to all and I look forward to working together.

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CHAIRMAN BURR announced Kelly Andreano has been chosen Majority Leader for the year 2024.

MAJORITY LEADER ANDREANO addressed the Legislature:

First, I'd like to say thank you to my fellow legislators for having confidence in my ability to lead in this role. It is an honor and pleasure to serve. Second, to all the department heads, administration and workers in the trenches each day – we see you, we appreciate you, and we thank you for your hard work and dedication to this County. We wouldn't be as successful as we have been without you! I want to share with you a study I read over the weekend that was conducted by a smaller college in Nashville, Tennessee – they found that 96% of people said they felt like

they are not living up to their fullest potential. Fifty percent of those people say that 50% of their full potential is still untapped. Hope deferred makes a heart sick but a longing fulfilled is the tree of life. When I look ahead in 2024 and the next four years, my goal for all of us is to be more purpose driven. We have so many highly qualified people with vast life knowledge, experiences and tremendous work ethic to move us forward. When I sat in that room four years ago, I had no idea what I was in for – March hit and we united. We joined the workers of this County and we marched boldly. We didn't let a pandemic stop our goals of economic development and growing this County. We made tough fiscal choices along the way. We had to make some tough decisions that weren't always popular in other areas but needed in order to move the County forward. We made a commitment to building infrastructure so that we could recruit business here, and we were successful. So back to the message – let's make the next four years with purpose driven! We need to tap into the fullest potential in each and everyone here. All it takes is a Goal! God doesn't make mistakes; there is a specific reason you are here! Together we can use all of our potential to move this County forward! Thank you!

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MAJORITY LEADER ANDREANO announced that Norman Marsh has been chosen Assistant Majority Leader and Don Benson has been chosen Majority Whip for the year 2024.

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COUNTY ATTORNEY ASHLEY SMITH administered the oath of office to the members of the Legislature.

COUNTY ATTORNEY ASHLEY SMITH administered the oath of office to the members of leadership.

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CHAIRMAN BURR announced that Ann Giglio will serve as Journal Clerk for the year 2024.

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There being no amendments or objections thereto, Chairman Burr noted that the minutes of the December 13, 2023 session stand approved as presented.

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**ACT NO. 1-2024** by Mr. Burr

**ADOPTION OF 2024 RULES OF ORDER**

Pursuant to Section 153 of the County Law.

RESOLVED, that the Rules of Order of the Cattaraugus County Legislature for the year 2024 shall be as follows:

**RULES OF ORDER  
OF THE  
CATTARAUGUS COUNTY LEGISLATURE**

RULE 1. ORGANIZATION MEETING

1.1 The organization meeting of the Legislature shall be held on or before January 8 in each year for election or appointment of all officers and employees. The Clerk shall call the meeting to order and the first order of business shall be the election of a Chair for the ensuing year. The Legislature, under the Chair, shall proceed with the election of a Vice-Chair whose term of office shall be for the current year.

1.2 At the organization meeting commencing a new legislature, the Legislature shall appoint a County Attorney to act during the term of office for which the then members of such Legislature were elected.

1.3 The Chair shall appoint the Journal Clerk whose term of office shall be for the current year.

1.4.1 The Chair shall announce one majority leader selected by the members affiliated with one political party having a majority of the legislative membership.

1.4.2 The majority leader shall be a member of the Finance Committee.

1.5 The Chair shall announce one minority leader selected by the members affiliated with a political party or combination of political parties, other than the political party of the majority leader.

RULE 2. REGULAR MEETINGS

2.1 Regular meetings shall commence at 5:00 p.m. on the second and fourth Wednesdays of each month, except, that in the months of July and August, the only regular meeting will be the fourth Wednesday, and in the month of December, the only regular meeting will be the second Wednesday.

RULE 3. SPECIAL MEETINGS

3.1 Special meetings shall be at the call of the Clerk upon the direction of the Chair, or at the call of the Clerk of the Legislature upon direction of the Vice-Chair provided that upon convening, a majority of the members of the Legislature pass a resolution ratifying such call, or upon written request signed by Legislators representing a majority of the Legislature.

3.2 A notice in writing stating the time, place and purpose of the special meeting shall be served personally or by email upon each member of the Legislature by the Clerk at least 48 hours before the date fixed for holding the meeting, or a member may waive the service of a notice for such meeting by a writing signed by the member.

3.3 Only business specified in the notice may be transacted at a special meeting.

RULE 4. PLACE AND TIME OF MEETINGS

4.1 All meetings shall be held at the Legislature Chambers in Little Valley, New York, and shall begin at the hour specified in these rules, unless a different time or place is provided by a motion for adjournment or by the call for the meeting.

4.2 The Clerk shall notify members, County Officers and Department Heads of all meetings, except adjourned regular meetings.

RULE 5. PRESENCE OF COUNTY ATTORNEY and COUNTY ADMINISTRATOR

5.1 The County Attorney shall be present during all legislative meetings for the purpose of advising the Legislature on legal questions, unless excused by the Chair.

5.2 The County Administrator shall be present during all legislative meetings for the purpose of counsel and advice, unless excused by the Chair.

#### RULE 6. QUORUM

6.1 A majority of the full Legislature shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

6.2 When a quorum is not present, the Clerk of the Legislature, upon request of the members present, shall notify members in the manner specified for calling special meetings that an adjourned meeting will be held at a specified time.

#### RULE 7. TEMPORARY CHAIR

7.1 Upon the appearance of a quorum, the Chair shall call the Legislature to order.

7.2 In the case of the non-appearance of the Chair, the Vice-Chair shall conduct the meeting.

7.3 In the case of the non-appearance of the Chair or the Vice-Chair, the Majority Leader shall conduct the meeting.

7.4 In case of the non-appearance of the Chair, Vice-Chair or Majority Leader within fifteen minutes of the appointed hour, the Clerk shall call the Legislature to order and a Chair pro tem shall be elected to preside for such day only, or during the absence of the Chair. The Chair pro tem shall have and exercise all of the powers and duties of the Chair at the meeting over which the Chair pro tem is called to preside.

#### RULE 8. ORDER OF BUSINESS

8.1 The order of business at each session shall be as follows, with the exception of times set apart for the consideration of special orders of the day:

1. Call to order by Chair.
2. Roll Call by Journal Clerk.
3. Invocation at each regular meeting.
4. Pledge of Allegiance.
5. Presentation of notices, petitions, claims, communications and departmental reports.
6. Privilege of the floor, subject to Rule 11.1.
7. Correcting and approving the minutes of any previous meetings.
8. Resolutions, motions and notices ready for action.
9. Resolutions presented for immediate consideration.
10. Unfinished business.
11. Adjournment.

#### RULE 9. ROLL CALL

9.1 On roll call, the Journal Clerk shall record by name all members present or absent. It shall be the duty of any Legislator arriving late or departing before adjournment to advise the Journal Clerk of his/her arrival and his/her departure and it shall be the duty of the Journal Clerk to note the name of the Legislator and the time by hour and minutes of his/her late arrival or early departure.

#### RULE 10. MINUTES OF PREVIOUS MEETING

10.1 Minutes of the previous meeting shall not be read, unless requested by any Legislator, by motion duly made, seconded and adopted by majority vote.

**RULE 11. PRIVILEGE OF THE FLOOR**

**11.1** A person, other than a member of the County Legislature, may be granted the privilege of the floor by the Chair only on agenda items upon the request of a Legislator, unless a motion is made by a Legislator for a vote on extending the privilege. If such motion is made, a majority vote shall be made to extend the privilege. Such privilege may be granted upon non-agenda items by advance notice to the Chair prior to the meeting. The Chair, in its discretion, may set reasonable limitations upon the duration of time for which the privilege will be extended. In addition to persons granted the privilege of the floor, the Chair may extend such privilege under other appropriate times and circumstances. For purposes of this rule only, the Clerk of the Legislature and the County Attorney shall have the same speaking privilege as a Legislator.

**11.2** If a person, other than a member of the County Legislature, in speaking transgresses the rules of the Legislature, the Chair or any member may call him/her to order and the Chair may suspend the privilege.

**RULE 12. PRESENTATION AND WITHDRAWAL OF MOTIONS AND RESOLUTIONS**

**12.1** All resolutions shall be reduced to writing and filed with the Clerk.

**12.2** Every resolution shall contain the name or names of the sponsors, a short title setting forth the purpose of the proposed action, and a reference to the law or laws, if any, from which the authority to pass the resolution shall be derived.

**12.3** All resolutions and local laws shall be filed with the County Attorney not later than noon of the 13<sup>th</sup> day before the Legislature meeting.

**12.4** All resolutions shall provide the name of the prime sponsor, or sponsors, on the first line.

**12.5** Upon the request of the prime sponsor, or sponsors, prior to action taken by the legislature, the name or names of additional sponsors shall be added to the resolution in alphabetical order on the second line with the majority members listed first and the minority members listed second. Such permission may be given by the sponsor or sponsors either in writing to the Chair of the Legislature prior to the legislative meeting at which the resolution is to be debated or orally when the resolution is on the floor for discussion.

**12.6** If a Committee is sponsoring a resolution, then the names of the committee members shall appear on the first line as prime sponsors with additional sponsors listed on the second line.

**12.7** Each resolution shall indicate the year of its introduction.

**12.8** The Clerk of the Legislature shall assign all resolutions and correspondence to the proper committee or committees for proper action.

**12.9** A copy of all resolutions shall be emailed to each Legislator. The Deputy Clerk of the Legislature shall place a copy of all resolutions in each Legislator's mail box located in the Office of the Assistant to the Legislature.

12.10 All committees with business to transact shall meet on the seventh day preceding the meeting of the Legislature. Five days preceding the meeting of the Legislature, the Clerk shall cause to be reproduced and emailed to all Legislators copies of all resolutions and the disposition, if any, of them.

12.11 The term "resolution" as herein used shall mean a formal proposed action, in writing, to be read by the Journal Clerk. Any proposed action given orally from the floor shall be deemed a motion.

12.12 No motion shall be debated until seconded. After a motion or resolution is stated by the Chair or read by the Journal Clerk, it shall be deemed to be in the possession of the Legislature and open for debate, but may be withdrawn at any time before decision is made or an amendment is adopted. A resolution may be withdrawn by the author. A motion or amendment may be withdrawn by the two members who offered and seconded it. The names of the members who offered and seconded the motion shall be entered in the proceedings by the Journal Clerk.

12.13 All resolutions memorializing action on pending legislation by the State Legislature shall be identified by setting forth the Assembly or Senate Introductory Number of the legislation.

12.14 All resolutions in committee or reported on by committee and not acted on by committee and not acted on by the Legislature before the end of the year shall die each December 31.

12.15 No resolution shall be filed with the Clerk of the Legislature until it has been approved as to legality and form by the County Attorney. The County Attorney shall indicate his/her approval of legality and form of the resolution by initialing the original copy of the resolution.

12.16 Each paragraph of each resolution or local law shall be numbered consecutively.

12.17 Paragraphs 12.3, 12.8 and 12.9 of this rule shall not apply to the organizational meeting in January, nor to tax and budget resolutions introduced in November and December.

12.18 Where applicable, a resolution request form shall be filed with the County Attorney prior to resolution preparation.

12.19.1 All proposed local laws and the public hearing resolutions accompanying them, after being passed out of the committees to which they are assigned, will appear on the legislative agenda for the next meeting of the Legislature, but the local law shall be listed under an agenda category entitled "Local Laws Not Ready for Final Action". No legislative action on a local law so listed except amendment may occur at that meeting. At the meeting at which the public hearing on a local law is scheduled to be held, the local law shall be listed on the legislative agenda under the category entitled "Resolutions, Motions and Notices Ready for Action", although the local law may not be acted upon until after the public hearing is held and closed.

12.19.2 Local laws and their accompanying hearing resolutions filed for immediate consideration will both be provided to the Legislature. In the event that the Legislature votes, pursuant to Rule 16.3, to consider the hearing resolution, it may be acted upon at the meeting at which it is introduced. In the event that the Legislature votes, pursuant to such rule, to consider the local law at that meeting, no legislative action on such local law may then occur except amendment. After such meeting of the Legislature, the procedure set forth in the last sentence of Rule 12.19.1 shall apply.

12.20 Beneath the caption of each proposed local law, there shall appear a brief description of the local law in plain language including its purpose and intent.

12.21 Academic and athletic achievement resolutions should be sponsored by all legislators.

#### RULE 13. RESOLUTIONS AND LOCAL LAWS CREATING COUNTY POSITIONS

13.1 Any local law or resolution seeking to create a new County position or fill a vacancy shall comply with the County's vacancy process as established by the Personnel Officer and the Chair of the Labor Committee.

#### RULE 14. SPONSORSHIP OF COUNTY PROPERTY SALES

14.1 Every resolution which authorizes the sale of any County property, other than tax title property, must be sponsored by a majority of the Legislators representing the district in which the property is located.

#### RULE 15. TRANSFER OF FUNDS

15.1 Any resolution authorizing or directing the transfer of funds from any account to another account shall not be adopted unless such resolution or transfer of funds be accompanied by an explanation to be submitted by the applicable department head, fully explaining the reason and necessity of such transfer.

15.2 All other transfers of funds shall be made in accordance with Local Law Number 5-1985 (Intro Number 10-1985), as amended.

#### RULE 16. AGENDA

16.1 The Clerk shall prepare a statement of the order of business for each meeting of the Legislature which shall also contain the title and sponsor of each resolution to be presented together with the number to be assigned thereto.

16.2 The order of business shall be emailed prior to the regular meeting or be placed on the desk of each Legislator.

16.3 Any resolution not set forth in the order of business shall be tabled by the Chair until the next meeting of the Legislature, unless, upon motion regularly made and adopted by a two-thirds vote of the Legislators, the consideration of such resolution is authorized. The motion shall be as follows: "Move that Resolution No. \_\_\_\_ be considered at this time."

16.4 Any resolution appearing on the agenda will not be read at the meeting of the Legislature, but shall be called up by referring only to the Act number and the title, as hereinabove set forth, the same shall be deemed to be before the Legislature with the full force and effect as though the same had been fully read; if, however, any Legislator requests the reading of the resolution in full, such resolution must be read to the Legislature.

16.5 Information, correspondence, and non-County resolutions not germane to the regular legislative meeting shall be filed with the Journal Clerk.

#### RULE 17. UNFINISHED BUSINESS

17.1 All reports, resolutions, and other matters laid on the table, may be called therefrom under "Unfinished Business" in the regular order of business.

17.2 All questions laid over by rule, or by request of any member, for one day shall be considered in order on the succeeding day or at the next session, under the head of "Unfinished Business."

RULE 18. ORDER AND DECORUM

18.1 The Chair shall preserve order and decorum and shall decide all questions of order subject to an appeal to the Legislature. If an appeal be taken from the decision of the Chair, the Chair shall have the right in his/her place to make known the reason for his/her decision. The Legislature shall decide the case without debate and the question shall be stated, "Shall the ruling of the Chair be sustained?"

18.2 In order to debate, to give a notice, to make a motion, or to present a petition or other papers, a Legislator must rise and be recognized by the Chair before he/she shall proceed. When two or more Legislators rise to speak at the same time, the Chair shall determine who is entitled to the floor.

18.3 While a member is speaking, no member shall entertain any private discourse or pass between the speaker and the Chair.

18.4 While the Chair is putting a question, or while the roll is being called, no member shall speak or leave his/her place.

18.5 If any member, in speaking, transgresses the rules of the Legislature, then the Chair or any member may call him/her to order, in which case the member so called to order, shall immediately sit down, unless permitted to explain. He/She shall remain seated until the Chair determines the point raised and if the point shall be sustained, then such member shall not further proceed, except on order and by permission of the Chair.

18.6 When a motion to adjourn is carried, the members shall keep their seats and places until the Chair declares the Legislature adjourned.

18.7 While the Legislature is in session, no person other than members of the Legislature shall be allowed on the floor without the consent of the Chair, except the County Attorney and/or his/her designee, Journal Clerk, County Administrator and/or his/her designee. "On the floor" shall be designated as that area surrounding the Legislators' desks; all other County officers, department heads and interested persons and spectators shall remain in seats provided outside the railing, unless otherwise instructed by the Chair. The space designated for individuals wishing to videotape public meetings shall be at the end of the public area behind the railing next to the Chamber windows. The space designated for the print and audio media shall continue to be to the left of the podium.

18.8 In order to have an orderly presentation of speakers at public hearings, the Assistant to the Legislature shall maintain a sign-up sheet for persons interested in speaking at such hearings.

18.9 During public hearings, the Chair may set a reasonable limitation upon the duration of time for which members of the public will be granted the privilege of the floor.

18.10 Errors in actual fact made during public hearings may be corrected or addressed by the Chair, or his/her designee.



18.11 A member wishing to make comments germane to a resolution under consideration by the Legislature may submit such comments, not to exceed 75 words, in writing to the Journal Clerk on the date that the resolution is under consideration by the Legislature.

18.12 Matters raised by any person which are not germane to a resolution under consideration may be referred by the Chair to the appropriate committee.

#### RULE 19. RULES OF DEBATE

19.1 No debate shall be in order until the pending question shall be stated by the Chair.

19.2 If the question being debated contains several distinct propositions, the same shall be divided by the Chair at the request of any member, to the end that a vote may be taken on each proposition.

19.3 All questions relating to the priority of business, that is, the priority of one question or subject matter over another, under the same order of business, shall be decided by the Chair without debate.

19.4 When the reading of any paper is called for and objected to by any member, the question shall be determined without debate by a vote of the Legislature.

19.5 The Vice-Chair shall assume the chair to preside when the Chair desires to speak from the floor on any pending matter. In the absence of the Vice-Chair, the Chair, with the permission of the majority of the Legislature, may designate an acting Chair to preside when the Chair desires to speak from the floor on any pending matter. Such designation shall be effective until the question on the floor is disposed of, or the Chair elects to return to the Chair.

19.6 The Chair may limit the speaking of a member on any motion or resolution, or any amendment to a motion or resolution, to three times.

#### RULE 20. MOTIONS AND THEIR PRECEDENCE

20.1 When a question shall be under consideration, no motions shall be made except as herein specified, which motions shall have precedence in the order stated:

##### UNDEBATABLE

1. For adjournment of the Legislature
2. Take recess
3. Raise a question of privilege
4. To lay on the table
5. For the previous question
6. Limit or extend limits of debate

##### DEBATABLE

1. Postpone to a certain time
2. Commit or refer
3. Amend
4. Postpone indefinitely
5. Main motion

20.2 The motion to adjourn or to take a recess shall always be in order, but cannot be made while the Chair is putting a question or while a member has the floor or after the previous question has been ordered or while the Journal Clerk is calling the roll, or while in Committee of the Whole.

#### RULE 21. DEBATE CLOSURE

21.1 When a debate has run its course, a member may rise to request debate closure. The member must be recognized by the Chair prior to requesting debate closure. The Chair may recognize those members who were standing prior to the request for debate closure. When the Chair determines that the debate is concluded, the Chair shall put the resolution or motion on the floor to a vote.

21.2 Alternatively, a member may move the previous question. The motion requires a second, is non-debatable and requires a two-thirds vote.

#### RULE 22. QUESTIONS LAID OVER BY REQUEST

22.1 Any motion, resolution, or any other proposition giving rise to debate, except matters before the Legislature as unfinished business, or any regular parliamentary motion and any motion referring to a motion, shall lie over to the next day if so requested by a majority vote of the Legislature, but shall not be again postponed unless made a special order.

#### RULE 23. RULES OF VOTING

23.1 The ayes and nays shall be taken on all questions requiring a vote of the Legislature when required by statute. A roll call vote may be taken under all other circumstances, provided that two legislators request that such a roll call vote be taken. Except where otherwise specifically provided by these rules, Roberts Rules of Order, or by statute, a majority vote of the members shall govern. Every member who shall be present on the floor (as defined in Rule 18.7) when a question is stated by the Chair shall vote thereon, except that a legislator who has a prohibited conflict of interest under the General Municipal Law or the County's Code of Ethics shall not vote after stating his/her connection with the matter under consideration and obtaining a ruling from the County Attorney that such constitutes prohibition from voting. If a legislator who is present on the floor and not prohibited from voting refuses or otherwise fails to vote, then the Chair shall direct the Clerk to record such member's vote in the affirmative on the question being voted on.

23.2 In the event that a legislator wishes to leave the floor before a question is stated by the Chair, he/she must do so before the question is called, and announce his/her absence to the Journal Clerk, who shall record it, and thereafter announce his/her return to the Journal Clerk.

23.3 The order of voting at meetings of the Legislature shall be rotated alphabetically, beginning with the letter 'A'. For example, Legislator 'A' would be required to vote first on resolutions requiring a roll call vote considered at the first meeting held during the year, Legislator 'B' would vote first on resolutions considered at the second meeting, etc., continuing through the members of the Legislature alphabetically for the meetings held during the remainder of the year.

#### RULE 24. STANDING COMMITTEES

24.1 The Chair shall appoint the members of all standing committees and special committees. All standing committees shall be appointed for the current year, but shall hold over until new committees have been appointed by the Chair, except at the end of a legislative term, at which time all committee assignments terminate. No person shall continue to serve after he/she has ceased to be a member of the

Legislature. In order to conduct official business, a quorum, consisting of the majority of the committee, shall be required.

Standing committees and number of members are as follows:

Number	Name of Committee	Number of Members
1.	County Operations/Public Safety	5
2.	Development & Agriculture	5
3.	Finance	7
4.	Human Services	5
5.	Labor Relations	5
6.	Public Works	5

Duties and scope of each committee are listed in the Appendix.

#### RULE 25. SPECIAL COMMITTEES

25.1 Special committees may be authorized at any legal meeting of the Legislature. They shall be appointed by the Chair. Any resolution creating any special committee shall specify the powers and duties of the committee and the number of its members.

#### RULE 26. ADVISORY COMMITTEES AND LEGISLATIVE REPRESENTATIVES

26.1 Advisory committees and legislative representatives shall be appointed in the same manner as special committees.

#### RULE 27. COMMITTEE OF THE WHOLE

27.1 In order to consider matters informally the Legislature may, at any time when in session, resolve itself into a Committee of the Whole on any subject before it. The Chair, or, in the Chair's absence, the Vice-Chair, shall preside.

27.2 The rules of the Legislature shall be observed by this committee insofar as they are applicable, except that the previous question shall not apply; nor shall the number of times a member may speak be limited, and except that the ayes and nays shall be taken. The only motions in order are, "to amend," "to adopt," and "to rise and report." A motion to rise and report progress shall always be in order at any stage, and shall be decided without debate.

27.3 The committee cannot refer the subject to another committee.

27.4 Local Laws and other matters shall be considered in Committee of the Whole, in the following manner: They shall first be read through, if the committee so directs; otherwise, they shall be read and considered by sections, leaving the title to be last considered. All amendments in their proper connection shall be reported to the Legislature.

#### RULE 28. REFERRAL TO COMMITTEES

28.1 All petitions, communications, budget adjustments, reports, resolutions, motions, etc., requiring action of a committee, shall be referred by the Chair, without motion, to the appropriate committee, unless otherwise ordered by the Legislature.

**RULE 29. COMMITTEES IN GENERAL**

**29.1** The first member designated on each committee shall be the Chair thereof, and the second member the Vice-Chair. In the absence of the Chair and Vice-Chair of the committee, the senior-ranking committee member of the Majority party shall become the temporary Chair of the committee. Under all circumstances, a committee quorum will be required for any official action.

**29.2** The Chair of each committee shall give, or cause to be given by the Clerk of the Legislature, notice in person, by telephone, or by email at least two days in advance of the meeting, the hour and place of each meeting, except no advance notice need be required when the committee meeting is held on a day when the Legislature shall be in session.

**29.3** All committee meetings shall be upon the lawful call of either the Chair of the County Legislature, the Committee Chair, or by the filing of a petition by a majority of the committee members with the Clerk of the Legislature.

**29.4** No committee meeting shall be adjourned until announced by the Chair of the committee or upon a vote of the majority of the members present.

**29.5** Action on any matter lawfully before any committee shall be taken only while a quorum of the committee is present and in session.

**29.6** Only those committee members and the sponsor or sponsors of a resolution shall address the resolution during the committee session. Other persons may speak with the permission of the Committee Chair. The Committee Chair may limit the time to address the Committee.

**29.7** Any committee is authorized to accept advice and counsel of citizens not members of the Legislature.

**29.8** Each committee chair shall be responsible for keeping the minutes of the meetings of his/her committee. The minutes shall be kept on a form prescribed and furnished by the Clerk. The minutes shall contain a brief summary of the business conducted by the committee, together with a record of the decisions made by the committee, as well as the time, place, and persons present, and any other pertinent information. A list of members of the committee present and pertinent facts such as meals, time and place of meeting shall be filed with the Clerk of the Legislature within one week after each meeting.

**29.9** Any vacancy on a committee, standing or special, shall be filled by the Chair of the Legislature without delay.

**29.10** Each committee shall have the power to investigate, in such manner as seems best, the particular branch or department of County Government under its supervision. Such investigation shall be authorized by a majority vote of the members of the committee. The Chair, County Administrator, County Attorney and Department Head shall be notified in writing.

**29.11** Committees shall use their best efforts to deal only with agenda items at the Committee sessions on the first and third Wednesday of each month.

**29.12** Committees, on making reports, shall return all papers relating thereto to the Clerk of the Legislature.

29.13 Committees shall have general charge of all matters pertaining to the work of this Legislature as indicated by the titles thereof, and as more specifically described as special duties, and each committee shall have supervision and charge of expenditures subject to the direction of the Legislature from appropriations indicated. Each committee shall contain members of the majority and minority parties, insofar as possible, in proportion to respective party representation on the Legislature.

29.14 The Committee Chair must report to the Chair of the County Legislature all situations where a Legislator's attendance falls below 50%.

29.15 Committees shall meet with Department Heads, from time to time, for mutual discussion of departmental objectives and/or problems.

29.16 All committee meetings shall be subject to the provisions of Article 7 of the Public Officers Law, together with any common-law privileges applicable under the circumstances.

#### RULE 30. REPORTS BY COMMITTEES

30.1 All committees, standing or special, shall, as promptly as possible, consider and submit to the Legislature, written reports upon such resolutions, communications, or other matters as may be referred to them. Once a majority of the members of a committee approve a resolution and sign a committee report so indicating, the resolution shall be deemed passed out of the committee. Resolutions not passed out of a committee shall be deemed "held" by the committee for further consideration. A resolution must be passed out of all committees to which it is assigned before it can be considered by the Legislature. The Finance Committee may only act on resolutions that have been passed out of all other committees to which they have been assigned.

#### RULE 31. PARLIAMENTARY QUESTIONS

31.1 On all points of order not governed by these rules, the general rules of parliamentary practice as outlined in Roberts Rules of Order, Revised, shall be referred to for the guidance of the Legislature and committees - special, standing, or advisory. The County Attorney shall be the parliamentarian for the Legislature and committees.

#### RULE 32. AMENDMENT OF RULES

32.1 These rules may be amended, and other rules added and adopted, by a two-thirds vote of the Legislature by a motion made after a previous notice of one day. All rules and resolutions in conflict with these rules are hereby repealed and rescinded to the extent that they conflict with the rules herein.

#### RULE 33. WAIVER OF RULES

33.1 These rules may be waived by a motion adopted by a two-thirds vote of the members of the Legislature but only so far as the rules affect or relate to a single resolution or rules may be waived for multiple resolutions provided each resolution is identified in the motion, and if any member objects to any resolution being included, it must be removed from the list and given consideration individually.

#### RULE 34. DUTIES OF THE CHAIR

34.1 In addition to those prescribed heretofore, the Chair of the Legislature shall have the following powers and duties:

.1 To become familiar with the property, functions, and fiscal affairs of the County and make recommendations to the County Legislature on legislation, rules and regulations, and such other matters as he/she may deem material and advisable.

.2 To see that the statutory and local laws and resolutions of the Legislature and directions of County Officers empowered to make the same, are faithfully executed, and to report to the Legislature any neglect of duty.

.3 To advise department heads and officers and recommend matters deemed helpful to them in the performance of their duties.

.4 To transfer employees temporarily from one department or office to another with the approval of the appointing officer or Legislature.

.5 To determine what officer shall perform a particular power or duty not clearly defined by law.

.6 To determine what officers and employees may attend conferences and schools conducted for the betterment of County government.

.7 To execute and deliver in the name of the County all documents and contracts authorized by the County Legislature.

.8 To call a meeting of any standing or special committee of the Legislature at any time.

.9 To represent the County at all public hearings and conferences that he/she deems it necessary to attend.

.10 The Chair of the Legislature, or his/her designee, shall be an ex-officio member of all standing and special committees and shall be notified of such meetings. The Chair, or his/her designee, as such ex-officio member of all committees, shall be counted in determining if a quorum is present and his/her vote shall be counted on a motion to bring a resolution out of committee.

.11 To execute all documents necessary for rights-of-way acquisitions, within budgetary appropriations.

.12 To execute all change orders, within budgetary appropriations.

#### RULE 35. DUTIES OF THE VICE-CHAIR

35.1 The Vice-Chair shall have the following duties:

.1 Shall preside over each duly constituted meeting of the Legislature, in the absence of the Chair.

.2 Shall have and exercise all the powers and duties of the Chair at any meeting over which he/she is called to preside.

.3 Shall have the right to name any member to perform the duties of Vice-Chair, but the power of such substitute shall not extend beyond the current session without the consent of the Legislature.

.4 Shall, in the absence of the Chair, execute and deliver in the name of the County all documents and contracts authorized by the County Legislature.

.5 Shall act as liaison between the Committee Chairmen and the Chair of the Legislature.

.6 Shall exercise such other duties as may be determined by subsequent action of the County Legislature.

.7 Shall be an ex-officio member of all standing and special committees, except for those committees to which the Vice-Chair is appointed as a member, and shall be notified of such meetings. The Vice-Chair, as such ex-officio member of all committees, shall be counted in determining if a quorum is present and his/her vote shall be counted on a motion to bring a resolution out of committee.

.8 Shall be the Chair of the Finance Committee.

#### RULE 36. DUTIES OF THE CLERK OF THE LEGISLATURE

36.1 The Clerk shall keep a record of all acts and proceedings of the Legislature and be the custodian of the record vouchers and other papers required or authorized by law to be deposited in his/her office.

36.2 The Clerk shall prepare the tax rolls, except when otherwise directed by the County Legislature, and perform such additional and related duties as may be prescribed by law.

RULE 37. DUTIES OF THE JOURNAL CLERK

37.1 The Journal Clerk shall, at the pleasure of the Chair, read all resolutions, reports, and communications received by the Legislature and keep minutes of proceedings. The Journal Clerk shall, at the close of each session of the Legislature, make and furnish a transcript of the proceedings to each member of the County Legislature.

RULE 38. SERGEANT-AT-ARMS

38.1 At any public hearing held by the County Legislature, and at any other meeting of the Legislature, when requested by the Chair of the Legislature, the Sheriff of Cattaraugus County shall delegate one of his/her uniformed deputies to the Legislature Rooms to act as a sergeant-at-arms.

RULE 39. DUTIES OF THE COUNTY ADMINISTRATOR

39.1 The County Administrator shall have those powers and duties set forth in Local Law Number 5-1985 (Intro Number 10-1985), as amended, together with such other powers and duties as may be granted by Local Law or resolution of the County Legislature.

RULE 40. SALE OF COUNTY-OWNED TAX TITLE PROPERTY

40.1 The Real Property Tax Director shall annually, after the last day for property owners to redeem their property, secure a written property evaluation description sheet from the town assessor for each parcel. Copies of these shall be submitted to the County Treasurer's Office no later than February 15 of each year.

40.2 The County Treasurer and the Real Property Tax Director shall review all properties, and recommend to the County Operations Committee, by April 15 of each year, where the auction will be held. After approval of the County Operations Committee, the auctions of those parcels shall be advertised in the official newspapers of the County, and such other newspapers as the Committee deems advantageous, for at least two successive weeks. The County Treasurer shall advertise such properties in a timely manner, so that the date of the auction shall be not less than three (3) days after the date of the second publication in the official newspapers.

40.3 The public auctions shall be conducted by such individual or individuals as the County Operations Committee deems appropriate.

40.4 The County requires a deposit of twenty percent (20%) of the bid price, in the form of cash, money order, certified check or credit card, to be applied to the purchase price. If the highest bidder fails to tender the 20% deposit before the deadline on the auction date, then the second highest bidder shall be notified that the second highest bidder is given the opportunity to tender the high bid price to the County. If the second highest bidder fails to tender the high bid price to the County by the deadline established on the auction date, then the parcel shall be reaucted on the same date. Once the auctioneer declares the final and highest bid, no deposit will be refunded.

40.5 If at public auction, the highest bidder tenders payment in excess of twenty percent (20%) of the high bid, and then fails to complete the purchase, the County shall retain twenty percent (20%) of the bid price. The excess shall be returned to the highest bidder within a reasonable time after the public auction.

40.6 All property shall be sold to the highest bidder, upon the recommendation of the County Operations Committee and upon the adoption of a resolution by the County Legislature. However, the County Operations Committee and the County Legislature reserve the right to reject any and all bids. Additionally, only "eligible bidders" shall be permitted to bid at any such auction. For the purposes of Rule 40, the term "eligible bidder" is defined as a person who, or corporation or other entity which, on the auction date is not an owner of any parcels of real property in Cattaraugus County that are the subject of a pending in rem tax foreclosure proceeding.

40.7 No property shall be sold to the former owner without competitive bidding if tender of payment of taxes, interest, penalties and other charges due on the property, including those County charges, County liens or County mortgages which may have been extinguished by the judgment of foreclosure, is made less than fifteen (15) business days prior to the date of public auction. The former owner shall not be given another opportunity to repurchase the County-owned tax title property if the property is not sold at the initial public auction but is subsequently reaucted.

40.8 The former owner shall not have an opportunity to tender payment of the back taxes, penalties, interest and other charges due on the property if the County conveys the property to another municipality, or the County declares the property necessary for County purposes.

40.9 No property shall be conveyed to another municipality unless the municipality reimburses the County for the amount of returned taxes for which the County has made whole to the municipality involved or any other town, city, village or school district.

40.10 Failure to tender the balance due to the County within 30 days from the date of bid acceptance by the Legislature will result in the forfeiture of the bid deposit by the highest bidder.

40.11 If the highest bidder fails to tender the balance due to the County within 30 days from the date of bid acceptance by the County Legislature, then the second highest bidder shall be notified that the Legislature will consider sale of the property to the second highest bidder at the high bid price. The second highest bidder shall notify the County within 30 days after notification by the County as to whether the second highest bidder will tender the high bid price to the County. Failure of the second highest bidder to tender the entire bid price within 30 days after notification by the County shall result in the property being placed on the next auction list.

40.12 The County Treasurer's office shall assist the highest bidder, or former owner, in recording the County Treasurer's deed.

40.13 A successful bidder shall be responsible for payment of the applicable current city and village taxes related to the spring auction, and school taxes related to the fall auction, at the time that the bidder tenders the bid balance to the County.

40.14 No sale of tax title property shall be made to any County Legislator, or County Legislator's spouse or dependent children, as defined by the County Ethics Code.

40.15 In the event that properties remain unsold after they have been offered for sale at two annual spring property tax auctions, and at the sole discretion of the County Treasurer and the Director of Real Property Tax Services, the County Treasurer's Office is hereby authorized to accept sealed bids for the purchase of such property until the close of business on the last day of July in each year, and a resolution



authorizing the sale of any such property to the highest bidder shall thereafter be submitted to the Legislature for its consideration.

40.16 Properties sold for \$250.00 or less must be paid for in full on the auction date. This amount is non-refundable should the bidder fail to complete the purchase.

40.17 Any successful bidder who fails to tender the deposit upon being declared the successful high bidder, will be forbidden to participate in this or any future auction conducted on behalf of Cattaraugus County. If a purchaser fails to close on the parcels that he/she bids on at the auction, he/she may be prohibited from participating at future auctions held for Cattaraugus County.

40.18 The successful bidder/purchaser shall certify that he/she does not represent the former owner(s) of the property against whom the County foreclosed and has no intent to defraud the County of the unpaid taxes, assessment, penalties and charges which have been levied against the property. The successful bidder/purchaser agrees that neither he/she nor his/her assigns shall convey the property to the former owner(s) against whom the County foreclosed within 24 months subsequent to the auction date and, if such conveyance occurs, the purchaser understands that he/she may be found to have committed fraud and/or intent to defraud and will be liable for any deficiency between the purchase price at the auction and such sums as may be owed to the County as related to the foreclosure on the property and consents to immediate judgment by Cattaraugus County for said amounts.

#### RULE 41. SALE OF SURPLUS EQUIPMENT

41.1 The Public Works Committee shall be responsible for the disposition of surplus equipment and other personal property of the County. Such Committee shall fix the times and places at which public auctions, the minimum number thereof being one per annum, shall be held and shall promulgate such additional rules and establish such procedures as may be necessary to effect the orderly and proper conduct thereof.

41.2 All sales shall become final upon payment by the purchaser of the full amount of the purchase price.

41.3 The Public Works Committee is authorized to employ such professional auctioneers from time to time for this purpose as may be necessary and to delegate its responsibility for the conduct of such auctions to one or more of its members or to any office of County government.

41.4 All officers, departments, and other agencies of County government shall dispose of equipment no longer necessary for public use in the manner set forth herein. The disposition of a specific item of equipment by another method may be permitted, however, by the Committee.

41.5 No sale of surplus equipment shall be made to any County Legislator, or County Legislator's spouse or dependent children, as defined by the County Ethics Code.

#### RULE 42. PROCEDURE FOR BIDDING AND ACCEPTING BIDS

42.1 Specifications and bids will be set and determined by the Department Head and the standing committee of the Legislature that governs the respective department for which the item or services are being procured and, wherever possible, the specifications shall be written to conform with State bid specifications.

42.2 No department, board, or other agency of County government shall advertise for sealed bids for any purpose which has not been included in the current year budget, without prior approval of the legislative committee which exercises jurisdiction over such agency.

42.3 No committee shall authorize advertisement for sealed bids, unless the bid item is partially or entirely included in the current year's budget.

#### **APPENDIX STANDING COMMITTEES**

**1. COUNTY OPERATIONS/PUBLIC SAFETY (5 members)**

**1.1** This committee shall have charge of all matters relating to the following departments:

- .1 Board of Elections
- .2 County Attorney
- .3 County Clerk
- .4 County Museum
- .5 Information Services
- .6 Real Property Tax Service
- .7 Assigned Counsel
- .8 District Attorney
- .9 Emergency Services
- .10 Judiciary
- .11 Probation
- .12 Public Defender
- .13 Sheriff

**1.2** In addition, the committee shall have the following responsibilities:

- .1 General jurisdiction over general governmental functions.
- .2 Liaison with Chautauqua-Cattaraugus Library System.
- .3 Emergency Communications Systems.
- .4 Liaison with Fire Advisory Board.
- .5 Liaison with Society for Prevention of Cruelty to Animals (SPCA).
- .6 Liaison with Nuclear Waste industry.

**2. DEVELOPMENT & AGRICULTURE (5 members)**

**2.1** This committee shall have charge of all matters relating to the Department of Economic Development, Planning and Tourism.

**2.2** In addition, the committee shall have the following responsibilities:

- .1 General jurisdiction over matters relating to tourism and economic development in the County.
- .2 Liaison with the County Planning Board.
- .3 General jurisdiction over agricultural matters.
- .4 Liaison with the following:
  - .1 Agricultural Society
  - .2 Business Development Corporations
  - .3 Chambers of Commerce
  - .4 Cornell Cooperative Extension

- .5 Empire Zone Corporation
- .6 Federated Sportsmen
- .7 Industrial Development Agency
- .8 Local Development Corporations
- .9 Salamanca Rail Museum
- .10 Southern Tier West Regional Planning & Development Board.

3. FINANCE (7 members)

3.1 This committee shall have charge of all matters relating to the following departments:

- .1 County Administrator
- .2 County Treasurer.

3.2 In addition, the committee shall have the following responsibilities:

- .1 General jurisdiction over the financial affairs of the County.
- .2 Review tentative budget.
- .3 General jurisdiction over the following administrative divisions of the County Administrator:
  - .1 Auditing
  - .2 General Administration
  - .3 Purchasing.
- .4 General jurisdiction over community college issues.
- .5 Liaison with Off-Track Betting Corporation.

4. HUMAN SERVICES (5 members)

4.1 This committee shall have charge of all matters relating to the following departments:

- .1 Aging
- .2 Community Services
- .3 Coroners
- .4 Health
- .5 Nursing Homes
- .6 Social Services
- .7 Veterans Service Agency
- .8 Youth Bureau.

4.2 In addition, the committee shall have the following responsibilities:

- .1 General jurisdiction over all matters relating to the general welfare of persons in the County.
- .2 Liaison with the following contract agencies:
  - .1 Cattaraugus County Chapter NYSARC, Inc.
  - .2 Council on Addiction Recovery Services, Inc. (CaRES)
- .3 Liaison with Cattaraugus-Allegany Workforce Development Board.

5. LABOR RELATIONS (5 members)

5.1 This committee shall have charge of all matters relating to the following department:

- .1 Human Resources.

5.2 In addition, the committee shall have the following responsibilities:

- .1 All employee classifications, salary changes, and employment practices.

- .2 Vacancies shall be filled in accordance with Act 68-2003, as amended.
- .3 Shall review personnel issues after those issues have been reviewed by the respective program committees.
- .4 Shall have charge of matters that influence the general labor relations and employment policies of the County.
- .5 Shall have the authority to hear all matters pursuant to Civil Service Law Section 75 involving misconduct or incompetence by County employees, except to the extent that collective bargaining agreements provide otherwise, and may, upon motion, appoint or designate a hearing officer, to act in its stead, to hear such matters and make recommendations to the County Legislature accordingly.

5.3 Upon delegation by the Chair, this committee shall consider fiscal and other matters dealing with collective bargaining and employee relations.

5.4 This committee's members, plus the Chair of the County Legislature, are the Employer representatives to the Labor-Management Committees referred to in the collective bargaining agreements.

**6. PUBLIC WORKS (5 members)**

6.1 This committee shall have charge of all matters relating to the following departments:

- .1 Public Works
- .2 Buildings & Grounds.

6.2 In addition, the committee shall have the following responsibilities:

- .1 General jurisdiction over all County buildings and grounds.
- .2 Watershed Program.
- .3 Liaison with Cattaraugus County Soil & Water Conservation District.
- .4 Approve or disapprove requests from non-County government groups for County facility usage.
- .5 General jurisdiction over all matters relating to solid waste.
- .6 General jurisdiction over forestry matters.

Adopted January 3, 2024 by voice vote.

**ACT NO. 2-2024** by Mr. Burr, Mr. Brisky and Ms. Schröder

**APPOINTMENT OF COUNTY ATTORNEY**

Pursuant to Sections 204, 205 and 500 of the County Law.

RESOLVED, that Ashley E. Smith be, and hereby is, appointed County Attorney for the term commencing January 1, 2024 and terminating December 31, 2027, at such salary in accordance with the MC Salaried Table, Grade 8, Step 5, or such other salary as may hereafter be established, and be it further

RESOLVED, that Ashley E. Smith shall be credited with twenty-five (25) days of annual leave in each year of her term of office and with any and all other benefits provided in such compensation

benefit package as is, or may hereafter be, established for Managerial and Confidential Officers and Employees.

Adopted January 3, 2024 by voice vote. Mr. Benson was absent from floor for vote.

**ACT NO. 3-2024** by Mr. Burr

**AUTHORIZATION TO EMPLOY OUTSIDE COUNSEL**

Pursuant to Section 501 of the County Law.

WHEREAS, it is anticipated that the County of Cattaraugus will be involved in civil actions during the year 2024, and

WHEREAS, the civil actions may require the services of outside counsel, now, therefore, be it

RESOLVED, that the County Attorney be, and hereby is, authorized and directed, on behalf of Cattaraugus County, to employ outside counsel from time-to-time in the year 2024 to perform services in relation to civil actions that may be pending or may hereafter occur, with preference given to attorneys in Cattaraugus County.

Adopted January 3, 2024 by voice vote.

**ACT NO. 4-2024** by Mr. Burr

**AUTHORIZATION TO EMPLOY FISCAL ADVISORS**

Pursuant to Section 153 of the County Law.

WHEREAS, it is necessary to prepare in-depth financial statements and other financial paraphernalia to market the financial instruments issued by the County, and

WHEREAS, Fiscal Advisors and Marketing, Inc., 120 Walton Street, Suite 600, Syracuse, New York 13202, is a reputable municipal bond marketing service, and

WHEREAS, the cost of these professional services will come from the proceeds of the financial issues, and

WHEREAS, it is desirable to retain the services of Fiscal Advisors and Marketing, Inc., to prepare the necessary financial information, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby retains the firm of Fiscal Advisors and Marketing, Inc., to undertake the above-described financial services for Cattaraugus County.

Adopted January 3, 2024 by voice vote.

**ACT NO. 5-2024** by Mr. Burr**AUTHORIZATION TO EMPLOY BONDING ATTORNEY**

Pursuant to Section 501 of the County Law.

WHEREAS, it is anticipated that the County of Cattaraugus will undertake certain programs during the year 2024 which will be financed through the sale of bonds, and

WHEREAS, these projects will require the services of a recognized bonding attorney, now, therefore, be it

RESOLVED, that the County Attorney be, and hereby is, authorized and directed, on behalf of Cattaraugus County, to employ a recognized bonding attorney from time-to-time in the year 2024 to perform services in relation to financing such programs as may hereafter be authorized by the Cattaraugus County Legislature.

Adopted January 3, 2024 by voice vote.

**ACT NO. 6-2024** by Mr. Burr**DELEGATING AUTHORITY FOR CERTAIN REAL PROPERTY TAX  
REFUNDS AND CORRECTION OF TAX BILLS AND TAX ROLLS**

Pursuant to Sections 554(a) and 556(8)(a) of the  
Real Property Tax Law.

WHEREAS, Act 5-2023 delegated the authority to make real property tax refunds and to correct tax bills and tax rolls to the County Administrator, and

WHEREAS, that delegation should be continued for the year 2024, now, therefore, be it

RESOLVED, that for the year 2024, the County Administrator is hereby authorized to perform the duties of the County Legislature in providing real property tax refunds, where the recommended refund is \$2,500.00 or less, in accordance with Section 556 of the Real Property Tax Law, and be it further

RESOLVED, that for the year 2024, the County Administrator is hereby authorized to correct tax bills and tax rolls, where the recommended tax refund is \$2,500.00 or less, in accordance with Section 554 of the Real Property Tax Law.

Adopted January 3, 2024 by voice vote.

**ACT NO. 7-2024** by Mr. Burr**DESIGNATION OF OFFICIAL DEPOSITORIES AND TRADING PARTNERS**

Pursuant to Section 212 of the County Law.

RESOLVED, that the following banking institutions in Cattaraugus County be designated as official depositories for County funds, commencing January 1, 2024, and that the County Treasurer is

hereby authorized to deposit in each or any of such banking institutions in an amount not to exceed Fifty-Five Million Dollars (\$55,000,000):

Bank of America, Buffalo, New York  
Bank of Cattaraugus, Cattaraugus, New York  
Cattaraugus County Bank, Little Valley, New York  
Cattaraugus County Bank, South Dayton, New York  
Citizens Bank, Springville, New York  
Community Bank, Gowanda, New York  
Community Bank, Olean, New York  
Evans Bank, Forestville, New York  
Fidelity Brokerage Services, LLC, Rochester, New York  
Five Star Bank, Allegany, New York  
Five Star Bank, Ellicottville, New York  
Five Star Bank, Olean, New York  
Five Star Bank, Salamanca, New York  
JP Morgan Chase, Buffalo, New York  
Key Banc Capital Markets, Brooklyn, Ohio  
Key Bank, Olean, New York  
M & T Bank, Ellicottville, New York  
M & T Bank, Olean, New York  
The Bancorp Bank, Wilmington, Delaware  
JP Morgan Securities, LLC, Brooklyn, New York.

Adopted January 3, 2024 by voice vote.

**ACT NO. 8-2024** by Mr. Burr

**DESIGNATING OFFICIAL REPUBLICAN NEWSPAPER FOR THE YEAR 2024**

Pursuant to Section 214 of the County Law.

RESOLVED, that the Olean Times Herald, a newspaper published in Olean, New York, and it being the only daily newspaper published in the County, and the same hereby is, designated as one of the newspapers for the publication of all local laws, notices, and other matters required by law to be published by Cattaraugus County for the year 2024.

Adopted January 3, 2024 by voice vote.

**ACT NO. 9-2024** by Mr. Burr

**DESIGNATING OFFICIAL NEWSPAPERS FOR THE YEAR 2024**

Pursuant to Section 214 of the County Law.

RESOLVED, that the Olean Times Herald, a newspaper published in Olean, New York, and the Salamanca Press, a newspaper published in Salamanca, New York, are hereby designated as the official

newspapers for the publication of all local laws, notices, and other matters required by law to be published by Cattaraugus County for the year 2024.

Adopted January 3, 2024 by voice vote.

**ACT NO. 10-2024** by Mr. Burr

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACTS FOR  
TAX FORECLOSURE SEARCHES**

Pursuant to Article 11 of the Real Property Tax Law and  
Section 450 of the County Law.

WHEREAS, Act 10-2023 authorized contracts with Cattaraugus Abstract Corporation, 406 Erie Street, Little Valley, New York 14755, and Empire Search Company, 208 Court Street, Little Valley, New York 14755, for the provision of tax foreclosure searches at a rate of \$90.00 per parcel, the terms of which expired December 31, 2023, and

WHEREAS, searches of the various records in the County Clerk's Office are necessary in order to comply with statutory notification provisions as Cattaraugus County prepares to commence in rem foreclosure proceedings for unpaid taxes, and

WHEREAS, the County is desirous of renewing the aforementioned contracts, and

WHEREAS, Cattaraugus Abstract Corporation and Empire Search Company have agreed to perform the aforementioned searches for the amount of \$90.00 per parcel, for an annual amount not to exceed \$50,000.00 per contract, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with Cattaraugus Abstract Corporation and Empire Search Company for the provision of the above-described tax foreclosure searches, for a term commencing January 1, 2024 and terminating December 31, 2024, according to the above-described terms.

Adopted January 3, 2024 by voice vote.

**ACT NO. 11-2024** by Mr. Burr

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CHAUTAUQUA-CATTARAUGUS LIBRARY SYSTEM, INC.**

Pursuant to Sections 224, 233-a and 450 of the County Law  
and Section 256 of the Education Law.

WHEREAS, the 2024 County budget provides for the payment of \$82,873.00 to the Chautauqua-Cattaraugus Library System, Inc., from Account No. A.298.7415.0000.42009 for the provision of educational materials for the citizens of Cattaraugus County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2024 with the Chautauqua-Cattaraugus Library System, Inc., for a term



commencing January 1, 2024 and terminating December 31, 2024, according to the above-described terms, and be it further

RESOLVED, that payment of the aforementioned amount be made to the Chautauqua-Cattaraugus Library System, Inc., in quarterly installments, upon submission of vouchers for payments certified by the Chair of the Legislature, audited by the County Administrator, and paid by the County Treasurer.

Adopted January 3, 2024 by voice vote.

**ACT NO. 12-2024** by Mr. Burr

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
SALAMANCA RAIL MUSEUM**

Pursuant to Sections 224 (12) and 450 of the County Law.

WHEREAS, the Salamanca Rail Museum attracts thousands of visitors to Cattaraugus County annually, and

WHEREAS, it is important that the County assist the Salamanca Rail Museum with the preservation of the history of railroads in the Southern Tier, and

WHEREAS, the 2024 County budget provides for the payment of \$10,200.00 to the Salamanca Rail Museum from Account No. A.298.7450.0000.42010 for these services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2024 with the Salamanca Rail Museum, to assist with the preservation of the history of railroads in the Southern Tier, for a term commencing January 1, 2024 and terminating December 31, 2024, according to the above-described terms.

Adopted January 3, 2024 by voice vote.

**ACT NO. 13-2024** by Mr. Burr

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH CATTARAUGUS COUNTY SPCA**

Pursuant to Sections 224 (4) and 450 of the County Law and  
Section 120 of the Agriculture and Markets Law.

WHEREAS, it is important that the County assist the Cattaraugus County SPCA with the provision of dog control services and humanitarian assistance to animals in Cattaraugus County, and

WHEREAS, the 2024 County budget provides for the payment of \$153,000.00 to the Cattaraugus County SPCA from Account No. A.298.3510.0000.42007 for these services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2024 with the Cattaraugus County SPCA, for a term commencing January 1, 2024 and terminating December 31, 2024, according to the above-described terms.

Adopted January 3, 2024 by voice vote.

**ACT NO. 14-2024** by Mr. Burr

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT  
WITH EMPIRE ANIMAL RESCUE SOCIETY**

Pursuant to Sections 224 (4) and 450 of the County Law and  
Section 120 of the Agriculture and Markets Law.

WHEREAS, it is important that the County assist the Empire Animal Rescue Society with the provision of dog control services and humanitarian assistance to animals in Cattaraugus County, and

WHEREAS, the 2024 County budget provides for the payment of \$61,200.00 to the Empire Animal Rescue Society from Account No. A.298.3510.0000.42068 for these services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2024 with the Empire Animal Rescue Society, for a term commencing January 1, 2024 and terminating December 31, 2024, according to the above-described terms.

Adopted January 3, 2024 by voice vote.

**ACT NO. 15-2024** by Mr. Burr

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATT COUNTY CAT NIPPERS**

Pursuant to Sections 224 (4) and 450 of the County Law.

WHEREAS, it is important that the County assist the Catt County Cat Nippers with the provision of cat control services and humanitarian assistance to cats in Cattaraugus County, and

WHEREAS, the 2024 County Budget provides for payment in the amount of \$20,000.00 to the Catt County Cat Nippers from Account No. A.298.3510.0000.42072 for these services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2024 with the Catt County Cat Nippers, to provide assistance for cat control services, for a term commencing January 1, 2024 and terminating December 31, 2024, according to the above-described terms.

Adopted January 3, 2024 by voice vote.

**ACT NO. 16-2024** by Mr. Burr

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
TRI-COUNTY ARTS COUNCIL**

Pursuant to Sections 224 (13) and 450 of the County Law.

WHEREAS, it is important that the County support the provision of sponsored art programs throughout Cattaraugus County, and

WHEREAS, the Tri-County Arts Council, 110 West State Street, Olean, New York 14760, will be involved in sponsoring arts programs throughout Cattaraugus County, working in partnership with existing organizations throughout the County, and

WHEREAS, the 2024 County budget provides for the payment of \$11,730.00 to the Arts Council from Account No. A.298.7010.0000.42008 for these services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, for the year 2024, with the Tri-County Arts Council, for the provision of the above-described services, for a term commencing January 1, 2024 and terminating December 31, 2024, according to the above-described terms.

Adopted January 3, 2024 by voice vote.

**ACT NO. 17-2024** by Mr. Burr

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CORNELL COOPERATIVE EXTENSION ASSOCIATION OF CATTARAUGUS COUNTY**

Pursuant to Sections 224 (8) and 450 of the County Law.

WHEREAS, the County Legislature is desirous of assisting the Cornell Cooperative Extension Association of Cattaraugus County by providing the amount of \$262,518.00 for the provision of a variety of services, and

WHEREAS, the 2024 County budget provides for the payment of \$262,518.00 to the Cornell Cooperative Extension Association of Cattaraugus County from Account No. A.298.2980.0000.42003 for these services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2024 with the Cornell Cooperative Extension Association of Cattaraugus County, for the provision of a variety of services, for a term commencing January 1, 2024 and terminating December 31, 2024, according to the above-described terms, and be it further

RESOLVED, that payment of the aforementioned amount be made to the Cornell Cooperative Extension Association of Cattaraugus County upon submission of an invoice for payment certified by the Chair of the Legislature, audited by the County Administrator and paid by the County Treasurer.

Adopted January 3, 2024 by voice vote.

**ACT NO. 18-2024** by Mr. Burr

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COUNTY LAND BANK CORPORATION**

Pursuant to Section 450 of the County Law.

WHEREAS, the 2024 County budget provides for the payment of \$300,000.00 to the Cattaraugus County Land Bank Corporation from Account No. A.298.6420.0000.42058 for the demolition and rehabilitation of tax foreclosure properties, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2024 with the Cattaraugus County Land Bank Corporation for the provision of the above-described services for a term commencing January 1, 2024 and terminating December 31, 2024, according to the above-described terms.

Adopted January 3, 2024 by voice vote.

**ACT NO. 19-2024** by Mr. Burr

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
FEDERATED SPORTSMEN'S CLUBS OF CATTARAUGUS COUNTY, INC.**

Pursuant to Sections 224 (3) and 450 of the County Law.

WHEREAS, Cattaraugus County is desirous of supporting the Federated Sportsmen's Clubs of Cattaraugus County, Inc., and

WHEREAS, the Federated Sportsmen's Clubs of Cattaraugus County, Inc. is a County-wide organization which promotes interest pertaining to the development and expansion of conservation as applied to reforestation, propagation of fish and game, and purchase and maintenance of public game refuges and shooting grounds, and

WHEREAS, the organization has gathered many facts representing a cross section of recreation needs of Cattaraugus County as applied to forests, public parks, fish and game, and

WHEREAS, the 2024 County budget provides for the payment of \$2,400.00 to the Federated Sportsmen's Clubs of Cattaraugus County, Inc., from Account No. A.298.8720.0000.42011 for these 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 the Federated Sportsmen's Clubs of Cattaraugus County, Inc., for the year 2024, for the provision of services, for a term commencing January 1, 2024 and terminating December 31, 2024, according to the above-described terms.

Adopted January 3, 2024 by voice vote.

**ACT NO. 20-2024** by Mr. Burr**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
SOUTHERN TIER WEST REGIONAL PLANNING AND DEVELOPMENT BOARD**

Pursuant to Section 239-c of the General Municipal Law and  
Section 450 of the County Law.

WHEREAS, it is important that the County assist Southern Tier West Regional Planning and Development Board with the provision of planning assistance to municipalities and businesses in Cattaraugus, Chautauqua, and Allegany Counties, and

WHEREAS, the 2024 County budget provides for the payment of \$24,970.00 to the Southern Tier West Regional Planning and Development Board (STW) from Account No. A.643.8025.0000.42032 for these services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2024 with the Southern Tier West Regional Planning and Development Board for the provision of the above-described services for a term commencing January 1, 2024 and terminating December 31, 2024, according to the above-described terms.

Adopted January 3, 2024 by voice vote.

**ACT NO. 21-2024** by Mr. Burr**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
BOCES FOR STUDENT GOVERNMENT PROGRAM**

Pursuant to Section 95 of the General Municipal Law and  
Section 450 of the County Law.

WHEREAS, it is important that the County support the provision of a student government program conducted by BOCES to teach students about local government, with an emphasis on County government, and

WHEREAS, the 2024 County budget provides for the payment of \$8,000.00 to BOCES from Account No. A.101.2980.0000.42001 for this program, of which 50% is reimbursable by the New York State Office of Children and Family Services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2024 with BOCES for a term commencing January 1, 2024 and terminating December 31, 2024, according to the above-described terms.

Adopted January 3, 2024 by voice vote.

**ACT NO. 22-2024** by Mr. Burr

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COUNTY SOIL & WATER CONSERVATION DISTRICT**

Pursuant to Sections 224 (3) and 450 of the County Law.

WHEREAS, it is important that the County assist the Cattaraugus County Soil & Water Conservation District with the provision of conservation of the soil and water resources of the County through prevention of soil erosion and prevention of flood water and sediment damages, and

WHEREAS, the 2024 County budget provides for the payment of \$145,042.00 to the Cattaraugus County Soil & Water Conservation District from Account No. A.871.8710.0000.42033 for these services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2024 with the Cattaraugus County Soil & Water Conservation District for a term commencing January 1, 2024 and terminating December 31, 2024, according to the above-described terms.

Adopted January 3, 2024 by voice vote.

**ACT NO. 23-2024** by Mr. Burr

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COUNTY SOIL & WATER CONSERVATION DISTRICT FOR  
ISCHUA CREEK WATERSHED MAINTENANCE PROGRAM**

Pursuant to Sections 299-m and 450 of the County Law.

WHEREAS, Act 23-2023 authorized a contract with the Cattaraugus County Soil & Water Conservation District, Cooperative Extension Center, USDA Service Center Building, 8 Martha Street, Ellicottville, New York 14731, for the provision of a maintenance program for the County's watershed sites, the term of which expired December 31, 2023, and

WHEREAS, the County Department of Public Works is desirous of continuing the maintenance program for the Ischua Creek Watershed, and

WHEREAS, the Cattaraugus County Soil & Water Conservation District has agreed to provide the aforementioned maintenance program for the year 2024 at an amount not to exceed \$11,604.00, and

WHEREAS, sufficient funds are included in Account No. A.871.8740.0000.40809 of the 2024 budget of the Department of Public Works for the cost of the aforementioned watershed maintenance 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 the Cattaraugus County Soil & Water Conservation District, for the provision of the above-described watershed maintenance program, for a term commencing January 1, 2024 and terminating December 31, 2024, according to the above-described terms.

Adopted January 3, 2024 by voice vote.

**ACT NO. 24-2024** by Mr. Burr

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
MERCY FLIGHT, INC.**

Pursuant to Sections 224 (14) and 450 of the County Law and  
Section 122-b of the General Municipal Law.

WHEREAS, it is important that the County assist Mercy Flight, Inc., with the provision of vital emergency transportation services to Western New York, and

WHEREAS, the 2024 County budget provides for the payment of \$7,650.00 to Mercy Flight, Inc., from Account No. A.454.4540.0000.42015 for these services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2024, on behalf of Cattaraugus County, with Mercy Flight, Inc., for the provision of vital emergency transportation services to Western New York, for a term commencing January 1, 2024 and terminating December 31, 2024, according to the above-described terms.

Adopted January 3, 2024 by voice vote.

**ACT NO. 25-2024** by Mr. Burr

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH SOUTHERN  
TIER HEALTH CARE SYSTEM, INC., FOR FLYCAR FUNDING**

Pursuant to Section 122-b of the General Municipal Law and  
Section 450 of the County Law.

WHEREAS, it is important that the County support the Cattaraugus County Advanced Life Support (flycar) Program, and

WHEREAS, Southern Tier Health Care System, Inc., One Blue Bird Square, Olean, New York 14760, is a principal sponsor of the aforementioned program, and

WHEREAS, this program provides pre-hospital emergency medical treatment for ill or injured individuals, and

WHEREAS, the 2024 County budget provides for the payment of \$15,300.00 to Southern Tier Health Care System, Inc., for the provision of these services from Account A.454.4540.0000.42017, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2024, on behalf of Cattaraugus County, with Southern Tier Health Care System, Inc., for the provision of the above-described services, for a term commencing January 1, 2024 and terminating December 31, 2024, according the above-described terms.

Adopted January 3, 2024 by voice vote.

**ACT NO. 26-2024** by Mr. Burr

**DESIGNATION OF COMPLIANCE OFFICER**

Pursuant to 18 NYCRR Parts 515 and 521.

WHEREAS, Act 318-2023 adopted the Corporate Compliance Program for the County, and  
WHEREAS, pursuant to the aforementioned Program, the Cattaraugus County Legislature shall designate an employee as the Compliance Officer Designee in order to maintain the effectiveness of this Program, now, therefore, be it

RESOLVED, that Katherine S. Lombardo be, and hereby is, appointed Compliance Officer Designee effective January 1, 2024, for an indefinite term, at a bi-weekly stipend of \$577.00.

Adopted January 3, 2024 by voice vote.

**ACT NO. 27-2024** by Mrs. Andreano and Mr. Burr

**APPOINTMENT TO CATTARAUGUS COUNTY BOARD OF HEALTH**

Pursuant to Section 343 of the Public Health Law.

RESOLVED, that Shane Pancio is hereby appointed to the Cattaraugus County Board of Health to fill the expired term of Sandra Fox, which is a six-year term to expire December 31, 2026, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Cattaraugus County Board of Health.

Adopted January 3, 2024 by voice vote.

**ACT NO. 28-2024** by Mr. Burr

**ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(2024 Public Works Projects)**

Pursuant to Sections 363 and 366 of the County Law.

WHEREAS, various appropriation and revenue accounts must be adjusted to cover the cost of the various projects included in the County's 2024 Public Work Projects, now, therefore, be it

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

Increase Estimated Revenue Account:

H.990.9950.0000.5031	Interfund Transfers	\$1,000,000.00
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Decrease Appropriation Account:

A.901.1910.0000.40611	Provision for Capital Projects	\$1,000,000.00
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## Increase Appropriation Accounts:

H.504.5197.5194.27043.41603	County Road #73	\$ 312,000.00
H.504.5197.5194.27063.41603	County Road #5	\$ 688,000.00
A.990.9950.0000.90504	Transfer to Capital Projects Fund	\$1,000,000.00.

Adopted January 3, 2024 by voice vote.

**ACT NO. 29-2024** by Mr. Burr

**AUTHORIZING THE CHAIR TO EXECUTE QUIT-CLAIM DEED  
TO ABANDON HIGHWAY PROPERTY IN TOWN OF ASHFORD**

Pursuant to Section 118-a of the Highway Law.

WHEREAS, Cattaraugus County has title to a certain parcel in the Town of Ashford which was acquired from New York State after the reconstruction of County Road 86, a/k/a Buttermilk Road, and was formerly a part of a highway right-of-way, and

WHEREAS, the aforementioned property is no longer necessary for road maintenance purposes, and

WHEREAS, the Highway Law provides that the Legislature, upon recommendation of the County Commissioner of Public Works, can abandon property to an abutting landowner, and

WHEREAS, the Commissioner of Public Works has recommended such abandonment to the property owners listed below, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a Quit-Claim Deed, on behalf of Cattaraugus County, for the following described parcel to Warren Price, 4576 Tomaka Drive, Hamburg, New York 14075:

PARCEL 20.001-1-35.4

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Ashford, County of Cattaraugus, State of New York, being part of Lot 49, Town 6, Range 6 of the Holland Land Company's survey bounded and described as follows:

Commencing at the, and also bounded on the south, by a line parallel to and 65 feet northerly from the centerline of the highway now or formerly known as Buttermilk Rd (County Road 86-2). Thence northerly between the easterly bounds of Richard A. Coco (Tax Map No. 20.001-1-35.1) and the westerly bounds of James P. Boberg and Carolyn J. Boberg (Tax Map No. 20.001-1-35.3) to the northerly bounds of the said highway. Containing everything north of said line parallel to and 65 feet northerly of said centerline of highway between the easterly bounds of Richard A. Coco (Tax Map No. 20.001-1-35.1) and the westerly bounds of James P. Boberg and Carolyn J. Boberg (Tax Map No. 20.001-1-35.3) The purpose of this deed is to convey any and all of the Grantor's remaining interest in the right of way that is north of said line that is parallel to and 65 feet northerly of said centerline now or formerly known as Buttermilk Rd (County Road 86-2), as previously described.

Subject to utility easements, agreements and rights of way of record and also subject to the rights of the public and others in and to any portion of the premises within the bounds of the public highway.

Adopted January 3, 2024 by voice vote.

**ACT NO. 30-2024** by Mr. Burr**AUTHORIZING THE CHAIR TO EXECUTE QUIT-CLAIM DEED  
TO ABANDON HIGHWAY PROPERTY IN TOWN OF ASHFORD**

Pursuant to Section 118-a of the Highway Law.

WHEREAS, Cattaraugus County has title to a certain parcel in the Town of Ashford which was acquired from New York State after the reconstruction of County Road 86, a/k/a Buttermilk Road, and was formerly a part of a highway right-of-way, and

WHEREAS, the aforementioned property is no longer necessary for road maintenance purposes, and

WHEREAS, the Highway Law provides that the Legislature, upon recommendation of the County Commissioner of Public Works, can abandon property to an abutting landowner, and

WHEREAS, the Commissioner of Public Works has recommended such abandonment to the property owners listed below, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a Quit-Claim Deed, on behalf of Cattaraugus County, for the following described parcel to James P. Boberg and Carolyn J. Boberg, his wife, 5687 Heinz Road, West Valley, New York 14171:

PARCEL 20.001-1-35.3

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Ashford, County of Cattaraugus, State of New York, being part of Lot 49, Town 6, Range 6 of the Holland Land Company's survey bounded and described as follows:

Commencing at the, and also bounded on the south, by a line parallel to and 65 feet northerly from the centerline of the highway now or formerly known as Buttermilk Rd (County Road 86-2). Thence northerly between the easterly bounds of Warren Price (Tax Map No. 20.001-1-35.4) and the westerly bounds of Matthew L. Spittler and Cortney L. Spittler (Tax Map No. 20.001-1-34.1) to the northerly bounds of the said highway. Containing everything north of said line parallel to and 65 feet northerly of said centerline of highway between the easterly bounds of Warren Price (Tax Map No. 20.001-1-35.4) and the westerly bounds of Matthew L. Spittler and Cortney L. Spittler (Tax Map No. 20.001-1-34.1). The purpose of this deed is to convey any and all of the Grantor's remaining interest in the right of way that is north of said line that is parallel to and 65 feet northerly of said centerline now or formerly known as Buttermilk Rd (County Road 86-2), as previously described.

Subject to utility easements, agreements and rights of way of record and also subject to the rights of the public and others in and to any portion of the premises within the bounds of the public highway.

Adopted January 3, 2024 by voice vote.

**ACT NO. 31-2024** by Mr. Burr**APPROVING CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY  
SERVICES BOARD AND HOUSING OPTIONS MADE EASY, INC. D/B/A  
RECOVERY OPTIONS MADE EASY, INC. FOR PEER SPECIALIST FOR PROS**

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

WHEREAS, the County Department of Community Services is desirous of providing one (1) full-time peer specialist for the PROS Facility, and

WHEREAS, Housing Options Made Easy, Inc., d/b/a Recovery Options Made Easy, Inc., 75 Jamestown Street, Gowanda, New York 14070, can provide one (1) full-time peer specialist for the PROS Facility for an amount not to exceed \$69,499.00, to be paid in installments on a monthly basis, as invoiced, and

WHEREAS, this program is 100% state funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, between the Cattaraugus County Community Services Board and Housing Options Made Easy, Inc., d/b/a Recovery Options Made Easy, Inc., to signify the County's approval, for the provision of the above-described services, for a term commencing January 1, 2024 and terminating December 31, 2024, according to the above-described terms, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, further authorized and directed to execute contract amendments, upon notification of award, for the allocation of additional state aid funding or cost of living adjustments (COLAs) for this program, and be it further

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

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

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

Adopted January 3, 2024 by voice vote.

**ACT NO. 32-2024** by Mr. Burr

**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, Act 418-2022 authorized a contract with Health System Services, 6867 Williams Road, Niagara Falls, New York 14304-2993, for the rental of beds and mattresses to The Pines Healthcare and Rehabilitation Centers, the term of which expired December 31, 2023, and

WHEREAS, the Department of Nursing Homes is desirous of renewing the aforementioned contract for the rental of beds and mattresses for The Pines Healthcare and Rehabilitation Centers on an as-needed basis, and

WHEREAS, Health System Services 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 rental of the above-described beds and mattresses for The Pines Healthcare and Rehabilitation Centers, for a term commencing January 1, 2024 and terminating December 31, 2025, according to the above-described terms.

Adopted January 3, 2024 by voice vote.

**ACT NO. 33-2024** by Mr. Burr

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH  
PHOENIX GRAPHICS, INC. FOR ELECTION BALLOT PRINTING**

Pursuant to Section 4-136 of the Election Law and  
Section 450 of the County Law.

WHEREAS, Act 172-2018, as amended by Act Nos. 542-2020, 555-2021 and 40-2023, authorized a contract with Phoenix Graphics, Inc., 1525 Emerson Street, Rochester, New York 14606, for the preparation and printing of election ballots for primaries and general elections, the term of which expired December 31, 2023, and

WHEREAS, the Board of Elections is desirous of renewing the term of the aforementioned contract for one (1) year to terminate December 31, 2024, at the same terms, rates and conditions, and

WHEREAS, Phoenix Graphics, Inc., has agreed to the aforementioned one (1) year contract renewal at the current rates:

14" & 17" ballots	\$.48 per ballot;
22" ballots	\$.54 per ballot;
Absentee ballots	\$.45 per ballot;
Sample ballots	\$.45 each (primary election);
Sample ballots	\$.75 each (general election);
Canvass/Return books	\$1.20 each (primary election);
Canvass/Return books	\$2.75 each (general election),

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 an amended contract, on behalf of Cattaraugus County, with Phoenix Graphics, Inc., for the provision of the above-described printing services, to amend the term of the original contract which commenced January 1, 2018 and now terminates December 31, 2024, according to the above-described terms.

Adopted January 3, 2024 by voice vote.

**ACT NO. 34-2024** by Mr. Burr

**LOCAL LAW NUMBER 1 - 2024  
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW ESTABLISHING FEE SCHEDULE  
FOR PROCESSING CERTAIN TAX TITLE PROPERTY**

BE IT ENACTED by the County Legislature of the County of Cattaraugus as follows:

**SECTION 1. Legislative Intent.** It is the intent of this Local Law to establish fees for various departments for the processing of returning tax title property to former owners by legislative resolution and deed after foreclosure.

**SECTION 2. Processing Fees.** Effective January 1, 2024, any property which is sold to the former owner without competitive bidding shall be subject to the following processing fees:

<b>Fee Timing</b>	<b>Fee Name</b>	<b>Fee</b>
8/1 of 1 <sup>st</sup> year	Advertising Fee	\$30.00
10/31 of 1 <sup>st</sup> year	Clerk's Filing Fee	\$5.00
7/1 of 2 <sup>nd</sup> year	Search Fee	\$100.00
7/1 of 2 <sup>nd</sup> year	Treasurer's Fee	\$500.00
7/1 of 2 <sup>nd</sup> year	County Attorney's Fee	\$500.00
7/1 of 2 <sup>nd</sup> year	Admin/Postage Fee	\$50.00
7/1 of 2 <sup>nd</sup> year	Real Property Fee	\$50.00
9/30 of 2 <sup>nd</sup> year	Foreclosure Ad Fee	\$25.00
Time of Posting	Posting Fees	\$150.00
Time of Foreclosure	Treasurer's Buyback Fee	\$1000.00
Time of Foreclosure	Real Property's Buyback Fee	\$500.00
Time of Foreclosure	County Attorney's Buyback Fee	\$1000.00

**SECTION 3. Severability.** If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication, shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 4. Effect on Prior Legislation.** This Local Law shall supersede Local Law Number 22-2003 (Intro No. 21-2003), as amended, which established a fee schedule for Fees for Processing Certain Tax Title Property, and became effective January 12, 2004.

**SECTION 5. Effective Date.** This Local Law shall take effect immediately.

No further action taken at this time.

**ACT NO. 35-2024** by Mr. Burr**AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 1 - 2024**

Pursuant to Section 20 of the Municipal Home Rule Law.

WHEREAS, there has been duly presented and introduced at a meeting of this Legislature held on January 3, 2024, a proposed Local Law entitled "A Local Law Establishing Fee Schedule for Processing Certain Tax Title Property", and

WHEREAS, no local law shall be adopted until a public hearing thereon has been had by the Cattaraugus County Legislature upon at least five days' notice, now, therefore, be it

RESOLVED, that a public hearing shall be held on the proposed local law by this County Legislature on the 24<sup>th</sup> day of January, 2024, at 5:01 p.m. at the Legislature's Chambers, County Center, 303 Court Street, Little Valley, New York, and that at least five days' notice of such hearing shall be given by the Clerk by the due posting thereof upon the bulletin board of each County Court House within the County and by publishing such notice at least once in the official newspapers of the County.

Adopted January 3, 2024 by voice vote.

**ACT NO. 36-2024** by Mr. Burr**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
KENNETH W. DAHLGREN, JR. FOR HEALTH DEPARTMENT  
CLEAN INDOOR AIR ACT COMPLIANCE CHECKS**

Pursuant to Article 13-F of the Public Health Law,  
Section 1399-hh(3) of the Public Health Law and  
Section 450 of the County Law.

WHEREAS, Act 156-2023 authorized a contract with Kenneth W. Dahlgren, Jr., 291 Wiltsie Road, Frewsburg, New York 14738, for the provision of Clean Indoor Air Act compliance checks on bars and restaurants within Cattaraugus County, the term of which expires March 31, 2024, and

WHEREAS, the County Health Department is desirous of continuing the aforementioned services for bars only, unless a complaint is received on a facility that is not a bar, and

WHEREAS, Kenneth W. Dahlgren, Jr., has agreed to perform the aforementioned compliance checks on bars, at sites to be determined by the Cattaraugus County Board of Health, for an amount of \$55.00 per site, not to exceed \$6,250.00, to be paid as invoiced and approved by the Health Department, and

WHEREAS, this program is 100% state funded, 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 Kenneth W. Dahlgren, Jr., for the provision of the above-described services, for a term commencing April 1, 2024 and terminating March 31, 2025, 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 January 3, 2024 by voice vote.

**ACT NO. 37-2024** by Mr. Burr

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COMMUNITY ACTION, INC. D/B/A  
CONNECTING COMMUNITIES IN ACTION, INC. FOR  
HEALTHY NEIGHBORHOODS PREVENTIVE HEALTH CORNERSTONES PROJECT**

Pursuant to Section 450 of the County Law.

WHEREAS, Act 80-2022 authorized a contract with the New York State Department of Health (NYSDOH) Division of Environmental Health Protection in order to accept, and receive, the Healthy Neighborhoods Preventive Health Cornerstones grant in the amount of \$263,301.00 per year for a five (5) year period, and

WHEREAS, Act 190-2023 authorized a contract with Cattaraugus Community Action, Inc. d/b/a Connecting Communities in Action, Inc., 25 Jefferson Street, Salamanca, New York 14779, for the administration of the aforementioned Healthy Neighborhoods Preventive Health Cornerstones Grant, the term of which expires March 31, 2024, and

WHEREAS, the Health Department is desirous of continuing the aforementioned contract for the 3<sup>rd</sup> year of the five (5) year grant, and

WHEREAS, Cattaraugus Community Action, Inc. d/b/a Connecting Communities in Action, Inc., has agreed to continue the administration of the Healthy Neighborhoods Preventive Health Cornerstones Grant, for an amount not to exceed \$189,482.00, and

WHEREAS, this grant program is 100% federally funded (CFDA #93.991), 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, Inc., for the administration of the aforementioned Healthy Neighborhoods Preventive Health Cornerstones grant, for a period commencing April 1, 2024 and terminating March 31, 2025, 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 January 3, 2024 by voice vote.

**ACT NO. 38-2024** by Mr. Burr

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
CASA-TRINITY, INC. FOR  
DEPARTMENT OF COMMUNITY SERVICES  
SUBSTANCE ABUSE PROGRAM FUNDS AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Community Services)**

Pursuant to Articles 1, 19, 23 and 25 of the Mental Hygiene Law  
and Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 98-2023 authorized approval of a contract with CASA-Trinity, Inc., 4612 Millennium Drive, Geneseo, New York 14454, for the provision of a substance abuse program in the County, the term of which expired December 31, 2023, and

WHEREAS, the Department of Community Services is desirous of continuing the aforementioned substance abuse program within Cattaraugus County, and

WHEREAS, New York State Office of Alcoholism and Substance Abuse Services (NYS OASAS) has approved a substance abuse program in Cattaraugus County in a total amount not to exceed \$1,901,289.00 for the period January 1, 2024 through December 31, 2024, or in such amount as approved by the State, which includes the net County cost of \$26,900.00, plus any COLA's or wage enhancements awarded by NYS OASAS, and

WHEREAS, CASA-Trinity, Inc., will continue to provide high quality, accessible and effective prevention, education, treatment, referral and recovery services to individuals, families and communities affected by alcohol, tobacco and other drugs, and

WHEREAS, this program is 98.4% state funded and 1.6% County funded, and

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

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute contract documents, between the Cattaraugus County Community Services Board and CASA-Trinity, Inc., to signify the County's approval, for the provision of the above-described services, for a term commencing January 1, 2024 and terminating December 31, 2024, according to the above-described terms, and be it further

RESOLVED, that the Chair of the Legislature be, and hereby is, further authorized and directed to execute contract amendments, upon notification of award, for the allocation of additional state aid funding or cost of living adjustments (COLAs) for this program, and be it further

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



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

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

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

Increase Estimated Revenue Accounts:

A.433.4322.3520.3492.013S	State Aid, OASAS 100% State Aid	\$114,983.00
A.433.4322.3570.3492.013S	State Aid, OASAS Continual 100% State Aid	\$164,500.00

Decrease Appropriation Account:

A.433.4322.3600.42019.013S	CASA-Trinity OASAS State Local Assistance	\$165,000.00
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Increase Appropriation Accounts:

A.433.4322.3520.42019.013S	CASA-Trinity OASAS State Local Assistance	\$114,983.00
A.433.4322.3570.42019.013S	CASA-Trinity OASAS State Local Assistance	\$164,500.00

Decrease Estimated Revenue Account:

A.433.4322.3600.3492.013	State Aid, OASAS Continual 100% State Aid	\$165,000.00.
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Adopted January 3, 2024 by voice vote.

**ACT NO. 39-2024** by Mr. Burr

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD  
AND ADVANCE PRACTICE SOLUTIONS FOR  
DEPARTMENT OF COMMUNITY SERVICES  
SCRIBE SUPPORT STAFF FOR MENTAL HEALTH CLINIC & PROS PROGRAM  
AND RESCINDING ACT 495-2023**

Pursuant to Section 41.13(a)(6) of the Mental Hygiene Law and  
Section 450 of the County Law.

WHEREAS, Act 492-2022 authorized a contract with Advance Practice Solutions, 305 East Fairmount Avenue, Lakewood, New York 14750, for the provision of scribe support staff to assist psychiatric professionals with clinical documentation in the Department of Community Services mental health clinic and PROS Program, the term of which expired December 31, 2023, and

WHEREAS, the Cattaraugus County Community Services Board is desirous of renewing the aforementioned contract, and

WHEREAS, Advance Practice Solutions can provide scribe support staff to assist psychiatric professionals with clinical documentation in the Department of Community Services mental health clinic and PROS Program, for a maximum of 2,970 hours at \$10.25 per hour, for an amount not to exceed \$30,442.00, to be paid on a monthly basis, as invoiced, and

WHEREAS, the funding for these services is provided through a combination of state aid, billable insurance, and County funds, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, between the Cattaraugus County Community Services Board and Advance Practice

Solutions, to signify the County's approval, for the provision of the above-described services, contingent upon and subject to inclusion in the 2024 budget of sufficient funds to cover the costs of the aforementioned services, for a term commencing January 1, 2024 and terminating December 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, and be it further

RESOLVED, that Act 495-2023 be, and hereby is rescinded.

Adopted January 3, 2024 by voice vote.

**ACT NO. 40-2024** by Mr. Burr

**RESOLUTION AUTHORIZING THE CHAIR OF THE LEGISLATURE TO APPROVE THE  
PROPOSED ACTION BY COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY  
IN CONNECTION WITH A CERTAIN COMMERCIAL PROJECT FOR  
INDUS HOTELS, INC.**

Pursuant to Section 862 of the General Municipal Law.

BE IT ENACTED by the Legislature of the County of Cattaraugus, as follows:

WHEREAS, pursuant to Article 18-A of the General Municipal Law of the State of New York and Chapter 536 of the 1971 Laws of New York (collectively, the "Act"), the Legislature of Cattaraugus County (the "County Legislature") has heretofore appointed the members of County of Cattaraugus Industrial Development Agency (the "Agency") and has duly caused to be filed in the office of the Secretary of the State of New York the certificates required by Section 856 of the General Municipal Law of the State of New York, and

WHEREAS, pursuant to the Act, the Agency is authorized and empowered to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and recreation facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration, and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct and install one or more "projects" (as defined in the Act), or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase, and

WHEREAS, Indus Hotels, Inc., submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, requesting the Agency to undertake a certain project (the "Project"), consisting of (i) the acquisition by the Agency of a leasehold interest in certain property located at 3234 NYS Route 417 in the Town of Allegany, Cattaraugus County, New York,

and all other lands in the Town of Allegany where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land"); (ii) the renovation of an existing 20,694± sq. ft. two-story facility situate upon the Land (the "Improvements"); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Project Facility"). The Facility will be initially operated and/or managed by the Company, and

WHEREAS, the Agency will acquire a leasehold interest in the Project Facility and lease the Project Facility back to the Company, and

WHEREAS, the Company will operate the Project Facility during the term of the lease, and

WHEREAS, at the end of the lease term, the leasehold interest will be terminated, and

WHEREAS, the Agency will provide financial assistance to the Company for qualifying portions of the Project in the form of sales and use tax exemption benefits, mortgage recording tax exemption benefits, and real property tax abatement benefits consistent with the policies of the Agency, and

WHEREAS, pursuant to Section 862(2)(a) of the Act, no financial assistance of the Agency shall be provided in respect of any project where facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities constitute more than one-third of the total project cost, unless certain exceptions apply, one of which is that the Project is located in a highly distressed area, and

WHEREAS, pursuant to Section 862(2)(c) of the Act, the Agency may not provide financial assistance to the Project unless the Agency shall, after satisfaction of the public hearing requirements of Section 859 of the Act, make a finding that undertaking the Project will serve the public purposes of the Act by preserving permanent, private sector jobs in the State or increasing the overall number of permanent, private sector jobs in the State, and

WHEREAS, by resolution adopted by the members of the Agency on December 12, 2023, the Agency determined that: (i) the Project will include facilities or property that are primarily used in making retail sales, as defined within Section 862 of the Act, to customers who personally visit the Facility, (ii) the Project is located within a "highly distressed area" as such term is defined in Section 854(18) of the Act, and (iii) the Project will serve the public purposes of the Act by preserving permanent, private sector jobs and/or increasing the overall number of permanent, private sector jobs in the Town of Allegany, Cattaraugus County, and the State of New York, and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Executive Director of the Agency (A) caused notice of public hearing of the Agency (the "Public Hearing") pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the Financial Assistance being contemplated by the Agency with respect to the Project, to be mailed to the chief executive officers of the county and in the town in which the Project is or is to be located, (B) caused notice of the Public Hearing to be posted (1) on a bulletin board located at the Agency offices located at 9 East Washington Street in the Town of Ellicottville, Cattaraugus County, New York, (2) on a bulletin board located at the Allegany Town Hall, 52 West Main Street in the Town of Allegany, Cattaraugus County, New York, and (3) on the Agency's website, (C) caused notice of the Public Hearing to be published on November 10, 2023 in the Olean Times Herald, a newspaper of general circulation available to the residents of the Town of Allegany, Cattaraugus County, New York, (D) conducted the Public Hearing on November 28, 2023 at 10:30 a.m., local time in the Town of Allegany Town Hall, Cattaraugus County, New York, and (E) prepared a report of the Public Hearing (the "Hearing Report") which fairly summarized the views presented at said Public Hearing and distributed same to the members of the Agency, and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B

of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations (the "Regulations") adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, "SEQRA"), by resolution adopted by the members of the Agency (the "Preliminary SEQR Resolution"), the Agency (A) determined (1) that the Project involves more than one "involved agency", and (2) that, although the Project may constitute an "unlisted action", and coordinated review and notification of other involved agencies is strictly optional with respect to the Project, the Agency wished to investigate the advisability of undertaking a coordinated review with respect to the Project, and (B) authorized the Executive Director of the Agency to contact all other "involved agencies" for the purpose of ascertaining whether such "involved agencies" were interested in undertaking a coordinated review of the Project and, if so, designating a "lead agency" with respect to the Project (as such quoted terms are defined in SEQRA), and

WHEREAS, further pursuant to SEQRA, by resolution adopted by the members of the Agency (the "Final SEQR Resolution"), Agency determined that the Project constitutes a "Type II Action" (as such quoted term is defined under SEQRA), and therefore that no further action with respect to the Project was required under SEQRA, and

WHEREAS, by further resolution adopted by the members of the Agency (the "Commercial/Retail Finding Resolution"), the Agency (A) determined that the Project constituted a "commercial project" within the meaning of the Act, (B) found that although the Project Facility appears to constitute a project where facilities or properties that are primarily used in making the retail sales of goods or services to customers who personally visit such facilities may constitute more than one-third of the costs of the Project, the Agency is authorized to provide financial assistance in respect of the Project pursuant to Section 862(2)(a) of the Act because the Project Facility is located in census tract 9617, which is considered to be a distressed census tract and, therefore, is in a "highly distressed area", as that term is defined in Section 854(18) of the Act, (C) determined, following a review of the Hearing Report, that the Project would serve the public purposes of the Act by preserving permanent private sector jobs in the State of New York, and (D) determined that the Agency would proceed with the Project and the granting of the Financial Assistance; provided however, that no financial assistance would be provided to the Project by the Agency unless and until the County Legislature of Cattaraugus County, as chief executive officer of Cattaraugus County, New York, pursuant to Section 862(2)(c) of the Act, confirmed the proposed action of the Agency with respect to the Project, and

WHEREAS, for the sole purpose of allowing the Agency to proceed with the Project, this Legislature desires to empower the Chairman of this Legislature, as the chief executive officer of Cattaraugus County, to confirm the proposed action of the Agency with respect to the Project, pursuant to Section 862(2)(c) of the Act, and

WHEREAS, Section 870 of the General Municipal Law of the State of New York specifically provides that any obligation of the Agency shall not be a debt of Cattaraugus County, New York, nor shall Cattaraugus County, New York be liable thereon, now, therefore, be it

RESOLVED, that, for the sole purpose of allowing the Agency to proceed with the Project and the granting of the financial assistance described in the notice of the Public Hearing, the County Legislature hereby authorizes the Chairman of this County Legislature, as the chief executive officer of Cattaraugus County, New York, to either confirm or refuse to confirm the proposed action of the Agency with respect to the Project, pursuant to Section 862(2)(c) of the Act, and be it further

RESOLVED, that this resolution shall take effect immediately.

Adopted January 3, 2024 by voice vote.

**ACT NO. 41-2024** by Mr. Burr

**AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS THROUGH  
NYS OFFICE OF MENTAL HEALTH FOR THE CARES UP INITIATIVE PROGRAM AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Sheriff's Office)**

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

WHEREAS, Act 425-2023 authorized the Chair to apply for funding through the New York State Office of Mental Health for The CARES UP Initiative Program, and

WHEREAS, the Sheriff's Office was awarded \$30,000.00 per year for The CARES UP Initiative (Changing the Conversation, Awareness, Resilience, Empower Peers, Skills Building/Suicide Prevention for Uniformed Personnel) Program, and

WHEREAS, the funding will be used to improve suicide prevention efforts and bolster wellness and resiliency programming, and

WHEREAS, the aforementioned Program is 100% state funded, 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, with the New York State Office of Mental Health in order to accept, and receive, The CARES UP Initiative Program funding, for a term commencing January 1, 2024 and terminating December 31, 2025, according to the above-described terms, and be it further

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

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

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

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

Increase Estimated Revenue Account:

A.311.3110.3120.3389.21	CARES UP Initiative Grant	\$20,000.00
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Decrease Appropriation Account:

A.311.3110.0000.11000	Full Time Wages	\$10,000.00
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Increase Appropriation Accounts:

A.311.3110.3120.11000	Full Time Wages	\$10,000.00
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A.311.3110.3120.13000	Overtime	\$10,000.00
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A.311.3110.3120.46103	Employee Other Travel Expenses	\$10,000.00.
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Adopted January 3, 2024 by voice vote.

**ACT NO. 42-2024** by Mr. Burr

**APPOINTMENT TO COUNTY OF CATTARAUGUS  
INDUSTRIAL DEVELOPMENT AGENCY BOARD OF DIRECTORS**

Pursuant to Section 856 of the General Municipal Law.

RESOLVED, that Thomas Cullen is hereby appointed to the County of Cattaraugus Industrial Development Agency Board of Directors replacing John Stahley, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the County of Cattaraugus Industrial Development Agency.

Adopted January 3, 2024 by voice vote.

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MR. BRISKY moved, seconded by Mr. Boberg, to adjourn until January 24, 2024 at 5:00 p.m.  
Carried.

Meeting adjourned at 5:26 p.m.

Ann M. Giglio  
Journal Clerk